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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Volume 86, No. 26

June 28, 2001

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### DIRECTORY

**JAMES CHIN**, *Chairman*

**PAUL F. BONFILIO, R.A.**, *Vice Chair*

**MITCHELL KORBAY**

**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Trevis Bethea**, *Deputy Director*

**Juan D. Reyes, III**, *Counsel*

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**MINUTES of Regular Meetings,  
Tuesday, June 19, 2001**

Morning Calendar .....379

**Affecting Calendar Numbers:**

737-65-BZ 1660-1680 Second Avenue, 301-329 East 86<sup>th</sup> Street, Manhattan  
318-70-BZ 1725 Richmond Avenue, Staten Island  
49-95-BZ 806/814 Coney Island Avenue, Brooklyn  
4-01-BZ 18 Richardson Street, Brooklyn  
334-66-BZ 30-07 Newton Avenue, Queens  
599-76-BZ 70-02 72<sup>nd</sup> Place and 72-20 Edsall Avenue, Queens  
739-76-BZ 212-95 26<sup>th</sup> Avenue, Queens  
617-80-BZ 770/780 McDonald Avenue, Brooklyn  
727-86-BZ 240 East 58<sup>th</sup> Street, Manhattan  
539-87-BZ 2451/59 Westchester Avenue, The Bronx  
192-90-BZ 779 Burke Avenue, The Bronx  
26-01-A  
thru 29-01-A 116, 120, 124, 140 Giegerich Avenue, Staten Island

Afternoon Calendar .....383

**Affecting Calendar Numbers:**

306-00-BZ 2824-2834 Broadway, 550 West 110<sup>th</sup> Street, Manhattan  
115-01-BZ/  
116-01-A 362 West 127<sup>th</sup> Street, Manhattan  
144-01-BZ 5100 Kings Plaza a/k/a 5102 Avenue U, Brooklyn  
29-00-BZ 229 East 13<sup>th</sup> Street, Manhattan  
142-00-BZ 240 Wythe Avenue, Brooklyn  
196-00-BZ 269 Forest Avenue, a/k/a 81 Randall Avenue, Staten Island  
208-00-BZ 2739-2747 86<sup>th</sup> Street, Brooklyn  
245-00-BZ 897-903 Grand Street, Brooklyn  
248-00-BZ 2398 Stillwell Avenue, Brooklyn  
275-00-BZ 860 Atlantic Avenue, Brooklyn  
290-00-BZ 149-28 14<sup>th</sup> Avenue, Queens  
293-00-BZ 22-11/27 31<sup>st</sup> Street, Queens  
295-00-BZ 1706 57<sup>th</sup> Street, a/k/a 5701 17<sup>th</sup> Avenue, Brooklyn  
307-00-BZ 41-02 Main Street, Queens  
308-00-BZ 1125 East Gunhill Avenue, The Bronx  
3-01-BZ 626 Dean Street, Brooklyn  
23-01-BZ 618 Dean Street, a/k/a 616 Dean Street, Brooklyn  
16-01-BZ  
thru 20-01-BZ 101, 103, 135, 137 Taaffe Place, Brooklyn  
55-01-BZ 568 Broadway, Manhattan

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# DOCKET

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New Case Filed Up to June 19, 2001.

**215-01-BZ** B.BK. 85 Union Avenue, southwest corner of corner of Henry Block 2345, Park 24, Borough of Brooklyn, N.B.#301161604. Proposed construction of a four story and cellar multiple dwelling (Use Group 2) located in an M3-1 zoning district, is contrary to Z.R.§42-10.  
**COMMUNITY BOARD #1BK**

2470, Borough of The Bronx. Applic.#200673789. Proposed vertical addition of a second story, to an existing one story school building(Yeshiva), Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to floor area ratio, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31.  
**COMMUNITY BOARD #8BX**

**216-01-BZ** B.S.I. 155 Third Street, northwest corner of Rose Avenue, Block 4195, Lot 1, Borough of Staten Island. Applic.#500467657. The legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, is contrary to Z.R. §22-00.  
**COMMUNITY BOARD #2SI**

**219-01-BZ** B.Q. 67-85 Burns Street aka 67-85 Yellowstone Boulevard, northeast corner, Block 3166, Lot 84, Borough of Queens. Applic.#401236774. Proposed addition of a new one -story structure, to an existing synagogue (Use Group 3), designed solely to contain an elevator and elevator lobby, which will encroach into the required front yard, is contrary to Z.R. §24-34.  
**COMMUNITY BOARD #6Q**

**217-01-BZ** B.BX. 505 East 188th Street, north side, 186.80' west of Bathgate Avenue, Block 3058, Lots 40 and 41 (Tentative Lot 40), Borough of The Bronx. Alt.I #200632128. The reinstatement of an expired variance for an attended open parking lot (Use Group 8) located in an R6 zoning district, previously granted by the Board under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, is contrary to Z.R. §22-00.  
**COMMUNITY BOARD #6BX**

**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.**

**218-01-BZ** B.BX. 450 West 250th Street, south

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# CALENDAR

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**JULY 17, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, July 17, 2001, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **584-56-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER: BP Amoco Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 73-15 Parson Blvd., Parson Blvd. Between 75th & 73rd Avenue, Block 6822, Lot 20, Borough of Queens.

**COMMUNITY BOARD #8Q**

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### **702-57-BZ**

APPLICANT - Sheldon Lobel, P.C., for Chris M. Tartaglia, P.E., owner

SUBJECT - Application - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at W.234th Street, northwest corner of Broadway and W. 234th Street, Block 5760, Lot 175, Borough of The Bronx.

**COMMUNITY BOARD #8BX**

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### **742-59-BZ**

APPLICANT -Harold L. Robertson, for Lewis Rudin., owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired June 14, 2001.

PREMISES AFFECTED - 134-136 East 55th Street a/k/a 50 Park Avenue, Lexington Avenue and East 55th Street, Block 1309, Lot 50, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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### **743-59-BZ**

APPLICANT -Harold L. Robertson, for Lewis Rudin., owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expires July 12, 2001.

PREMISES AFFECTED - 38-50 East 36<sup>th</sup> Street, Park Avenue and East 36<sup>th</sup> Street, Block 865, Lot 40, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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### **285-70-A**

APPLICANT - Elliott M. Glass, Glass & Glass, Architects, for Schur Realty Company, LLC., Owner.

SUBJECT - Application November 14, 2000 - reopening for an extension of term of variance which expired October 28, 2000.

PREMISES AFFECTED -14-16 East 38th Street, south side 12'-0" West of Madison Avenue, Block 867, Lot 62, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### **509-80-A**

APPLICANT -Glass & Glass, Architects, for Gramercy Fire Associates., Owner.

SUBJECT - Application June 22, 2000 - reopening for an extension of term of variance which expired July 8, 2000.

PREMISES AFFECTED -114-120 East 23rd Street, south side 175'-0" east of Park Avenue South, Block 878, Lot 65, Borough of Manhattan.

**COMMUNITY BOARD #5M**

**JULY 17, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, July 17, 2001, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **APPEALS CALENDAR**

### **140-01-A**

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Mr & Mrs. James Carlson, lessees.

SUBJECT - Application April 16, 2001 - proposed enlargement of the first floor and the addition of a new second floor to an existing one family dwelling not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of

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# CALENDAR

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the General City Law.

PREMISES AFFECTED - 22 Courtney Lane, southeast corner of No Name Lane, Block 16350, Lot Part of lot 400, Borough of Queens.

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## 141-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Bernadette and Michael Murray, lessees.

SUBJECT - Application April 16, 2001 - proposed enlargement of the first floor and the addition of a new second floor to an existing one family dwelling not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 167 Bedford Avenue, northside, 33' east of Eight Avenue, 167 Bedford, Block 16350, Lot Part of Lot 400, Borough of Queens.

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## 142-01-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Ms. Isabelle McGowan, lessee.

SUBJECT - Application April 16, 2001 - proposed addition of a partial second floor, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 27 Queens Walk, eastside 245' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

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## 191-01-A

APPLICANT - Kevin Saumell, for Breezy Point Cooperative Inc., owner; James Tucci, lessee.

SUBJECT - Application May 8, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 32 Irving Walk, west side, 125' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

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**JULY 17, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, July 17, 2001, at 2 P.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### 173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.

SUBJECT - Application June 30, 2000 - under Z.R. §Z.R. 72-21 to permit the proposed mixed use residential/community facility building, located in an R4 zoning district, which creates non-compliance in respect to F.A.R., lot coverage, perimeter wall height, total height and lot area is contrary to Z.R. §24-11, §24-522a, §35-411 and §24-21.

0PREMISES AFFECTED - 341/349 Troy Avenue a.k.a. 1515, 1519, 1523 Carroll Street, intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #9BK**

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### 292-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Congregation Adas Yereim, owner.

SUBJECT - Application December 4, 2000 - under Z.R. 73-19, to permit the proposed school (Use Group 3) located in an M1-2 zoning district, which is contrary to Z.R. §42-00. PREMISES AFFECTED - 35 Warsoff Place, east side, between Flushing & Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

**COMMUNITY BOARD #3BK**

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*Pasquale Pacifico, Executive Director*

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# CALENDAR

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**JULY 24, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, July 24, 2001, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**306-70-A**

APPLICANT -Glass &Glass, Architects for Handro Management Co., owner.

SUBJECT - Application October 17, 2000 - reopening for an extension of term of variance which expired October 28, 2000.

PREMISES AFFECTED-149-151 West 40th Street, northeast corner of West 40th Street and Seventh Avenue, Block 993, Lot 1 Borough of Manhattan.

**COMMUNITY BOARD #5M**

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**613-74-BZ**

APPLICANT -Pillsbury Winthrop LLP, for Verizon New York Inc., owner.

SUBJECT - Application June 6, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1095 Avenue of the Americas, Block 994, Lot 33, Borough of the Manhattan.

**COMMUNITY BOARD #5M**

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**964-87-BZ**

APPLICANT- Catapano Engineering, P.C., for Leemilt Petroleum, Inc.,owner.

SUBJECT - Application November 14, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 6, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 780/798 Burke Avenue, southwest corner of Barnes Avenue, Block 4571, Lot 28, Borough of The Bronx.

**COMMUNITY BOARD #12BX**

**139-92-BZ**

APPLICANT - Samuel H. Valencia, for Valencia Enterprises, owner.

SUBJECT - Application April 5, 2001 - reopening for an extension of term of variance which expired March 7, 2001.

PREMISES AFFECTED - 52-15 Roosevelt Avenue, northside, 125.53 east of intersection at 52<sup>nd</sup> Street, Block 1315, Lot 76, Borough of Queens.

**COMMUNITY BOARD #2Q**

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**102-95-BZ**

APPLICANT -Fredrick A. Becker, Esq., for 50 West 17 Realty Co., owner, Renegades Associates dba Splash Bar, lessee.

SUBJECT - Application March 15, 2001 -a reopening for an extension of term of variance which expired March 5, 2001.

PREMISES AFFECTED - 50 West 17th Street, South side of West 17th Street between 5th Avenue and 6th Avenue, Block 818, Lot 78 Borough of Manhattan.

**COMMUNITY BOARD #4M**

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**63-96-BZ**

APPLICANT - Dennis D. Dell Angelo, for Michael and Catherine Moudatsos, owner.

SUBJECT - Application April 16, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4677 Hylan Boulevard, west side of Hylan Boulevard, 175' south of Arden Avenue, Block 503, Lot 43, Borough of Staten Island.

**COMMUNITY BOARD #3Q**

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**130-00-A**

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.

SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-17 Cross Island Parkway, north side 150' east of 157th Street, Block 4568, Lots 83 (84 & 85), Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**131-00-A**

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.

SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-19 Cross Island Parkway, north side 190' east of 157th Street, Block 4568, Lots 84 (83 & 85),

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# CALENDAR

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Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**133-00-A**

APPLICANT - Paul Mok, for Block 8044, Lot 1 Corp., owner.  
SUBJECT - Application June 14 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 157-23 Cross Island Parkway, north side 187.51' east of 159th Street, Block 4568, Lots 85 (83 & 84), Whitestone, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**JULY 24, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, July 24, 2001, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**APPEALS CALENDAR**

**35-01-A**

APPLICANT - Jack Lester, Esq., on behalf of Iver Iverson and East 82nd Street Neighborhood Association.

OWNER OF PREMISES: Marymount School.

SUBJECT - Application February 2, 2001 - an appeal challenging the Department of Buildings' determination dated January 11, 2001, allowing the construction of an exterior stairwell as a second means of egress at subject premises which constitutes a fire safety hazard, and also is in violation of the Building Code of the City of New York.

PREMISES AFFECTED - 2 East 82nd Street, corner of Fifth Avenue, Block 1493, Lot 68, Borough of Manhattan.

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**124-01-A**

APPLICANT - Fischbein Badillo Wagner Harding, by: Marvin B. Mitzner, Esq., for Queens Boulevard Realty Group, LLC., owner.

SUBJECT - Application March 23, 2001 - proposed ramp at the entrance to the garage, for the building's parking in the cellar (four story commercial building), must provide a 20' landing in accordance with Section 27-458 of the NYC Building Code and proposed number of exits from all floors

is contrary to Section 27-366 (C26-603..2) of Building Code must provide 2 means of egress.

PREMISES AFFECTED - 47-01 Queens Boulevard, northeast corner of 47th Street, Block 140, Lot 10, Borough of Queens.

**COMMUNITY BOARD #2Q**

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**JULY 24, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, July 24, 2001, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**32-01-BZ**

APPLICANT - Harold Weinberg, for Barbara Manning, owner.

SUBJECT - Application January 30, 2001 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2(BR) zoning district which creates non-compliance with respect to F.A.R., O.S.R. and side yards, and is contrary to Z.R. §23-141, §54-31 and §23-461.

PREMISES AFFECTED - 8321 Colonial Road, northwest corner of 84th Street, Block 6015, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

**54-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Michael & Fran Koegel, owner.

SUBJECT - Application February 20, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and side yards and is contrary to Z.R. §23-141 & §23-461.

PREMISES AFFECTED - 2508 Avenue J, between Bedford Avenue and 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**112-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Doris Laufer, owner;

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# MINUTES

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Congregation Noam Emimelech, Long-term lessee.

SUBJECT - Application March 6, 2001 - under Z.R. 72-21, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district, which does not comply with the zoning requirements for side yards and off-street parking spaces, contrary to Z.R. §24-35 and §25-18.

PREMISES AFFECTED - 1402/67 59th Street (Tentative 1402 59th Street), corner of 59th Street and 14th Avenue, Block 5713, Lots 8 and 10 (Tentative Lot 8) Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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## **114-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Daniel Beyda, owner.

SUBJECT - Application March 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and rear yard, which is contrary to Z.R. §23-14, §23-141 and §23-47.

PREMISES AFFECTED - 1320 East 24th Street, between Avenues M and N, Block 7659, Lot 55, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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## **121-01-BZ**

APPLICANT - Paul Hastings, Janofsky and Walker, LLP by Elise Wagner, Esq., for New York University/Mount Sinai Medical Center, owner.

SUBJECT - Application March 20, 2001 - under Z.R. §73-64/73-03, to permit the proposed construction of a new medical research and laboratory building (Use Group 3A) located in an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, rear yard and minimum distance between building, which is contrary to Z.R. §24-522, §24-382 and §24-652.

PREMISES AFFECTED - 550 First Avenue, portion of the block bounded by East 30th Street, First Avenue, East 34th Street and the FDR Drive, Block 962, Lot 8, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING  
TUESDAY MORNING, JUNE 19, 2001**

# MINUTES

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 5, 2001, were approved as printed in the Bulletin of June 14, 2001, Volume 86, Nos. 23-24.

## SPECIAL ORDER CALENDAR

### 737-65-BZ

APPLICANT -Sheldon Lobel, P.C., for Helmsley Spear Inc, owner.

SUBJECT - Application December 28, 2000 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of variance which expired November 3, 2000.

PREMISES AFFECTED -1660-1680 Second Avenue, 301-329 East 86th Street, 300-334 East 87th Street, Block 1549, Lot 1, Borough of Manhattan .

### COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Lyra Altman.

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

**THE VOTE TO CLOSE HEARING** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant has requested a reopening for a waiver of the Rules of Practice and Procedure and an extension of term of the variance; and

WHEREAS, a public hearing was held on this application on April 3, 2001, after due notice by publication in The City Record laid over to May 15, 2001, June 5, 2001 and then to June 19, 2001 for decision; and

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

WHEREAS, the applicant seeks an extension of the term of the variance which expired November 3, 2000; and

WHEREAS, the proposed extension of term is warranted under certain conditions.

Resolved, that the Board of Standards and Appeals hereby, waives the Rules of Practice and Procedure, reopens and amends the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on November 3, 1965 as amended through April 16, 1991 expiring on November 3, 2000, so that as amended this

portion of the resolution shall read:

"granted for an additional term of ten years, on condition:

THAT the term of the variance shall be limited to ten years from November 3, 2000, expiring November 3, 2010;

THAT a recapture sign be displayed informing tenants of their right to recapture any of the spaces devoted to transient parking upon thirty days notice to the owner or operator of the garage;

THAT the premises shall be maintained of graffiti and debris and in substantial compliance with the plans submitted with the application marked 'Received, December 28, 2001'-(1) sheet and 'March 8, 2001'-(2) sheets; that other than herein amended the above cited resolution and all other laws shall be complied with in all respects and a new certificate of occupancy for the garage portion of the building obtained within one year of this amended resolution".

(DOB 11068)

Adopted by the Board of Standards and Appeals, June 19, 2001.

### 318-70-BZ

APPLICANT - Rampulla Associates Architects, LLP, for 1725 Richmond Avenue Corp., owner; Scott Lizo, lessee.

SUBJECT - Application February 9, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1725 Richmond Avenue, south of Victory Boulevard, Block 2071, Lot 23, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Philip L. Rampulla.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

**THE VOTE TO CLOSE HEARING** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant requested an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 5, 2001 after due notice by publication in The City Record, laid to June 19, 2001 for decision.

WHEREAS, the applicant proposes to include a non-automatic car laundry (Use Group.16) to the existing front end suspension (Use Group16) and tire sales/installation establishment (Use Group 7); and

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WHEREAS, Community Board #2, Staten Island, recommended conditional approval of the application; and

WHEREAS, the Board finds that the proposed uses will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties.

*Resolved*, that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on November 17, 1970, so that as amended this portion of the resolution shall read:

"To permit the addition of a non-automatic car laundry (Use Group 16) to the existing front end suspension service (Use Group 16) and tire sales and installation service (Use Group 7); on condition that there shall be no vehicular sales or rental conducted from this establishment; that no detailing service shall be offered at this establishment; that all signs shall comply with the C1 district regulations; that the above conditions shall appear on the certificate of occupancy; that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked 'Received May 3, 2001'-(2) sheets and 'June 8, 2001'-(1) sheet; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(DOB 500464838)

Adopted by the Board of Standards and Appeals, June 19, 2001.

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## 49-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Art Flock & Screen, Inc., owner

SUBJECT - Application May 23, 2000 - reopening for an amendment to permit a change of use from storage warehouse with showrooms and sales (Use Group 16E) to retail stores (Use Group 6) and to extend the term of the variance.

PREMISES AFFECTED - 806/814 Coney Island Avenue, west side of Coney Island Avenue, 300.75' north of the intersection with Ditmas Avenue, Block 5393, Lots 27, 93 and 140, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived and time to complete substantial

construction extended.

### THE VOTE TO CLOSE HEARING -

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

Negative: .....0

### THE RESOLUTION -

WHEREAS, the applicant requested a reopening for a waiver of the Rules of Practice and Procedure and an extension of the time to complete substantial construction; and

WHEREAS, a public hearing was held on this application on September 19, 2000 after due notice by publication in The City Record, laid over to December 19, 2000, January 16, 2001, April 3, 2001, April 17, 2001, May 1, 2001, June 5, 2001 and then to June 19, 2001 for decision; and

*Resolved*, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution adopted on July 1, 1997, only as to the time to complete substantial construction, so that as amended this portion of the resolution shall read:

"That substantial construction shall be completed within twenty-four months of July 1, 2001".

(ALT. No. 300054367)

Adopted by the Board of Standards and Appeals, June 19, 2001.

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## 4-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: 18 Richard Street Holding Corp. LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 18 Richardson Street, south side, 175' east of Union Avenue, Block 2731, Lot 12, Borough of the Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES -

In Opposition: Fredrick A. Becker.

**ACTION OF THE BOARD** - Application withdrawn.

### THE VOTE TO WITHDRAW -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, June 19, 2001.

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**334-66-BZ**

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

SUBJECT - Application January 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Jeffrey Chester.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 10 A.M., for continued hearing.

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**599-76-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for F. M. Brush Company, owner.

SUBJECT - Application April 20, 2001 - reopening for an extension of term of the variance which expires December 21, 2001

PREMISES AFFECTED - 70-02 72nd Place and 72-20 Edsall Avenue, southwest corner of Edsall Avenue and 72nd Place, Block 3664, Lot 7, Borough of Queens.

**COMMUNITY BOARD #5Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 10 A.M., for continued hearing.

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**739-76-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application April 6, 2001 - reopening for an extension of term of variance which expired April 10, 2001.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice Chair Bonfilio,

Commissioner Korbey and Commissioner Caliendo.....4

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 10 A.M., for decision, hearing closed.

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**617-80-BZ**

APPLICANT -Sheldon Lobel, P.C., for Joseph Fekete, Pres J.S. Simcha Inc.

SUBJECT - Application September 29, 2000 - reopening for an extension of the term of variance which expired December 9, 2000 and for an amendment to legalize the changes.

PREMISES AFFECTED -770/780 Mc Donald Avenue, Block 5394, Lots 11,1 Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 10 A.M., for continued hearing.

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**727-86-BZ**

APPLICANT - Fredrick A. Becker, Esq., for Selimaj Realty Company; owner.

SUBJECT - Application January 16,2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of variance which expired January 17, 1999.

PREMISES AFFECTED 240 East 58th Street, South side of East 58th Street, 140' West of second Avenue, Block 1331, Lots 30, Borough of Manhattan .

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 10 A.M., for continued hearing.

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**539-87-BZ**

APPLICANT - Catapano Engineering, P.C., for Allan Stations, Inc., owner.

SUBJECT - Application July 7, 2000- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired on May 23, 1999 and for an amendment to the resolution.

PREMISES AFFECTED - 2451/59 Westchester Avenue,

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# MINUTES

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northeast corner of Rowland Street, Block 3974, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #9BX**

APPEARANCES -

For Applicant: Michelle Spallino.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 10 A.M., for decision, hearing closed.

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**192-90-BZ**

APPLICANT - Vassalotti Associates, A.I.A., for Charles Nicosta, owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 779 Burke Avenue, Block 4603, Lot 25, Borough of The Bronx.

**COMMUNITY BOARD #12BX**

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 10 A.M., for decision, hearing closed.

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**26-01-A thru 29-01-A**

APPLICANT - Rothkrug & Rothkrug, for ATP Development Corp., owner.

SUBJECT - Applications January 23, 2001 - proposed two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

116 Giegerich Avenue, west side, 146' east and 83.4' north of Bedell Avenue, Block 7796, Lot 76, Borough of Staten Island.

120 Giegerich Avenue, west side, 146' east and 41.7' north of Bedell Avenue, Block 7796, Lot 78, Borough of Staten Island.

124 Giegerich Avenue, west side, 146' east and 0' north of Bedell Avenue, Block 7796, Lot 80, Borough of Staten Island.

140 Giegerich Avenue, west side, 146.75' east and 0' north of Bedell Avenue, Block 7796, Lot 82, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeals granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decisions of the Staten Island Borough Commissioner, dated January 8, 2001, acting on Application Nos. 500465864, 500465855, 500465846, and 500465837 reads:

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

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

B) permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated May 10, 2001, the Fire Department has reviewed the above project and has no objections on the conditions detailed below; and

WHEREAS, the applicant has submitted adequate evidence to warrant these approvals under certain conditions.

*Resolved*, that the decisions of Staten Island Borough Commissioner, dated January 8, 2001, acting on Application Nos. 500465864, 500465855, 500465846, and 500465837, are modified under the power vested in the Board by §36 of the General City Law, and that these appeals are granted, limited to the decisions noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received June 18, 2001”- (1) sheet; and that the proposal comply with all applicable R3-A (SRD) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT Geiegerich Avenue from its intersection with Bedell Avenue up to and including the applicant’s property, shall be paved to a width of at least 30’;

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THAT No Parking anytime signs shall be installed along the entire length of Geigergrich Avenue; and

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

Adopted by the Board of Standards and Appeals, June 19, 2001.

**REGULAR MEETING  
TUESDAY AFTERNOON, JUNE 19, 2001  
2:00 P.M.**

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

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**ZONING CALENDAR**

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**133-01-A**

APPLICANT - Philip L. Rampulla, for Emanuel Licitra, owner.  
SUBJECT - Application April 4, 2001 - 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 - 105 Giegerich Avenue, 514.74' south of Minerva Avenue, Block 7792, Lot 435, Borough of Staten Island.

APPEARANCES -

For Applicant: Phil Rampulla.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 11 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:05A.M.

**306-00-BZ**

APPLICANT - Rosenman & Colin, LLP, for Columbia University; Congregation Ramath Orah, owners.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors 6 through 12, located in a C1-5 overlay in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use, minimum distance between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223.

PREMISES AFFECTED - 2824-2834 Broadway; 550-560 West 110th Street; 253-259 West 109th Street, westernmost portion of the block bounded by Broadway, 109th and 110th Streets and Amsterdam Avenue, Block 1881, Lots 1, 3, 4, 6 and 56, Borough of Manhattan.

**COMMUNITY BOARD #7M**

APPEARANCES -

For Applicant: Gary R. Tarnoff.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD -**

THE VOTE TO GRANT -

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

Negative: .....

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 18, 2000, acting on Applic. No. 102916855, reads;

"1. Proposed new building on a zoning lot located in C1-5 and R8 zoning districts (the subject zoning lot") does not comply with the height and setback regulations of the Zoning Resolution Sections 33-431 and 24-522 along Broadway and West 110th Street and rear setback regulations of the Zoning Resolution Section 24-552.

2. Proposed new building increases the degree by

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which the subject zoning lot does not comply with the lot coverage regulations set forth in the Zoning Resolution Section 24-11.

3. Proposed new building increases the degree by which the subject lot does not comply with the required rear yard equivalent regulations set forth in Zoning Resolution Section 24-382.

4. Proposed new building on the subject zoning lot is occupied by commercial use above first story ceiling and community facility uses on upper stories contrary to the Supplementary Use Regulations of zoning Resolution Section 32-421.

5. Proposed new building on subject zoning lot increases the degree by which existing residential buildings do not comply with the Minimum Distance between Legally required windows and walls or lot lines requirements of Zoning Resolution Section 23-861.

6. Proposed new building on subject zoning lot will create, with respect to existing residential buildings on subject zoning lot, non-compliance with the required lot area per room requirements set forth in Zoning Resolution Sections 23-223.”; and

WHEREAS, a public hearing was held on this application on May 1, 2001 after due notice by publication in the Bulletin and laid over to June 5, 2001; and then to June 19, 2001 for decision; and

WHEREAS, Community Board No. 7 Manhattan recommended 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 Chairman James Chin and Vice-Chair Paul Bonfilio, R.A.; and

WHEREAS, this is an application to permit the proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors 6 through 12, located in a C1-5 overlay and in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use, minimum distance between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223; and

WHEREAS, the subject zoning lot is irregularly shaped, with 171' 10" of frontage on the east side of Broadway (the entire frontage of Broadway between 109th and 110th Streets), 200' of frontage on West 110th Street/Cathedral Parkway, and 125' frontage on West 109th Street; and

WHEREAS, the zoning lot is located in an R8 zoning district; the western 100', along Broadway, is located in a C1-5 overlay district; and

WHEREAS, the site is occupied by a 5 story residential building fronting on West 109th Street (Lot 6), a 5-story

mixed building at the corner of Broadway and West 109th Street (Lot 1) a 2-story commercial building on Broadway (Lot 3) and a 2-story synagogue on West 110th Street (Lot 56), all of which would remain on the subject zoning lot; and

WHEREAS, there is also an existing 2-story commercial building at the northwest portion of the zoning lot (Lot 4), with frontage on Broadway and West 110th Street, which will be demolished; and

WHEREAS, altogether, the zoning lot contains a total of 26,798 square feet of lot area and 33,059 square feet of the floor area; and

WHEREAS, the applicant's proposal would require the demolition of one building (Lot 4), a two-story plus cellar building occupied by a commercial use; and

WHEREAS, the proposed building is 12 stories and 149 feet tall containing 141,128 square feet of floor area, with a mechanical bulkhead rising 24' over the roof; and

WHEREAS, the proposed building is 136' 10" wide along Broadway, extending over an existing bank and maintains a continuous street wall up to the 12th floor on Broadway and 10th floor on West 110th Street, and sets back from the rear at a point 37' east of the Broadway street line on the north and south faces; and

WHEREAS, the proposed building will generally be comprised of commercial uses on the ground floor, the school on floors 2-6, and faculty housing on floors 6-12; and

WHEREAS, 7,261 square feet of commercial space on the ground floor, to be accessed from Broadway and West 110th Street, will provide general retail uses for users and residents of the proposed building and the community at large; and

WHEREAS, various university officials demonstrated that because of the extraordinarily competitive environment in higher education and the need to attract and retain top researchers and educators, the University's programmatic needs include an attractive working and living community for scholars; and

WHEREAS, therefore, the proposed building will include faculty housing and a school with grades Kindergarten through eighth for the children of the university's faculty; and

WHEREAS, in addition to serving the children of Columbia faculty and staff it is Columbia's goal that 45% of the students in the school will be selected from the community and will be provided financial aid appropriate to their ability to pay tuition; and

WHEREAS, in addition, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare; and

WHEREAS, the applicant represents that the existing

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buildings on the Zoning Lot constitute a unique physical condition that creates practical difficulties and unnecessary hardship in designing a new building that meets the programmatic needs of the University and the School; and

WHEREAS, these existing buildings are significantly under built, and they consume a large amount of lot area relative to the floor area that they generate and they significantly reduce the footprint of a new development and the sufficiency of its floorplates for the school and faculty housing use; and

WHEREAS, the record indicates that the school requires floorplates that are large enough for classrooms with proper size, location, and adjacencies, and the faculty housing floors require floorplates that will allow faculty housing units of the proper size and layout; and

WHEREAS, evidence in the record shows that these requirements cannot be met in the Complying Building because of the unique conditions on the Zoning lot; and

WHEREAS, since Columbia is a non-profit organization, a Section 72-21 (b) finding is not required to grant the variance requested by this application but the proposal is necessary to meet its programmatic needs; and

WHEREAS, the erection of the building will be designed so that it blends into the existing character of the neighborhood; and

WHEREAS, in response to community concerns, Columbia University has agreed to preserve, completely renovate and modernize the two apartment buildings on West 109th Street, containing 17 apartments, to be residences for non-Columbia members of the community for at least 30 years, at "affordable rents," and these rents will be defined as affordable to households spending less than 30% of their total household income on rent, with household incomes less than 90% of the Area Median Income (AMI) of NYC as defined by HUD; and

WHEREAS, the applicant has agreed to relocate within the existing building or in a building of similar quality in the immediate vicinity, all tenants housed at the 253, 259 and West 109th Street buildings whose apartments will be affected by the waiver of the minimum distance requirements; and

WHEREAS, the retail space on Broadway in the building to be constructed shall be leased for use as a food market; and

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

WHEREAS, a survey of the neighborhood reveals that the size and bulk of the proposed building will be consistent with that of many of the surrounding buildings; and

WHEREAS, all of these existing buildings maintain a

continuous streetwall, as does the project, without setback, up to the full height of their facade; and

WHEREAS, many of these buildings are shaped with solid mass along Broadway and then have deep recess or courtyard parallel to Broadway, so that when viewed from the north or south the buildings appear slender and well proportioned; and

WHEREAS, the facades of many of these buildings are detailed with horizontal and vertical banding to maintain a scale along the street; and

WHEREAS, the proposed building incorporates these design principals; and

WHEREAS, the proposed building has a strong rectangular-shaped street presence on Broadway that appears as a thin slab; and

WHEREAS, the continuous street wall of the project is consistent with the size and proportion of the surrounding buildings; and

WHEREAS, the proposed building includes strong horizontal banding to relate to the adjacent cornice lines and vertical details to maintain an overall scale to the building; and

WHEREAS, the existing residential buildings on the zoning lot will have their facades restored as part of a separate project; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the programmatic needs of the university; and

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

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

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

*Resolved*, that the Board of Standards and Appeals issues the Conditional Negative Declaration dated April 6, 2001 and duly published on April 18, 2001 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit the proposed construction of a 12 story building with commercial use on the ground floor, a school on floors 2 through 6, and housing for faculty and staff on floors 6 through 12, located in a C1-5 overlay in an R8 zoning district, which creates non-compliance with respect to height, setback, lot coverage, rear yard equivalent, supplementary use, minimum distance

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between legally required windows, wall or lot lines and lot area per room, which is contrary to Z.R. §33-431, §24-522, §24-11, §24-382, §32-421, §23-861 and §23-223, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received March 7, 2001 - (23) sheets, and "April 6, 2001 -(1) sheet" and on further condition;

THAT the retail space on Broadway in the building to be constructed shall be leased for use as a food market of similar size;

THAT, in accordance with BSA approved plans, all fire safety measures shall be complied with;

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

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

Adopted by the Board of Standards and Appeals, June 19, 2001.

## 115-01-BZ

APPLICANT - Namyong Pak, for Namyong Pak, owner.  
SUBJECT - Application March 12, 2001 - under Z.R. §72-21, to permit the proposed erection of five story residential building (Use Group 2) located in an R7-2 zoning district, which does not comply with the zoning requirements for F.A.R., lot coverage, side and rear yards, contrary to Z.R. §23-145, §23-47 and §23-462.

PREMISES AFFECTED - 362 West 127th Street, 50' south of the southern end of St. Nicholas Terrace, Block 1953, Lot 54, Borough of Manhattan.

### COMMUNITY BOARD #9M

APPEARANCES -

For Opposition: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application withdrawn.

**THE VOTE TO WITHDRAW** -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, June 19, 2001.

## 116-01-A

APPLICANT - Namyong Pak, for Namyong Pak, owner.  
SUBJECT - Application March 12, 2001 - proposed erection of five story residential building, which must comply with the NYC Building Code regarding installation of elevators, extra exit, sprinkler and side lot line windows, as per §27-366, §27-368(a), LL 10/99& Table 3-4, Subchapter #4.

PREMISES AFFECTED - 362 West 127th Street, 50' south of the southern end of St. Nicholas Terrace, Block 1953, Lot 54, Borough of Manhattan.

### ACTION OF THE BOARD -

APPEARANCES -

For Opposition: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application withdrawn.

**THE VOTE TO WITHDRAW** -

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

Negative: .....0

Adopted by the Board of Standards and Appeals, June 19, 2001.

## 144-01-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Alexander's Kings Plaza Center, Inc., owner; King Arcade Corp., lessee.  
SUBJECT - Application April 17, 2001 - under Z.R. §73-35, to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 5100 Kings Plaza a/k/a 5102 Avenue U, 5102-5430 Avenue U, 2483-2671 Flatbush Avenue, Block 8470, Lots 1, 50 and 55, Borough of Brooklyn.

### COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Capt. Richard A. Capolongo, Carl Kruger, Dorothy Tyrand, Saul Needle, Roberta Sheenan and Frank R. Sodio.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**THE VOTE TO REOPEN HEARING** -

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

Negative: .....0

**THE VOTE TO CLOSE HEARING** -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to June 27, 2001, at 2 P.M., for decision, hearing closed.

## 29-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Vrbnik Realty LLC, Contract Vendee.  
SUBJECT - Application February 4, 2000 - under Z.R. §72-21,

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to permit the proposed residential building (Use Group 2) located in a C1-6A zoning district, which does not comply with the zoning requirements for floor area, height and setback regulations, and the maximum allowable number of dwelling units, which is contrary to Z.R. §23-145, §23-223(c) and §23-633.

PREMISES AFFECTED - 229 East 13th Street, between Second Avenue and Third Avenue, Block 469, Lot 46, Borough of Manhattan.

**COMMUNITY BOARD #3M**

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department..

**ACTION OF THE BOARD** - Laid over to August 14, 2001, at 2 P.M., for continued hearing.

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**142-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for R.E. Holding Co., owner.

SUBJECT - Application May 23, 2000 - under Z.R. §72-21, to permit the legalization of the residential occupancies of two floors, and the conversion of a vacant floor to residential, in a four story manufacturing facility, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 240 Wythe Avenue, northwest corner of North Third Street, Block 2349, Lot 23, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 2 P.M., for decision, hearing closed.

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**196-00-BZ**

APPLICANT - Rothkrug & Rothkrug, for Patricia Cattani, owner.

SUBJECT - Application August 8, 2000 - under Z.R. §72-21, to permit the legalization of an existing office on the second floor, and to permit similarly use of the first floor for professional offices, Use Group 6, in an existing community facility/residential building, located within an R1-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 269 Forest Avenue a.k.a. 81 Randall Avenue, north east corner, Block 131, Lot 63, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

APPEARANCES -

For Applicant: Adam W. Rothkrug.

**ACTION OF THE BOARD** - Laid over to August 7, 2001, at 2 P.M., for continued hearing.

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**208-00-BZ**

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

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

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

**COMMUNITY BOARD #11BK**

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: Battalion Chief Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 24, 2001, at 2 P.M., for continued hearing.

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**245-00-BZ**

APPLICANT - Dominick Salvati & Son Architects, for Paul S. Grosman, owner.

SUBJECT - Application October 16, 2000 - under Z.R. §72-21, to permit the proposed construction of a six story building, with residential use on the upper five floors and a retail store on the first floor, which is contrary to Z.R. §32-00, in that residential use, (Use Group 2) is not permitted in a C8-2 zoning district.

PREMISES AFFECTED - 897-903 Grand Street, between Olive Street and Catherine Street, Block 2923, Lots 23, 24, 25, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 24, 2001, at 2 P.M., for continued hearing.

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**248-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Tile and Stone

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# MINUTES

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Warehouse Inc., owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed construction of a building to be used as a retail/office and warehouse, in an area zoned for residential use (R-5) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2398 Stillwell Avenue, west side, between Bay 49th and Bay 50th Streets, Block 6904, Lots 19 and 31, Borough of Brooklyn.

**COMMUNITY BOARD #13BK**

APPEARANCES -

For Applicant: Janice Cahalane, Sheldon Lobel and Marc Eerg.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 24, 2001, at 2 P.M., for continued hearing.

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**275-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for VanLantic LLC, owner.

SUBJECT - Application November 20, 2000 - under Z.R. §72-21, to permit the proposed conversion of the three upper floors of a vacant four story manufacturing building, to residential use (Use Group 2) located in a M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 860 Atlantic Avenue, between Vanderbilt and Underhill Avenues, Block 1122, Lot 12, Borough of Brooklyn.

**COMMUNITY BOARD #8BK**

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 2 P.M., for decision, hearing closed.

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**290-00-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for FERP Associates, owner; Walgreens, lessee.

SUBJECT - Application December 1, 2000 - under Z.R. §72-21, to permit the proposed erection and maintenance of accessory business signs, for an existing drug use store, that exceed the maximum square footage permitted, which is contrary to Z.R. §32-641 and §32-643.

PREMISES AFFECTED - 149-28 14th Avenue, between

149th and 150th Streets, Block 4660, Lot 10, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for continued hearing.

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**293-00-BZ**

APPLICANT - Gerald J. Caliendo, R.A., for NRPLLCII/Emmes Realty Services, owner; Steve Tallidis, lessee.

SUBJECT - Application December 8, 2000 - under §72-21, to permit the proposed physical culture establishment, to be located on the second floor of an existing two story building, in a C1-2 within an R5 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 22-11/27 31st Street, east side, 100' south of Ditmars Boulevard, Block 833, Lot 24, Borough of Queens.

**COMMUNITY BOARD #1Q**

APPEARANCES -

For Applicant: Gerard Caliendo.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to June 27, 2001, at 2 P.M., for decision, hearing closed.

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**295-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for Sara Feferkorn, owner.

SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) which exceeds the permitted floor area, and does not meet the minimum requirements for side and front yards, also does not meet the requirements for optional provisions for certain R5 and R6 zoning districts, which is contrary to Z.R. §23-45, §23-46, §23-141 and §23-146.

PREMISES AFFECTED - 1706 57th Street a.k.a. 5701 17th Avenue, southwest corner, Block 5498, Lot 10, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Sheldon Lobel, Janice Cahalane, Mendi and

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# MINUTES

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Sara Feferkorn, Barry M. Riven, Naftali Klagsbrun and Pinchas Torn.

**ACTION OF THE BOARD** - Laid over to July 24, 2001, at 2 P.M., for continued hearing.

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### 307-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerasia Bank, owner.

SUBJECT - Application December 21, 2000 - under Z.R. §72-21, to permit the proposed use of floors two through five of a five story mixed use building for office use (Use Group 6) located in a C1-2/R zoning district, which does not comply with the zoning requirements for commercial use of upper floors, and is contrary to Z.R. §32-421, §32-121 and §36-21.

PREMISES AFFECTED - 41-02 Main Street, southwest corner of 41st Avenue and Main Street, Block 5041, Lot 30, Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 2 P.M., for decision, hearing closed.

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### 308-00-BZ

APPLICANT - Charles R. Foy, Esq., for KFC of America, Inc., owner.

SUBJECT - Application December 21, 2000 - under Z.R. § 72-21 and §73-213 to permit the proposed eating and drinking establishment with an accessory drive through facility, Use Group 6, located in C8-1, C1-2 and R5 zoning districts, which is contrary to Z.R. §22-00 and requires a special permit as per Z.R. §73-243 and §32-15.

PREMISES AFFECTED - 1125 East Gunhill Avenue, 79' west of the intersection of East Gunhill & Boston Roads, Block 4705, Lot 5, Borough of The Bronx.

### COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Charles Foy.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 2 P.M., for decision, hearing closed.

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### 3-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob Pinson (contract vendee), owner.

SUBJECT - Application January 9, 2001 - under Z.R. §72-21, to permit the proposed conversion of a vacant manufacturing building, located in an M1-1 zoning district, to residential occupancy (Use Group 2) which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 626 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 33, Borough of Brooklyn.

### COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; Joan Crawford.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for continued hearing

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### 23-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jacob Pinson, Contract Vendee.

SUBJECT - Application January 19, 2001 - under Z.R. §72-21, to permit the proposed conversion of a vacant building zoned for manufacturing use, to residential use, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 618 Dean Street a.k.a 616 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lots 28, 29 and 30, Borough of Brooklyn.

### COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department; Joan Crawford.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for continued hearing.

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### 16-01-BZ thru 20-01-BZ

APPLICANT - Klein & O'Brien, LLP by Allison Farina, Esq., for General Printing Co. by Mendel Rosenberg, owner.

SUBJECT - Application January 18, 2001 - under Z.R. §72-21, to permit the proposed construction of a four story, 3-unit

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# MINUTES

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residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 99 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 21, Borough of Brooklyn.

101 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 120, Borough of Brooklyn.

103 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 19, Borough of Brooklyn.

135 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 2, Borough of Brooklyn.

137 Taaffe Place, east side, between Myrtle and Park Avenues, Block 1897, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #3BK**

APPEARANCES -

For Applicant: Stuart Klein.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department and others.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to July 10, 2001, at 2 P.M., for decision, hearing closed.

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**55-01-BZ**

APPLICANT - Fredrick A. Becker, Esq., for 568 Broadway Joint Venture, owner; LMVH, dba, Bliss Spa, lessee.

SUBJECT - Application February 22, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment/health spa, on portions of the second and third floors of an eleven story mixed use building, in an M1-5B zoning district, which requires a special permit.

PREMISES AFFECTED - 568 Broadway, northeast corner of Prince Street, Block 511, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Fredrick A. Becker, Doris Diether and others.

For Opposition: Jacob Salik.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 17, 2001, at 2 P.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 5:15 P.M.