
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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September 9, 2015

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584-55-BZ	699 Morris Avenue, Bronx
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146-96-BZ	557 Broadway aka 128-130 Mercer Street, Manhattan
110-99-BZ	56-58 Kosciusko Street, Brooklyn
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Affecting Calendar Numbers:

213-14-BZ	165 Wooley Avenue, Staten Island
32-15-BZ	2847 West 8th Street, Brooklyn
33-15-BZ	5510 Broadway, Bronx
40-15-BZ	465 Lexington Avenue, Manhattan
41-15-BZ	140 East 46th Street, Manhattan
71-15-BZ	548 West 22nd Street, Manhattan

DOCKETS

New Case Filed Up to September 1, 2015

198-15-A

500-550 Oak Point Avenue, Southwest corner of Barry Street and Oak Point Avenue, Block 02606, Lot(s) 02 & 20, Borough of **Bronx, Community Board: 2**. Proposed construction of a transportation and distribution services facility on a lot that does not front on a legally mapped street, contrary to Article 3 Section 36, of the General City Law. M3-1 district.

199-15-A

500-550 Oak Point Avenue, Southwest corner of Barry Street and Oak Point Avenue, Block 02606, Lot(s) 2 & 20, Borough of **Bronx, Community Board: 2**. Proposed construction of a transportation and distribution services facility on a lot that does not front on a legally mapped street, contrary to Article 3, Section 36 of the General City Law. M3-1 district.

200-15-BZ

1364 East 23rd Street, West side of #East 23rd Street, 500ft. South of Avenue M, Block 07568, Lot(s) 076, Borough of **Staten Island, Community Board: 14**. Special Permit §73-622: proposed enlargements to an existing three story detached one family residence at the rear and south side along with a two-story enlargement above the existing on-story portion of the building at the front, located within an R2 zon R2 district.

201-15-BZ

218 57th Street, 57th Street between 2nd and 3rd Avenues and 58th Street between 2nd & 3rd Avenue, Block 0845, Lot(s) 13 & 66, Borough of **Brooklyn, Community Board: 7**. Special Permit 73-03: to permit the enlargement of a one-story non-conforming warehouse building into a five story building containing parking, office space and residential use which exceeds the allowable commercial floor area, located within an R6B & M1- R6B & M1-2 district.

202-15-BZ

6469 Broadway, West side of Broadway between West 256th Street and Mosholu Avenue, Block 05851, Lot(s) 02098, Borough of **Bronx, Community Board: 8**. Variance (§72-21) seeks a modification of 25-25 to reduce the required number of parking spaces for an 11-story, non-profit residence for the elderly from 19 to 11, located within an R6/C2-2 zoning district. R6/C2-2 district.

203-15-BZ

44 Union Square East New Yor, , Block 0872, Lot(s) 078, Borough of **Manhattan, Community Board: 5**. Variance (§72-21) to allow the restoration, reuse and enlargement of an existing commercial building located partly in a C6-4 district/Special Union Square District and an R8B district. The building is Tammy Hall and is a landmark. C6-4;R8B/SUSD district.

204-15-BZ

98-100 10th Avenue, Northeast corner of intersection of 10th Avenue and West 16th Street, Block 0714, Lot(s) 07501, Borough of **Manhattan, Community Board: 4**. Special Permit 73-36: to allow a (SoulCycle) physical culture establishment within portion of an existing twenty-four story mixed use building in a C6-3 (WCH) zoning district. C6-3(WCH) district.

205-15-A

128-76 Hook Creek Boulevard, West side of Hook Creek Boulevard approximately 74 ft. south of intersection with 128th Drive, Block 01288, Lot(s) 0129, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory parking space that are proposed to be located within the bed of mapped but unbuilt 129th Avenue & Hook Creek Boulevard ,contrary to Article 3 of the General City Law, Section 35 locate R2 district.

206-15-A

128-72 Hook Creek Boulevard, West side of Hook Creek Boulevard, approx. 74 ft. south of intersection with 128th Drive, Block 01288, Lot(s) 0130, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory parking space that are proposed to be located within the bed of mapped but unbuilt 129th Avenue & Hook Creek Boulevard ,contrary to Article 3 of the General City Law, Section 35 locate R2 district.

207-15-A

128-68 Hook Creek Boulevard, West side of Hook Creek Boulevard, approx., 74 ft. south of intersection with 128th Drive, Block 01288, Lot(s) 0131, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory parking space that are proposed to be located within the bed of mapped but unbuilt 129th Avenue & Hook Creek Boulevard ,contrary to Article 3 of the General City Law, Section 35 locate R2 district.

DOCKETS

208-15-A

128-64 Hook Creek Boulevard, West side Hook reek Boulevard, approx., 74 ft. south of intersection with 128th Drive, Block 01288, Lot(s) 0132, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory parking space that are proposed to be located within the bed of mapped but unbuilt 129th Avenue & Hook Creek Boulevard, contrary to Article 3 of the General City Law, Section 35 locate R2 district.

209-15-A

128-60 Hook Creek Boulevard, West side o Hook Creek Boulevard approx., 74 ft. south of intersection with 128th Drive, Block 01287, Lot(s) 0133, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory parking space that are proposed to be located within the bed of mapped but unbuilt 129th Avenue & Hook Creek Boulevard, contrary to Article 3 of the General City Law, Section 35 locate R2 district.

210-15-A

128-63 Fortune Way, West side of Hook Creek Boulevard approx., 74 ft. south of intersection with 28th Drive., Block 01288, Lot(s) 0134, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory space not fronting an existing mapped street contrary to Article 3, Section 36 of the General City Law, located within an R2 zoning district. R2 district.

211-15-A

128-64 Fortune Way, West side of Hook Creek Boulevard approx., 74 ft. south of intersection with 128th Drive, Block 01288, Lot(s) 0135, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory space not fronting an existing mapped street contrary to Article 3, Section 36 of the General City Law, located within an R2 zoning district. R2 district.

212-15-A

128-67 Fortune Way, West side of Hook Creek Boulevard, approx. 74 ft. south of intersection with 128th Drive, Block 01288, Lot(s) 0136, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory space not fronting an existing mapped street contrary to Article 3, Section 36 of the General City Law, located within an R2 zoning district. R2 district.

213-15-A

128-71 Fortune Way, West side of Hook Creek Boulevard, approx., 74 ft. south of the intersection with 128th Drive, Block 01288, Lot(s) 137, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory space not fronting an existing mapped street contrary to Article 3, Section 36 of and located within the bed of 129th Avenue & Hook Creek Boulevard contrary to togenrral City Law section R2 district.

214-15-A

128-75 Fortune Way, West Side of Hook Creek Boulevard approx., 74 ft south of intersecting with 128th Drive, Block 12887, Lot(s) 138, Borough of **Queens, Community Board: 13**. Proposed development of two-story, one family dwelling with accessory space not fronting an existing mapped street contrary to Article 3, Section 36 of and located within the bed of 129th Avenue & Hook Creek Boulevard contrary to togenrral City Law section R2 district.

215-15-A

144-14 181st Street, West side of 181st Street 108.31 feet south of the intersection of 181st Street and 144th Avenue, Block 13089, Lot(s) 059, Borough of **Queens, Community Board: 12**. Proposed construction of a two story two family dwelling (U.G. 2), located within the bed of a mapped street contrary to Article 3, Section 35, of the General City Law, within an R3A zoning district. R3A district.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

SPECIAL HEARING OCTOBER 16, 2015, 11:30 A.M.

NOTICE IS HEREBY GIVEN of a special hearing, Friday morning, October 16, 2015, 11:30 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

699-46-BZ

APPLICANT – Eric Palatnik, P.C., for Gurcharan Singh, owner.

SUBJECT – Application May 22, 2015 – Extension of Time to Complete Construction of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B), which expired on May 19, 2015. R3X zoning district.

PREMISES AFFECTED – 224-01 North Conduit Avenue, between 224th Street and 225th Street, Block 13088, Lot 0044, Borough of Queens.

COMMUNITY BOARD #13Q

202-62-BZ

APPLICANT – Warshaw Burstein, LLP, for NY Dealers Stations, LLC, owner.

SUBJECT – Application June 4, 2015 – Extension of Term and Waiver (§11-411) to extend the term and a Waiver of a previously granted variance for an automotive service station, which expired on April 3, 2011; Waiver of the Rules. C2-2/R4-1 zoning district.

PREMISES AFFECTED – 950 Allerton Avenue, southeast corner of the intersection of Allerton Avenue and Willamsbridge Road, Block 04447, Lot 062, Borough of Bronx.

COMMUNITY BOARD #11BX

132-92-BZ

APPLICANT – Willy C. Yuin, RA, for Daniel Casella, owner.

SUBJECT – Application November 17, 2014 – Extension of Term of a previously approved variance (§72-21) which permitted day care use in the cellar of the subject premises in conjunction with a banquet hall use, which expired on July 19, 2014. R3X, CI-1 SRD zoning district.

PREMISES AFFECTED – 3948 Amboy Road, between Hillside Terrace and Brown Avenue, Block 05142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

427-05-BZ

APPLICANT – Eric Palatnik, P.C., for Linwood holdings, LLC., owner.

SUBJECT – Application June 8, 2015 – Extension of Time to Complete Construction (§73-11) to seek an extension of time to complete construction which expired May 10, 2015. C4-2 zoning district.

PREMISES AFFECTED – 133-47 39th Avenue, between Price Street and College Point Boulevard, Block 04972, Lot 059, Borough of Queens.

COMMUNITY BOARD #7Q

97-08-BZ

APPLICANT – Eric Palatnik P.C., for Yismach Moshe of Williamsburgh, Inc., owner.

SUBJECT – Application March 10, 2015 – Extension of Time to obtain a Certificate of Occupancy of a previously approved Special Permit (§73-19) permitting the legalization of an existing school (UG 3), which expired on March 16, 2012; Waiver of the Rules. M1-1 district.

PREMISES AFFECTED – 84 Sanford Street, between Park Avenue and Myrtle Avenue, Block 01736, Lot 0014, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEALS CALENDAR

317-12-A

APPLICANT – Eric Palatnik, P.C., for 4040 Plaza Management LLC, owner.

SUBJECT – Application June 16, 2015 – Extension of Time to complete construction in connection with a previously approved common law vested rights application. M1-3D zoning district.

PREMISES AFFECTED – 40-36 27th Street aka 4040 27th St, west side of 27th Street, between 40th Avenue and 41st Avenue, Queens

COMMUNITY BOARD #1Q

CALENDAR

SPECIAL HEARING OCTOBER 16, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a special hearing, Friday afternoon, October 16, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

330-13-BZ

APPLICANT – Alexander Levkovich, for Dilshoda Nasriddinova, owner.

SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home contrary to floor area (ZR 23-141). R4-1 zoning district.

PREMISES AFFECTED – 2801 Brown Street, east side of Brown Street, 230' south of intersection with Shore Parkway, Block 08800, Lot 0095, Borough of Brooklyn.

COMMUNITY BOARD #15BK

149-14-BZ

APPLICANT – Lewis E. Garfinkel, for Abraham Schreiber, owner.

SUBJECT – Application June 25, 2014 – Special Permit (§73-622) to for the enlargement of an existing single family residence contrary to floor area and open space (ZR 23-141(a)); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R-2 zoning district.

PREMISES AFFECTED – 3173 Bedford Avenue, east side of Bedford Avenue 400' north from Avenue K, Block 07607, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #14BK

323-14-BZ

APPLICANT – Eric Palatnik, P.C., for Avner Levy, owner.

SUBJECT – Application December 12, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area (ZR 23-141(b)). R3-1 zoning district.

PREMISES AFFECTED – 282 Corbin Place, adjacent to the Coney Island Beach and Boardwalk, Block 08723, Lot 276, Borough of Brooklyn.

COMMUNITY BOARD #3BK

43-15-BZ

APPLICANT – Eric Palatnik, P.C., for Joseph Tolv, owner.
SUBJECT – Application March 6, 2015 – Special Permit (§73-622) to permit an enlargement of one family home, seeking to waive the floor area, lot coverage, rear yard, perimeter wall height and open space requirements. R3-2 zoning district.

PREMISES AFFECTED – 2617 Avenue R, between East 26th and 27th Streets, Block 06809, Lot 0049, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Ryan Singer, Executive Director

OCTOBER 20, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 20, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

333-78-BZ

APPLICANT – Goldman Harris LLC., for 136 Loft Corporation, owner.

SUBJECT – Application May 5, 2015 – Amendment (72-21) to reopen and amend the captioned variance to permit the transfer of unused development rights for the premises for use in a commercial development, located within an M1-6 zoning district.

PREMISES AFFECTED – 136-138 West 24th Street, south of West 24th Street between Sixth and Seventh Avenue, Block 0799, Lot 060, Borough of Manhattan.

COMMUNITY BOARD #4M

585-91-BZ

APPLICANT – Paul F. Bonfilio Architect, PC, for Luis Mejia, owner; SAJ Auto Service, lessee.

SUBJECT – Application March 11, 2015 – Extension of Term (§11 411) a previously approved variance which permitted the operation of an automotive service station (UG 16B), which expired on March 30, 2013; Waiver of the Rules. C1-3/R4 zoning district.

PREMISES AFFECTED – 222-44 Braddock Avenue, southeast corner of Braddock Avenue and Winchester Boulevard, Block 10740, Lot 0012, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

129-97-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, for Whitestone Plaza Associates Inc., owner.

SUBJECT – Application February 21, 2014 – Amendment to permit the proposed conversion of an existing lubricatorium to a commercial retail establishment (use group 6) and enlargement of the basement level. C1-2/R3-2 zoning district.

PREMISES AFFECTED –150-65 Cross Island Parkway, west side of Clintonville Street distant 176.60' north of intersection of Cross Island Parkway and Clintonville Street, Block 04697, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

369-03-BZ

APPLICANT – Law Office of Fredrick A. Becker Esq., for 99-01 Queens Boulevard LLC, owner; TSI Rego Park, LLC dba NY Sports Club, lessee.

SUBJECT – Application April 13, 2015 – Extension of Term of a previously approved Variance (§72-21) allowing the operation of a physical culture establishment/ health club which expires April 19, 2015. C1-2/R7-1 zoning district.

PREMISES AFFECTED –99-01 Queens Boulevard, north side of Queens Boulevard between 66th Road and 67th Avenue, Block 02118, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

186-08-BZ

APPLICANT – Petrus fortune, P.E., for Followers of Jesus Mennonite Church, owners.

SUBJECT – Application November 19, 2014 – Extension of Time to Complete Construction of a previously approved Special Permit (§73-19) permitting the legalization and enlargement of a school (*Followers of Jesus Mennonite Church & School*) in a former manufacturing building, contrary to ZR §42-10, which expired on June 8, 2014; Waiver of the Rules. M1-1 zoning district.

PREMISES AFFECTED – 3065 Atlantic Avenue, north west corner of Atlantic Avenue and Shepherd Avenue, Block 03957, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #5BK

88-10-BZ

APPLICANT – Dennis D. Dell Angelo, for Maurice Duetsch, owner.

SUBJECT – Application February 26, 2015 – Amendment of a previously approved Special Permit (§73-622) permitting the enlargement of an existing single family residence. The amendment seeks to reduce the floor area and coverage while adding a roof deck and the exterior design; Extension of Time to complete construction which expired on August 24, 2014. R-2 zoning district.

PREMISES AFFECTED – 1327 East 21st Street, south east corner of east 21st Street and Avenue L, Block 07639, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEALS CALENDAR

135-15-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Oak Point Property, LLC., owner.

SUBJECT – Application June 10, 2015 – Proposed construction of a building not fronting on a legally mapped street contrary to Section 36 Article 3 of the General City Law. M3-1 zoning district.

PREMISES AFFECTED – 50 Oak Point Avenue, north shore of east river, approximately 900 lateral feet east of East 149th Street, Block 02604, Lot 0180, Borough of Bronx.

COMMUNITY BOARD #2BX

OCTOBER 20, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, October 20, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

129-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Mourad Louz, owner.

SUBJECT – Application June 9, 2014 – Special Permit (§73-622) as amended, to permit the enlargement of a single-family detached residence, contrary to floor area, side yard, and rear yard regulations. R5 zoning district.

PREMISES AFFECTED – 2137 East 12th Street, east side of East 12th Street between Avenue U and Avenue V, Block 07344, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

261-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Julie Haas, owner.

SUBJECT – Application October 21, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space ZR 23-141 and less than the required rear yard ZR 23-47. R-2 zoning district.

PREMISES AFFECTED – 944 East 23rd Street aka 948 East 23rd Street, Block 07586, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #14BK

CALENDAR

322-14-BZ

APPLICANT – Eric Palatnik, P.C., for Maks Kutsak, owner.

SUBJECT – Application December 12, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, lot coverage and open space (ZR 23-141); R3-1 zoning district.

PREMISES AFFECTED – 82 Coleridge Street, between Shore Boulevard and Hampton Avenue, Block 08728, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

44-15-BZ

APPLICANT – Akerman, LLP, for 145 CPN, LLC., owner.

SUBJECT – Application March 6, 2015 – Variance (§72-21) to permit the construction of a conforming fourteen-story, (UG 2) residential building containing 24 dwelling units contrary to the maximum building height and front setback requirements (§23-633 and rear setback requirements (§23-633(b)). R8 zoning district.

PREMISES AFFECTED – 145 Central Park North, between Adam Clayton Powell and Lenox Avenue, Block 01820, Lot 0006, Borough of Manhattan.

COMMUNITY BOARD #10M

Ryan Singer, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 1, 2015
10:00 A.M.**

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.

SPECIAL ORDER CALENDAR

584-55-BZ

APPLICANT – Nasir J. Khanzada, PE, for Gurnam Singh, owner.

SUBJECT – Application June 11, 2014 – Amendment (§11-412) of a previously approved variance which permitted the alteration of an existing Automotive Service Station (UG 16B). The amendment seeks to permit the conversion of the accessory auto repair shop to a convenience store and alter the existing building. C2-4/R7-2 zoning district.

PREMISES AFFECTED – 699 Morris Avenue, southwest corner of East 155th Street and Park Avenue, Block 2422, Lot 65, Borough of Bronx.

COMMUNITY BOARD #2BX

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to permit certain modifications to the site; and

WHEREAS, a public hearing was held on this application on April 28, 2015 after due notice by publication in *The City Record*, with continued hearings on June 16, 2015 and July 21, 2015, and then to decision on September 1, 2015; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Vice-Chair Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, the site is located on the southwest corner of East 155th Street and Park Avenue with additional frontage on Morris Avenue, within an R7-2 (C2-4) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 26, 1956 when, under the subject calendar number, the Board granted an approval to permit the extension and reconstruction of an existing gasoline service station; and

WHEREAS, despite the approval to enlarge the building, the applicant represents that the building was never enlarged and has remained in its original 1955 condition; and

WHEREAS, the applicant now seeks an amendment to (1) permit the enlargement of the building from 1,100.15 sq. ft. to approximately 1,186.1 sq. ft., (2) convert the accessory automotive repair bays to an accessory convenience store,

(3) modify the curb cut dimensions and configuration and (4) make other site changes, as reflected on the plans; and

WHEREAS, the Board notes that Technical Policy and Procedure Notice (TPPN) # 10/99, provides that a retail convenience store located on the same zoning lot as a gasoline service station will be deemed accessory if: (i) the accessory convenience store is contained within a completely enclosed building; and (ii) the accessory convenience store has a maximum retail selling space of 2,500 sq. ft. or 25 percent of the zoning lot area, whichever is less; and

WHEREAS, the applicant states that the proposed convenience store is located within an enclosed building and has a retail selling space of less than 750 sq. ft. (20 percent of the zoning lot area); and

WHEREAS, at hearing, the Board directed the applicant to exclude diesel fuel pumps from the site because the site cannot accommodate the large trucks associated with such use; and

WHEREAS, in response, the applicant submitted revised plans reflecting the elimination of the diesel fuel pumps; and

WHEREAS, pursuant to ZR § 11-412, the Board may grant a request for changes to the site; and

WHEREAS, the Board directed the applicant to confirm that the signage on the site complies with C2w district regulations; and

WHEREAS, in response, the applicant submitted a signage analysis reflecting that the signage on the site complies with C2 district regulations; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment to the approved plans are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *amends* the resolution, dated June 26, 1956, so that as amended this portion of the resolution shall read: “to permit the noted site modifications; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received August 12, 2015’–(8) sheets; and *on further condition*:

THAT all signage will comply with C2 zoning district regulations;

THAT diesel fuel is not permitted to be dispensed at the site;

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

THAT all lighting will be directed downward and away from adjacent residential uses;

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

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

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

THAT 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

MINUTES

compliance with all other applicable provisions of the Zoning Resolution, the 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. 220165256)

Adopted by the Board of Standards and Appeals September 1, 2015.

17-93-BZ

APPLICANT – Fox Rothschild, LLC., for Lincoln Square commercial Holding, owner; Equinox SC Upper West Side, Inc., lessee.

SUBJECT – Application January 15, 2015 – Extension of Term of a previously approved Special Permit (§73-36) which permitted the operation of a physical culture establishment which expired June 7, 2014; Amendment to reflect a change in ownership; Waiver of the Rules. C4-7 zoning district.

PREMISES AFFECTED – 160 Columbus Avenue aka 1992 Broadway, block bounded by Broadway, Columbus Avenue, West 67th Street and West 68th Street, Block 01139, Lot(s) 24, 7503, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, approval of a change in ownership and an extension of term for a previously granted variance for physical culture establishment (“PCE”), which expired on June 7, 2014; and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in *The City Record*, and then to decision on September 1, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed inspections of the site and surrounding neighborhood; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject site consists of the block bounded by Broadway, Columbus Avenue, West 67th Street, and West 68th Street, and is located within a C4-7 zoning district, and also within the Special Lincoln Square District; and

WHEREAS, the site contains approximately 55,462 sq. ft. of lot area and is occupied by a 47-story mixed-use building; and

WHEREAS, the applicant represents that the subject PCE occupies portions of the first floor of the building, as well as floors three through eight of the subject building, and contains approximately 117,000 sq. ft. of floor area; and

WHEREAS, the Board has exercised jurisdiction over

the site since June 7, 1994, when, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36 authorizing the operation of the PCE, with a term that expired on June 7, 2004; and

WHEREAS, on March 28, 1995, under the subject calendar number, the Board approved an amendment to the subject special permit to allow a running rack on the roof of the fourth floor, together with other modifications to the PCE space; and

WHEREAS, on January 9, 2007, the Board extended the term of the subject special permit through June 7, 2014, and authorized a change in the hours of the PCE as well as an extension of time in which the applicant must obtain a Certificate of Occupancy; and

WHEREAS, the instant application seeks authorization of a change in ownership of the PCE, from Reebok Sports Club/MY Ltd. To Equinox, as well as an extension of term and waiver of the Board’s rules governing the application for such extension; and

WHEREAS, the applicant notes that it is not requesting a change in the hours of operation of the PCE, and that such hours are, as per the Board’s conditions:

Monday through Thursday, 5:00 a.m. – 11:00 p.m.

Friday, 5:00 a.m. – 10:00 p.m.

Saturday and Sunday, 7:00 a.m. – 9:00 p.m.; and

WHEREAS, the applicant notes further that, also as per the Board’s conditions, the PCE’s terrace (generally open on Memorial Day weekend and closed in late October) is open Monday through Friday, from sunrise to 9:00 p.m., and on weekends from the later of 7:00 a.m. or sunrise to 9:00 p.m., with music and gatherings requiring amplified sound permitted only on the deck between the hours of 10:00 a.m. and 8:00 p.m.; and

WHEREAS, the applicant states that a certificate of occupancy has been issued for the PCE; and

WHEREAS, the applicant represents that there are no noise complaints from residents at the site (the residential portion of the subject building starts at the 10th floor) and that it has not received any noise or vibrations related violations; and

WHEREAS, the applicant further represents that there are no outstanding DOB violations against the PCE, and the three active elevator related violations issued by DOB for the subject building do not relate to elevators that service the PCE; and

WHEREAS, based upon its review of the record, the Board finds that the requested change in ownership and extensions of term are appropriate, with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated June 7, 1994, so that as amended the resolution reads: “to permit a change in ownership and an extension of the term of a special permit for a term of ten years from the prior expiration, to expire on June 7, 2024,”; *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “January 15, 2015” - (10) sheets; and *on further condition*:

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THAT this grant shall expire on June 7, 2024;

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT the hours of operation will be limited to Monday through Thursday, 5:00 a.m. – 11:00 p.m.; Friday, 5:00 a.m. – 10:00 p.m.; and Saturday and Sunday, 7:00 a.m. – 9:00 p.m.;

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

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

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

Adopted by the Board of Standards and Appeals, September 1, 2015.

340-41-BZ

APPLICANT – Nasir J. Khanzada, PE, for Paul Sinanis, owner; S & J Service Station, Incorporated, lessee.

SUBJECT – Application June 27, 2014 – Extension of Term (§11-411) of a previously approved variance permitting the operation of an Automotive Service Station (UG 16B), with accessory uses, which expired on May 1, 2012; Amendment to permit the enlargement of an existing canopy, the addition of a fuel dispenser and small convenience sales area; Waiver of the Rules. C1-2/R4 zoning district.

PREMISES AFFECTED – 72-09 Main Street, Block 06660, Lot 1, Borough of Queens.

COMMUNITY BOARD #4Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4

Negative:.....0

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for decision, hearing closed.

69-95-BZ

APPLICANT – Fox Rothschild, LLP., for Hudson River Park Trust, owner; Chelsea Piers Management, Incorporated, lessee.

SUBJECT – Application May 18, 2015 – Extension of Term of a previously approved Special Permit (73-36) permitting the operation of a physical culture establishment (*The Sports Center at Chelsea Piers*) which expires on August 6, 2015. M2-3 zoning district.

PREMISES AFFECTED – 111B Eleventh Avenue, west side of West Street between West 19th and West 20th Streets, Block 00662, Lot 0016, Borough of Manhattan.

COMMUNITY BOARD #4M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4

Negative:.....0

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for decision, hearing closed.

146-96-BZ

APPLICANT – Stroock & Stroock & Lavan, LLP., for Scholastic 557 Broadway, LLC., owner.

SUBJECT – Application February 19, 2015 – Amendment of a previously approved Variance (§72-21) to permit the relocation of the building lobby from Broadway to Mercer Street and the conversion of an existing office lobby to retail space. M1-5B zoning district.

PREMISES AFFECTED – 557 Broadway aka 128-130 Mercer Street, west side of Broadway, 101’ south of the corner formed by the intersection of Prince Street and Broadway, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4

Negative:.....0

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for decision, hearing closed.

110-99-BZ

APPLICANT – Law Office of Jay Goldstein, for Lessig Realty, LLC., owner; 14-18 Fulton servicing, lessee.

SUBJECT – Application March 2, 2015 – Extension of Term of a previously approved Variance (§72-21) to permitted the legalization of an existing garage and automotive repair shop (Use Group 16B), which expired on June 27, 2010; Amendment to permit minor modifications to the interior layout; Waiver of the Rules. R6B zoning district.

PREMISES AFFECTED – 56-58 Kosciuszko Street, south side of Kosciuszko Street between Nostrand and Bedford Avenues, Block 01783, Lot 0034, Borough of Brooklyn.

COMMUNITY BOARD #3BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4

Negative:.....0

ACTION OF THE BOARD – Laid over to September 18, 2015, at 10 A.M., for decision, hearing closed.

MINUTES

APPEALS CALENDAR

325-14-A

APPLICANT – Eric Palatnik, P.C., for Michael Esposito, owner.

SUBJECT – Application December 15, 2014 – Proposed construction of a mixed use building located partly within the bed of a mapped street contrary to article 3, Section 35 of the General City Law. C4-2/R6 zoning district.

PREMISES AFFECTED – 631 Bay Street, between Canal Street and Thompson Street, Block 00494, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated November 13, 2014, acting on DOB Application No. 520210753, reads in pertinent part:

1. GCL 35: Proposed construction located partly within the bed of a mapped street is contrary to Section 35 of the General City Law. Obtain Board of Standards and Appeals approval.
2. ZR 35-00: Proposed new building has bulk non-compliances resulting from the location of such mapped street. Obtain Board of Standards and Appeals waiver pursuant to ZR 72-01(g); and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in *The City Record*, and then to decision on September 1, 2015; and

WHEREAS, Commissioner Montanez performed an inspection of the subject site and neighborhood; and

WHEREAS, this is an application to allow the construction of a four-story mixed use building which will be located partially in the bed of a mapped but unbuilt portion of Bay Street, in Staten Island; and

WHEREAS, the subject site is located on southeast corner formed by the intersection of Canal Street and Bay Street, in a C4-2 zoning district; and

WHEREAS, the site, which is irregularly shaped, has approximately 76 feet of frontage along the south side of Canal Street and approximately 33 feet of frontage along the east side of Bay Street, with a lot area of approximately 2,488 sq. ft.; and

WHEREAS, the proposed building will be located within the bed of a mapped but unbuilt portion of Bay Street; and

WHEREAS, the proposed development will conform and comply with all zoning regulations applicable in the subject C4-2 zoning district; and

WHEREAS, by letter dated August 13, 2015, the New York City Fire Department (“FDNY”) states that it has no objections to the proposed application; and

WHEREAS, by letter dated April 22, 2015, the New York City Department of Environmental Protection (“DEP”)

states that it has no objections to the proposed application; and

WHEREAS, by letter dated August 4, 2015, the New York City Department of Transportation (“DOT”) states that the improvement of Bay Street at the site is not presently included in DOT’s Capital Improvement Program; and

WHEREAS, DOT submitted the following comment on this application, which the Board hereby incorporates as a condition to the subject approval:

The applicant must provide adequate sidewalks aligned with the surrounding properties. In addition, the applicant must provide a 12’-0” corner radii and dual pedestrian ramps at each corner to ensure safe pedestrian access. The applicant must obtain approval from the Department of Buildings on the Builder’s Pavement Plan (“BPP”), in which the locations of all sidewalks, pedestrian ramps and catch basins, among other requirements, will be determined; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

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

Therefore it is Resolved, that the Board modifies the decision of the DOB, dated November 13, 2014, acting on DOB Application No. 520210753, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawing filed with the application marked “August 13, 2015”- (1) sheet; and *on further condition*:

THAT DOB will review and approve plans associated with the Board’s approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

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

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

MINUTES

THAT the proposed construction will include the installation of a sprinkler system throughout the entire building and a back flow prevention device installed above the flood resistant construction elevation at the proposed first floor of the building, as shown on BSA-approved plans;

THAT the applicant shall provide adequate sidewalks aligned with the surrounding properties;

THAT the applicant must provide a 12'-0" corner radii and dual pedestrian ramps at each corner to ensure safe pedestrian access;

THAT the applicant must obtain approval from the Department of Buildings on the Builder's Pavement Plan filed under Job No. 520126827 prior to the issuance of the Certificate of Occupancy;

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

Adopted by the Board of Standards and Appeals on September 1, 2015.

35-15-A

APPLICANT – Herrick Feinstein, LLP, for Baychester Retail III, LLC., owner.

SUBJECT – Application February 25, 2015 – An administrative appeal challenging the Department of Buildings' final determination dated January 26, 2015, to permit the installation of 54 individual signs at the subject property. C7 zoning district.

PREMISES AFFECTED – 2001 Bartow Avenue, Block 05141, Lot 0101, Borough of Bronx.

COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Laid over to October 20, 2015, at 10 A.M., for postponed hearing.

65-15-BZ/66-15-A

APPLICANT – Akerman, LLP, for 361 Central Park West, LLC., owner.

SUBJECT – Application March 25, 2015 – Variance (§72-21) to permit the conversion of an existing vacant church building into a 39 unit residential building. Companion case: 66-15-A for an Appeal pursuant to MDL 310 of MDL 30.2. R10A zoning district.

PREMISES AFFECTED – 361 Central Park West, northwest corner of Central Park West and West 96th Street, Block 01832, Lot 0029, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to October 22, 2015, at 10 A.M., for continued hearing.

108-14-BZ

CEQR #14-BSA-157M

APPLICANT – Sheldon Lobel, P.C., for UD 736 Broadway LLC, owner.

SUBJECT – Application May 22, 2014 – Variance (§72-21) to permit Use Group 6 commercial uses on the first floor and cellar of the existing building. M1-5B zoning district.

PREMISES AFFECTED – 736 Broadway, east side of Broadway approximately 117' southwest of the intersection formed by Astor Place and Broadway, Block 00545, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated January 6, 2015 acting on Department of Buildings Application No. 121956437, reads in pertinent part:

Pursuant to ZR 42-14(D)(2)(b), the proposed Use Group 6 is not permitted below the level of the second story of the building located in M1-5B zoning district and must be referred to BSA for variance under ZR 72-21; and

WHEREAS, this is an application under ZR § 72-21, to permit within an M1-5B zoning district within the NoHo Historic District, the use of the first floor and cellar of an existing 11-story building for commercial use (UG 6), contrary to ZR §§ 42-10 and 42-14; and

WHEREAS, a public hearing was held on this application on July 14, 2015, after due notice by publication in the *City Record*, and then to decision on September 1, 2015; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown; and

WHEREAS, Community Board 2, Manhattan, recommends approval of the application; and

WHEREAS, the subject premises is located on the east side of Broadway approximately 117 feet south of the intersection at Astor Place; and

WHEREAS, the site has a lot area of approximately 3,003 sq. ft.; and

WHEREAS, the lot has a depth ranging from 115 to 126 feet, and a width of approximately 25 feet; and

WHEREAS, the site is currently occupied with an 11-story mixed-use building with commercial residential and JLWQA tenants; and

WHEREAS, the applicant proposes to occupy the currently-vacant 2,224 sq. ft. of floor area on the first floor with commercial use and approximately 800 sq. ft. of floor area in the cellar with accessory storage space; and

WHEREAS, because UG 6 retail is not permitted as of

MINUTES

right or below the second floor in an M1-5B zoning district, the requested waivers are necessary; and

WHEREAS, the applicant states that the following are unique physical conditions, pursuant to ZR § 72-21(a), which create practical difficulties and unnecessary hardship in developing the subject site in conformance with underlying district regulations: (1) the lot is narrow and (2) the existing building is obsolete for manufacturing use; and

WHEREAS, as to narrowness, the applicant represents that the narrow width of the lot results in narrow, relatively small floor plates that are inefficient for conforming uses, such as warehouses and wholesale distributors; and

WHEREAS, the applicant asserts that the floor plates would be impractical for either industrial or office use as it would be difficult to build out the narrow space; and

WHEREAS, as to the uniqueness of this condition, the applicant studied the 162 lots located within the study area of the M1-5B zoning district between Astor Place and East Houston Street and found that of the 87 with avenue frontage, only eight lots are narrower and only five buildings on narrow lots are narrower; and

WHEREAS, the applicant notes that all of the eight narrower lots are occupied by commercial use; and

WHEREAS, as to the obsolescence of the building for a conforming use, the applicant cites to the following limitations: (1) the building's irregular floor plate; (2) the limited street access; (3) the absence of a loading dock or space to install one; (4) the presence of a subway entrance/exit abutting the lot; and (5) Broadway is a heavily-trafficked thoroughfare; and

WHEREAS, the applicant notes that the ground floor of the building has approximately 2,853 sq. ft. of floor area, but the usable space is reduced by the entrance and circulation space that serves the upper floors and narrows the width of the portion of the building closest to Broadway to less than ten feet; and

WHEREAS, the applicant describes the access to the building as limited to two pedestrian-sized doors on the street frontage, which compromises the ability to transfer goods in or out of the building; additionally, there are not any ramps to allow for bulk shipments; and

WHEREAS, the applicant represents that it would be difficult to receive and transfer bulk shipments and to provide adequate access to the building for a conforming use based on these inefficiencies; and

WHEREAS, the applicant states that the small size and narrowness of the lot prevent the inclusion of loading docks; and

WHEREAS, the applicant states that transferring goods and bulk deliveries would interfere with access to the subway entrance/exit directly adjacent to the building; and

WHEREAS, the applicant states that Broadway is a very busy avenue, which impedes truck deliveries like those associated with light manufacturing use; and

WHEREAS, the Board agrees that the unique physical conditions cited above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study analyzing the following scenarios: (1) as-of-right/existing ground floor and cellar with warehouse/manufacturing use; (2) as-of-right/existing ground floor and cellar with business services uses; and (3) the proposed ground floor and cellar retail use; and

WHEREAS, the applicant asserts that the as-of-right scenario would result in a negative rate of return and that the proposed use is the minimum necessary to achieve a reasonable return; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with applicable zoning requirements will provide a reasonable return, consistent with ZR § 72-21(b); and

WHEREAS, the applicant represents that, consistent with ZR § 72-21(c), the proposed variance will not negatively affect the character of the neighborhood, nor impact adjacent uses; and

WHEREAS, the applicant notes that no changes to the exterior of the building are proposed; and

WHEREAS, the applicant notes that all of the buildings along the eastern side of Broadway from Astor Place to East Houston are used for commercial purposes on the first floor with residential or loft space above; and

WHEREAS, the applicant notes that across the street along the western side of Broadway is a C6-2 zoning district which permits commercial use on the ground floor as-of-right; and

WHEREAS, the Board notes that the applicant obtained a Certificate of No Effect (CNE 15-1358), dated January 16, 2014, from the Landmarks Preservation Commission for the proposal; and

WHEREAS, based upon the above, 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, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant represents that, consistent with ZR § 72-21(e), the proposed represents the minimum variance needed to allow for a reasonable and productive use of the site; and

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

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

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR, Section 617.4; 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. 14-BSA-157M, dated June 9, 2015; and

MINUTES

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 Type I 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 each and every one of the required findings under ZR §72-21, to permit within an M1-5B zoning district within the NoHo Historic District, the conversion of the first floor and cellar of an existing 11-story building to a commercial retail use (UG 6), contrary to ZR §§ 42-10 and 42-14; *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 March 31, 2015"—six (6) sheets; and *on further condition*:

THAT the internal floor layouts on each floor of the proposed building shall be 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;

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, September 1, 2015.

8-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Oleg Saitskiy, owner.

SUBJECT – Application January 16, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (23-141); side yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.

PREMISES AFFECTED – 1824 East 22nd Street, west side of East 22nd Street between Quentin Road and Avenue R,

Block 6804, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Off-Calendar.

98-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 404-414 Richmond Terrace Inc., owner.

SUBJECT – Application May 8, 2014 – Variance (§72-21) to permit the reestablishment of a banquet facility (catering hall -UG 9) with accessory parking. Located in an R5 and R3A zoning districts within the St. George Historic District.

PREMISES AFFECTED – 404 Richmond Terrace, southeast corner of Richmond Terrace and Westervelt Avenue, Block 3, Lot(s) 40, 31, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for continued hearing.

231-14-BZ

APPLICANT – Sheldon Lobel, PC, for Orangetheory Fitness, owner; OTF Man One, LLP, lessee.

SUBJECT – Application September 26, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Orangetheory Fitness*) within a portion of an existing commercial building. C6-3X zoning district.

PREMISES AFFECTED – 124 West 23rd Street, south side of West 23rd Street, between Avenue of the Americas and 7th Avenue, Block 00798, Lot 7507, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to November 17, 2015, at 10 A.M., for continued hearing.

258-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Henry Atlantic Partners LLC, owner.

SUBJECT – Application October 16, 2014 – Variance (§72-21) to permit the construction of a 4-story mixed-use building of an existing with commercial use on the first floor in a (R6) zoning district located in Cobble Hill Historic District.

PREMISES AFFECTED – 112 Atlantic Avenue, southeast corner of the intersection formed by Atlantic Avenue and Henry Street, Block 285, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #6BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4
Negative:.....0

ACTION OF THE BOARD – Laid over to September 18, 2015, at 10 A.M., for decision, hearing closed.

260-14-BZ

APPLICANT – Goldman Harris LLC, for The Chapin School, Ltd., owner.

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SUBJECT – Application October 17, 2014 – Variance (§72-21) to permit the construction of a three-story enlargement to the existing school, contrary to floor area, rear yard, height and setback requirements. (R8B/R10A) zoning districts.

PREMISES AFFECTED – 100 East End Avenue aka 106 East End Avenue, Block 1581, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4

Negative:.....0

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for decision, hearing closed.

316-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for United Talmudical Academy, owner.

SUBJECT – Application November 25, 2014 – Variance (§72-21) to permit the enlargement of an existing Yeshiva building (Talmudical Academy) for lot coverage (§24-11) and rear yard (§24-36). R6 zoning district.

PREMISES AFFECTED – 115 Heyward Street, northern side of Heyward Street between Lee Avenue and Bedford Avenue, Block 02225, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to October 27, 2015, at 10 A.M., for continued hearing.

REGULAR MEETING TUESDAY AFTERNOON, SEPTEMBER 1, 2015 1:00 P.M.

Present: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.

ZONING CALENDAR

213-14-BZ

APPLICANT – Law Office of Steven Simicich, for Wayne Bilotti, owner.

SUBJECT – Application August 29, 2014 – Variance (§72-21) for the construction of a single family detached home contrary to ZR 23-32 for minimum lot area. R2 zoning district.

PREMISES AFFECTED – 165 Wooley Avenue, Woolley Avenue between Lathrop and Garrison Avenues, Block 00419, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to October 27, 2015, at 10 A.M., for continued hearing.

32-15-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 2857 West 8th Street Associates, LLC., owner; Blink West 8th Street, Inc., lessee.

SUBJECT – Application February 19, 2015 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Blink Fitness*) within portions of an existing building. C8-2 (OP) zoning district

PREMISES AFFECTED – 2847 West 8th Street, east side of West 8th Street, 125.67' south of the intersection of West 8th Street and Sheepshead Bay Road, Block 07279, Lot 0162, Borough of Brooklyn.

COMMUNITY BOARD #13BK

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for continued hearing.

33-15-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Equity One (Northeast Portfolio) Inc., owner; Blink 5510-5530 Broadway, Inc., lessee.

SUBJECT – Application February 19, 2015 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Blink Fitness*) within a new commercial building. C8-2 (OP) zoning district.

PREMISES AFFECTED – 5510 Broadway, north east corner of Broadway and West 230th Street, Block 03266, Lot(s) 21 & 23, Borough of Bronx.

COMMUNITY BOARD #8BX

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4

Negative:.....0

MINUTES

ACTION OF THE BOARD – Laid over to October 16, 2015, at 10 A.M., for decision, hearing closed.

40-15-BZ

APPLICANT – Francis R. Angelino, Esq., for 465 Lexington Avenue, LLC., owner; 8 Fit Strategies, LLC, lessee.

SUBJECT – Application March 3, 2015 – Special Permit (§73-36) to permit the operation of a physical culture establishment within portions of an existing building. C5-3 zoning district. Companion case 41-15-BZ

PREMISES AFFECTED – 465 Lexington Avenue, east side between East 46th and 47th Streets, Block 01300, Lot 0020, Borough of Manhattan.

COMMUNITY BOARD #6M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4
Negative:.....0

ACTION OF THE BOARD – Laid over to September 18, 2015, at 10 A.M., for decision, hearing closed.

41-15-BZ

APPLICANT – Francis R. Angelino, Esq., for 140 East 46th Street, LLC., owner; 8 Fit Strategies, LLC, lessee.

SUBJECT – Application March 3, 2015 – Special Permit (§73-36) to permit the operation of a physical culture establishment within portions of an existing building. C5-3 & C5-2.5 zoning district. Companion case 40-15-BZ

PREMISES AFFECTED – 140 East 46th Street, south east corner of East 47th Street and Lexington Avenue, Block 01300, Lot 0050, Borough of Manhattan.

COMMUNITY BOARD #6M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez... 4
Negative:.....0

ACTION OF THE BOARD – Laid over to September 18, 2015, at 10 A.M., for decision, hearing closed.

71-15-BZ

APPLICANT – 548 W 22 Holding LLC., for 548 W 22nd Holding LLC., owner.

SUBJECT – Application March 31, 2015 – Variance (§72-21) the conversion and enlargement of the existing 4-story building, build around 1920 on a fragile foundation system for manufacturing use and later converted to an art Museum to a 20-story mixed-use building with commercial uses on the ground floor and residential use. M1-5/SWCD zoning district.

PREMISES AFFECTED – 548 West 22nd Street, south side of West 22nd Street between Tenth Avenue and Eleventh Avenue, Block 0693, Lo 59, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to October 27, 2015, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director