

Neil Weisbard
Counsel

Direct Tel: 212-326-0465
Direct Fax: 212-515-6950
nweisbard@pryorcashman.com

March 1, 2016

Mr. Patrick A. O'Brien, Chairperson
Community Board 2, Queens
43-22 50th Street, Room 2B
Woodside, New York 11377



Re: **BSA Cal. No. 2016-1185-A**
Application, pursuant to Section 35 of the New York State General City Law
and Section 72-01(g) of the Zoning Resolution of the City of New York
45-26 51st Street
Tax Block 2283, Lots 53 and 54, Borough of Queens
Job No. 421219942

Dear Chairperson O'Brien:

We are counsel to Treasure Island of Asbury Park Self Storage LLC, who seeks a special permit from the New York City Board of Standards and Appeals, pursuant to Section 35 of the New York State General City Law and Section 72-01(g) of the Zoning Resolution of the City of New York, to allow the construction of a four-story with cellar, 29,077 square foot, Use Group 16 self-storage facility on a zoning lot which includes Lot 53 and a portion of Lot 54 on Block 2283, Borough of Queens.

Attached, please find a copy of the application which was filed with the BSA on January 4, 2016.

Thank you and please feel free to contact me with any questions.

Respectfully submitted,



Neil Weisbard



Board of Standards and Appeals

250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

APPEALS (A) CALENDAR
Application Form

BSA APPLICATION NO. _____

Section A

Applicant/ Owner

Pryor Cashman LLP	MBAR Realty, LLC and MBAR Realty # 2 LLC	
<i>NAME OF APPLICANT</i>	<i>OWNER OF RECORD</i>	
7 Times Square	200 Montrose Road	
<i>ADDRESS</i>	<i>ADDRESS</i>	
New York NY 10036	Westbury NY 11590	
<i>CITY STATE ZIP</i>	<i>CITY STATE ZIP</i>	
212 326-0465	Treasure Island of Asbury Park Self Storage LLC	
<i>AREA CODE TELEPHONE</i>	<i>LESSEE / CONTRACT VENDEE</i>	
212 515-6950	c/o KLCC Investments LLC, 1350 Broadway	
<i>AREA CODE FAX</i>	<i>ADDRESS</i>	
nweisbard@pryorcashman.com	New York NY 10018	
<i>EMAIL</i>	<i>CITY STATE ZIP</i>	

Section B

Site Data

45-14 and 45-40 51st Street 11377
STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

Two tax lots located on the west side of 51st St., between Queens Blvd. and 47th Ave.
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

2283	53, 54	Queens	402	N/A
<i>BLOCK</i>	<i>LOT(S)</i>	<i>BOROUGH</i>	<i>COMMUNITY BOARD NO.</i>	<i>LANDMARK/ HISTORIC DISTRICT</i>
Jimmy Van Bramer		M1-1		9b
<i>CITY COUNCILMEMBER</i>		<i>EXISTING ZONING DISTRICT</i>		<i>ZONING MAP NUMBER</i>
<i>(include</i>		<i>special zoning district, if any)</i>		

Section C

Application Type

Dept. of Building or other Agency Appeals Variance to Building, MDL or Other Code
 Certificate of Occupancy Modification Waivers to GCL 35/36 Vested Rights
 Date of Final Determination December 7, 2015 Acting on Application No. 421219942

Section D

Description

Legalization Yes No In part

This application seeks a waiver of General City law to 1) permit construction in the unimproved bed of 51st Street, a mapped street; and 2) allow the street wall and sky exposure plane to be measured from the line of the unimproved portion of 51st Street.

Section E

BSA History and Related Actions

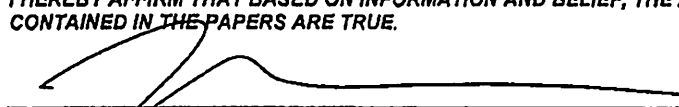
If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

	YES	NO
1. Has the premises been the subject of any previous BSA application(s)..... If yes, Prior BSA No <u>164-43-A, 14-63-A, and 436-65-A</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Are there any applications concerning the premises pending before any other government agency?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the property the subject of any court action?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

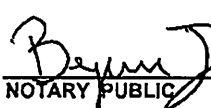
Section G

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.


 Signature of Applicant, Corporate Officer or Other Authorized Representative

SWORN TO ME THIS 4th DAY OF January 2016

Neil Weisbard	Counsel		BENJAMIN TEIG
<i>Print Name</i>	<i>Title</i>	<i>NOTARY PUBLIC</i>	<i>Notary Public, State of New York</i>
			No. 02TE6142055

Neil Weisbard
CounselDirect Tel: 212-326-0465
Direct Fax: 212-515-6950
nweisbard@pryorcashman.com**Statement of Facts and Findings**

Application, pursuant to Section 35 of the New York State General City Law
and
Section 72-01(g) of the Zoning Resolution of the City of New York
45-26 51st Street
Tax Block 2283, Lots 53 and 54, Borough of Queens

This application filed on behalf of Treasure Island of Asbury Park Self Storage LLC (the “Applicant” or “Contract Vendee”), seeks a special permit pursuant to Section 35 of the New York State General City Law (“GCL 35”) and Section 72-01(g) of the Zoning Resolution of the City of New York (“ZR”)¹ to allow the construction of a four-story with cellar, 29,077 square foot, Use Group 16 self-storage facility (the “Proposed Building”) on a zoning lot which includes Lot 53 and a portion of Lot 54 on Block 2283, Borough of Queens (the “Site”).

The Site

The Site consists of Lot 53 and a portion of Lot 54², located on the west side of 51st Street, between 47th Avenue and Queens Boulevard. The Site is located within an M1-1 Manufacturing District³ and is currently improved with two, two-story manufacturing buildings which are located in the entirety of the unimproved portion of 51st Street. The Applicant proposes to demolish the existing superstructure, but utilize the existing foundation for its shoring operations.

Relief Requested

The Applicant respectfully requests that the Board:

1. Pursuant to GCL §35, modify the decision of the New York City Department of Buildings (“DOB”) Queens Borough Commissioner, dated December 7, 2015, acting on Application No. 421219942, to allow the Proposed Building to be constructed within the mapped but unimproved portion of 51st Street; and
2. Pursuant to ZR §72-01(g), waive the applicable street wall and sky exposure plane regulations of ZR §43-43 affected by the presence of the unimproved portion of 51st Street.

¹ Cited provisions of the GCL and Zoning Resolution are attached.

² Lot 54 is currently part of zoning lot containing Tax Lots 75 and 175. The Applicant proposes to finalize a zoning lot and tax lot reapportionment to create a single Tax Lot 53 and zoning lot. Such zoning lot subdivision will require that a portion of Lot 54 be dedicated as part of a zoning lot containing Lots 75 and 175, so that such building on Lot 75 and 175 will be compliant with the bulk regulations of the Zoning Resolution.

³ See Zoning Map 9b attached.

The Proposed Building

The Proposed four-story with cellar, Use Group 16 self-storage Building will contain approximately 56,264 gross square feet and 29,077 square feet of zoning floor area. If the unimproved portion of 51st Street is considered the street line, the Proposed Building will fully comply with all bulk provisions of the Zoning Resolution with the exception of the street wall and sky exposure plane regulations of ZR §43-43. However, if the improved portion of 51st Street is considered the street line, the Proposed Building will be in full compliance with the bulk regulations of the Zoning Resolution. See “BSA-3, Proposed Site Plan”, prepared by Butz-Wilbern Ltd., attached.

The Site will contain two (2) curb cuts, seven (7) parking spaces, two (2) loading berths, a “turn-around area”, and landscaping. See “BSA-4, Proposed Site Plan Traffic Flow”, prepared by Butz-Wilbern Ltd., attached.

Prior Board cases

The Site is subject to the following Board resolutions, none of which sought relief to construct in the bed of a mapped street and none of which are relevant to the construction of the new Proposed Building:

- BSA Cal. No. 164-43-A – Board approval to store and mix inflammable mixtures; and utilize building without an approved sprinkler system.
- BSA Cal. No. 43-63-A – Board approval of the use of electric infra-red ray drying ovens.
- BSA Cal. No. 436-65-A – Board approval of the use of a Sunbeam Oven.

Violations Profile

Lot 53 has one open DOB violation for a boiler violation of Local Law 62 of 1991. There are no open violations on Lot 54. As all existing boilers will be removed prior to construction, this violation will be resolved prior to the issuance of a Certificate of Occupancy for the Proposed Building.

Legal Authority

GCL §35 – Construction within a mapped street

GCL §35, in relevant part, provides that the Board may approve permits for development within the bed of mapped streets, as follows:

“Where a proposed street widening or extension has been shown on such official map or plan for ten years or more and the city has not acquired title thereto, the city may, after a hearing on notice as hereinabove provided, grant a permit for a building and/or structure in such street or highway and shall impose such reasonable requirements as are necessary to protect the public interest as a condition of granting such permit, which requirements shall inure to the benefit of the city.”

The Board’s authority to approve construction within the bed of a mapped street under GCL §35 is well established. The New York Court of Appeals has held that the Board is the exclusive



45-26 51st Street, Tax Block 2283, Lots 53 and 54, Borough of Queens

Page 3

January 4, 2016

governmental entity empowered to grant a permit to build in the bed of mapped street. See Ward v. Bennett, 79 N.Y.2d 394 (N.Y. 1992).⁴

The unimproved portion of 51st Street, where the existing buildings on the Site are constructed, has been shown on the official City Map for ten years or more, and the City has not acquired title thereto. Therefore, after a public hearing and notice, the Board may permit the construction within the unimproved portion of 51st Street.

ZR §72-01(g)- Waiver of bulk regulations

ZR §72-01(g) provides, in relevant part, that the Board may:

“waive bulk regulations affected by unimproved streets where a development, enlargement or alteration consists in part of construction within such streets and where such development, enlargement or alteration would be noncomplying absent such waiver, provided the Board has granted a permit pursuant to Section 35 of the General City Law and has prescribed conditions which require the portion of the development or enlargement to be located within the unimproved streets to be compliant and conforming to the provisions of this Resolution. Such bulk waivers shall only be as necessary to address non-compliance resulting from the location of the development or enlargement within and outside the unimproved streets, and the zoning lot shall comply to the maximum extent feasible with all applicable zoning regulations as if such unimproved streets were not mapped.”

The Applicant is seeking the Board’s approval to construct within the unimproved portion of 51st Street. As described below, the requested bulk waivers of ZR §43-43, are necessary to address the non-compliance of street wall and sky exposure plane requirements resulting from the location within the unimproved street, and the zoning lot shall comply with all applicable zoning regulations as if the unimproved portion of 51st Street was not mapped.

Discussion

The owner of the Site is the owner of the unimproved portion of 51st Street. See deed, survey and Tax Map attached. Since at least 1947, the existing buildings on Lot 53 and Lot 54 have been located within the unimproved portion of 51st Street and the City has not acted to obtain title or otherwise advance the widening since such time.

Notwithstanding the above, the widening remains on the City Map and thereby meets one of the definitions of a “street” under ZR §12-10 -- “a way shown on the City Map.” As described above, GCL §35 allows the Board to authorize development within a mapped but unimproved street where the street has been shown on the City Map, but title has not vested in the City for ten or more years. In the instant matter, the widening has been shown on the City Map but title has not vested in the City for more 65 years.

The Applicant proposes to construct the front wall of the Proposed Building to align with the front wall of the existing buildings, in order to utilize the existing foundation for shoring operations. Such construction will not create any adverse affects to the unimproved portion of 51st Street, as the existing buildings are located in such area.

⁴ Cited case law is attached.



45-26 51st Street, Tax Block 2283, Lots 53 and 54, Borough of Queens
Page 4
January 4, 2016

If the Applicant is required to construct the Proposed Building beyond the unimproved portion of 51st Street, the Proposed Building could not contain a fourth floor, due to an extremely inefficient floor plate and would be unable to utilize all floor area available for development (23,226 square feet, as opposed to 29,340 square feet). See "BSA-2 - By Right Site Plan", prepared by Butz-Wilbern Ltd., attached.

Finally, it is in the City's interest to permit the construction within the unimproved portion of 51st Street, as the Proposed Building will be easily visible from Queens Boulevard. If the Proposed Building is setback from the unimproved portion, there is a strong likelihood that vehicles accessing the Site would either slow down or stop on Queens Boulevard to locate the Proposed self-storage facility, or miss the Site entirely and be forced to make a 180 degree turn, negatively affecting the traffic in the area.

Conclusion

For the foregoing reasons, the Applicant respectfully requests that the Board 1) pursuant to GCL §35, modify the decision of the Queens Borough Commissioner to allow the Proposed Building to be constructed in the mapped but unimproved portion of 51st Street; and 2) pursuant to ZR §72-01(g), waive the bulk regulations of ZR §43-43 affected by the unimproved street, to allow the construction of the Proposed Building.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil Weisbard".

Neil Weisbard



250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION

Affidavit of Ownership

Benedetto Giambrone being duly sworn, deposes and says that (s)he resides at 200 Montrose Road, in the City of Westbury, in the County of Nassau, in the State of New York; that MBAR Realty #2, LLC is the owner in fee of all that certain lot, piece or parcel of land located in the Borough of Queens, in the City of New York and known and designated as Block 2283, Lot(s) 53, Street and House Number 45-14 51st Street; and that the statement of facts in the annexed application are true.

Check one of the following conditions:

- Sole property owner of zoning lot
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner

Owner's Authorization

The owner identified above hereby authorizes Pryor Cashman LLP

to make the annexed application in her/his behalf.

Signature of Owner

Print Name

Benedetto Giambrone

Print Title

President

Sworn to before me this 18 day

of DECEMBER 2015

Diana Constable

DIANA CONSTABLE
 Notary Public, State of New York
 No. 01CO6200929
 Qualified in Suffolk County
 Term Expires February 9, 2017



**Board of Standards
and Appeals**

250 Broadway, 29th Floor
New York, NY 10007
212-386-0009 - Phone
646-500-6271 - Fax
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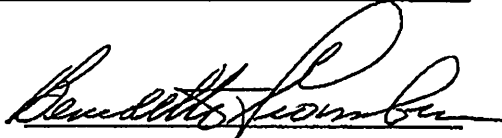
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- Sole property owner of zoning lot
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner

Owner's Authorization

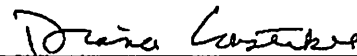
The owner identified above hereby authorizes Pryor Cashman LLP

to make the annexed application in her/his behalf.

Signature of Owner 
 Print Name Benedetto Giambrone
 Print Title President

Sworn to before me this 18 day

of DECEMBER 2015



DIANA CONSTABLE
Notary Public, State of New York
No. 01CO8200929
Qualified in Suffolk County
Term Expires February 9, 2017



AI1: Additional Information
Must be typewritten.



Page number 1 of 1 BIS Document No. 01

1 Location and Job Information Required for all applications.
House No(s) 45-26 Street Name 51ST STREET
Borough QUEENS Block 2283 Lot 53 BIN 4607311 CB No. 402

2 Revisions to Plans/Drawings Required whenever updating plans. All revisions for each page must be clearly described in section 3.
Submission is part of a Post Approval Amendment (PAA)? Yes PW1 required No
Indicate all actions for this submission.
Table with columns: Action, Original/New/Omit Page ID, Superseding Page ID, Action, Original/New/Omit Page ID, Superseding Page ID, Action, Original/New/Omit Page ID, Superseding Page ID, Action, Original/New/Omit Page ID, Superseding Page ID.
For "Action" use "N" for new page, "S" for superseding page, "O" for omitting page. Is this section continued on additional AI1 forms? Yes No

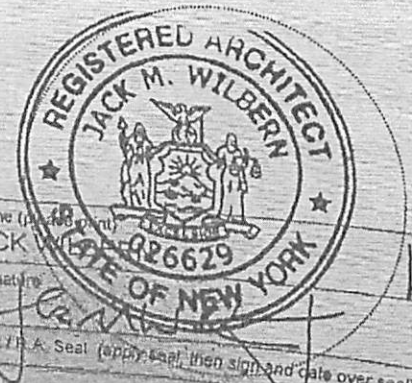
3 Additional Information Required for all applications.

REQUEST TO OBTAIN BSA DENIAL:

1 PREMISES IS LOCATED PARTIALLY WITHIN THE BED OF A MAPPED STREET, WHICH IS CONTRARY TO GENERAL CITY LAW 35, AND THE PROPOSED DEVELOPEMENT ENCREACHES INTO THE SKY EXPOSURE PLANE CONTRARY TO ZR 43-43. REFER TO BSA FOR APPROVAL.

RECONSIDERATION DENIED ON DEC 07 2015

FOR OBJECTION # 1 & #2 BY [Signature] for Drank. Lrr. R.A.



Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (typed print) JACK WILBERN
Signature [Signature]
Date 11-11-15
RE/PA Seal (apply seal, then sign and date over seal)



Department of Buildings
 280 Broadway
 New York, New York 10007
 (212) 566-5000 | TTY (212) 566-4769
 nyc.gov/buildings

MANHATTAN (1)
 280 BROADWAY 3RD FLOOR
 New York, NY 10007

BRONX (2)
 1932 ARTHUR AVENUE
 BRONX, NY 10457

BROOKLYN (3)
 210 JORALEMON STREET
 BROOKLYN, NY 11201

QUEENS (4)
 120-55 QUEENS BLVD.
 KEW GARDENS, NY 11424

STATEN ISLAND (5)
 BORO HALL - ST GEORGE
 STATEN ISLAND, NY 10301

Notice of Objections

Applicant: JACK WILBERN
 BUTZ WILBERN LTD
 800 NORTH BROAD STREET SUITE 363
 FALLS CHURCH VA 22046
 AFINKE@BUTZWILBERN.COM

Date: 11/24/2015 (Revises 11/5/2015 Doc.)
Job Application #: 421219942
Application Type: NB
Premises Address: 45-26 51st Street, Queens, N.Y.
Zoning District: M1-1
Block: 2283 **Lot:** 53

NYC Department of Buildings Examiner: CHARLES AYES, R.A.

SCOPE OF WORK; PROPOSED FOUR (4) STORY SELF STORAGE NEW BUILDING WITH A 24'-0" CURB CUT ON 51ST STREET

Examiner's Signature:

To discuss and resolve these objections, please call 311 to schedule an appointment with the Plan Examiner listed above. You will need the application number and document number found at the top of this objection sheet. To make the best possible use of the Plan Examiner's and your time, please make sure you are prepared to discuss and resolve these objections before arriving for your scheduled plan examination appointment.

Item No.	Doc.	Section of Code	Objections	Date Resolved	Comments
Number of maximum appointments shall be limited to: 5 (NB/ALT1), 2 (ALT2/3) If maximum allowable meetings have been exceeded, see Chief Plan Examiner					
1)		GCL 35, 36	THE PROPOSED DEVELOPMENT AT THE PREMISES IS LOCATED PARTIALLY WITHIN THE BED OF A MAPPED STREET, WHICH IS CONTRARY TO GENERAL CITY LAW 35. REFER TO BSA FOR APPROVAL.		
2)		ZR 43-43	THE PROPOSED DEVELOPMENT ENCROACHES INTO THE SKY EXPOSURE PLANE CONTRARY TO ZR 43-43. REFER TO BSA FOR APPROVAL.		
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Bring marked-up plans for next appointment. Be prepared to answer all comments & questions that appear on them. Do not alter or write on these plans.

MINUTES

882-42-A

APPLICANT—Henry Nordheim, for Katherine Lama, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1632 Glover street, east side, 40.9 ft. south of Castle Hill avenue (Block 3990, Lot 33), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.
For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn by applicant for purpose of filing a building zone application.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

883-42-A

APPLICANT—Henry Nordheim, for Katherine Lama, owner.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—1630 Glover street, east side, 67.9 ft. south of Castle Hill avenue (Block 3990, Lot 32), Borough of The Bronx.

APPEARANCES—

For Applicant: Henry Nordheim.
For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn by applicant for purpose of filing a building zone application.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

913-42-A

APPLICANT—National Motor Rebuilding Corporation, lessee, for Turnbull and Bergh, owners.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—1596-1604 Atlantic avenue, east side, 150 ft. north of Albany avenue (Block 1334, Lot 5), Borough of Brooklyn.

APPEARANCES—

For applicant: None.
ACTION OF BOARD—Appeal withdrawn on written request for applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

159-43-A

APPLICANT—Peter Hatjy George, owner.

SUBJECT—Appeal from an order and a decision of the fire commissioner.

PREMISES AFFECTED—342 Coster street, north side, 150 ft. east of East Bay avenue (Block 2774D, Lot 373), Borough of The Bronx.

APPEARANCES—

For Applicant: Peter Hatjy George.

ACTION OF BOARD—Appeal withdrawn.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

164-43-A

6-8-43

APPLICANT—C. Grant Keck, for C. Grant Keck and John Jaros, owners, (York Ice Machinery Co., lessee).

SUBJECT—Appeal from an order of the fire commissioner and a decision of the acting borough superintendent.

PREMISES AFFECTED—45-14 51st street, west side, 100 ft. south of Queens boulevard (Block 1382, Lot 54), Woodside, Borough of Queens.

APPEARANCES—

For Applicant: C. Grant Keck, P. C. Wantz and Abram L. Garber.

For Administration: Fred Dahlem, Dep't. of Housing and Buildings; Insp. Meyer, Fire Dep't.

ACTION OF BOARD—Appeal withdrawn by applicant, after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

190-43-A

APPLICANT—Richard Shutkind, for Frank H. Sincereaux and Albert W. Pross, trustees.

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—785 Westchester avenue, west side, 272.46 ft. north of Tinton avenue (Block 2655, Lot 22), Borough of The Bronx.

APPEARANCES—

For Applicant: Richard Shutkind.
For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn by applicant, after argument.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

231-43-A

APPLICANT—Alexander D. Crosett, for Defense Plant Corporation, owner (Columbia Aircraft Corporation, lessee).

SUBJECT—Appeal from a decision of the acting borough superintendent.

PREMISES AFFECTED—145-03 Hook Creek boulevard, east side, 34 ft. south of 145th avenue (Block 4952, Lot 1), Rosedale, Borough of Queens.

APPEARANCES—

For Applicant: Henry G. Hauck.
For Administration: Fred Dahlem, Dep't. of Housing and Buildings.

ACTION OF BOARD—Appeal withdrawn at request of applicant.

THE VOTE TO WITHDRAW—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

780-42-A

APPLICANT—Kary-Safe Paper Bag Company, Incorporated, owner.

SUBJECT—Appeal from an order of the fire commissioner.

PREMISES AFFECTED—755 East 134th street, north side, 100 ft. west of Willow avenue and 147 Willow avenue (Block 2563, Lot 45), Borough of The Bronx.

APPEARANCES—

For applicant: None.

ACTION OF BOARD—Appeal denied.

THE VOTE TO GRANT—

Affirmative 0
Negative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4

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MINUTES

164-43-A 10-13-43

APPLICANT—C. Grant Keck, for C. Grant Keck and John Jaros, owners (York Ice Machinery Co., lessee).

SUBJECT—Application for consideration—reopening and restoration to calendar—Appeal from an order of the fire commissioner and a decision of the acting borough superintendent.

PREMISES AFFECTED—45-14 51st street, west side, 100 ft. south of Queens boulevard (Block 1382, Lot 54), Woodside, Borough of Queens.

APPEARANCES—
For Applicant: C. Grant Keck and A. L. Garber.
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and restored to the calendar and granted on condition.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE VOTE TO GRANT—
Affirmative: Chairman Murdock, Commissioner Blum and Deputy Chief Gunn 3
Negative 0
Not Voting: Commissioner Savage 1

THE RESOLUTION (164-43-A)
WHEREAS, C. Grant Keck, for C. Grant Keck and John Jaros, owners (York Ice Machinery Co., lessee), filed on April 7, 1943 an appeal from an order of the fire commissioner and a decision of the borough superintendent, affecting premises 45-14 51st street, west side, 150 ft. south of Queens boulevard (Block 1382, Lot 54), Woodside, Borough of Queens; and

WHEREAS, this appeal was withdrawn on June 8, 1943 and the applicant requested that the case be reopened and restored to the calendar; and

WHEREAS, order 93237-LC, issued by the fire commissioner, March 9, 1943 reads:

"You are hereby notified that an inspection of the above premises used to store inflammable mixtures, shows that the following must be done before the permit requested by you can be issued:

1. Remove from the premises and discontinue the further storage and use of the inflammable mixtures, (cork covering cement, vitallie cement and seam filler) which is not manufactured under a permit or Certificate of Approval issued by the Fire Commissioner. C19-58, Adm. Code."

and WHEREAS, the decision of the borough superintendent dated March 19, 1943 on Alt. Applic. 2107-42 reads:

"1. Building is without an approved sprinkler system as required by approved plans of N. B. 14473-27. To obtain a new C. O. for a warehouse an approved sprinkler system would have to be installed."

and WHEREAS, the applicant states that the building is 1 story (13½ ft.) in height, 149 ft. by 100 ft. in area, of class 3 construction, erected in 1927, located in an unrestricted use district and used as a garage and warehouse for the storage of metal refrigerating machinery—3 persons; and

WHEREAS, Certificate of Occupancy 34948, issued February 22, 1928, on N. B. Applic. 14473-27, permitted the use of the building for a public garage; and

WHEREAS, the applicant states that Item 6 of Fire Department Order 93237-LC served on the lessee of the building in question required that a certificate of occupancy be obtained permitting the use of the premises for a storage warehouse; that in an attempt to comply with this requirement, Alteration Application 2107-42, was filed with the

borough superintendent for the purpose of obtaining a certificate of occupancy, to permit the use of the building as a warehouse; that the existing certificate of occupancy 34948, issued in 1928, upon the completion of new building 14473/27, permitted the use of the building as a public garage; and

WHEREAS, the applicant contends as to Objection 1, issued by the borough superintendent March 19, 1943, on alteration application 2107-42, that the building plan approved in New Building Applic. 14473-27, showed the building to be of the same height and area as it exists today; that this condition was accepted by the Building Department at that time, based on a notation on the plans that the building would be equipped with a sprinkler system; that the sprinkler system was not installed; that nevertheless, the inspector signed off the job as completed, in accordance with the approved plans and the certificate of occupancy issued; that the present owners purchased the building in reliance of such certificate of occupancy and should not now be compelled to install a sprinkler system, especially in view of the fact that the present application is for a less hazardous use than that originally permitted by the borough superintendent; that if, at the time the inspector signed off the job as being completed, he had acted properly and issued a violation or refused to sign the job off due to the omission of the sprinkler system, the then owner might have very properly filed an amendment to omit the sprinkler system, received an objection from the borough superintendent due to the slight excess in area and filed an appeal and received a variance permitting the issuance of the certificate of occupancy and thus the new owner should not now be requested by the borough superintendent to install a sprinkler system in order to change the use, even to a less hazardous use; and

WHEREAS, it is contended as to item 1 of the Fire Commissioner's order, that the present lessee has been located for twenty years in Brooklyn under a permit from the Fire Department and has carried lubricating oils and refrigerants in such premises, similar to those stored in the building in question; that it is merely proposed to transfer this permit from the Brooklyn address to the building in question; that the cork covering cement, vitallie cement and seam filler referred to in the Fire Department order are stored in small quantities under such conditions as to minimize the hazard involved; that the following is a list of the combustible and inflammable mixtures stored on the premises and a description of the manner in which they are stored:

- | | |
|---|-------------------------|
| <i>Ammonia Compressor Lubricating Oil — Ammonia</i> | |
| 2 gal. tin cans | 100 lbs. steel cysl. |
| 3 gal. tin cans | |
| 5 gal. tin cans | |
| 10 gal. tin cans | |
| 30 gal. tin cans | |
| 55 gal. tin cans | |
| <i>Carbon Dioxide Compressor Lubricating Oil</i> | |
| 30 gallon steel drums | |
| 50 gallon steel drums | |
| <i>Freon Compressor Lubricating Oil Freon-12</i> | |
| 1 Gal. tin cans | 25 lb. steel cylinders |
| 5 Gal. tin cans | 145 lb. steel cylinders |
| 10 Gal. tin cans | |
| 55 Gal. steel drums | |
| <i>Oxygen—244 cubic feet.</i> | |
| <i>Acetylene—232 cubic feet.</i> | |
| <i>Nitrogen—224 cubic feet.</i> | |
- that in view of these facts, it is requested that the Board grant a variation of the requirements of the Administrative Building Code, so as to permit the continuance of the building in question for warehouse use, as indicated on application 2107-42 filed with the borough superintendent for the duration of the existing lease which expires May 15, 1947; and

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WHEREAS, inspection indicates that the building is equipped with a 1 1/4 inch standpipe system.

Resolved, that the decision of the borough superintendent, acting on Alt. Applic. 2107-42, objection 1, and order 93237-LC of the fire commissioner be and they hereby are modified and that the appeal be and it hereby is granted on condition that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto; that no material shall be stored on the premises that is deemed extra-hazardous by the fire commissioner; that the 1 1/2 inch standpipe system now installed, shall be maintained; that such additional fire-fighting appliances shall be maintained as the fire commissioner shall direct; that this variance shall continue only so long as the building is occupied as proposed and in accordance with this resolution; and that in all other respects, it complies with all laws, rules and regulations applicable thereto.

264-43-S

APPLICANT—Rosenberg Brothers, owner.
SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the Borough superintendent.

PREMISES AFFECTED—165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan.

APPEARANCES—
For Applicant: Abraham Rosenberg
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (264-43-S)

WHEREAS, this application from a decision of the borough superintendent, affecting premises 165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan, was granted by the Board on June 8, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on June 8, 1943, so far as it has reference to the sprinkler system, so that as amended, the resolution shall read:

"Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, as cited in a decision of the borough superintendent, acting on Alt. Applic. 456-43, Objection 1, and that the application be and it hereby is granted on condition that the primary means of exit shall be maintained substantially as shown on plans filed with the borough superintendent, marked 'Received May 28, 1943'; with enclosure as shown and with scuttle and iron ladder leading to the roof and that in lieu of a second means of exit, a fire escape balcony and counter-balanced drop ladder to street may be constructed on the West 10th street side, provided the door from the first story to West 10th street is of construction approved for a 3-hour test; that a gooseneck ladder, to roof from such balcony, shall be maintained; that the building shall be protected throughout with a sprinkler system, in accordance with the requirements of the resolution amended this day under Cal. 344-43-A; that a fire-retarded partition shall be constructed toward the Seventh avenue side, to separate the show window space from the stair-hall; that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto other than as modified by the Board under Cal. 344-43-A and the occupancy shall be maintained to the satisfaction of the fire commissioner."

344-43-A

APPLICANT—Rosenberg Brothers, owner.
SUBJECT—Application for consideration—reopening and amendment of resolution—Appeal from a decision of the borough superintendent.

PREMISES AFFECTED—165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan.

APPEARANCES—
For Applicant: Abraham Rosenberg
For Administration: Fred Dahlem, Dep't of Housing and Buildings.

ACTION OF BOARD—Appeal reopened and resolution amended.

THE VOTE TO REOPEN AND AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

THE RESOLUTION (344-43-A)

WHEREAS, this appeal from a decision of the borough superintendent, affecting premises 165 West 10th street, north side, 31 ft. 5/8 in. east of Seventh avenue (Block 611, Lot 33), Borough of Manhattan, was granted by the Board on July 13, 1943, on certain conditions and the applicant requested an amendment of the resolution.

Resolved, that the Board of Standards and Appeals does hereby amend its resolution adopted on July 13, 1943, so that as amended it shall read:

"that the decision of the borough superintendent on Misc. Applic. 527-43, Objection 2, be and it hereby is granted on condition that the sprinkler system shall comply with all the requirements therefor, except that during the term of the present emergency, the sprinkler may be fed from one street source, consisting of a 2-inch domestic water line and that in all other respects, the building and occupancy shall comply with all laws, rules and regulations applicable thereto, other than as modified by the Board under Cal. 264-43-S and as amended this date; and that the vault for the storage of pyroxaline products shall comply with all requirements therefor; that not more than 1,000 lbs. of such pyroxaline products shall be stored within the vault at any one time and not more than 300 lbs. shall be in process within the building outside the vault at any one time; that such portable fire-fighting appliances shall be provided and maintained as the fire commissioner shall direct."

MATERIAL SUBMITTED FOR APPROVAL

677-39-SM

APPLICANT—Pennsylvania Dixie Cement Corporation, owner.

SUBJECT—Application for consideration—reopening and amendment of resolution re approval of Penn-Dixie Dark Portland Cement as manufactured at its Plant No. 4 at Nazareth, Pa. (previously approved re Penn-Dixie Dark Portland Cement as manufactured at its Plant No. 6, Bath, Pa.).

APPEARANCES—
For Applicant: J. H. Chubb.
ACTION OF BOARD—Application reopened and referred to the Committee on Tests.

THE VOTE TO REOPEN—
Affirmative: Chairman Murdock, Commissioners Savage and Blum and Deputy Chief Gunn... 4
Negative 0

Adjourned: 3:20 P.M.

JOSEPH J. DOYLE, Chief Clerk.

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6. Doors to elevator shaft contrary to Sec. 271 Labor Law." and

WHEREAS, the premises were inspected by a committee of the Board, which recommended that the appeal be granted under certain conditions.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the requirements of the Labor Law, as cited in a decision of the Borough Superintendent, dated September 20, 1962, acting on Alt. Applic. 2507-61, Objection Nos. 3, 4, 5 and 6, and that the appeal be and it hereby is granted, on condition that the building shall conform to drawings filed with this appeal dated September 23, 1963, 6 sheets; and on further condition that all of the requirements in the resolution adopted this day by the Board under Calendar Number 1064-61-A shall be complied with.

1113-62-A

APPLICANT—Leonard F. Rothkrug for Louise M. and Clement S. Patti, owner.

SUBJECT—Application December 13, 1962—Appeal from a decision of the Borough Superintendent—re Class 4 bldg wood frame, extension of commercial use.

PREMISES AFFECTED—3935 White Plains Road, west side, 78.21 feet north of East 223rd Street, Block 4825, Lot 7, Borough of the Bronx.

APPEARANCES—

For Applicant: Leonard F. Rothkrug.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Commissioner Fox, Commissioner Becker, Commissioner Klein and Commissioner Nolan _____ 5

Negative: _____ 0

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated November 29, 1962 on Alt. Applic. 1091-61, reads:

"1. Proposed extension of commercial use into that portion of above Class IV (wood frame) bldg. formerly occupied as a dwelling is contrary to C26-254.0 A.C. and is therefore denied."

and

WHEREAS, the premises were inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the decision of the Borough Superintendent, dated November 29, 1962, acting on Alt. Applic. 1091-61, Objection No. 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the building shall conform to drawings filed with this appeal dated December 13, 1962, 3 sheets.

14-63-A

11-26-63
APPLICANT—Samuel Kaplan for Handy Button Machine Works, owner.

SUBJECT—Application January 7, 1963—Appeal from an order and a decision of the Fire Commissioner re- infra-red drying ovens.

PREMISES AFFECTED—45-26 to 45-44 51st Street, west side, 188 feet north of 47th Avenue, Block 2283, Lot 54, Woodside, Borough of Queens.

APPEARANCES—

For Applicant: Samuel Kaplan.

For Administration: Lieut. John P. Manfredi, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Commissioner Fox, Com-

missioner Becker, Commissioner Klein and Commissioner Nolan _____ 5
Negative: _____ 0

THE RESOLUTION—

WHEREAS, the order and decision of the Fire Commissioner, dated February 7, 1962 on Order No. 723-2, reads:

"1. Discontinue the use of electric infra-red ray drying ovens which are not of a type approved by the Board of Standards and Appeals. Rule 4.3.2 Spray Rules."

and

WHEREAS, the premises were inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the order and decision of the Fire Commissioner, dated February 7, 1962, acting on Order No. 723-2, Objection No. 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the building shall conform to drawing filed with this appeal dated October 7, 1963, one sheet; and on further condition that the automatic sprinkler system with central office connection shall be maintained throughout the building.

674-63-A

APPLICANT—Gabriel Nathan for Dr. Martin B. Kaplan and Dr. Herbert Gordon, owner.

SUBJECT—Application September 3, 1963—appeal from a decision of the Borough Superintendent re- frame building for non-residential use.

PREMISES AFFECTED—332 Beach 63rd Street, and 6211 Beach Channel Drive, southeast corner, Block 15907, Lot 60, Arverne, Borough of Queens.

APPEARANCES—

For Applicant: Mrs. Gabriel Nathan.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Commissioner Fox, Commissioner Becker, Commissioner Klein and Commissioner Nolan _____ 5

Negative: _____ 0

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated August 30, 1963 on Alt. Applic. 1418-63, reads:

"1. The proposed occupancy, Dentists and Doctors Offices, in a frame bldg. a non-residential use, Class IV bldg. is contrary to Ch. 26-254.0 and 248.0 of the Administrative Code."

and

WHEREAS, the premises were inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the decision of the Borough Superintendent, dated August 30, 1963, acting on Alt. Applic. 1418-63, Objection No. 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the building shall conform to drawings filed with this appeal dated September 3, 1963, 6 sheets.

1310-61-A

APPLICANT—728 Lexington Leasing Corporation, owner; Waldorf System Incorporated, lessee.

SUBJECT—Application August 10, 1961—Appeal from an order and a decision of the Fire Commissioner re- sprinkler system.

PREMISES AFFECTED—155 West 19th Street, north side, 149.3 feet east of Seventh Avenue, Block 795, Lot 10, Borough of Manhattan.

APPEARANCES—

For Applicant: Raymond Loew.

For Administration: Lieut. John P. Manfredi, Fire Dept.

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875-65-BZ

APPLICANT— Charles M. Spindler for Sun Oil Company, owner.

SUBJECT—Application August 16, 1965 — decision of the Borough Superintendent, under Section 73-11(g) of the Zoning Resolution, to permit C2-2 district, at an existing automotive service station with accessory uses, the enlargement in area of the service building.

PREMISES AFFECTED—5702-5708 Clarendon Road, southeast corner of East 57th Street, Block 7915, Lot 41, Borough of Brooklyn.

ACTION OF BOARD—Request to reopen withdrawn, at the request of the applicant.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Fox, Commissioner Becker and Commissioner Klein _____ 5

Negative: _____ 0

Adjourned: 12:45 P.M.

James P. Mulroy, Secretary

REGULAR MEETING

WEDNESDAY AFTERNOON JUNE 1, 1966, 2 P.M.

Present Chairman Foley, Vice Chairman Kleinert, Commissioner Fox, Commissioner Becker and Commissioner Klein.

270-47-A—Vol III

APPLICANT—Clinton Brown for Hotel Ocean Crest, Incorporated, owner.

SUBJECT—Application reopened April 19, 1966 as Volume III — Appeal from an order and a decision of the Fire Commissioner, re Sprinkler System.

PREMISES AFFECTED—102 Beach 62nd Street, northeast corner of Public Boardwalk, Block 15933, Lot 1, Arverne, Borough of Queens.

APPEARANCES—

For Applicant: Clinton Brown.

For Administration: Lt. J. P. Manfredi, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Commissioner Becker and Commissioner Klein _____ 3

Negative: Vice Chairman Kleinert and Commissioner Fox _____ 2

THE RESOLUTION—

WHEREAS, the order and decision of the Fire Commissioner, dated March 9, 1964 and February 4, 1966 on Order No. 1263-4, reads:

"1. Install an approved automatic wet sprinkler system throughout the building having at least once source of water supply, arranged and equipped as per Chapter 26, Article 16, Administrative Code. In addition to required sprinkler alarms, this system shall also be equipped with an approved water flow transmitter having a direct connection to a Central Office of one of the authorized operating companies, arranged and equipped in accordance with the applicable Fire Department Rules and Rules of the Board of Standards and Appeals. C19-161.0-a Administrative Code."

and

WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the order and decision of the Fire Commissioner, dated March 9, 1964 and February 4, 1966, acting on Order No. 1263-4, Objection No. 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the building conforms to drawings filed with this appeal marked 'Received March 4, 1966', 5 sheets; on further condition that the present sprinkler system in the building shall be maintained in good condition; that the interior fire alarm, the sprinkler system and the water flow alarm shall be maintained and connected to a central office and that this grant is for a two year period from date, and is then to be reviewed.

435-65-A

APPLICANT—Polytechnic Inst. of Brooklyn, owner.

SUBJECT—Application April 15, 1965 — Appeal from an order and a decision of the Fire Commissioner re-Storage and use of liquefied chlorine.

PREMISES AFFECTED—315 Jay Street, bounded by Jay Street, Lawrence Street, Myrtle Avenue and Johnson Street, Block 142, Lot 9, Borough of Brooklyn.

APPEARANCES—

For Applicant: Salvatore Bianchi.

For Administration: Lt. J. P. Manfredi, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Fox, Commissioner Becker and Commissioner Klein _____ 5

Negative: _____ 0

THE RESOLUTION—

WHEREAS, the order and decision of the Fire Commissioner, dated May 28, 1964 and March 31, 1965 on Order No. 2600-4, reads:

"2. Discontinue storage and use of liquefied chlorine as same is contrary to Sec. C19-95.0-d. Admin. Code which states in part, that no permit shall be issued for storage and use of liquefied chlorine in any building, lot, or enclosure located within 50 feet of a building occupied as a school or place of assembly, along with other restrictions. Sec. C19-95.0 Admin. Code."

and

WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions,

Resolved, that the order and decision of the Fire Commissioner, dated May 28, 1964, and March 31, 1965, acting on Order No. 2600-4, Objection No. 2, be and it hereby is modified and that the appeal be and it hereby is granted on condition the building conforms to drawings filed with this application marked "Received April 15, 1965," 3 sheets; on further condition that the storage and use of liquefied chlorine in the building shall be limited to ten one-pound cylinders, and that the use and storage of the chlorine shall be supervised by members of the faculty of the Institute or by qualified graduate students.

436-65-A 6-1-66

APPLICANT—Samuel Kaplan for Handy Button Machine Works, owner.

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SUBJECT—Application April 15, 1965 — Appeal from an order and decision of the Fire Commissioner re- use of equipment not approved.

PREMISES AFFECTED—45-26 to 45-44 51st Street, west side, 188 feet north of 47th Avenue, Block 2283, Lot 54, Woodside, Borough of Queens.

APPEARANCES—

For Applicant: Samuel Kaplan.

For Administration: Lt. J. P. Manfredi, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Fox, Commissioner Becker and Commissioner Klein _____ 5

Negative: _____ 0

THE RESOLUTION—

WHEREAS, the order and decision of the Fire Commissioner, dated May 5, 1964 and March 23, 1965 on Order No. 2215-4, reads:

"1. Special: Submit evidence that Sunbeam Oven is approved by Board of Standards and Appeals." and

WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the order and decision of the Fire Commissioner, dated May 5, 1964 and March 23, 1965, acting on Order No. 2215-4, Objection No. 1, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the layout of the equipment shall be in conformity with drawings filed with this appeal marked "Received April 15, 1966", one sheet and "May 19, 1966", 4 sheets; and that all other laws, rules and regulations applicable shall be complied with.

523-65-A

APPLICANT—Laminated Fiberglas Corporation, lessee for G & M Realty Company, owner.

SUBJECT—Application May 7, 1965 — Appeal from an order and a decision of the Fire Commissioner re- storage room for monomers, acetone, and resins and gas heated drying oven discontinued.

PREMISES AFFECTED—345-347 Meserole Street, north side, 200 feet east of Morgan Avenue, 350-352 Scholes Street, Block 304-A, Lots 11 and 1, Borough of Brooklyn.

APPEARANCES—

For Applicant: A. O. Halimi.

For Administration: Lt. J. P. Manfredi, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Commissioner Fox, Commissioner Becker and Commissioner Klein _____ 4

Negative: Vice Chairman Kleinert _____ 1

THE RESOLUTION—

WHEREAS, the order and decision of the Fire Commissioner, dated August 14, 1964 and May 4, 1965 on Order No. 4039-4, reads:

"1. Provide a storage room for the storage of monomers, acetone, and resins. Same to be constructed in conformity with storage room specifications in Board of Standards and Appeals. Rules for Spraying & Dipping. Plans to be approved by Dept. of Buildings before any work is commenced. C19-11.0 Admin. Code.

2. Discontinue use of gas heated drying oven on these premises. C19-11.0 Admin. Code."

and
WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the order and decision of the Fire Commissioner, dated August 14, 1964 and May 4, 1965, acting on Order No. 4039-4, Objection No. 2, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the layout of the equipment shall conform to drawing filed with this appeal marked "Received May 7, 1965", one sheet; on further condition that a storage room be provided in accordance with Objection No. 1 of the Fire Commissioner's decision; that a sprinkler system shall be maintained throughout the premises; and that the general average operating temperature in the oven shall be limited to temperatures between 180 degrees Fahrenheit and 200 degrees Fahrenheit.

524-65-A

APPLICANT—Pepsi-Cola Company, owner.

SUBJECT—Application May 10, 1965 — Appeal from an order and a decision of the Fire Commissioner re- yard hydrant system.

PREMISES AFFECTED—46-02 Fifth Street, northwest corner of 47th Avenue, Block 21, Lot 1, Long Island City, Borough of Queens.

APPEARANCES—

For Applicant: Sol Feinberg.

For Administration: Lt. J. P. Manfredi, Fire Dept.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Fox, Commissioner Becker and Commissioner Klein _____ 5

Negative: _____ 0

THE RESOLUTION—

WHEREAS, the order and decision of the Fire Commissioner, dated December 11, 1963 and April 13, 1965 on Order No. 5602-3, reads:

"5. Provide approved yard hydrant system as per Ch. 26-1428.0 Admin. Code. C19-161.0a, Admin. Code." and

WHEREAS, the premises was inspected by a committee of the Board which recommended that the appeal be granted under certain conditions.

Resolved, that the order and decision of the Fire Commissioner, dated December 11, 1963 and April 13, 1965, acting on Order No. 5602-3, Objection No. 5, be and it hereby is modified and that the appeal be and it hereby is granted on condition that the general layout conforms to drawings filed with this appeal marked "Received May 10, 1965", 2 sheets and "May 25, 1966", one sheet; on further condition that the siamese supply system and the sprinkler system in the various buildings shall be maintained in good conditions, as shown on the drawings; and that all other laws, rules and regulations applicable shall be complied with.

624-65-A

APPLICANT—Clinton Brown for French Hospital of the French Benevolent Society, owner.

SUBJECT—Application May 28, 1965 — Appeal from a decision of the Borough Superintendent re- independent 6 inch source of supply for sprinkler system.

New York General City Law § 35.

Permits for building in bed of mapped streets

For the purpose of preserving the integrity of such official map or plan no permit shall hereafter be issued for any building in the bed of any street or highway shown or laid out on such map or plan, provided, however, that if the land within such mapped street or highway is not yielding a fair return on its value to the owner, the board of appeals or other similar board in any city which has established such a board having power to make variances or exception in zoning regulations shall have power in a specific case by the vote of a majority of its members to grant a permit for a building in such street or highway which will as little as practicable increase the cost of opening such street or highway, or tend to cause a change of such official map or plan, and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall inure to the benefit of the city. Before taking any action authorized in this section, the board of appeals or similar board shall give a hearing at which parties in interest and others shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in an official publication of said city or in a newspaper of general circulation therein. Any such decision shall be subject to review by certiorari order issued out of a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations.

Where a proposed street widening or extension has been shown on such official map or plan for ten years or more and the city has not acquired title thereto, the city may, after a hearing on notice as hereinabove provided, grant a permit for a building and/or structure in such street or highway and shall impose such reasonable requirements as are necessary to protect the public interest as a condition of granting such permit, which requirements shall inure to the benefit of the city.

ZR §72-01

General Provisions

The Board of Standards and Appeals (referred to hereinafter as the Board) shall have the power, pursuant to the provisions of the New York City Charter and of this Resolution, after public notice and hearing:

- (a) to hear and decide appeals from and to review interpretations of this Resolution;
- (b) to hear, decide, and determine, in a specific case of practical difficulties or unnecessary hardship, whether to vary the application of the provisions of this Resolution;
- (c) to hear and decide applications for such special permits as are set forth in this Resolution and are more specifically enumerated in Section 73-01 (General Provisions);
- (d) to adopt, amend, or repeal such rules or regulations as may be necessary to carry into effect the provisions of this Resolution;
- (e) to hear and decide applications for such authorizations as are set forth in this Resolution and enumerated in Section 72-30; and
- (f) to make such administrative determinations and findings as may be set forth in this Resolution or pursuant to Section 72-40 (AMORTIZATION OF CERTAIN ADULT ESTABLISHMENTS AND SIGNS FOR ADULT ESTABLISHMENTS) or to Section 72-41 (Continuation of Certain Adult Establishments).
- (g) to waive bulk regulations affected by unimproved streets where a development, enlargement or alteration consists in part of construction within such streets and where such development, enlargement or alteration would be noncomplying absent such waiver, provided the Board has granted a permit pursuant to Section 35 of the General City Law and has prescribed conditions which require the portion of the development or enlargement to be located within the unimproved streets to be compliant and conforming to the provisions of this Resolution. Such bulk waivers shall only be as necessary to address non-compliance resulting from the location of the development or enlargement within and outside the unimproved streets, and the zoning lot shall comply to the maximum extent feasible with all applicable zoning regulations as if such unimproved streets were not mapped. Where such zoning lots with private roads access fewer than 20 dwelling units, such bulk waivers may be granted by the Board only where the zoning lots are fully compliant with the regulations for private roads set forth in Article II, Chapter 6. However, for zoning lots with private roads that access at least 20 dwelling units, or for zoning lots with private roads that access fewer than 20 dwelling units for which a modification or waiver of the requirements for private roads, pursuant to Section 26-26, is necessary, such bulk waivers shall be permitted only by authorization of the City Planning Commission, pursuant to Section 26-27 (Waiver of Bulk Regulations for Developments with Unimproved Streets).

**In the Matter of John A. Ward et al., Appellants, v. Roger
Bennett, as Chairman of the Board of Standards and Appeals
of the City of New York, et al., Respondents.**

COURT OF APPEAL OF NEW YORK,

79 N.Y.2d 394; 592 N.E.2d 787; 1992 N.Y. LEXIS 1295; 583

N.Y.S.2d 179

March 24, 1992, Argued May 5, 1992, Decided

PRIOR HISTORY:

Appeal from an order of the Appellate Division of the Supreme Court in the Second Judicial Department, entered June 17, 1991, which, with two Justices dissenting in part, affirmed a judgment of the Supreme Court (Louis J. Sangiorgio, J.), entered in Richmond County in a proceeding pursuant to CPLR article 78, dismissing the petition to review a determination of the New York City Board of Standards and Appeals that confirmed the denial of petitioners' application for a permit to build a single-family house in the bed of a mapped, but unopened and undeveloped, street, without prejudice to any rights petitioners may have to "demapping" under New York City Charter @ 197-c. =1> Matter of Ward v Bennett, 174 AD2d 681, modified.

DISPOSITION: Order modified, without costs, and case remitted to Supreme Court, Richmond County, for further proceedings in accordance with the opinion herein.

OPINION: [*397] [**788]

The New York City Department of Buildings (DOB) denied the petitioner Wards' application for a permit to build a single-family house in the bed of a mapped, but unopened and undeveloped, Staten Island street. After an unsuccessful appeal to the Board of Standards and Appeals (Board), the Wards brought this CPLR article 78 proceeding alleging that the Board acted arbitrarily and capriciously, and that denial of their administrative appeal deprived them of the use of their property without just compensation in violation of the Federal and State Constitutions (US Const 5th, 14th Amends; NY Const, art I, @ 7). Both courts below held that the Board had a sufficient basis for denying the administrative appeal and that the Wards' confiscation claim was premature due to their failure to pursue "demapping" under sections 197-c and 197-d of the New York City Charter.

We agree that the Board's determination was not arbitrary and capricious. However, we conclude that the Wards' confiscation claim is ripe for judicial review. The independent [***10] demapping remedy available to the Wards only from the City Council is not a bar to judicial consideration of the constitutionality of the Board's final action as it bears on the Wards' claim of

an uncompensated confiscation of their property. We therefore reinstate so much of the petition as alleged an unconstitutional taking of property and remit to the Supreme Court for further proceedings.

The property at issue is a vacant and unimproved lot [*398] located at 31 Dallas Street in Richmond County. The Wards took title to the property in 1966 with knowledge of and expressly subject to an extension through the property of a "paper" street named North Burgher Avenue. As shown on a 1944 map, the paper street overlapped more than 85% of the Wards' property. Twenty years after taking title, the Wards applied to the DOB for a permit to build a two-story single-family house on the property. The DOB denied the application citing General City Law @ 35, which prohibits issuance of permits to build in the bed of a mapped street.

The Wards appealed to the Board, which requested and received comments from several interested New York City agencies. The Department of Environmental Protection [***11] (DEP) stated in a letter that the bed of North Burgher Avenue was required for the installation of two "future" sanitary and storm sewers. The Department of Transportation Bureau of Highway Operations (DOT) stated its concern that established grades, drainage plans and sewer district water supply lines would have to be revised if the application were granted. [**789] That agency also noted that grade changes could cause damage to existing dwellings and that North Burgher Avenue had recently been improved just north of the Wards' property. After two days of hearings, the Board unanimously voted to deny the appeal. The resolution incorporated the comments of the DEP and DOT, and stated that the proposed building would bar uninterrupted development of North Burgher Avenue to the south.

The Wards commenced this article 78 proceeding requesting judgment declaring that the Board had acted arbitrarily and capriciously and that they had a right to commence construction on their property. They also requested a hearing to determine damages resulting from the alleged unlawful taking of their property without just compensation. Supreme Court, Richmond County, denied the application [***12] and dismissed the petition without prejudice to any demapping rights under section 197-c of the New York City Charter (Uniform Land Use Review Procedure [ULURP]). The court concluded that the Board had a "rational and proper basis to deny [the] application for the building permit because the proposed construction would interfere with the planned future development of North Burgher Avenue and the drainage plans for the area."

Supreme Court also concluded that the Wards' unconstitutional taking argument was not "ripe" for determination "[b]ecause petitioners still have an administrative avenue [*399] to pursue, i.e. a demapping under ULURP." The Appellate Division affirmed, characterizing the prematurity problem as a failure to "exhaust ... administrative remedies" <=56> (174 AD2d 681, 682, lv denied as unnecessary <=57> 78 NY2d 995). Two Justices dissented in part, agreeing that the Board's denial was rational but concluding that the taking argument was ripe. The Wards then took this appeal as of right.

General City Law @ 35 generally prohibits issuance of a permit for "any building in the bed of any street or highway shown or laid [***13] out on [an official] map or plan." However, when a property owner can establish that the land within such mapped street is not yielding a fair return, or when the proposed street extension has been mapped for at least 10 years but the City has not acquired title, the Board of Appeals is empowered to grant a building permit. Decisions of the Board of Appeals are judicially reviewable "in the same manner and pursuant to the same

provisions as in appeals from the decisions of such board upon zoning regulations" (General City Law @ 35).

The standard of judicial review in such cases is well established: "The courts may set aside a zoning board determination only where the record reveals illegality, arbitrariness or abuse of discretion. ... Phrased another way, the determination of the responsible officials in the affected community will be sustained if it has a rational basis and is supported by substantial evidence in the record." (=>58> Matter of Cowan v Kern, 41 NY2d 591, 598, rearg denied =>59> 42 NY2d 910.) Here, the record indicates that in connection with its consideration of the Wards' appeal, the Board assessed comments [***14] from several New York City agencies. These agencies expressed concern that the proposed building would adversely affect further development of the mapped street, including the installation of sanitary and storm sewers, and grading and drainage in the area. We agree with the courts below that this evidence provides a substantial, rational basis to support the Board's discretionary determination under General City Law @ 35 denying the Wards' application for a building permit.

The Wards' constitutional confiscation claim is discrete from the article 78 challenge to the Board's determination. The courts below rejected the confiscation claim on the ground [*400] that it was not "ripe" for judicial consideration. In holding that the Wards had not "exhausted their administrative remedies", they blurred the distinction between these two defensive doctrines, described in Church of [**790] St. Paul & St. Andrew v Barwick as follows: "Ripeness pertains to the administrative action which produces the alleged harm to plaintiff; the focus of the inquiry is on the finality and effect of the challenged action and whether harm from it might be prevented or cured by administrative [***15] means available to the plaintiff. The focus of the 'exhaustion' requirement, on the other hand, is not on the challenged action itself, but on whether administrative procedures are available to review that action and whether those procedures have been exhausted." =>60> (67 NY2d 510, 521 [emphasis added], cert denied =>61> 479 US 985.)

No further administrative avenues are open to review the Board's determination denying the Wards' application for a building permit. Therefore, the exhaustion doctrine is not implicated here. The confiscation claim, on the other hand, turns on ripeness, which does not occur until "the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue" and has "arrived at a definitive position on the issue that inflicts an actual, concrete injury." (=>62> Williamson Planning Commn. v Hamilton Bank, 473 US 172, 186, 193 [emphasis added]; see also, =>63> de St. Aubin v Flacke, 68 NY2d 66, 75.)

The Board is the exclusive governmental [***16] entity empowered to grant a permit to build in the bed of North Burgher Avenue. Its resolution confirming the DOB denial of the Wards' building permit constitutes its "final" and "definitive" decision regarding the availability of the permit. No further relief in this respect is available to the Wards from the Board. Thus, this is not a case like =>64> Church of St. Paul & St. Andrew v Barwick (67 NY2d 510, supra), where some measure of administrative relief could still be obtained from the same governmental agency whose determination was being challenged, thus blocking judicial review for lack of ripeness.

Moreover, the ripeness doctrine does not impose a threshold [*401] barrier requiring pursuit of

all possible remedies that might be available through myriad government regulatory and legislative bodies (see, <=65> *de St. Aubin v Flacke*, 68 NY2d 66, supra; <=66> *Petosa v City of New York*, 135 AD2d 800, lv denied <=67> 71 NY2d 807). Indeed, we have said such a requirement might create a "bureaucratic nightmare" and undue hardship [***17] (<=68> *de St. Aubin v Flacke*, supra, at 75-76; <=69> *Church of St. Paul & St. Andrew v Barwick*, 67 NY2d 510, 519-520, supra). An aggrieved property owner could be effectively blocked from seeking meaningful judicial review of a confiscation claim until, for example, a change in governing law—a possibly excessively burdensome course of action, such as is presented in this case. Indeed, the relevant alternative relief here is available only through an elaborate demapping procedure, which is costly, cumbersome, lengthy and requires the final approval of the New York City Council, the ultimate legislative body of the City (see, <=70> *Kaskel v Impellitteri*, 306 NY 73, 80, cert denied <=71> 347 US 934; <=72> *Borducci v City of Yonkers*, 144 AD2d 321, 324; <=73> *Matter of Asness v City of New York*, 4 AD2d 677, affg without opn <=74> 5 Misc 2d 779).

Thus, we have no occasion to speculate whether the ripeness doctrine may be interposed to block judicial review in those circumstances where a final [***18] determination of one administrative agency may be readily remedied by resort to another administrative entity with concurrent or efficacious, relevant jurisdiction over land development. Under our governing principles and precedents (see, e.g., <=75> *de St. Aubin v Flacke*, 68 NY2d 66, supra; *Church of St. Paul & St. Andrew v Barwick*, 67 NY2d 510, supra), the [**791] Wards' confiscation claim in this case is ripe.

Accordingly, the order of the Appellate Division should be modified, without costs, and the case remitted to Supreme Court, Richmond County, for further proceedings in accordance with this opinion, and as so modified, affirmed.



FINANCE
NEW YORK
NATIONAL CENTER
COMMISSIONERS

NYC Digital Tax Map

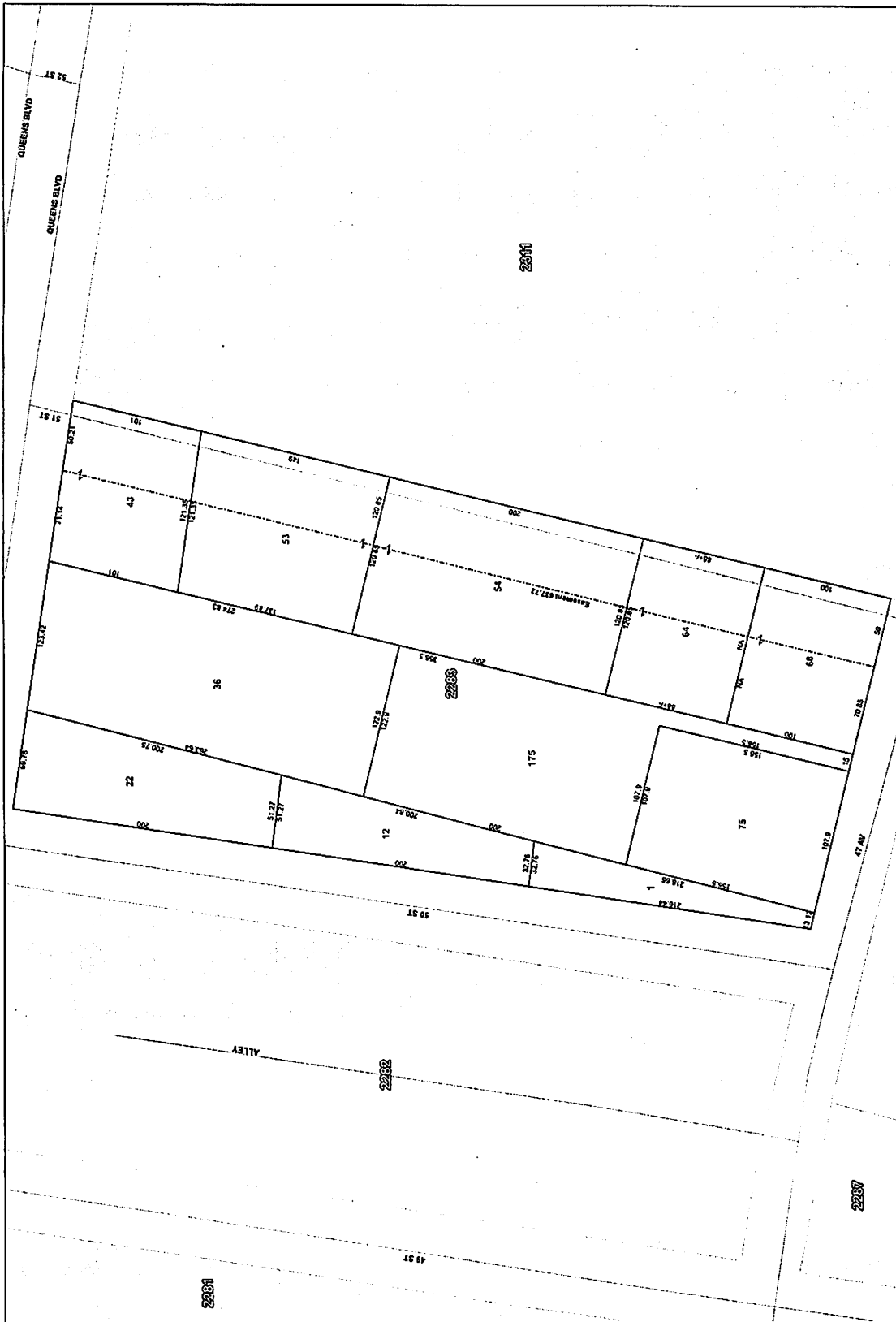
Effective Date : 12-07-2008 23:22:34

End Date : Current

Queens Block: 2283

Legend

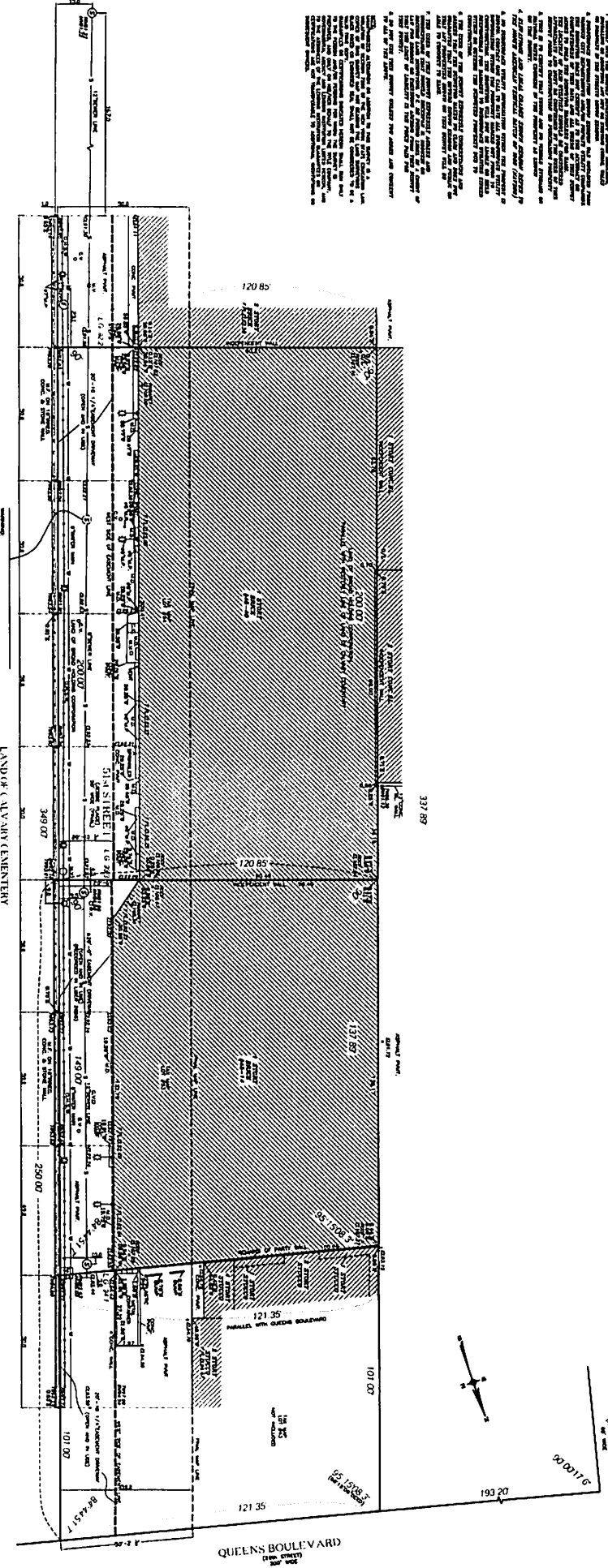
- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING AND MAPPING ACT OF 1946 AND THE REGULATIONS THEREUNDER. THE SURVEY WAS MADE BY THE SURVEYOR GENERAL OF THE STATE OF NEW YORK, AND THE RESULTS THEREOF ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.

THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING AND MAPPING ACT OF 1946 AND THE REGULATIONS THEREUNDER. THE SURVEY WAS MADE BY THE SURVEYOR GENERAL OF THE STATE OF NEW YORK, AND THE RESULTS THEREOF ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT.

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The Surveyor General of the State of New York, in his capacity as such, does not warrant or guarantee the accuracy or reliability of the information contained herein, and he is not responsible for any errors or omissions in the same.

LAND OF C. ALVARO CEMENTERY

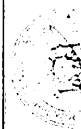
DATE: September 4, 2014
 SCALE: 1" = 20'

FOR BUILDING DEPARTMENT USE ONLY
 THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING AND MAPPING ACT OF 1946 AND THE REGULATIONS THEREUNDER.

FOR BUILDING DEPARTMENT USE ONLY
 THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING AND MAPPING ACT OF 1946 AND THE REGULATIONS THEREUNDER.

TOPOGRAPHIC SURVEY
AROGUSKI
 STATE-REGISTERED LAND SURVEYOR, P.E.
 1000 1st Avenue, New York, NY 10017
 (212) 697-1100
 www.aroguski.com

DATE: September 4, 2014
 SCALE: 1" = 20'



NYS RA / PE SEAL AND SIGN **BSA ZONING ANALYSIS** REVISED APRIL 2005

BSA CALENDAR NO. _____ BLOCK 2283 LOT 53,54

SUBJECT SITE ADDRESS 45-26 51st Street, Queens

APPLICANT Prvor Cashman LLP

ZONING DISTRICT M1-1 PRIOR BSA # _____ COMPLIANT: "Y"

SPECIAL/HISTORIC DISTRICT N/A IF NOT: "N" and

COMMUNITY BOARD 402 INDICATE AMT

	* APPLICABLE	MAXIMUM	MINIMUM	LEGAL PER			
	ZR SECTION	PERMITTED	REQUIRED	C of O or BSA	EXISTING	PROPOSED	OVER/UNDER

LOT AREA	N/A						N/A
----------	-----	--	--	--	--	--	-----

LOT WIDTH	N/A						N/A
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USE GROUP (S)	42-12	16		16	16	16	Y
---------------	-------	----	--	----	----	----	---

FA RESIDENTIAL	N/A						
----------------	-----	--	--	--	--	--	--

FA COMMUNITY FACILITY	N/A						
-----------------------	-----	--	--	--	--	--	--

FA COMMERCIAL/INDUST.	41,507 sf	29,341 sf		29,341 sf	29,341 sf		
-----------------------	-----------	-----------	--	-----------	-----------	--	--

FLOOR AREA TOTAL	41,507 sf	29,341 sf		29,341 sf	29,341 sf	29,077sf	Y
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FAR RESIDENTIAL	N/A						
-----------------	-----	--	--	--	--	--	--

FAR COMMUNITY FACILITY	N/A						
------------------------	-----	--	--	--	--	--	--

FAR COMMERCIAL/INDUST.	1.0	1.0		1.0	1.0	0.99	Y
------------------------	-----	-----	--	-----	-----	------	---

FAR TOTAL	1.0	1.0		1.0	1.0	0.99	Y
-----------	-----	-----	--	-----	-----	------	---

OPEN SPACE	N/A						
------------	-----	--	--	--	--	--	--

OPEN SPACE RATIO	N/A						
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LOT COVERAGE (%)	N/A						
------------------	-----	--	--	--	--	--	--

NO. DWELLING UNITS	N/A						
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WALL HEIGHT	43-43	30'2 story		encroach	encroach	encroach	N
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TOTAL HEIGHT		N/A		encroach	encroach	encroach	N
--------------	--	-----	--	----------	----------	----------	---

NUMBER OF STORIES				1	1	4	N
-------------------	--	--	--	---	---	---	---

FRONT YARD	N/A						
------------	-----	--	--	--	--	--	--

SIDE YARD	43-25		0/8'	0	0	0	Y
-----------	-------	--	------	---	---	---	---

SIDE YARD							
-----------	--	--	--	--	--	--	--

REAR YARD	43-26		20'	20'	20'	20'	Y
-----------	-------	--	-----	-----	-----	-----	---

SETBACK (S)	43-43		20'	20'	20'	20'	N
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SKY EXP. PLANE (SLOPE)	43-43	1:1		encroach	encroach	encroach	N
------------------------	-------	-----	--	----------	----------	----------	---

NO. PARKING SPACES	44-21	150	1:3 employ	0	0	7	Y
--------------------	-------	-----	------------	---	---	---	---

LOADING BERTH (S)	44-52	N/A	2	2	2	2	Y
-------------------	-------	-----	---	---	---	---	---

OTHER:							
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* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

NOTES: Existing building and Proposed Building are constructed in the bed of the

unimproved portion of 51st Street and, therefore, the buildings do not comply with the wall height and sky exposure plane regulations of ZR 43-43.

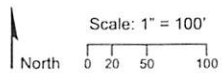


Site Information

Block 2283, Lots 53 & 54
 Zoning Map: 9b
 Zoning District: M1-1
 Special District: n/a

Lot and Building Information

- # - Lot Numbers (within radius)
- ### - Block Numbers
- i, ii, iii - Story Height
- MD - Multiple Dwelling
- D - Dwelling
- R - Retail
- G - Garage
- C - Commercial
- I - Industrial
- M - Manufacturing
- W - Warehouse
- V - Vacant
- Cf - Community Facility

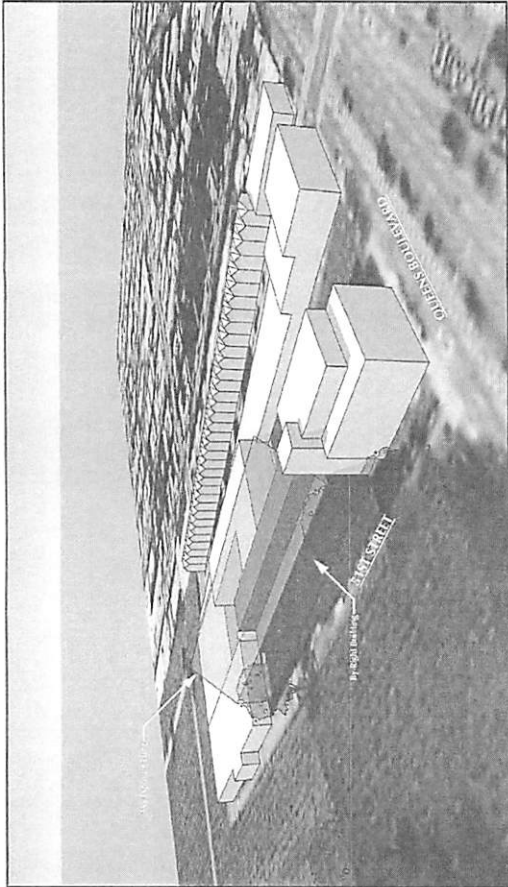


Commercial Overlays

	C1-1		C2-1
	C1-2		C2-2
	C1-3		C2-3
	C1-4		C2-4
	C1-5		C2-5

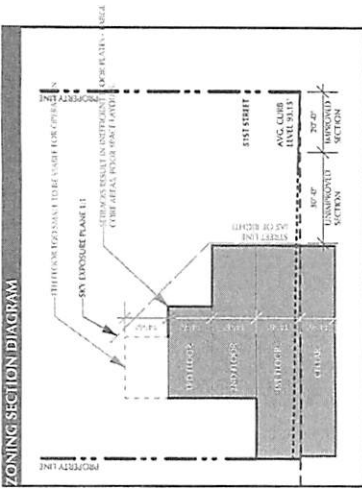
Land Uses

- One and Two-Family Homes
- Multiple Dwelling
- Commercial
- Mixed Use (Residential/Commercial)
- Manufacturing
- Open Space / Park Land
- Institutional / Community Facility
- Parking / Automotive



2 By-Right Massing

BSA-2



Floor	FAR Area	Non-FAR Area	Building Total
Cellar Floor	0.51	20,335.5F	20,335.5F
First Floor	10,800.5F	0.5F	10,800.5F
Second Floor	7,846.5F	0.5F	7,846.5F
Third Floor	4,691.5F	0.5F	4,691.5F
TOTAL	23,276.5F	20,335.5F	43,564.5F

LOTS 53 & 54 = 41,502.36 SF
 IMPROVED R.O.W. = 2,276.00 SF
 APPROPRIATION = 4,899.47 SF
 SITE AREA FOR FAR = 29,349.94 SF

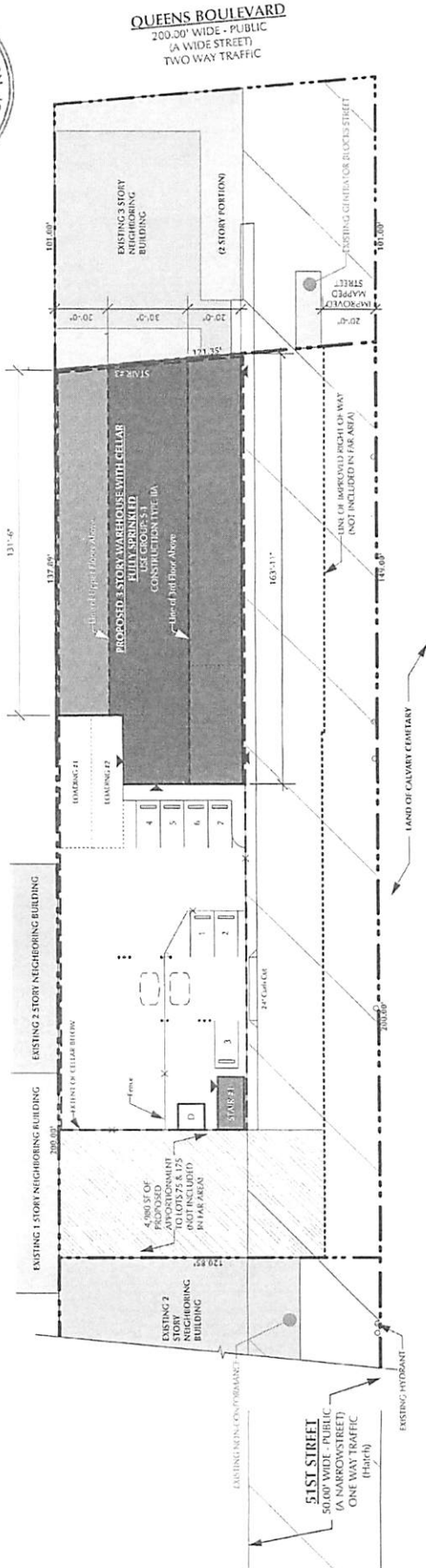


51st Street Self Storage

Queens, New York 11377

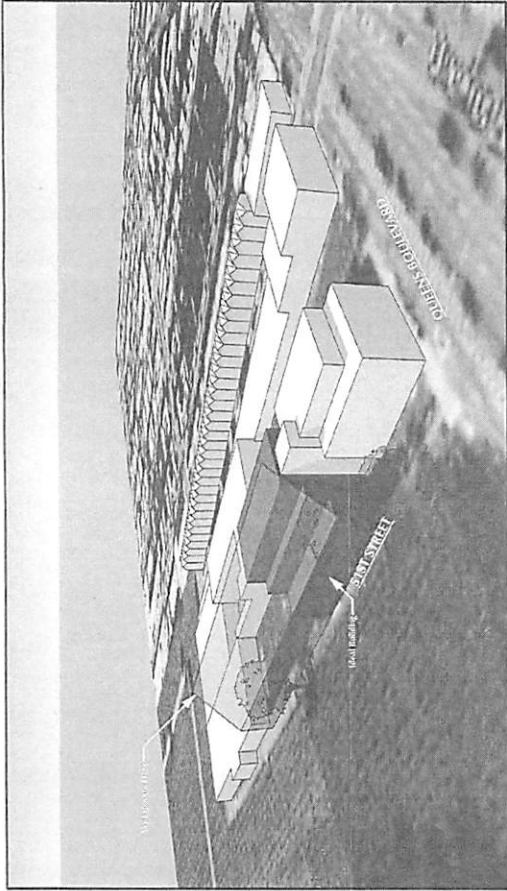
BW
 BUTZ-WILBERM LTD.
 Planning Architects
 400 57th Street, Suite 213
 Queens, NY 11365
 Tel: 718-471-1000

By-Right Building
 BSA-2
 02



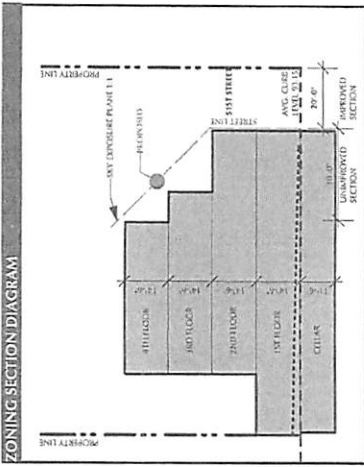
1 By Right Site Plan

BSA-2
 1" = 40'



2 Proposed Massing

BSA-3



Floor	FAR Area	Non-FAR Area	Building Total
Cellar Floor	0.5%	22,187.55	22,187.55
1st Floor	10.00% SF	8,095.5	8,095.5
2nd Floor	6.00% SF	6,000.5	6,000.5
3rd Floor	6.00% SF	6,000.5	6,000.5
4th Floor	6.00% SF	6,000.5	6,000.5
5th Floor	6.00% SF	6,000.5	6,000.5
TOTAL	29,077.5	27,187.55	56,265.05

NOTE: FACILITY SHALL COMPLY WITH ALL CITY REGULATIONS

LOTS 534-56 = 41,500.36 SF
 APPROXIMATE GROSS AREA = 77,000 SF
 APPROXIMATE NET AREA = 4,650 SF
 SITE AREA FOR FAR = 29,077.5 SF



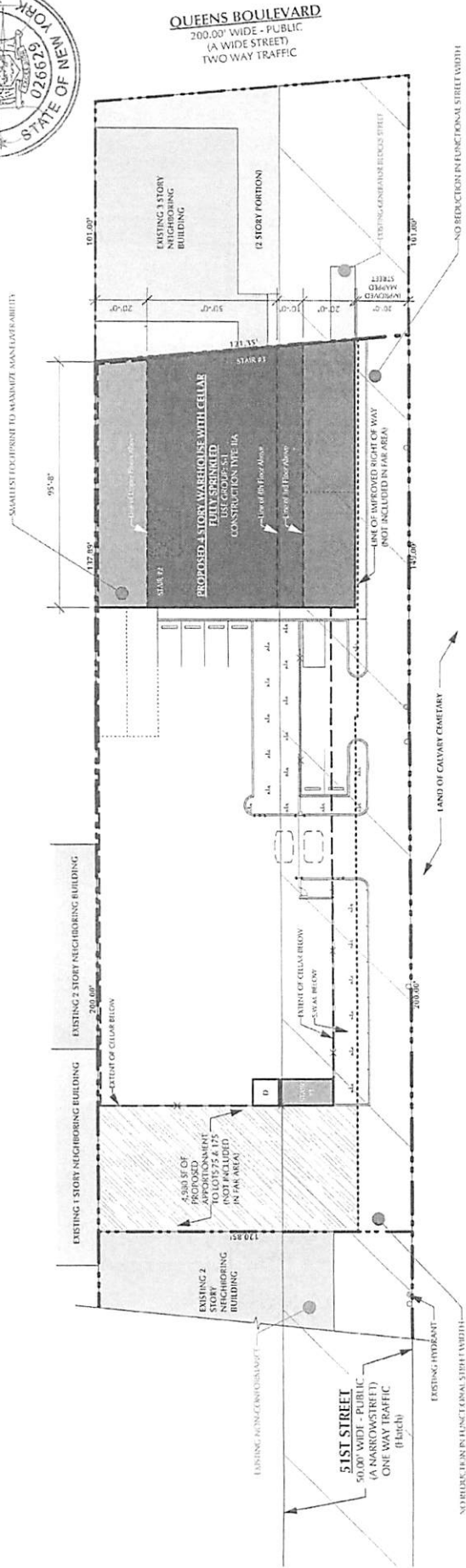
51st Street Self Storage

Queens, New York 11377



Butz-Wiehren Ltd
 800 W. Broad St., Suite 203
 Newark, NJ 07102
 Tel: 973-477-1600
 Fax: 973-477-1601

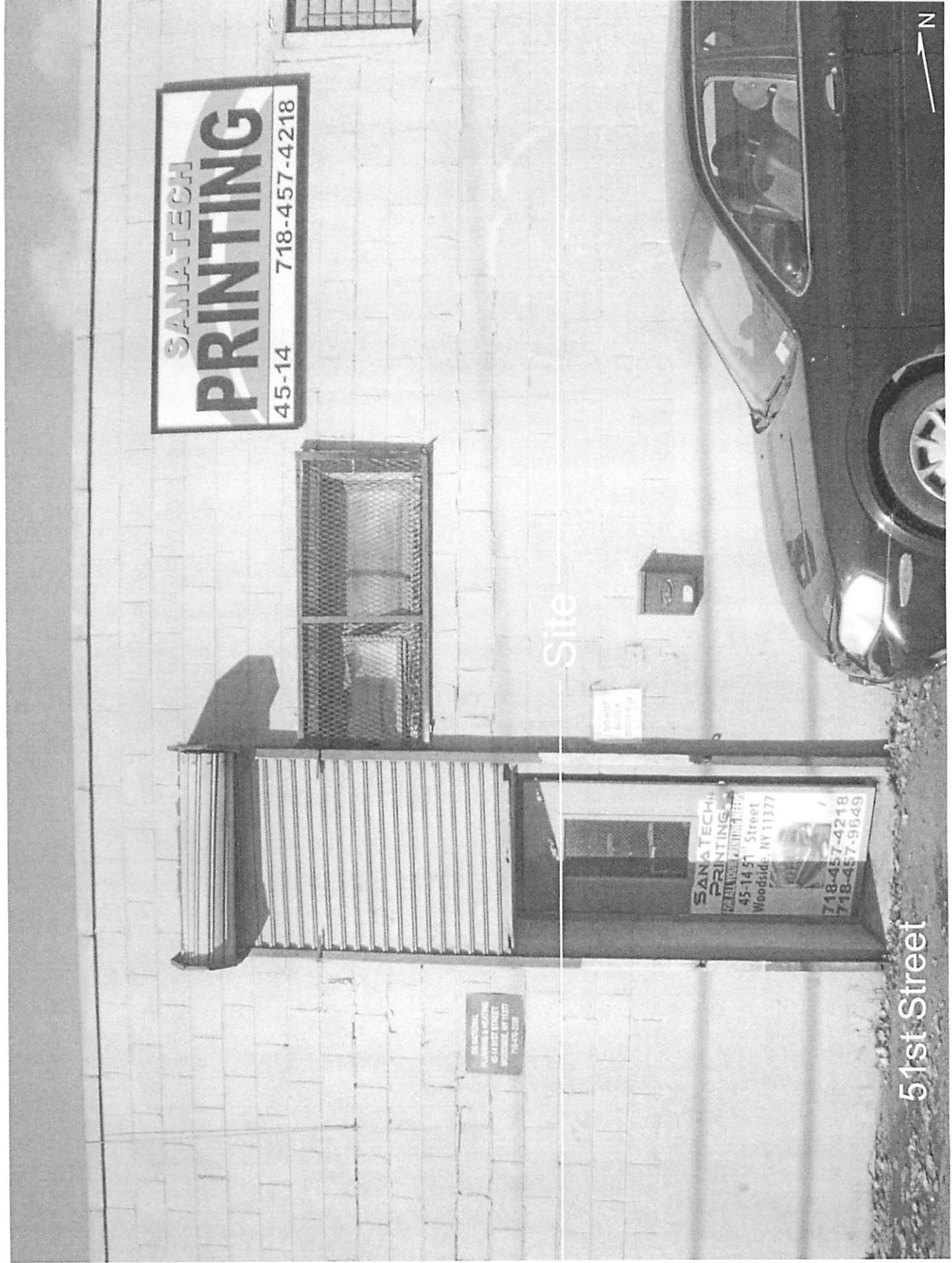
Proposed Building
 BSA-3



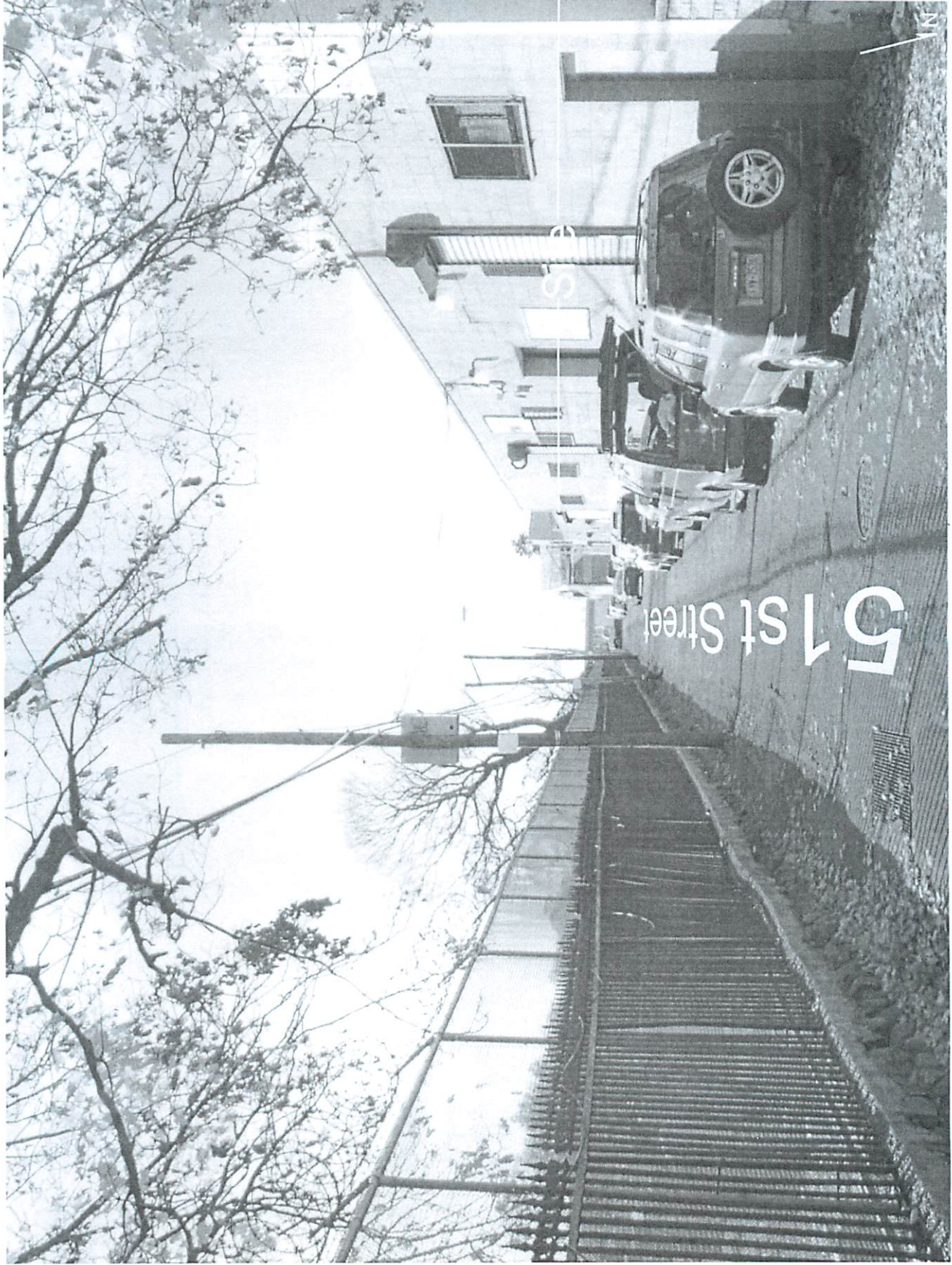
1 Proposed Site Plan

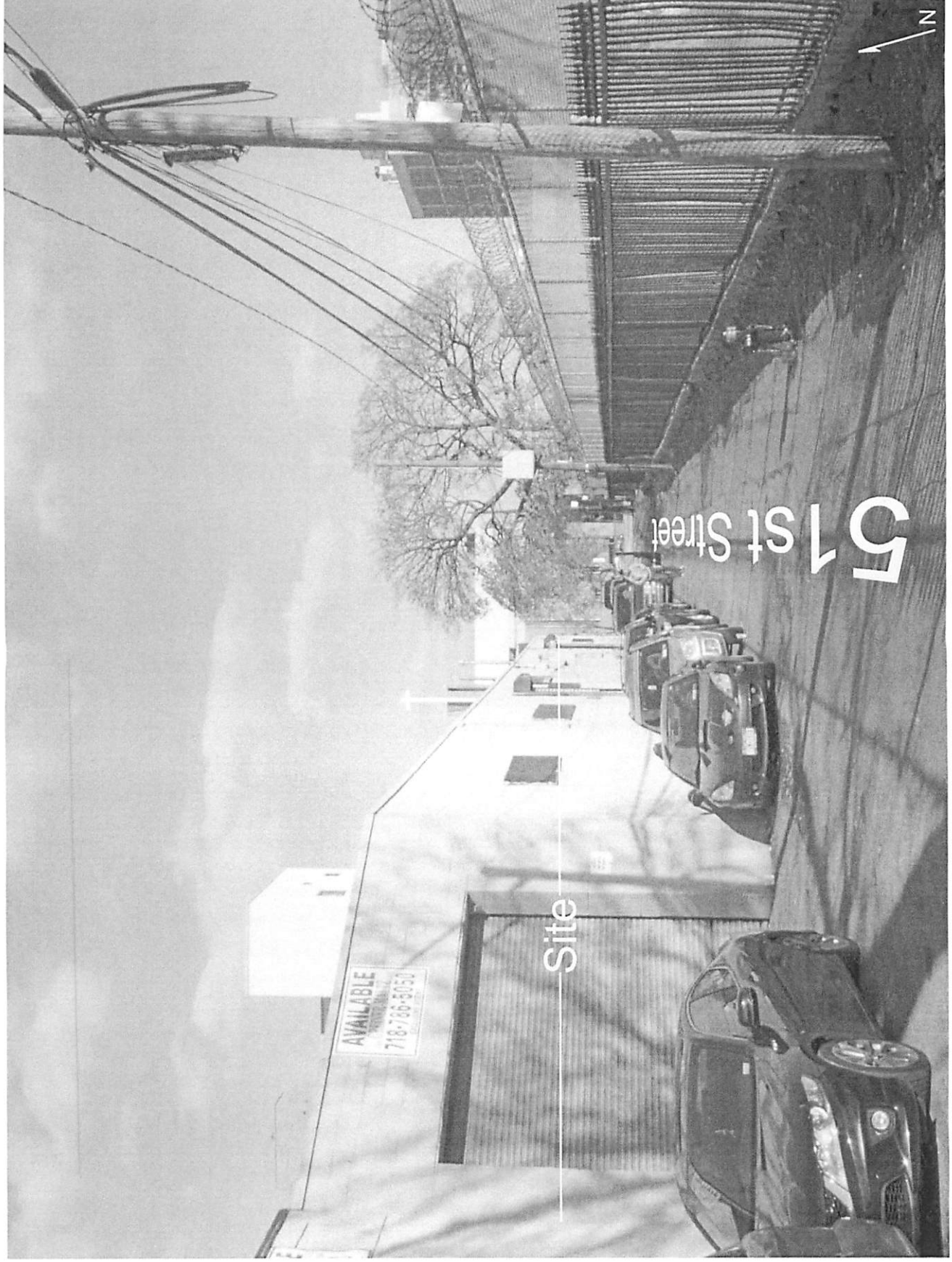
BSA-3
 Scale: 1" = 40 ft

















51st Street