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AND APPEALS

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May 19, 2005

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

JOEL A. MIELE, *SR.*

JAMES CHIN

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

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DOCKETS

New Case Filed Up to May 10, 2005

92-05-A B.Q. 43-36 Cornell Lane, northwest corner of Northern Boulevard, Block 8129, Lot 154, Borough of Queens. Applic.#401861963. Proposed enlargement of the existing ground floor, and the addition of a second floor, to develop a two-family dwelling, on a site that does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

93-04-BZ B.BK. 2621 Avenue "M", corner of Avenue "M" and East 27th Street, Block 7644, Lot 1, Borough of Brooklyn. Applic.#301909683. Proposed enlargement of an existing single family residence, Use Group 2, located in an R2 zoning district, which does not comply with the zoning requirements for floor area and open space, is contrary to Z.R. §23-141.
COMMUNITY BOARD #14BK

94-04-BZ B.BK. 1283 East 29th Street, north of Avenue "M", Block 7647, Lot 11, Borough of Brooklyn. Applic.#301909585. Proposed enlargement of an existing single family residence, Use Group 2, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, side and rear yards, is contrary to Z.R. §23-141, §23-47 and §23-461.
COMMUNITY BOARD #14BK

95-05-A B.M. 605 East Ninth Street, between East Ninth and East Tenth Streets, 93' east of Avenue "B", Block 392, Lot 10, Borough of Manhattan. Applic.#103948338. An appeal challenging the Department of Buildings' decision dated March 21, 2005, as to whether they have sufficient documentation to determine the proposed use of said premises as a college student dormitory.

96-05-BZ B.M. 205 West 14th Street, north side, 50' west of Seventh Avenue, Block 764, Lot 35, Borough of Manhattan. Applic.#104027900. The legalization of an existing physical culture establishment, located on the second floor of a five story building, situated in a C6-3A zoning district, requires a special permit from the Board as per Z.R. §73-36.
COMMUNITY BOARD #4M

97-05-BZ B.BK. 1107 East 21st

Street, east side, 153' north of Avenue "J", Block 7585, Lot 13, Borough of Brooklyn. Applic.#301892717. 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, also side and rear yards, is contrary to Z.R. §22-14, §23-46 and §23-47.

COMMUNITY BOARD #14BK

98-05-BZ B.M. 46/48 Bond Street, north side, 163.5' west of The Bowery, Block 530, Lot 44, Borough of Manhattan. N.B.#104079943. Proposed development of a 12-story residential/retail building, located in an M1-5B zoning district, which does not comply with the zoning requirements for residential use, commercial use below the level of the second floor, and maximum base height and setback of front wall, is contrary to Z.R. §42-10, §42-14(D)(2)(b) and §43-43.

COMMUNITY BOARD #2M

99-05-BZ B.M. 39 Downing Street, aka 31 Bedford Street, northwest corner, Block 528, Lot 77, Borough of Manhattan. Applic.#104056940. Proposed enlargement of an existing restaurant, which is a legal non-conforming use, located on the first floor of a six-story mixed-use building, situated in an R6 zoning district, is contrary to Z.R. §22-10.
COMMUNITY BOARD #2M

100-05-BZ B.BK. 223 Water Street, aka 48 Bridge Street, northwest corner, Block 31, Lot 30, Borough of Brooklyn. Applic.#301920250. Proposed conversion of the second and third floors, of a six story manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #2BK.

DOCKETS

101-05-BZ B.M. 377 Greenwich Street, southeast corner of North Moore Street, Block 187, Lot 16, Borough of Manhattan. Applic.#102666394. Proposed development of a seven-story, plus penthouse, transient hotel, located in a C6-2A/TMU(A-1) zoning district, which does not comply with the zoning requirements for floor area ratio, also maximum base height and setback requirements, is contrary to Z.R. §111-104 and §35-24.

COMMUNITY BOARD #1M

102-05-BZ B.BK. 259 Vermont Street, aka 450 Glenmore Avenue, southeast corner, Block 3723, Lot 13. Borough of Brooklyn. N.B.#301828379. Proposed two family dwelling, on a corner lot, located in an R5 zoning district, which does not provide one of the two required front yard, is contrary to Z.R. §23-45.

COMMUNITY BOARD #5BK

103-05-A B.S.I. 366 Nugent Street, southwest corner of Spruce Street, Block 2248, Lot 44, Borough of Staten Island. Applic.#500584799. An appeal challenging the Department of Buildings' decision refusing to lift a "hold", on approved plans for an alteration to an existing one-family dwelling, and requiring approval of a restoration plan by the City Planning Commission.

104-05-BZ B.BK. 255/75 Park Avenue, north side, between Waverly and Washington Avenues, Block 1874, Lot 1, Borough of Brooklyn. Applic.#301797223. Proposed physical culture establishment, to be located in a portion of the first floor, of a seven story mixed use building, located in an M1-2 zoning district, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #2BK

side, approximately 240' east of Bainbridge Avenue, and west of Holt Place, Block 3343, Lot 28, Borough of The Bronx. Applic.#200944522. Proposed construction of a multi-family residential building, located partially 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.

105-05-A B.BX. 3242 Reservoir Oval East, south

CALENDAR

JUNE 7, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 7, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

45-65-BZ

APPLICANT - Wachtel & Masyr, LLP, by Jesse Masyr, Esq., for John Catsimatidis c/o Red Apple Group, ownr.
SUBJECT - Application March 31, 2005 - for an amendment pursuant to Z.R. §§72-01 & 72-22 to enclose an open area formerly used for an accessory off-street loading berth.
PREMISES AFFECTED - 1526 Grand Concourse aka 1539 Sheridan Avenue, Sheridan Avenue between East 172nd Street and Mount Eden Parkway, Block2821, Lot 11, Borough of The Bronx.

COMMUNITY BOARD #4BX

129-70-BZ

APPLICANT - Sheldon Lobel, P.C., for 10 West 66th Street Corp., owner.; 10 West 66th Street Garage Corp., lessee.
SUBJECT - Application January 28, 2005 - Extension of Term of variance for use of unused and surplus parking spaces for transient parking, limited to 75 spaces, in thirty-two story multiple dwelling located in a C4-7 and R-10 zoning district.
PREMISES AFFECTED - 6/14 West 66th Street, south side of West 66th Street, 125' west of Central Park West, Block 1118, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #7M

70-91-BZ

APPLICANT - Salvadeo Associates by David L. Businelli, for Mid Island Realty Corp., owner.
SUBJECT - Application January 4, 2005 and updated January 18, 2005 for an Extension of Term/Waiver of a variance to allow commercial/retail stores UG6 in an R3-2 zoning district. 1894/1898 Hylan Boulevard, east side 40.6' north of Seaver Avenue, Block 3657, Lots 1 & 3, Borough of Staten Island.

COMMUNITY BOARD #2SI

397-03-BZ thru 405-03-BZ

APPLICANT - Sheldon Lobel, P.C., for G & G Associates, owner.

APPEALS CALENDAR

85-05-A

APPLICANT -Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc, owner; Pamela & Bruce Kemmlein, lessees.

SUBJECT - Application April 8, 2005 - Proposed reconstruction and enlargement of an existing single family dwelling, not fronting on a legally mapped street, and a proposal to upgrade the private disposal system located in the bed of the service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings policy.

PREMISES AFFECTED -8 Jamaica Walk, west side, 93.31' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

JUNE 7, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 7, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

344-03-BZ/345-03-A

APPLICANT - Law Offices of Howard Goldman, LLC, for City of New York, owner; Nick's Lobster House, lessee.

SUBJECT - Application November 13, 2003 - under Z.R.§73-242, to allow a restaurant in a C3 zoning district. The restaurant allows eating and drinking, provides outdoor seating and has a seating capacity of 190 people. There is no dancing or musical entertainment. Under BSA Calendar No. 345-03-A the application seeks an appeal pursuant to Art. III, Sec. 35, of the General City Law to permit construction of commercial facility on the bed of a mapped Street.

PREMISES AFFECTED - 2777 Flatbush Avenue, corner of Mill Basin, Block 8591, Part of Lots 980 and 175, Borough of Brooklyn.

COMMUNITY BOARD #18BK

SUBJECT - Application December 29, 2003 - under Z.R.§72-21 to permit the proposed three story (3) plus attic building, to contain three residential units, located in an

CALENDAR

M1-1 zoning district, is contrary to Z.R.§42-00.

PREMISES AFFECTED -

1255 60th Street, between 12th and 13th Avenues, Block 5711, Lot 155, Borough of Brooklyn.

1257 60th Street, between 12th and 13th Avenues, Block 5711, Lot 154, Borough of Brooklyn.

1259 60th Street, between 12th and 13th Avenues, Block 5711, Lot 153, Borough of Brooklyn.

1261 60th Street, between 12th and 13th Avenues, Block 5711, Lot 152, Borough of Brooklyn.

1263 60th Street, between 12th and 13th Avenues, Block 5711, Lot 151, Borough of Brooklyn.

1265 60th Street, between 12th and 13th Avenues, Block 5711, Lot 150, Borough of Brooklyn.

1267 60th Street, between 12th and 13th Avenues, Block 5711, Lot 149, Borough of Brooklyn.

1269 60th Street, between 12th and 13th Avenues, Block 5711, Lot 148, Borough of Brooklyn.

1271 60th Street, between 12th and 13th Avenues, Block 5711, Lot 147, Borough of Brooklyn.

COMMUNITY BOARD #12BK

154-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Wavebrook Associates, owner.

SUBJECT - Application April 9, 2004- under Z.R.§72-21 to permit the proposed construction of a four family dwelling, Use Group 2, located in M1-1 zoning district, is contrary to Z.R.§42-10.

PREMISES AFFECTED - 63 Rapeleye Street, north side, 116' east of Hamilton Avenue, Block 363, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #6BK

404-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Sharokh Rambod, owner.

SUBJECT - Application December 30, 2004 - under Z.R.§73-622 Enlargement of a single family residence to vary ZR 23-141 for open space and floor area, ZR 23-461 for side yards and ZR 23-47 for rear yard. The premise is located in an R2 zoning district.

PREMISES AFFECTED - 1384 East 24th Street, bounded by Avenue "N", East 23rd Street, Avenue "M" and East 24th Street, Block 7659, Lot 81, Borough of Brooklyn.

REGULAR MEETING

TUESDAY MORNING, MAY 10, 2005

10:00 A.M.

Present: Chair Srinivasan, Vice Chair Babbar,
Commissioner Miele and Commissioner Chin.

COMMUNITY BOARD #14BK

405-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Kim Stavrach, owner.

SUBJECT - Application December 30, 2004- under Z.R.§73-622 for an enlargement of a single family residence to vary ZR 23-141 for open space and floor area, ZR 23-461 for side yards and ZR 23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED - 1734 East 27th Street, west side, between Quentin Road and, Avenue "R", Block 6809, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 1, 2005, as printed in the Bulletin of March 10, 2005, Volume 90, Nos. 10-11.

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SPECIAL ORDER CALENDAR

314-28-BZ

APPLICANT - Manuel B. Vidal, Jr., for Henilda Realty Corporation, owner; Henilda Realty Corporation, lessee.

SUBJECT - Application July 8, 2004 - reopening for an amendment to the prior resolution to permit the removal of the existing kiosk and to erect a new building on the property to be used as a convenience store.

PREMISES AFFECTED - 902/14 Westchester Avenue and 911/15 Rogers Place, south west corner of 889/903 East 163rd Street, Block 2696, Lot 130, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application made pursuant to Z.R. §11-412 for a re-opening and an amendment to the resolution of a previously granted Board variance, permitting a gasoline service station in a former business district; and

WHEREAS, a public hearing was held on this application on February 8, 2005, after due notice by publication in the City Record, with continued hearings on March 1, 2005 and April 12, 2005, and then to decision on May 10, 2005; and

WHEREAS, Community Board No. 2, Bronx recommends approval of the subject application; and

WHEREAS, on October 9, 1928, under the subject calendar number, the Board granted a variance to permit the erection of a gasoline service station with an accessory building; and

WHEREAS, this grant has been modified and amended at various times, most recently in 1987; and

WHEREAS, the site is currently within an R7-1(C1-2) zoning district; and

WHEREAS, the applicant now seeks an amendment to the resolution to permit the removal of the existing kiosk and the erection of a new one-story masonry building to be used as a convenience store; and

WHEREAS, at the request of the Board, the applicant submitted revised site and circulation plans that are more acceptable than those previously approved; and

WHEREAS, in particular, the applicant agrees to
SUBJECT - Application September 7, 2004 - reopening for an extension of term of a variance for attended transient parking, limited to a maximum of twenty-three (23) vehicles, in a multiple dwelling presently located in C5-1 (MP) zoning district. The original grant of the variance by the Board of Standards and Appeals was made pursuant to Section 60(3) of the multiple Dwelling Law.

remove the curb cut on Rogers Place, so that the total number of curb cuts on the site will be four, whereas the original grant permitted five; the change in the curb cuts is reflected on the BSA-approved plans; and

WHEREAS, accordingly, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution, pursuant to Z.R. § 11-412.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. § 11-412, so that as amended this portion of the resolution shall read: "to permit the removal of the existing kiosk and the erection of a new one-story masonry building to be used as a convenience store; on condition that all work shall substantially conform to drawings as filed with this application, marked "Received April 20, 2005"- (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 there shall be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic;

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

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect;

THAT the curb cut on Rogers Place shall be removed, as reflected on the 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; 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 No. 200745667)

Adopted by the Board of Standards and Appeals, May 10, 2005.

752-64-BZ

APPLICANT - Patrick Jones, Esq. by Petraro & Jones, for Gallery Partners, LLC, owner.

PREMISES AFFECTED - 49 East 77th Street, east side of Madison Avenue at intersection of E. 78th Street and E. 77th Street, Block 1392, Lot 1101, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Patrick W. Jones, Esq.

ACTION OF THE BOARD -Application granted upon

MINUTES

condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,
Commissioner Miele and Commissioner
Chin.....4

Negative:.....
...0

THE RESOLUTION -

WHEREAS, this application is a request for a re-opening and an extension of term of the variance; and

WHEREAS, a public hearing was held on this application on April 12, 2005, after due notice by publication in The City Record, and then to decision on May 10, 2005; and

WHEREAS, Community Board No. 8, Manhattan, recommended approval of this application; and

WHEREAS, on October 20, 1964, the Board granted an application pursuant to Section 60(1)(b) of the Multiple Dwelling Law ("MDL") under the subject calendar number to permit the use of transient parking for the unused and surplus parking spaces in a multiple dwelling accessory garage, in addition to tenant and monthly parking, on condition that the transient parking spaces shall not exceed twenty-three in number; and

WHEREAS, the term of the variance was extended for a period of fifteen years on October 2, 1979, a period of ten years on February 7, 1995, and the resolution was reopened and amended on July 2, 1996 to allow the applicant additional time to obtain the certificate of occupancy.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution pursuant to Section 60(1)(b) of the MDL, said resolution having been adopted on October 20, 1964, so that as amended this portion of the resolution shall read: "granted for a term of ten (10) years from October 20, 2004 to expire on October 20, 2014; 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 26, 2005' - two (2) sheets; and on further condition;

THAT the number of daily transient parking spaces shall be no greater than 23;

THAT the reservoir spaces shall not be used for parking;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be placed in a conspicuous place within the garage;

THAT the above conditions shall be listed on the certificate of occupancy;

WHEREAS, a public hearing was held on this application on April 12, 2005, after due notice by publication in the City Record, and then to closure and decision on May 10, 2005; and

WHEREAS, on November 28, 1967, under the subject

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the layout of the parking garage shall be as approved by the Department of Buildings;

THAT 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 No. 100813448)

Adopted by the Board of Standards and Appeals, May 10, 2005.

721-67-BZ

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application September 15, 2004- reopening for an amendment to the resolution to permit the addition of a canopy and the conversion of the existing accessory service bays to an accessory convenience store.

PREMISES AFFECTED - 7310-7322 New Utrecht Avenue, block bound by New Utrecht Avenue, 74th Street and 16th Avenue, Block 6203, Lot 1, Borough of Brooklyn

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD -Application granted upon condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,
Commissioner Miele and Commissioner
Chin.....4

Negative:.....
....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,
Commissioner Miele and Commissioner
Chin.....4

Negative:.....
....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening and an amendment to the resolution of a previously granted Board special permit and variance, to permit the addition of a new canopy and the conversion of the existing accessory service bays to an accessory convenience store at a gasoline service station; and

calendar number, the Board granted an application to permit the reconstruction of an automotive service station with accessory uses in a R5/C2-2 zoning district, with additional pump islands, curb cuts and accessory signs; and

WHEREAS, on March 30, 1971, the Board waived the

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rules of procedure and reopened and amended the previous resolution to extend the time within which to obtain a certificate of occupancy; and

WHEREAS, the applicant now seeks an amendment to the resolution to permit the addition of a new canopy and the conversion of the existing accessory service bays to an accessory convenience store; and

WHEREAS, the applicant has resolved all Department of Buildings violations and provided evidence to the Board that they have all been dismissed; and

WHEREAS, accordingly, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution.

Therefore it is 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 a new canopy and the conversion of the existing accessory service bays to an accessory convenience store; on condition that all work shall substantially conform to drawings as filed with this application, marked "Received September 15, 2004"- (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 there shall be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic;

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

THAT all conditions from prior resolution(s) not specifically waived by the Board 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; 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 No. 301795083)

Adopted by the Board of Standards and Appeals, May 10, 2005.

490-69-BZ

APPLICANT - Sheldon Lobel, P.C., for 300 East 74th Owners Corp., owner; GGMC Parking, LLC, lessee.

SUBJECT - Application September 2, 2004 - reopening for an extension of term of a variance for attended transient parking in a multiple dwelling presently located in a C1-9 and R8-B zoning district. The original grant of the variance by the Board of Standards and Appeals was made pursuant to

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be placed in a conspicuous place within the garage;

Section 60(3) of the multiple Dwelling Law.

PREMISES AFFECTED - 1408/18 Second Avenue, 303/09 East 73rd Street, 300/04 East 74th Street, east side of Second Avenue, 50' north of East 73rd Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD#8M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD -Application granted upon condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, this application is a request for a re-opening and an extension of term of the variance; and

WHEREAS, a public hearing was held on this application on March 8, 2005, after due notice by publication in The City Record, with a continued hearing on April 12, 2005, and then to decision on May 10, 2005; and

WHEREAS, Community Board No. 8, Manhattan, recommended approval of this application; and

WHEREAS, on November 25, 1969, the Board granted an application pursuant to Section 60(1)(b) of the Multiple Dwelling Law ("MDL") under the subject calendar number to permit the use of transient parking for the unused and surplus parking spaces in a multiple dwelling accessory garage, in addition to tenant and monthly parking, on condition that the transient parking spaces shall not exceed forty in number; and

WHEREAS, the term of the variance was extended for a period of ten years on January 8, 1985 and November 15, 1994.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution pursuant to Section 60(1)(b) of the MDL, said resolution having been adopted on November 25, 1969, so that as amended this portion of the resolution shall read: "granted for a term of ten (10) years from November 15, 2004 to expire on November 15, 2014; 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, 2005"-(4) sheets; and on further condition;

THAT the number of daily transient parking spaces shall be no greater than 40;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT the layout of the parking garage shall be as approved by the Department of Buildings;

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THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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 No. 103799383)

Adopted by the Board of Standards and Appeals, May 10, 2005.

377-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, LLP, for Shinbone Alley Associates, LLC, owner.

SUBJECT - Application February 18, 2005 - reopening for an amendment to the resolution granted on June 8, 2004 to rearrange approve floor area and units.

PREMISES AFFECTED - 25 Bond Street, south side of Bond Street, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, this is an application for a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on March 29, 2005, after due notice by publication in the City Record, and then to closure and decision on May 10, 2005; and

Therefore it is 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 decrease in the amount of commercial floor area by 977 sq. ft. (by eliminating the approved retail mezzanine) and an equivalent increase in residential floor area, a decrease in the amount of dwelling units from 23 to 14, a re-allocation of the floor-to-floor heights, and a reduction in the rear yard from 35 ft. to 34 ft., 9 in.; on condition that all work shall substantially conform to drawings as filed with this application, marked 'Received February 18, 2005' - three (3) sheets; 'March 10,

WHEREAS, Community Board No. 2, Manhattan, recommends approval of the subject application, with conditions, as reflected below; and

WHEREAS, during the public hearing process, certain members of the community appeared and expressed concern about the ongoing excavation and foundation work; and

WHEREAS, the applicant represents that all excavation and foundation work has complied with applicable zoning, Building Code and other legal requirements, including those requirements imposed by the Landmarks Preservation Commission-approved Construction Protection Plan; and

WHEREAS, on June 8, 2004, under the subject calendar number, the Board granted an application under Z.R. § 72-21, to permit the proposed erection of an eight-story mixed use building (Use Groups 2 and 6) consisting of residential apartments and local retail usage, located in an M1-5B zoning district, which is contrary to Z.R. § 42-10; and

WHEREAS, the applicant now seeks an amendment to the resolution to permit a decrease in the amount of commercial floor area by 977 sq. ft. (by eliminating the approved retail mezzanine) and an equivalent increase in residential floor area, a decrease in the amount of dwelling units from 23 to 14, a re-allocation of the floor-to-floor heights, and a reduction in the rear yard from 35 ft. to 34 ft., 9 in.; and

WHEREAS, the applicant states that increase in residential floor area by 977 sq. ft. would occur through the filling in of a previously approved terrace at the rear of the eight floor and by moving the building outward three inches; and

WHEREAS, the applicant further states every proposed unit would retain a minimum of 1,200 sq. ft. of floor area; and

WHEREAS, the ground floor floor-to-floor height would change from 19 ft. to 17 ft., the seventh floor floor-to-floor height would be 13 ft., 4 inches and the eighth floor floor-to-floor height would be 10 ft., 8 inches; however, the overall height would remain at the previously approved 101 ft.; and

WHEREAS, the applicant also proposes minor interior configuration changes; and

WHEREAS, all other bulk parameters shall remain as previously approved under the June 8, 2004 grant; and

WHEREAS, accordingly, the Board has determined that the evidence in the record supports a grant of the requested amendment to the prior resolution.

2005' - two (2) sheets; and 'April 26, 2005' - five (5) sheets; and on further condition:

THAT all construction will be conducted in compliance with the LPC-approved Construction Protection Plan, as well as all applicable construction laws, rules and regulations, including TPPN 10/88, with compliance to be ensured by the Department of Buildings;

THAT a copy of the Construction Protection Plan shall be forwarded to DOB;

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect;

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; 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 Permit No. 103600499)

Adopted by the Board of Standards and Appeals, May 10, 2005.

194-04-BZ thru 199-04-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES - Always Ready Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 9029 Krier Place, aka 900 East 92nd Street, 142' west of East 92nd Street, Block 8124, Lot 75 (tentative 180),

9031 Krier Place, aka 900 East 92nd Street, 113.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 179) Borough of Brooklyn.

9033 Krier Place, aka 900 East 92nd Street, 93' west of East 92nd Street, Block 8124, Lot 75 (tentative 178) Borough of Brooklyn.

9035 Krier Place, aka 900 East 92nd Street, 72.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 177) Borough of Brooklyn.

9037 Krier Place, aka 900 East 92nd Street, 52' west of East 92nd Street, Block 8124, Lot 75 (tentative 176) Borough of Brooklyn.

9039 Krier Place, aka 900 East 92nd Street, corner of East 92nd Street, Block 8124, Lot 75 (tentative 175) Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Opposition: Mitchell Ross.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

Adopted by the Board of Standards and Appeals, May 10, 2005.

62-83-BZ

APPLICANT - Law Offices of Howard Goldman, LLC, for Shaya B. Pacific, LLC, owner.

SUBJECT - Application June 1, 2004 and updated 3/15/05 - reopening for an amendment to the resolution to allow the redesign of landscaped areas and the elimination of loading docks.

239-04-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES - 341 Scholes Street, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 225 Starr Street, northerly side of Starr Street, 304' east of Irving Avenue, Block 3188, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Opposition: Mitchell Ross.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

Adopted by the Board of Standards and Appeals, May 10, 2005.

100-71-BZ

APPLICANT - The Agusta Group, for Maurice Cohen/1065 Eagle, LLC, owner.

SUBJECT - Application July 21, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance to permit the use of an open area for the sale of used cars (U.G. 16) and accessory parking on a lot containing an existing automobile repair shop, located in an R5 zoning district.

PREMISES AFFECTED - 61-03 Northern Boulevard, northeast corner of Northern Boulevard, and 61st Street, Block 1162, lot 53, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to May 24, 2005, at 10 A.M., for decision, hearing closed.

PREMISES AFFECTED - 696 Pacific Street, between Carlton and 6th Avenues, Block 1128, Lot 1002, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Paul Sheridan, Regina Cahill, Peter Krashes,

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Bayo Calendar, John Herrera, Jimmy Greenfield, Rachel Uguhart, Margaret M. Elwert, Schellie Hagan and Patti Hagan.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 10 A.M., for continued hearing.

110-95-BZ

APPLICANT - John W. Russell, Esq., for 1845 Realty, Inc., owner; 1845 Cornaga Avenue, lessee.

SUBJECT - Application March 15, 2004 - Extension of Term of a variance, which permitted, within a C2/R5 zoning district, the operation of a auto repair facility (UG16), with accessory uses, including parking and minor repairs using handtools.

PREMISES AFFECTED - 1845 Cornaga Avenue, southwest corner of Cornaga Avenue and B19th Street, Block 15563, Lot 1, Borough of Queens.

COMMUNITY BOARD #14

APPEARANCES -

For Applicant: John W. Russell.

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for continued hearing.

189-96-BZ

APPLICANT - John C Chen, for Ping Yee, owner; Edith D'Angelo-Cnandonga, lessee.

SUBJECT - Application September 8, 2004 - Extension of Term-Waiver- for an eating and drinking establishment with dancing. Located in an C2-3 overlay within an R6 zoning district.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, (85-10 Roosevelt Avenue), south side of Roosevelt Avenue, 58' east side of Forley Street, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: John Chen.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0
...0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for decision, hearing closed.

126-99-BZ

SUBJECT - Application April 13, 2004 - reopening for an amendment to a previously granted variance under ZR §72-21 to allow minor modification of the approved plans.

PREMISES AFFECTED - 3032-3042 West 22nd Street, West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (aka 19, 20, 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPLICANT - Sheldon Lobel, P.C., for Fortune Hospitality Group LLC, owner.

SUBJECT - Application February 23, 2005 - Extension of Time to Complete Construction of a hotel which was granted on March 28, 2000 under section 72-21 of the zoning resolution for the subject site to be used as a transient hotel located in C1-2 zoning district.

PREMISES AFFECTED - 220-16 Jamaica Avenue, south side of Jamaica Avenue between 220th Street and 221st Street, Block 10789, Lot 268, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sheldon Lobel.

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0
....0

ACTION OF THE BOARD - Laid over to May 24, 2005, at 10 A.M., for decision, hearing closed.

215-00-BZ

APPLICANT - McDermott Will & Emery LLP, for Parker Jewish Institute for Health Care and Rehabilitation, owner.

SUBJECT - Application January 13, 2005 - Extension of Time to Complete Construction of the Parker Jewish Institute for Health Care and Rehabilitation, authorized by a variance issued by the Board of Standards and Appeals on January 16, 2001, located R3-2 Zoning District.

PREMISES AFFECTED - 271-11 76th Avenue, Block 8489 and the Nassau County line, Block 8520, Lot 175, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0
.....0

ACTION OF THE BOARD - Laid over to May 24, 2005, at 10 A.M., for decision, hearing closed.

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for continued hearing.

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182-02-BZ

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

SUBJECT - Application December 20, 2004 - reopening to request an amendment to redesign a gasoline service station previously approved in 2003. Relocation and reduction of floor area of the convenience store, relocate the fuel dispenser islands and canopy, increase the curb cuts from three to five and to modify the landscaping. The premise is located in R3-2/C1-2 and R3-2 zoning district.

PREMISES AFFECTED - 1705 Richmond Avenue, aka 2990 Victory Boulevard, southeast corner of the intersection of Richmond Avenue and Victory Boulevard, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Janice Cahalane and Larry Kuo.

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for continued hearing.

APPEALS CALENDAR

241-04-A

APPLICANT - Rampulla Associates Architects, for Erin Esposito, owner.

SUBJECT - Application June 28, 2004 -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 -6515 Amboy Road, 650' south of Bedell Avenue, Block 7664, Lot 452 (Tentative Lot 463), Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Application granted on condition..

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated June 9, 2005, acting on Department of Buildings Application No. 500682273, reads:

"1. Street giving access to the proposed building is not

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 10, 2005.

placed on the official map of the City of New York; therefore,

a. No Certificate of Occupancy can be issued as per Art. 3, Section 36 of the General City Law; and

b. A 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 of the Administrative Code of the City of New York."; and

WHEREAS, a public hearing was held on this application on March 15, 2005, after due notice by publication in the City Record, with a continued hearing on April 12, 2005, and then to closure and decision on May 10, 2005; and

WHEREAS, by letter dated January 27, 2005, the Fire Department has no objection to the above referenced project provided that the building is fully sprinklered, due to its location behind an existing building; in addition, a 30 ft. by 30 ft. frontage space accessible from a road that is at least twenty foot wide is required; and

WHEREAS, by letter dated March 28, 2005, the applicant has agreed to install sprinklers in the proposed single family detached house; also, a 17 ft. wide access drive is proposed in lieu of the requested 20 ft. wide road; and

WHEREAS, the Board finds the 17 ft. wide access drive acceptable; and

WHEREAS, additionally, by letter dated April 11, 2005, the Fire Department states that it has reviewed the applicant's proposal for a 17 ft. wide access drive and has no objection; and

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

Therefore it is Resolved that the decision of the Staten Island Borough Commissioner, dated June 9, 2005, acting on Department of Buildings Application No. 500682273, 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 April 26, 2005" - (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

349-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Anamika Kaur Sahni, owner.

SUBJECT - Application October 28, 2004 - Application to extend time to complete construction for a minor development pursuant to Z.R. §11-331.

PREMISES AFFECTED - 1420 Balcom Avenue, east side, 225' north of Latting Street, Block 5370, Lot 10, Borough of

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The Bronx.

COMMUNITY BOARD#10BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD -Application granted.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,
Commissioner Miele and Commissioner
Chin.....4

Negative:.....
...0

THE RESOLUTION-

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; and

WHEREAS, a public hearing was held on this application on March 6, 2005, after due notice by publication in The City Record, with a continued hearing on April 19, 2005, and then to decision on May 10, 2005; and

WHEREAS, the site was inspected by a committee of the Board, including Chair Srinivasan and Vice-Chair Babbar; and

WHEREAS, the subject premises is located on the east side of Balcom Avenue, north of Latting Street; and

WHEREAS, the subject premises was formerly located within an R4 zoning district; and

WHEREAS, however, on September 28, 2004, the effective date of the rezoning (hereinafter, the "Rezoning Date"), the City Council voted to rezone the area which the subject premises is within to R4-1; and

WHEREAS, the subject premises is proposed to be developed with a cellar and three-story, three-family dwelling with 3,037 sq. ft. of floor area, which would comply with the zoning regulations applicable to an R4 zoning district, but not those of an R4-1 zoning district; and

WHEREAS, Z.R. §11-331 reads: "If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued as set forth in Section 11-31 paragraph (a), to a person with a possessory interest in a zoning lot, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that: (a) in the case of a minor development, all work on foundations had been completed prior to such effective date; or (b) in the case of a major development, the

WHEREAS, the applicant represents that excavation of the site took place on September 18, 2004, well prior to the Rezoning Date; and

WHEREAS, the applicant represents that, as of the Rezoning Date, substantial progress had been made on foundations; and

WHEREAS, in support of this representation the applicant has submitted, among other items, photographs taken prior to September 28, 2004, an affidavit from the general contractor, and a table

foundations for at least one building of the development had been completed prior to such effective date. In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations."; and

WHEREAS, Z.R. § 11-31(a) reads: "For the purposes of Section 11-33, relating to Building Permits Issued Before Effective Date of Amendment to this Resolution, the following terms and general provisions shall apply: (a) A lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution. In case of dispute as to whether an application includes "complete plans and specifications" as required in this Section, the Commissioner of Buildings shall determine whether such requirement has been met."; and

WHEREAS, because the proposed development contemplates a single building on one zoning lot, it meets the definition of Minor Development; and

WHEREAS, the Board notes that this application was made on October 28, 2004, which is within 30 days of the Rezoning Date, as required by Z.R. § 11-331; and

WHEREAS, the applicant represents that all of the relevant Department of Buildings permits were lawfully issued to the owner of the subject premises; and

WHEREAS, the record indicates that on September 16, 2004, a new building permit (Permit No. 200819383-01-NB; hereinafter, the "NB Permit") for the proposed development was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the Board has reviewed the record and agrees that the afore-mentioned permit was lawfully issued to the owner of the subject premises; and

showing the percentage of work to complete the foundations remaining and the amounts of money already spent or committed on the project; and

WHEREAS, the applicant further represents that footings were poured on September 18, 2004; and

WHEREAS, in support of the contention that footings were poured on September 18, 2004, the applicant has submitted a receipt from a concrete batching company reflecting delivery of 14 yards of

MINUTES

concrete, dated September 18, 2004; and

WHEREAS, the Board has reviewed the photos and the affidavit, and agree that they support the conclusion that excavation and the pouring of the footings were complete as of September 18, 2004; and

WHEREAS, the applicant states that in addition to completing the excavation and footings prior to the Rezoning Date, the applicant also purchased and installed the rebar for the foundation prior to the Rezoning Date; and

WHEREAS, in support of the claim that rebar was purchased and installed prior to the Rezoning Date, the applicant has submitted a receipt from a building supply company noting the purchase of rebar on September 20, 2004; and

WHEREAS, the applicant further states that due to illness of the owner, work stopped on the project approximately one week prior to the Rezoning Date; and

WHEREAS, the Board notes that the applicant has shown that, as of the Rezoning Date, all of the footings were in place and the rebar was installed, and the only remaining work is erection of the forms and pouring of the concrete for the foundation walls; and

WHEREAS, a letter from the applicant's architect states that 12 yards of concrete have been poured and 45 yards remain to be poured; and

WHEREAS, the applicant has submitted a schedule of foundation work completed from the general contractor, which states that \$7,760 of the \$15,360 (or 51 percent) of the foundation costs, including the costs for the supplies and labor associated with installing the footings and the walls, but excluding tree removal costs, excavation costs, and other soft costs associated with development on the site, had been incurred as of the Rezoning Date; and

WHEREAS, the Board finds all of above-mentioned submitted evidence sufficient and credible; and

WHEREAS, based upon the above, the Board finds that excavation was complete and that substantial progress had been made on foundations, and additionally, that the applicant has adequately satisfied all the requirements of Z.R. § 11-331.

Therefore it is resolved that this application to renew New Building permit No. 200819383-01-NB pursuant to Z.R. § 11-331 is granted, and the Board hereby extends the time to complete the required foundations for one term of sixth months from the date of this resolution, to expire on November 10, 2005.

301-04-BZY

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Medhat M. Hanna, owner.

SUBJECT - Application September 10, 2004 - Application to complete construction for a minor development as per Z.R. §11-331.

PREMISES AFFECTED - 102 Greaves Avenue, corner of Dewey Avenue, Block 4568, Lot 40, Borough of Staten Island.

Adopted by the Board of Standards and Appeals, May 10, 2005.

346-04-BZY

APPLICANT - Sheldon Lobel, P.C., for GRA V LLC, owner.

SUBJECT - Application October 27, 2004 - Application to extend time to complete construction for a minor development pursuant to Z.R. §11-331.

PREMISES AFFECTED - 3329-3333 Giles Place (a/k/a 3333 Giles Place), west side of Giles Place between Canon Place and Fort Independence Street, Block 3258, Lot 5 and 7, Borough of The Bronx.

APPEARANCES -

For Applicant: Jordan Most and Sheldon Lobel.

For Opposition: Lynn Schwarz and Janine Gaylord, Department of Buildings.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 10 A.M., for continued hearing.

17-05-A

APPLICANT - Sheldon Lobel, P.C., for GRA V LLC, owner.

SUBJECT - Application January 27, 2005 - An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue a development commenced under R6 Zoning.

PREMISES AFFECTED - 3329/3333 Giles Place, (a/k/a 3333 Giles Place), west side, between Canon Place and Fort Independence Street, Block 8258, Lots 5 and 7, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4
Negative:.....0

ACTION OF THE BOARD - Laid over to July 12, 2005, at 10 A.M., for continued hearing.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0
....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for decision, hearing closed.

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397-04-A

APPLICANT - Petraro & Jones, LLP, for Jennifer Walker, owner.

SUBJECT - Application December 23, 2004 - An appeal to request the Board to determine that the apartment house at subject premises, is not a "single room occupancy multiple dwelling" and (2) nullify the Department of Buildings' plan review "objection" that resulted in this appeal application.

PREMISES AFFECTED - 151 West 76th Street, north side, 471' from the intersection of Columbus Avenue, Block 1148, Lot 112, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Patrick Jones, Esq., Jerome X. O'Donovan, Jennifer Walker and Joseph P. Trivisonno, R.A..

For Opposition: Janine A. Gaylard.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for decision, hearing closed.

211-04-A

APPLICANT - Sheldon Lobel, P.C., for Grace Presbyterian Church, owner.

SUBJECT - Application May 21, 2004 - Proposed expansion and renovation of an existing church building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 216-50/56 28th Avenue, southwest corner of Cross Island Parkway, Block 6019, Lot 108, Borough of Queens.

COMMUNITY BOARD #11

APPEARANCES -

For Applicant: Sheldon Lobel, Kenny Lee, Myung Shin Kim, Dong Chun Seo, Byung Chen Sohn, Soo Gyumg Kim, Yak Sui Huang, Ung Chan Kim, Jong Yun Kim, Chung Kuk Kim, Moo Young Soh, David Kim, Soon-Ok Yoo, Young C. Mok and Joo Won Chin.

For Opposition: Robert Horowitz, Donald McLaughlin F

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

Kisaks, Bryan Rivera, Councilmember James Colasante - Avella.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 1:45 P.M.

REGULAR MEETING

TUESDAY AFTERNOON, MAY 10, 2005

2:00 P.M.

Present: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.

ZONING CALENDAR

63-04-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Showky Kaldawy, owner.

SUBJECT - Application February 27, 2004 - under Z.R. §72-21 to permit the proposed accessory parking, for an adjacent car rental facility, (Use Group 8), located in an R5 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 108-24 Astoria Boulevard, southwest corner of 110th Street, Block 1703, Lots 94, 97, 98 and 99, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 28, 2004, acting on Department of Buildings Application No. 401815167, reads:

"As per Section 22-10 of the Zoning Resolution in an R-6 zoning district accessory parking for a Use Group 8 is

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not permitted."; and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due publication in The City Record, with a continued hearing on April 5, 2005, and then to decision on May 10, 2005; and

WHEREAS, both the Queens Borough President and Community Board No. 3, Queens, recommend approval of this application with certain conditions; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chair Srinivasan and Vice-Chair Babbar; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the use of a vacant lot as an accessory parking lot to an adjacent car rental facility, contrary to Z.R. § 22-10; and

WHEREAS, the subject site is located on the southwest corner of Astoria Boulevard and 110th Street; and

WHEREAS, the site is one zoning lot comprising four separate tax lots and occupies a total of 17,866 sq. ft.; and

WHEREAS, the proposed parking lot would be used by employees of the adjacent car rental facility to park its rental automobiles; and

WHEREAS, there will be a maximum of 33 parking spaces on the subject site; and

WHEREAS, the applicant represents that the site has historically been used to provide accessory parking for the adjoining lots, which the applicant has shown have Certificates of Occupancy ("CO") for commercial or manufacturing uses; and

WHEREAS, specifically, the applicant has submitted the following information regarding the adjoining lots: Lot 93 has an existing CO for a warehouse use (Use Group 16); Lot 87 was developed with an auto repair establishment; and Lot 86 has a CO for the storage of motor vehicles; and

WHEREAS, the Board observes that the subject site does not have a CO, and is currently used for storage; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in conformance with underlying district regulations: (1) the site is located on a major commercial artery; (2) the site is adjacent to manufacturing uses and has historically been used in conjunction with those uses; (3) the shape of the site is long and narrow; and (4) the City Planning Commission has placed an "E" designation on the site and therefore the site would require remediation before any development could be built; and

WHEREAS, in addition to the feasibility studies described above, the applicant has submitted a letter from a local broker detailing the low rental prices in the East Elmhurst vicinity; and

WHEREAS, based on the submitted evidence, the Board has determined that because of the subject site's unique physical conditions, there is no reasonable possibility that development in strict conformance with the use provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant represents that the site and the adjacent property have been developed with heavy commercial and manufacturing district uses for over 50 years;

WHEREAS, the applicant submitted an initial feasibility study that contemplated three conforming scenarios: three single-family homes; a two-story apartment house; and a two-story community facility development; and

WHEREAS, the applicant concluded that none of the conforming developments would realize a reasonable return;

WHEREAS, the Board notes that the configuration of the site, in conjunction with the zoning requirements for parking and open space, results in underbuilt buildings that do not utilize the full potential of the site; and

WHEREAS, in response to the Board's request, the applicant prepared a second feasibility study that proposed development of a residential apartment building under R6 Quality Housing; and

WHEREAS, to accommodate parking requirements under R6 Quality Housing, it was necessary for the applicant to place the apartment building on Astoria Boulevard based on the shape of the site; and

WHEREAS, the Board notes that placement of the building on Astoria Boulevard would create undesirable residential units as they would abut adjacent non-conforming, manufacturing uses; and

WHEREAS, the applicant concluded that the R6 Quality Housing scenario would not realize a reasonable return due to the site's constraints; and

WHEREAS, the applicant has submitted a statement from an environmental data company that states that based on historical information reviewed, there are eleven 550-gallon gasoline tanks and one 3000-gallon gasoline tank on the site, and cost for remediation of the site, based on certain assumptions, would be equal to \$150,000; and

WHEREAS, the Board does not find that the "E" designation or potential for contamination on the site contribute to the uniqueness of the site; and

WHEREAS, however, the Board finds that there are unique physical conditions inherent to the site, namely the location of the site on a major commercial artery, the proximity of the site to manufacturing uses, and the irregular, long, narrow shape of the site, which create practical difficulties and unnecessary hardship in conforming strictly with the applicable use provisions of the Zoning Resolution; and

WHEREAS, accordingly, the Board finds that the applicant has submitted substantial evidence in support of the finding set forth at Z.R. § 72-21(a); and

and

WHEREAS, the applicant further represents that Astoria Boulevard has become one of the major arteries in Queens and serves as an approach to several parkways and LaGuardia Airport; and

WHEREAS, the Board requested that the applicant provide landscaping and a decorative metal fence to improve the aesthetic appearance of the parking lot and fit in with the surrounding area; and the Board further asked the applicant to limit the hours of operation of the lot; and

WHEREAS, the Board observed on its site visit that an accessory parking lot use at the subject site, if properly

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operated with the conditions set forth above, will not impair the character of the neighborhood; and

WHEREAS, thus, 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 believes that this action is a reasonable interim measure given the current neighborhood character, and that with an improved market the site could be turned back to residential use; and

WHEREAS, accordingly, the Board is limiting this variance to a term of ten years; 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 of the Zoning Resolution; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA-136Q dated April 21, 2004 and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on 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, May 10, 2005.

230-04-BZ

APPLICANT - Sheldon Lobel, P.C., for La Perst, LLC, owner.

SUBJECT - Application June 16, 2004 - under Z.R. §72-21 to permit the legalization of the residential conversion of a building located in an M1-2 zoning district.

PREMISES AFFECTED - 260 Moore Street, between White

environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. 72-21, to permit in an R6 zoning district, the proposed accessory parking for an adjacent rental car facility (Use Group 8), contrary to Z.R. 22-10 on condition that all work shall substantially conform to the drawing as it applies to the objections above noted, filed with this application marked "Received May 6, 2005"- one (1) sheet and on further condition:

THAT the term of this variance shall be for ten years from the date of this grant, to expire on May 10, 2015, at which time the applicant must return to the Board with a revised financial analysis discussing the feasibility of a conforming development at the site;

THAT there shall be a maximum of 33 parking spaces on the site;

THAT the hours of operation shall be 7:30AM to 6PM Monday through Friday, 9AM to 12PM on Saturday, with no operation on Sunday;

THAT no cars owned or used by the rental car agency shall be parked on 110th Street, Astoria Boulevard or any of the local streets;

THAT the above conditions be placed on the certificate of occupancy;

THAT landscaping shall be provided as indicated on the BSA-approved plans;

THAT a decorative metal fence shall be constructed along the frontage on Astoria Boulevard and 110th Street, as indicated on the 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;

Street and Bogart Street), Block 3110, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

Adopted by the Board of Standards and Appeals, May 10, 2005.

286-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Pei-Yu Zhong, owner.

SUBJECT - Application August 18, 2004 - under Z.R. §72-21 to permit the proposed one family dwelling, without the required lot width and lot area is contrary to Z.R. §23-32.

PREMISES AFFECTED - 85-78 Santiago Street, west side, 111.74' south of McLaughlin Avenue, Block 10503, Part of

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Lot 13(tent.#13), Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Off Calendar.

287-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP for Pei-Yu Zhong, owner.

SUBJECT - Application August 18, 2004 - under Z.R. §72-21 to permit the proposed one family dwelling, without the required lot width and lot area is contrary to Z.R. §23-32.

PREMISES AFFECTED - 85-82 Santiago Street, west side, 177' south of McLaughlin Avenue, Block 10503, Part of Lot 13(tent.#15), Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Off Calendar.

298-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yeshiva Emek Hatalmud, owner.

SUBJECT - Application September 7, 2004 - under Z.R. §72-21 to permit the proposed conversion of a two family residential house to a Yeshiva (Religious School), located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage, street wall, sky exposure, side and rear yards, is contrary to Z.R. §24-11, §24-521, §24-35(a) and §24-36.

PREMISES AFFECTED - 1746 East 21st Street, west side, 440' north of Quentin Road, Block 6783, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

WHEREAS, the subject site is currently improved upon with a three-story, two-family residential building with a total floor area of 2,884 sq. ft; and

WHEREAS, the applicant proposes to construct an approximately 4540 sq. ft. addition to the existing building, in order to accommodate occupancy of the building by the School; and

WHEREAS, construction of the addition as currently proposed will result in the following non-compliances: an F.A.R. of 1.86 (1.0 is the maximum permitted); floor area of 7424.85 sq. ft. (4000 sq. ft. is the maximum permitted); lot coverage of 56.63% (55% is the maximum permitted); side yards of 4 ft., 3 inches and 4 ft., 9 & ½ inches at the front, and 0 and 4 ft. at the rear extension (two 8 ft. side yards are required); a street wall height of 40 ft., 0.5 inches (25 ft. is the maximum permitted); and a rear yard of 17 ft. at the second floor (30 ft. is the minimum required, though the first floor is

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 10, 2005, acting on Department of Buildings Application No. 301828529, reads:

"Proposed religious school (Yeshiva) is contrary to: ZR 24-11 - Floor Area and Floor Area Ratio; ZR 24-11 - lot coverage; ZR 24-521 - street wall & sky exposure; ZR 24-35(a) - side yard; ZR 24-36 - rear yard, and requires a variance from the Board of Standards as per Section 72-21"; and

WHEREAS, a public hearing was held on this application on February 8, 2005 after due notice by publication in The City Record, with a continued hearing on March 12, 2005, and then to decision on May 10, 2005; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Vice-Chair Babbar; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an R3-2 zoning district, the proposed enlargement of an existing three-story residential building for occupancy by a religious school, which does not comply with the zoning requirements for Floor Area Ratio ("F.A.R.") and floor area, lot coverage, street wall and sky exposure, side yard, and rear yard, contrary to Z.R. §§ 24-11, 24-521, 24-35(a) and 24-36; and

WHEREAS, this application is brought on behalf of Yeshiva Emek Hatalmud, a not-for-profit entity (hereinafter, the "School"); and

exempt); and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the existing building, which is on a narrow site, has insufficient space for necessary programs as it was not designed to accommodate the enrollment of the School; and

WHEREAS, the applicant states that the following are the programmatic needs of the School: (1) a location for the School in close proximity to the associated synagogue; and (2) accommodation of the educational and residential components of the School within one building, so as to provide proper supervision for the live-in students; and (3) creation of a large enough religious study room for the School's current enrollment; and

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WHEREAS, the Board notes that the narrow site constrains the accommodation of the religious study spaces required for the programmatic needs of the School, and leads to the necessity for the rear and side yard, height, and lot coverage waivers; and

WHEREAS, thus, the Board agrees that, based upon the submitted evidence, the enlargement is necessary in order to meet the programmatic needs of the School; and

WHEREAS, therefore, the Board finds that the cited unique physical condition, when considered in conjunction with the programmatic needs of the School, creates practical difficulties and unnecessary hardship in developing the site in strict compliance with the applicable 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 enlargement will be in furtherance of its not-for-profit mission; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood, nor impact adjacent uses; and

WHEREAS, in response to the concerns of the Board, the applicant has implemented a side yard along the southern border of the lot that provides a separation between the building and the adjacent three-story residence, and the front façade has been modified to show a peaked roof that is more in character with the neighborhood; and

WHEREAS, in addition, the rear portion of the enlarged building will have an open railing in lieu of a parapet in order to lessen the visual impact of the enlargement; and

WHEREAS, also in response to Board concerns, the applicant reduced the overall height slightly, and modified the roof design, to make the proposed building more compatible with the scale and character of the area; and

WHEREAS, the Board observes that the lot to the

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in

north of the subject site is occupied by a large community facility building within an R6 zoning district, set back from the rear lot line such that the impact of the proposed extension will be negligible; and

WHEREAS, this adjacent R6 district also has no side yard requirements; and

WHEREAS, the Board also observes that the side of the subject block on which the site is located is occupied by larger buildings, including two six-story apartment buildings to the north, and a four-story apartment building to the west; and

WHEREAS, additionally, the Board notes that the home could be enlarged in the rear yard up to 20 feet, and the non-complying side yards could be extended on the southern border, via a special permit pursuant to Z.R. § 73-622; and

WHEREAS, the applicant states that parking impacts will be minimal, as the residents of the School will walk between the synagogue and the School, and generally do not have cars; 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, accordingly, the Board finds that this proposal is the minimum necessary to afford the School relief; and

WHEREAS, thus, 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 Unlisted action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-038K dated September 7, 2004; and

accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes the required findings under Z.R. § 72-21, to permit, within an R3-2 zoning district, the proposed enlargement of an existing three-story residential building for occupancy by a religious school, which does not comply with the zoning requirements for Floor Area Ratio and floor area, lot coverage, street wall and sky exposure, side yard, and rear yard, contrary to Z.R. §§ 24-11, 24-521, 24-35(a) and 24-36; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 14, 2005" - (11) sheets; and on further condition:

THAT the bulk parameters of the proposed building shall be as follows: (1) a maximum F.A.R. of 1.86 (7,424.85 sq. ft. of zoning floor area); (2) a lot coverage

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of 56.63% (above 23 ft.); (3) a 40 ft., 0.5 inch streetwall; (4) side yards of 4 ft. 3 inches and 4 ft. 9 & ½ inches at the front, and 0 and 4 ft at the rear extension; and (5) a rear yard of 17 ft. beginning at the second floor, all as reflected on the BSA-approved plans;

THAT all fire protection measures as noted on the BSA-approved plans shall be installed and maintained;

THAT this approval is limited to the relief granted by the Board, in response to specifically cited and filed 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 10, 2005.

322-04-BZ

APPLICANT - Eric S. Palatnik, P.C., for Beis Avroham, owner.

SUBJECT - Application September 28, 2004 - Z.R. §72-21, to permit the proposed extension of an existing synagogue and Rabbi's apartment (Rectory), within an R2 Zoning District and to vary Sections 24-111(a), 23-141(a), 24-35, 24-34, and 25-31 of the Resolution.

PREMISES AFFECTED - 1124 East 21st Street a/k/a Kenmore Place a/k/a 2015-2025 Avenue J, Northwest corner of the intersection of Avenue J and East 21st Street, Block 7584, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

WHEREAS, construction of the addition as currently proposed will result in the following non-compliances: an F.A.R. of 1.13 (0.5 is the maximum permitted); side yards of 5 ft. and 0 (two 12 ft. side yards are required); front yards of 10 ft. and 15 ft. (two 15 ft. front yards are required); and no parking spaces; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the existing building has insufficient space for necessary programs as it was not designed to accommodate the increased enrollment of the Synagogue, while still providing separate entrances for men and women; and

WHEREAS, the applicant states that the following are the programmatic needs of the Synagogue, which has been driven by an increase in congregation size over the past eight

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....
....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 10, 2005, acting on Department of Buildings Application No. 301828529, reads:

"Proposed extension to existing synagogue and rabbi's apartment (rectory) is contrary to: ZR Sec 24-111(a), 23-141(a) - Floor Area Ratio; ZR Sec 24-35 - side yard; ZR Sec 24-34 - front yard; ZR Sec 25-31 - parking, and requires a variance from the Board of Standards"; and

WHEREAS, a public hearing was held on this application on April 12, 2005 after due notice by publication in The City Record, and then to decision on May 10, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Vice-Chair Babbar; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an R2 zoning district, the proposed extension of an existing synagogue and rabbi's apartment within an existing two-story building, which does not comply with the zoning requirements for Floor Area Ratio ("F.A.R."), side yards, front yards, and parking, contrary to Z.R. §§ 24-111(a), 23-141(a), 24-35, 24-34 and 25-31; and

WHEREAS, this application is brought on behalf of Congregation Beis Avroham, a not-for-profit entity (hereinafter, the "Synagogue"); and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is currently improved upon with a two-story building with a total floor area of 4200 sq. ft., occupied by the Synagogue since 1995, with a rabbi's apartment on the second floor; and

WHEREAS, the applicant proposes to construct an approximately 1449 sq. ft. one-and-two-story addition to the existing building in the rear, in order to accommodate the growing size of the congregation; and

years to its present size of over 100 families: (1) more worship space than is currently provided, to reduce overcrowded and unsafe conditions; and (2) the provision of separate entrances for men and women; and

WHEREAS, the Board agrees that, based upon the submitted evidence, the enlargement is necessary in order to meet the programmatic needs of the Synagogue; and

WHEREAS, the Board also notes that the lot is small, such that an as-of-right enlargement would not accommodate the needs of the Synagogue; and

WHEREAS, therefore, the Board finds that the cited unique physical condition, when considered in conjunction with the programmatic needs of the Synagogue, creates practical difficulties and unnecessary hardship in developing the site in strict compliance with the applicable zoning regulations; and

WHEREAS, the Board finds that the applicant need not

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address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the enlargement will be in furtherance of its not-for-profit mission; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood, nor impact adjacent uses; and

WHEREAS, the applicant represents that the proposed bulk addition is modest and the same height as the existing building, and was designed to only address the programmatic needs of the Synagogue; and

WHEREAS, the proposal contemplates a rear setback on the second floor, minimizing the impact of the enlargement on the adjacent residential uses; and

WHEREAS, the applicant represents that traffic impacts will be minimal, as the overwhelming majority of congregants walk to the Synagogue for services; and

WHEREAS, the Board observes that the lot to the rear of the subject site is occupied by a larger, four-story apartment building, set well back from the rear lot line such that the impact of the proposed extension will be negligible; and

WHEREAS, the Board also notes that the increase in F.A.R. could be obtained through a special permit pursuant to Z.R. § 73-622; 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 School relief; and

WHEREAS, thus, 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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant

THAT the bulk parameters of the proposed building shall be as follows: (1) an F.A.R. of 1.13 (5,649 sq. ft. of zoning floor area); (2) side yards of 5 ft. and 0; and (3) front yards of 10 ft. and 15 ft., all as reflected on the 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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the 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 10, 2005.

information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-045K dated August 18, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes the required findings under Z.R. § 72-21, to permit, within an R2 zoning district, the proposed extension of an existing synagogue and rabbi's apartment within an existing two-story building, which does not comply with the zoning requirements for Floor Area Ratio, side yards, front yards, and parking, contrary to Z.R. §§ 24-111(a), 23-141(a), 24-35, 24-34 and 25-31; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 14, 2005"- (4) sheets; "Received September 28, 2004" - (5) sheets; and "Received March 7, 2005" - (1) sheet and on further condition:

339-04-BZ

APPLICANT - Eric Palatnik, P.C., for Kramer & Wurtz, Inc, owner; Apache Oil Co., lessee.

SUBJECT - Application October 13, 2004 - under Z.R. §§11-411 & 11-412 to reinstate the previous BSA variance, under calendar number 205-29-BZ, for automotive service station located in an R3-1 zoning district. The application seeks an amendment to permit the installation of a new steel framed canopy over the existing fuel dispenser islands.

PREMISES AFFECTED - 157-30 Willets Point Boulevard, south side of the intersection formed by Willets Point Boulevard and Clintonville Street, Block 4860, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

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Commissioner Miele and Commissioner Chin.....4
Negative:.....
...0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 16, 2004, acting on Department of Buildings Application No. 401976723, reads, in pertinent part:

"Install new 24'-0" X 50'-0" steel framed canopy over existing dispenser islands. Proposed automotive service station is contrary to BSA Cal. No. 205-29-BZ, therefore must be referred to the NYC BSA for a special permit pursuant to section 11-411/12 for the purpose of BSA extension of 10 years as per the zoning regulations."; and

WHEREAS, a public hearing was held on this application on March 8, 2005, after due notice by publication in The City Record, with a continued hearing on April 12, 2005, and then to decision on May 10, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Vice-chair Babbar; and

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, a reinstatement of a previously granted use, a minor amendment, and an extension of term pursuant to Z.R. §§ 11-412 and 11-413; and

WHEREAS, Community Board No. 7, Queens, recommends approval of the subject application; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since 1929, when, under BSA

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required

Calendar No. 205-29-BZ, it granted an application to permit the use of the site as an automotive service station with various accessory uses; various other Board actions since this date have allowed for extensions of term and amendments to the resolution; and

WHEREAS, the last extension of term expired on June 4, 2002; and

WHEREAS, the applicant represents that the premises is improved upon with an existing automotive services station (Use Group 16), which has occupied the site for more than 75 years, and that this use has been continuous since the expiration noted above; and

WHEREAS, the applicant now proposes to reinstate the prior grant, obtain a new ten year term, and to construct a new canopy over the existing motor fuel dispense islands; and

WHEREAS, because the site is adjacent to residential uses, the Board will impose certain conditions as to hours and signage, reflected below, in order to mitigate any potential impacts; and

WHEREAS, pursuant to Z.R. §11-411, the Board may extend the term of an expired variance; and

WHEREAS, pursuant to Z.R. § 11-412, the Board may, in appropriate cases, allow modifications to a building at a premises subject to a pre-1961 variance; 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 11-412; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-052Q dated October 13, 2004; and findings under Z.R. §§ 11-411 and 11-412, on a site previously before the Board, to permit the reinstatement of the prior variance, an extension of term, and the installation of a canopy; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 25, 2005"- five (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 existing woven wire fence shall be modified to include opaque privacy slats, and such be installed and maintained as reflected on the BSA-approved plans;

THAT there shall be no illuminated signage on the site;

THAT the hours of operation shall be limited to: 7AM to 6PM Monday through Friday and 7AM to 2 PM Saturday;

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

THAT all conditions from prior resolutions not

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specifically waived by the Board remain in effect;

THAT all signage shall comply with applicable C1 zoning district regulations, as reviewed and approved by DOB;

THAT 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 10, 2005.

340-04-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Anthony R. and Valerie J. Racanelli, owners; Walgreens, lessee.

SUBJECT - Application October 15, 2004 - under Z.R. §72-21 to request a bulk variance to allow the construction of a new drug store without the required parking in a C4-1 district, contrary to Z.R. §§33-23(B) and 36-21.

PREMISES AFFECTED - 1579 Forest Avenue, northeast side of Forest Avenue and Decker Avenue, Block 1053, Lot 149, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....
...0

THE VOTE TO CLOSE -

WHEREAS, the Board notes that the subject application originally requested a waiver of rear yard requirements, but that upon redesign of the proposed plans, the request for such waiver has been withdrawn; and

WHEREAS, the subject property is an irregularly shaped 23,564.7 sq. ft. lot located on the northeastern corner of Forest and Decker Avenues, and is situated within a C4-1 zoning district, where the proposed drugstore is permitted as to use and bulk; and

WHEREAS, the record indicates that the zoning lot is presently developed with an abandoned automotive service station, which was previously the subject of a special permit application granted under BSA Cal. No. 777-67-BZ; and

WHEREAS, the applicant proposes the construction of a two-story drugstore, with a total of 7,050 sq. ft. of floor area, with retail space on the first floor and storage

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....
....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....
....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated March 11, 2005, acting on Department of Buildings Application No. 500735136, reads:

"Proposed number of off street parking spaces is less than the minimum prescribed under section 36-21 of the NYC Zoning Resolution. Refer to the Board of Standards and Appeals for review."; and

WHEREAS, a public hearing was held on this application on March 1, 2005, after due notice by publication in the City Record, with a continued hearing on April 5, 2005, and then to May 10, 2005 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chair Srinivasan, Vice-Chair Babbar, and Commissioners Miele and Chin; and

WHEREAS, Community Board No. 1, Staten Island, recommends approval of this application; and

WHEREAS, the Staten Island Borough President and Council Member McMahon opposed the application, in that they were concerned about the location of the building footprint; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, on a site previously before the Board, in a C4-1 zoning district, the erection and maintenance of a permitted drugstore (Use Group 6), which does not provide the required parking, contrary to § 36-21; and

and an employee area on the second floor; and

WHEREAS, 39 parking spaces are proposed (74 are required); and

WHEREAS, the applicant represents that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in constructing the proposed building in compliance with underlying district regulations: there are subsurface soil conditions, including poor soil and high ground water levels, present at the site; and

WHEREAS, the applicant states that these subsurface and water conditions make the construction of a cellar level cost prohibitive, thus necessitating the need to relocate the employee/storage area to the second floor of the proposed building where it counts as floor area and adds to the parking requirement; and

WHEREAS, in support of this statement, the applicant has submitted boring tests that reflect the poor

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soil conditions and water table; and

WHEREAS, the applicant states that an additional above-grade level in the drugstore building is necessary in order to provide the required storage and employee areas; and

WHEREAS, because it is necessary to relocate these areas to a second level of 3,997 square feet, there is an increase in the total floor area of the building that triggers a requirement for 74 parking spaces (39 spaces are proposed); and

WHEREAS, the Board notes that if the storage and employee areas were provided below grade such that the space did not count as floor area, then the heightened parking requirement would not be generated; and

WHEREAS, thus, the applicant represents that in order to build a drug store on the subject site of the size required today to be viable without a cellar, a variance from parking regulations is needed; and

WHEREAS, accordingly, the Board finds that the unique condition mentioned above creates practical difficulties and unnecessary hardship in developing the site in strict compliance with current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the entire premises in compliance with applicable parking regulations would not yield the owner a reasonable return, which the Board finds credible and sufficient to establish that there is hardship on the site; and

WHEREAS, the applicant represents that the proposed parking waiver will not have negative effect on any nearby conforming uses or the essential character of the neighborhood; and

WHEREAS, the Board notes that the proposed drugstore is a permitted use in the underlying C4-1 zoning district, and that the proposed Floor Area Ratio is below the maximum permitted; and

WHEREAS, the applicant represents that the proposed second floor would not add to the retail square footage used for sales, and will therefore actually not increase the amount of vehicular traffic to and from the site; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-053R dated October 25, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the

WHEREAS, the applicant has submitted a parking study, which shows that the proposed 39 parking spaces will accommodate the peak weekday and weekend parking demand; and

WHEREAS, the applicant states that the proposed location of the drugstore on the lot would be further away from the adjacent residential use than the existing automotive service station; and

WHEREAS, the Board notes that the site has been formerly developed with commercial uses and is located on a major thoroughfare surrounded by retail uses that do not contain parking; and

WHEREAS, in response to the concerns of the Borough President and Council Member, the applicant considered another development scenario that would place the building on the corner of the site, but convincingly explained to the Board why the alternative siting would create problems with internal circulation, visibility of traffic when cars are exiting, and impacts on the adjacent residential uses due to heightened proximity, among other issues; and

WHEREAS, further, in response to the concerns of the Board, the applicant has agreed to provide landscaping along the entire length of the property line fronting Forest Avenue and Decker, as well as a pedestrian pathway to the drug store; and

WHEREAS, therefore, the Board finds that the instant variance 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 of the Zoning Resolution; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617; and

environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C4-1 zoning district, the erection and maintenance of a permitted drugstore (Use Group 6) which does not provide the required parking, contrary to Z.R. § 36-21, on condition that all work shall substantially conform to

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drawings as they apply to the objections above noted, filed with this application marked "Received May 9, 2005"- (1) sheet; and "Received December 16, 2004"- (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 all fencing and landscaping shall be installed and maintained as shown on the BSA-approved plans;

THAT 39 parking spaces shall be provided at all times;

THAT the above conditions shall be noted 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 10, 2005.

9-04-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding for Walworth Condominium, Inc., owner.

SUBJECT - Application January 12, 2004 - under Z.R. §72-21 to permit the proposed multiple dwelling, which will contain forty-seven dwelling units, located in an M1-1 zoning district, is contrary to Z.R. §§42-00 and 43-00.

PREMISES AFFECTED - 114 Walworth Street, northwest corner of Myrtle Avenue, Block 1735, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #3BK

PREMISES AFFECTED - 5313/23 Fifth Avenue, between 53rd and 54th Streets, Block 816, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Eric Palatnik

For Opposition: Aurora Sanchez.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 1:30 P.M., for decision, hearing closed.

135-04-BZ

APPEARANCES -

For Applicant: Marvin Mitzner.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for decision, hearing closed.

20-04-BZ

APPLICANT - Eric Palatnik, P.C., for Marcia Dachs, owner.

SUBJECT - Application February 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a single family dwelling, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for side yards, floor area ratio, open space ratio and open space, is contrary to Z.R. §23-141(a), §23-45 and §23-461.

PREMISES AFFECTED - 5723 17th Avenue, corner of 58th Street, Block 5498, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 1:30 P.M., for decision, hearing closed.

127-04-BZ

APPLICANT - Eric Palatnik, P.C., for Abraham Leser, owner; Absolute Power and Fitness, lessee.

SUBJECT - Application March 10, 2004 - under Z.R. §73-36 the legalization of an existing physical culture establishment, located on the fourth floor of a four story building, situated in a C4-3 zoning district.

APPLICANT - Joseph P. Morsellino, for Manuel Minino, owner.

SUBJECT - Application March 19, 2004 - under Z.R. §72-21 to permit the proposed erection and maintenance of an automobile showroom with offices, Use Group 6, located in an R2 and C2-2(R5) zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 91-22 188th Street, northeast corner of Jamaica Avenue, Block 9910, Tentative Lot 43 (part of lot 1), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Eugenia Rudmann.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

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138-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Cong. Machne Chaim, Inc., owner; Yeshiva Bais Sorah, lessee.

SUBJECT - Application March 24, 2004 - under Z.R. §73-19 to request a special permit for a school, Use Group 3, within an M1-1 Zoning District to vary Z.R. §42-00 so as to permit the school on the Premises.

PREMISES AFFECTED - 6101-6123 16th Avenue, 16th Avenue between 61st and 62nd Streets, Block 5524, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4
Negative:.....0

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

175-04-BZ thru 177-04-BZ

APPLICANT - Joseph P. Morsellino, for 130th Street LLC, owner.

SUBJECT - Application April 29, 2004- under Z.R. §72-21- Proposed erection and maintenance of a two family dwelling, Use Group 2, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage, open space, perimeter wall height and rear yard, is contrary to Z.R. §23-141, §23-631 and §23-47.

PREMISES AFFECTED -

7-05 130th Street, east side, Block 3982, Lot 70, Borough of Queens.

7-09 130th Street, east side, Block 3982, Lot 67, Borough of Queens.

7-13 130th Street, east side, Block 3982, Lot 65, Borough of Queens.

COMMUNITY BOARD #7Q

187-04-BZ

APPLICANT - Eric Palatnik, P.C., for 182 MXB, LLC owner.

SUBJECT - Application May 4, 2004 - under Z.R. §72-21 to permit the proposed construction of a four story building, with eight dwelling units, Use Group 2, located in an R-5 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, front yards, parking, height and perimeter wall, also the number of dwelling units, is contrary to Z.R. §23-141(c), §23-631(e), §23-45(a), §25-23(a) and §23-22.

PREMISES AFFECTED - 182 Malcolm X Boulevard, north west corner of Madison Street, Block 1642, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

APPEARANCES -

For Applicant: Joseph Morsellino and Arnold Montag, R.A..
For Opposition: Bryan Rivera-Council Member Avella and Joan Vegt-S.NEQ Comm.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for continued hearing.

178-04-BZ thru 181-04-BZ

APPLICANT - Joseph P. Morsellino, for 130th Street LLC, owner.

SUBJECT - Application April 29, 2004- under Z.R. §72-21- Proposed erection and maintenance of a two family dwelling, Use Group 2, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage and minimum required open space is contrary to Z.R. §23-141.

PREMISES AFFECTED -

7-04 130th Street, west side, Block 3980, Lot 66, Borough of Queens.

7-06 130th Street, west side, Block 3980, Lot 68, Borough of Queens.

7-12 130th Street, west side, Block 3980, Lot 72, Borough of Queens.

7-14 130th Street, west side, Block 3980, Lot 74, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino and Arnold Montag, R.A..
For Opposition: Bryan Rivera-Council Member Avella and Joan Vegt-S.NEQ Comm.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4
Negative:.....0

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

Negative:.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 1:30 P.M., for decision, hearing closed.

189-04-BZ

APPLICANT - D.E.C. Designs, for City of Faith Church of God, owner.

SUBJECT - Application May 5, 2004 - under Z.R. §73-19 to allow a school (UG3) in a C8-1 zoning district which is not permitted as per section 32-00 of the Zoning Resolution.

PREMISES AFFECTED - 3445 White Plains Road, 445.2' south of Magenta Street, Block 4628, Lot 47, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for postponed hearing.

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219-04-BZ

APPLICANT - Eric Palatnik, P.C., for Cora Realty Co., LLC, owner.

SUBJECT - Application May 28, 2004 - under Z.R. §72-21 to permit The legalization of a portion of the required open space of the premises, for use as parking spaces (30 spaces), which are to be accessory to the existing 110 unit multiple dwelling, located in an R7-1 zoning district, is contrary to Z.R. §25-64 and §23-142.

PREMISES AFFECTED - 2162/70 University Avenue, aka Dr. Martin Luther King Boulevard, southeast corner of University Avenue and 181st Street, Block 3211, Lots 4 and 9, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to August 9, 2005, at 1:30 P.M., for continued hearing.

267-04-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Kermit Square, LLC, owner.

SUBJECT - Application July 30, 2004 - under Z.R. §72-21, to permit the proposed thirty-two unit multiple dwelling, Use Group 2, located in a C8-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 362/64 Coney Island Avenue, northwest corner of Kermit Place, Block 5322, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Laid over to May 24, PREMISES AFFECTED - 135 Orchard Street, (a/k/a 134 Allen Street), between Delancey and Rivington Streets, Block 415, Lot 69, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Irving Minkin, Sheldon Lobel, Dan Bettinger and Dominick Answini.

ACTION OF THE BOARD - Laid over to August 8, 2005, at 1:30 P.M., for continued hearing.

315-04-BZ thru 318-04-BZ

APPLICANT - Steve Sinacori/Stadtmauer Bailkin, for Frank Mignone, owner.

SUBJECT - Application September 20, 2004 - Under Z.R. §72-21 to permit the proposed development which will contain four three-family homes (Use Group 2), within an M1-1 Zoning District which is contrary to Section 42-00 of the Resolution.

PREMISES AFFECTED -

1732 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 127),

2005, at 1:30 P.M., for continued hearing.

276-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Albert J. and Catherine Arredondo, owners.

SUBJECT - Application August 10, 2004 - under Z.R. §72-21 to permit the proposed addition of a second floor plus attic, to an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §23-461 and §23-47.

PREMISES AFFECTED - 657 Logan Avenue, west side, 100' south of Randall Avenue, Block 5436, Lot 48, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4
Negative:.....0

ACTION OF THE BOARD - Laid over to May 24, 2005, at 1:30 P.M., for decision, hearing closed.

296-04-BZ

APPLICANT - Sheldon Lobel, P.C., for 135 Orchard Street, Co., LLC, owner.

SUBJECT - Application August 30, 2004 - under Z.R. §72-21 to permit the legalization of the residential uses on floors two through five of an existing five-story mixed use building located in a C6-1 zoning district.

Borough of Brooklyn.

1734 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 128), Borough of Brooklyn.

1736 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 129), Borough of Brooklyn.

1738 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 130), Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

354-04-BZ

APPLICANT - Friedman & Gotbaum by Shelly S. Friedman, Esq., for Greenwich Tower LLC, owner.

SUBJECT - Application November 8, 2004 - under Z.R. §72-

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21 to permit the proposed conversion of an existing two-story building, from artist's studio to a single family residence, located in an M1-5 zoning district, is contrary to Z.R. §42-10. PREMISES AFFECTED - 637 Greenwich Street, east side, 75.3' south of Barrow Street, Block 603, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Shelly Friedman, Richard Gluckman, Corey Ryman and Robert Pauls.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 1:30 P.M., for decision, hearing closed.

2005, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:40 P.M.

372-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Robert Perretta, contract vendee.

SUBJECT - Application November 23, 2004- under Z.R. §72-21 to permit in a R1-2(NA-1) zoning district the construction of a single family home on a lot with less than the required lot area and lot width to vary ZR 23-32.

PREMISES AFFECTED - 8 Lawn Avenue, corner of Nugent Street, Block 2249, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to June 14,

SPECIAL HEARING

**WEDNESDAY MORNING, MAY 11, 2005
10:00 A.M.**

Present: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin.

Council; and Jay Valgora.

ACTION OF THE BOARD - Laid over to July 26, 2005, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:40 P.M.

156-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for RKO Plaza LLC & Farrington Street Developers, LLC, owner.

SUBJECT - Application May 20, 2003- under Z.R. §72-21 Proposed construction of a eighteen story mixed use building, Use Groups 2, 4 and 6, containing retail, community facility, 200 dwelling units and 200 parking spaces, located in an R6 within a C2-2 overlay zoning district, is contrary to Z.R. §§35-00 and 36-00.

PREMISES AFFECTED - 135-35 Northern Boulevard, northside of Main Street, Block 4958, Lots 48 and 38, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Howard Goldman, John C. Lin, Member, City