
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, Nos. 1-3

January 17, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	4-7
CALENDAR of February 5, 2002	
Morning	8
Afternoon	8-9
CALENDAR of February 12, 2002	
Morning	9
Afternoon	9

CONTENTS

MINUTES of Regular Meetings,

Tuesday, January 8, 2002

Morning Calendar10

Affecting Calendar Numbers:

636-54-BZ , Vol. II 9612/24 Seaview Avenue, Brooklyn
659-76-A 253 Beach 116th Street, Queens
338-98-BZ 901-949 East 107th Street, Brooklyn
205-01-A 36-30 College Point Boulevard, Queens
440-68-BZ 1896 Bruckner Boulevard, The Bronx
173-94-BZ 165-10 144th Road, Queens
36-99-BZ 1347-53 East 23rd Street, Brooklyn
99-01-A 37-18 74th Street, Queens
236-01-A 11-07 Redfern Avenue, Queens
266-01-A thru
278-01-BZ Beachview Avenue, Staten Island
298-01-A 107 Beach 221st Street, Queens

Afternoon Calendar

Affecting Calendar Numbers:

29-00-BZ 229 East 13th Street, Manhattan
295-00-BZ 1706 57th Street, Brooklyn
300-00-BZ 5902/08 14th Avenue, Queens
54-01-BZ 2508 Avenue J, Brooklyn
199-01-BZ 440 Quentin Road, Brooklyn
204-01-BZ 73-15 Parsons Boulevard, Queens
228-01-BZ 1153 Grand Concourse, The Bronx
237-01-BZ 56 East 93rd Street, Manhattan
242-01-BZ 25 West 14th Street, Manhattan
243-01-BZ 135 Parkinson Avenue, Staten Island
245-01-BZ 601 West 26th Street, Manhattan
71-99-BZ 56-05 69th Street, Queens
224-00-BZ 2353 Cropsey Avenue, Brooklyn
292-00-BZ 35 Warsoff Place, Brooklyn
134-01-BZ 139 East 57th Street, Manhattan
197-01-BZ 951 81st Street, Brooklyn
209-01-BZ thru
214-01-BZ Middleton Street, Lorimer Street, Brooklyn
216-01-BZ 155 3rd Street, Staten Island
224-01-BZ 159 Grand Street, Manhattan
120-01-BZ 134-02 Cross Bay Boulevard, Queens
125-01-BZ thru
128-01-BZ Classon Avenue, Brooklyn
136-01-BZ 11-11 44th Drive, Queens
143-01-BZ 348 East 9th Street, Manhattan
201-01-BZ 2591/2613 Atlantic Avenue, Brooklyn
217-01-BZ 505 East 188th Street, The Bronx
219-01-BZ 67-85 Burns Street, Queens
250-01-BZ 101-03 Astoria Boulevard, Queens
253-01-BZ 848 Washington Street, Manhattan
254-01-BZ 26-06 213th Street, Queens

DOCKET

New Case Filed Up to January 8, 2002

397-01-BZ B.Q. 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens. Applic.#401124591. The legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #1Q

398-01-A B.Q. 59 Reid Avenue, east side, 82.46' south of Marshall Avenue, Block 16350, Lot 300, Borough of Queens. Alt I.# 401293042. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

399-01-A B.Q. 59 Hillside Avenue, south side, 144.05' west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens. Alt I.# 401316054. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and also has a private disposal system within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

400-01-A B.Q. 26 Newport Walk, west side, 52.32' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.I #401295585. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and has a private disposal system located partially within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

401-01-BZ B.BK. 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn. Applic.#301276438. Proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #15BK

402-01-BZ B.BK. 936 East 24th Street, 260' south of

Avenue "T", Block 7587, Lot 60, Borough of Brooklyn. Applic.#301276679. Proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #14BK

403-01-BZ B.BK. 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn. Alt. #301172503. The reestablishment of an expired special permit previously granted by the Board under Calendar No. 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 54, is contrary to Z.R. §73-243.

COMMUNITY BOARD #13BK

404-01-BZ B.BK. 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn. Applic.#301281583. Proposed enlargement of an existing single family dwelling, Use Group 1, located in an R2 zoning district, which does comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141 and §23-46.

COMMUNITY BOARD #14BK

405-01-BZ B.BK. 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn. Applic.# 301234251. Proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

COMMUNITY BOARD #12BK

DOCKET

1-02-A B.S.I. 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island. Applic.#500504439. Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

2-02-BZ B.BX. 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx. Applic.#200702463. Proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, requires a special permit as per §73-19, and a variance to waive certain rear yard requirements, is contrary to §42-13, §43-232 and §43-302.

COMMUNITY BOARD #3BX

3-02-A B.S.I. 10 Gallant Court, east side, 679' north of Arbutus Avenue, Block 6517, Lot 105, Borough of Staten Island. Applic.#500476834. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

4-02-A B.S.I. 21 Gallant Court, east side, 402.6' north of Arbutus Avenue, Block 6517, Lot 110, Borough of Staten Island. Applic.#500476870. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

5-02-A B.S.I. 31 Gallant Court, east side, 520.1' north of Arbutus Avenue, Block 6517, Lot 115, Borough of Staten Island. Applic.#500476889. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

6-02-A B.S.I. 36 Gallant Court, west side, 596' north of Arbutus Avenue, Block 6517, Lot 120, Borough of Staten Island. Applic.#500476825. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

7-02-A B.S.I. 41 Gallant Court, east side, 620' north of Arbutus Avenue, Block 6517, Lot 130, Borough of Staten Island. Applic.#500476861. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to

Section 36, Article 3 of the General City Law.

8-02-A B.S.I. 46 Gallant Court, west side, 496' north of Arbutus Avenue, Block 6517, Lot 125, Borough of Staten Island. Applic.#500476816. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

9-02-A B.S.I. 51 Gallant Court, east side, 720' north of Arbutus Avenue, Block 6517, Lot 135, Borough of Staten Island. Applic.#500476852. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

10-02-A B.S.I. 61 Gallant Court, east side, 805' north of Arbutus Avenue, Block 6517, Lot 145, Borough of Staten Island. Applic.#500476843. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

11-02-A B.S.I. 66 Gallant Court, west side, 384' north of Arbutus Avenue, Block 6517, Lot 150, Borough of Staten Island. Applic.#500476790. Proposed construction of a one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

12-02-BZ B.BK. 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn. N.B.#301272833. Proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, is contrary to Z.R. §32-25.

COMMUNITY BOARD #12BK

DOCKET

13-02-BZ B.BK. 112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn. Applic.#301240137. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

14-02-BZ B.BK. 114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn. Applic.#301240128. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

15-02-BZ B.BK. 116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn. Applic.#301240100. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

16-02-BZ B.BK. 118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn. Applic.#301240093. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

17-02-BZ B.BK. 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn. Alt.#301136367. Proposed physical culture establishment, on portions of the second and third floors of a two and three story building, located in a C4-3 zoning district, requires a special permit as per Z.R. §32-31.
COMMUNITY BOARD #BK

18-02-BZ B.BK. 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn. Alt.#I. 301230004. Proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.
COMMUNITY BOARD #18BK

19-02-BZ B.S.I. 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island. Applic.#500507515. The legalization of an existing physical culture establishment, located within a portion of a one

story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.
COMMUNITY BOARD #3SI

20-02-BZ B.M. 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan. Applic.#103046375. Proposed expansion of an existing physical culture establishment, located in a C6-4A zoning district, previously granted under Cal. #160-95-BZ, requires a special permit as per Z.R. §§32-10 and 32-31.
COMMUNITY BOARD #5M

21-02-A B.Q. 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens. Applic.#401378237. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

22-02-A B.Q. 258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens. Applic.#401378246. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

23-02-A B.Q. 258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens. Applic.#401378228. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKET

24-02-A B.Q. 258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens. Applic. #401378479. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

25-02-A B.Q. 258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens. Applic.#401378460. Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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

CALENDAR

FEBRUARY 5, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 5, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

391-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Robert Rooney, lessee.

SUBJECT - Application December 18, 2001 - Proposed first floor enlargement and partial second floor addition to existing single family dwelling not fronting a mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Hudson Walk, east side of Hudson Walk, 132.18 north of Breezy Point Boulevard, Rockaway Point, Borough of Queens.

COMMUNITY BOARD #14Q

1-02-A

APPLICANT - Rampulla Associates Architects, for Joseph Cafiero, owner.

SUBJECT - Application January 2, 2002 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #3SI

FEBRUARY 5, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, February 5, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.
SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit the reestablishment of an expired special permit, previously granted under Cal No. 733-86-BZ.

PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.

SUBJECT - Application July 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use on the ground floor and loft dwellings on the upper floors, Use Groups 6 and 2, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §111-02 and §12-10.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

234-01-BZ

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

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

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

COMMUNITY BOARD #1BK

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.
SUBJECT - Application July 18, 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 FAR, OSR and rear yard and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

MINUTES

FEBRUARY 12, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 12, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner
SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

FEBRUARY 12, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 12, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

362-01-BZ

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, Proposed construction of a eleven story building, Use Groups 2, 3 and 6, located in a C1-4 overlay within an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, and minimum distance between buildings, is contrary to Z.R. §§ 33-431 and 23-711.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130

Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

368-01-BZ

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the proposed change in use from a community facility (Use Group 3) to transient hotel (Use Group 5) also the addition of a small penthouse on the roof, a bar and restaurant facility at the first story level, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

402-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruth Fischl, contract vendee

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 936 East 24th Street, 260' south of Avenue "I", Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

REGULAR MEETING

TUESDAY MORNING, JANUARY 8, 2002

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 4, 2001, were approved as printed in the Bulletin of December 13, 2001, Volume 86, No. 44.

SPECIAL ORDER CALENDAR

MINUTES

636-54-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Stephen & Jeanne Tamor (Trustees), owner; Motiva Enterprises, LLC (Shell), lessee.
SUBJECT - Application August 23, 2001 - reopening for an extension of term of variance which expired October 16, 2001.
PREMISES AFFECTED - 9612/24 Seaview Avenue, southwest corner of Rockaway Parkway, Block 8328, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #18BK

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - application reopened term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired October 16, 2001; and

WHEREAS, Community Board #18, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in the Bulletin, laid over to January 8, 2002 for decision; and

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

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §11-411, said resolution having been adopted October 16, 1956 as amended through, October 1, 1991, expiring October 16, 2001, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from October 16, 2001 expiring October 16, 2011, on condition that, the premises be kept clean of debris and graffiti, that all lighting will be pointed away from residential dwellings, that there will no parking on the sidewalks, that there will be no outdoor storage, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received August 23, 2001'-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution."

(ALT No. 301226359)

Adopted by the Board of Standards and Appeals, January 8, 2002.

659-76-A

APPLICANT - Walter T. Gorman, P.E., for Dr. Allan Mirkin.,owner, Rockaway Chamber of Commerce, lessee.

SUBJECT - Application June 12, 2001 - reopening for an extension of term of variance which expires November 9, 2001.

PREMISES AFFECTED - 253 Beach 116th Street,w/s 240'south of Newport Avenue, Block 16212, Lot 19, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - application reopened term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired November 9, 2001; and

WHEREAS, Community Board #14, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in the Bulletin, laid over to January 8, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §72-11 said resolution having been adopted November 9, 1976 as amended through, October 27, 1992, expiring November 9, 2001, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from November 9, 2001 expiring November 9, 2011, on condition that, the premises be kept clean of debris and graffiti, that all lighting will be pointed away from residential dwellings, that there will no parking on the sidewalks, that there will be no outdoor storage, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received June 12, 2001'-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution."

(ALT No.401242277)

Adopted by the Board of Standards and Appeals, January 8, 2002.

MINUTES

338-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Flatlands and 107th Co., LLC, owner.

SUBJECT - Application August 10, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired July 11, 2001.

PREMISES AFFECTED - 901-949 East 107th Street, southeast corner of the intersection of 107th Street and Flatlands Avenue, Block 8215, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jon Popin.

ACTION OF THE BOARD - Application reopened and time to obtain a certificate of occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a certificate of occupancy which expired on July 11, 2001; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in The City Record, laid over to January 8, 2002 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 11, 1999 expiring May 11, 2019 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within one year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 8, 2002.

205-01-A

APPLICANT - Edward Lauria for U-Haul International, owner.

SUBJECT - Application June 6, 2001 - an appeal for an interpretation of Use Group 16 of the Zoning Resolution, in which the Department of Buildings has categorized “Self Storage Facility”.

PREMISES AFFECTED - 36-30 College Point Boulevard, west side, 347.08 south of Northern Boulevard, Block 4963, Lot 200, Borough of Queens.

APPEARANCES -

For Administration: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 8, 2002.

440-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Equiva Services, Inc., owner.

SUBJECT - Application August 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of time to obtain a Certificate of Occupancy which expired October 27, 1999.

PREMISES AFFECTED - 1896 Bruckner Boulevard, Bruckner Boulevard, southwest corner of White Plains Road, Block 3671, Lot 19, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Jon Popin.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to January 8, 2002, at 10 A.M., for continued hearing.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 23, 2002, at 10 A.M., for continued hearing.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

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

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

MINUTES

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 10 A.M., for continued hearing.

99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 & Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Administration: John Yacovone, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 11 A.M., for continued hearing.

236-01-A

APPLICANT - Sheldon Lobel, P.C., for Coland Real Estate, LLC, owner.

SUBJECT - Application July 13, 2001 - proposed construction of dry wells and paving treatment, within the bed of a mapped street, is contrary Section 35 of the General City Law.

PREMISES AFFECTED - 11-07 Redfern Avenue, between Beach 12th Street and approximately 140' east of Beach 11th Street, Block 15505, Lot 2, Borough of Queens.

APPEARANCES -

For Applicant: Jon Popin.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 29, 2002, at 11 A.M., for continued hearing.

266-01-A thru 278-01-BZ

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

For Applicant: Robert Caneco.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 11 A.M., for continued hearing.

298-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Rachele and James Boyhan, lessees.

SUBJECT - Application October 25, 2001 - proposed enlargement and alteration of an existing single family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Beach 221st Street, east side, 120' south of Breezy Point Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:20 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 8, 2002
2:00 P.M.**

MINUTES

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

ZONING CALENDAR

29-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Vrbnik Realty LLC, Contract Vendee .

SUBJECT - Application February 4, 2000 - under ZR §72-21, 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 ZR §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: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2000, acting on Applic. No. 102493204 reads:

“The proposed residential floor area exceeds maximum allowable floor area as per Section 23-145 of the Zoning Resolution.

Board of Standards and Appeals approval is required for floor area to exceed maximum allowable floor area as per Section 23-145 of the Zoning Resolution.

The proposed number of dwelling units exceeds the maximum allowable number of dwelling units as per section 23-223 (c) of the Zoning Resolution.

Board of Standards and Appeals approval is required for the number of dwelling units to exceed the maximum allowable as per section 23-223 (c) of the Zoning Resolution.

The proposed building does not comply with Section 23-633 of the Zoning Resolution, a 15’0” setback at the street wall is required and the height of the building cannot exceed the maximum building height of 70’-0”.

Board of Standards and Appeals approval is required for the building not to have a street wall setback, and for the building to exceed the maximum building height as per section 23-633 of the Zoning Resolution.

The proposed lot does not comply with section 22-145 of the Zoning Resolution. The lot coverage of 65% is required.

Board of Standards and appeals approval is required to exceed the lot coverage as per Section 22-145 of the Zoning Resolution.”

WHEREAS, a public hearing was held on this application on January 9, 2001 after due notice by publication in The City Record and laid over to February 13, 2001, March 13, 2001, June 5, 2001, June 19, 2001, August 14, 2001, October 16, 2001, November 20, 2001, December 11, 2001 and then to January 8, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. § 72-21 to permit for an area variance from floor area (Section 23-145), height and setback (Section 23-633) and the number of dwelling units (Section 23-223 (c)) lot coverage (Section 23-145) for construction of a proposed residential building within a C1-6A district; and

WHEREAS, the premises is located on East 13th Street, in Manhattan, between Second and Third Avenues and has remained undeveloped for nearly thirty years; and

WHEREAS, it is within a C1-6A zoning district, which permits residential, community facility and commercial development; and

WHEREAS, the owner seeks to construct an eight story residential building with two cellar level medical offices; and

WHEREAS, the “A” finding in a variance requires that the hardship must result from the unique circumstances peculiar to the subject premises and that this condition presents a practical difficulty in meeting the requirements of the Zoning Resolution; and

WHEREAS, the applicant contends that the uniqueness of the subject lot stems from the existence of irregular conditions at the building adjacent to the Premises on 13th Street; and

WHEREAS, the applicant further contends that the conditions include cracks to the aforementioned building which start at the foundation and continue to the roof; and

WHEREAS, the applicant states that the cracks and bowing to the west wall of the adjacent building are the result of damage and water penetration; and

WHEREAS, the applicant contends this damage to the adjacent property’s foundation has continued to crack in the west wall of the adjacent structure’s cellar; and

WHEREAS, the applicant further contends this condition creates additional expenditures which must be incurred for any activity on the subject premises; and

WHEREAS, the applicant contends that these conditions require unnecessary meticulous excavation, foundation, facade installation techniques for development of the subject premises; and

WHEREAS, the applicant contends that the fact that the subject zoning lot has not been developed is also evidence of its uniqueness; and

MINUTES

WHEREAS, however the record does not show how such an alleged conditions on the adjacent site or the site being vacant for thirty years leads to or demonstrates uniqueness or practical difficulty for the subject premises; and

WHEREAS, even in the event that continued vacancy might be seen as contributing to uniqueness, the fact that the lot has been vacant for thirty years is a self-created hardship; and

WHEREAS, the applicant also contends that a prior Board of Standards and Appeals grant proves uniqueness, however, that grant was for a conversion of an existing building, which has since been demolished and is no longer relevant; and

WHEREAS, the applicant fails to prove that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Zoning Resolution, and that the alleged practical difficulties or unnecessary hardship are not due to the circumstances created generally by the strict application of such provisions in the neighborhood or districts which the zoning lot is located; and

WHEREAS, the applicant's record fails to sufficiently explain why the site is different from other sites in the area and also why applicable zoning regulations result in practical difficulty because the Board noted that cracks and damage to the foundation of the adjacent site and the subject site being vacant are not unique conditions nor does this present a practical difficulty in conforming to the Zoning Resolution; and

WHEREAS, the argument that conditions primarily prevalent on the adjacent lot does not add to the applicant's argument that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use of bulk provisions of the Resolution; and

WHEREAS, the applicant has failed to meet the burden under ZR§72-21 (A) in this application; and

WHEREAS, the Board finds that the Department of Buildings acted properly in not permitting this application for non-compliance in floor area (Section 23-145), height and setback (Section 23-633) and the lot coverage (Section 11-145) number of dwelling units (Section 23-223 (c)) for construction of a proposed residential building within a C1-6A district; and

Resolved, that the decision of the Borough Commissioner dated, January 8, 2000, acting on Applic. No. 102493204 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals January 8, 2002.

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 one- family dwelling

(Use Group 2) located in an R5 zoning district, which creates non-compliance with respect to floor area and side and front yards contrary to Z.R. §§23-141(a), 23-46, 23-45, & 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: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated March 2, 2001, and October 18, 2001 acting on Applic. No. 301083574, reads:

“A1. The plans are contrary to section 23-146 of the Zoning Resolution, as plans do not meet the minimum requirements for front yard, side yard, and plans exceed the permitted floor area.

2. Proposed plans are also contrary to section 23-133, balconies are not permitted in side yards.”; and

WHEREAS, a public hearing was held on this application on June 19, 2001 after due notice by publication in The City Record, laid over to July 24, 2001, October 16, 2001, October 30, 2001, December 18, 2001 and then to January 8, 2002, for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed construction of a one- family dwelling (Use Group 2) located in an R5 zoning district, which creates non-compliance with respect to floor area and side and front yards contrary to Z.R. §23-141(a), 23-46, 23-45, & 23-146; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot measuring approximately 82' by 25' located on a wide public highway and that, compliance with applicable zoning would yield a structure that would only utilize 28% of buildable lot area; and

WHEREAS, the record indicates that premises is not located in an area that would enable it to qualify for a special permit pursuant to Z.R. §73-622; and

WHEREAS, the Board notes that most lots are adjacent to the sidewalk, the subject lot, however, is approximately 7' from the sidewalk; and

WHEREAS, the applicant notes that the 7' between the lot and the sidewalk is usually not taken by the city and would become the private ownership of the adjacent lot owner; and

WHEREAS, the applicant represents that had the owner been

MINUTES

able to use the 7' between the lot and the sidewalk, then that space would be used in calculating set back requirements; and

WHEREAS, the applicant illustrates that the total width of the public area (including the sidewalk) is approximately 15'; and

WHEREAS, the applicant also suggests that a balcony is required for the purpose of religious observances; and

WHEREAS, while it may be more appropriate to place a balcony in a rear yard, the subject property sits on a corner lot and has no rear yard; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R5 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, the proposed construction of a one- family dwelling (Use Group 2) located in an R5 zoning district, which creates non-compliance with respect to floor area and side and front yards contrary to Z.R. §§23-141(a), 23-46, 23-45, & 23-146, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, December 10, 2001"-(1) sheet and "December 18, 2001"-(7) sheets; and on further condition;

THAT the development, as approved, is subject to

verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

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

Adopted by the Board of Standards and Appeals, January 8, 2002.

300-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Kolel Zichron Yosef Dovid by Mayer Laufer, President, owner.

SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit the proposed construction of a five story masonry residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 5902/08 14th Avenue, between 59th and 60th Streets, Block 5712, Lots 69 thru 72, Borough of Queens.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 8, 2002.

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 in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side Yards contrary to Z.R §23-141, and §23-461.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD- Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 26, 2001, acting on Alt. 1. Application No. 301120711 reads, in pertinent part:

“Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- (1) proposed floor area contrary to Z.R. Sec. 23-141.
- (2) Proposed open space ratio contrary to Z.R. Sec. 23-141
- (3) Proposed side yards contrary to Z.R. Sec. 23-461”;

and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in The City Record, and laid over to , 2001, December 4, 2001 and then to January 8, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side Yards contrary to Z.R. §§ 23-141, and § 23-461; and

WHEREAS, the proposed enlargement will increase the FAR to .96, decrease the Open Space Ratio .57, decrease one side yard by .16; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special to permit in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side Yards contrary to Z.R §23-141, and §23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received December 19, 2001”-(6) sheets; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the

Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, January 8, 2002.

199-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Doris Mosseri, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21, to permit, the proposed erection of horizontal and vertical enlargements, to an existing one-family dwelling (Use Group 1) located in an R5 zoning district, which creates non-compliance with respect to front yard, perimeter wall height, setback, and sky-exposure plane contrary to Z.R. §§23-45, 23-461, 23-631, & 54-31.

PREMISES AFFECTED - 440 Quentin Road, southwest corner of East 4th Street, between 3rd and 4th Streets, Block 6660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 30, 2001, acting on Applic. No. 301133164, reads:

BOARD OF STANDARDS AND APPEALS DENIAL
THE PROPOSED ENLARGEMENT OF THE EXISTING
ONE-FAMILY RESIDENCE IN AN R5 ZONING
DISTRICT IN THE OCEAN PARKWAY SPECIAL
ZONING DISTRICT (OP) SUB DISTRICT:

“1.INCREASES THE DEGREE OF NON-COMPLIANCE
WITH RESPECT TO FRONT YARD AND IS
CONTRARY TO SECTIONS 23-45 & 54-31.

2. INCREASES THE DEGREE OF NON-COMPLIANCE
WITH RESPECT TO PERIMETER WALL HEIGHT AND
IS CONTRARY TO SECTIONS 23-461 AND 54-31.

3. INCREASES THE DEGREE OF NON-COMPLIANCE
WITH RESPECT TO SET BACK AND SKY EXPOSURE
PLANE AND IS CONTRARY TO SECTIONS 23-631 &
54-31.”

WHEREAS, a public hearing was held on this application on October 16 , 2001 after due notice by publication in The City

MINUTES

Record, laid over to December 18, 2001 and then to January 8, 2002, for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed erection of horizontal and vertical enlargements, to an existing one-family dwelling (Use Group 1) located in an R5(Special Ocean Parkway District) zoning district, which creates non-compliance with respect to front yard, perimeter wall height, setback, and sky-exposure plane contrary to Z.R. §§23-45, 23-461, 23-631, & 54-31; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot measuring approximately 20' by 100' located within the Ocean Parkway Special Zoning District; and

WHEREAS, the applicant notes that due to the narrowness of the lot, the proposal will occupy 2000 square of floor area, in an R5 where 3000' is permitted; and

WHEREAS, the record indicates that premises is located in an area that would enable it to qualify for a special permit pursuant to Z. R. §73-622, but that due to a 4' easement on the West side of the property a straight line enlargement would only provide the owner with a 1' gain in width; and

WHEREAS, applicant represents that once the dwelling is enlarged by 8'-6" the proposal would go beyond the existing one story structure and since the special permit does not allow for variations of the front yard, the applicant must file the subject variance application; and

WHEREAS, the applicant notes that a complying development would require two front yards and yield a house that is 5' wide; and

WHEREAS, the applicant notes further that if the subject lot were wider, the owner would utilize Z. R.§73-622 for the proposed enlargement; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R5 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, the proposed erection of horizontal and vertical enlargements, to an existing one-family dwelling (Use Group 1) located in an R5 zoning district, which creates non-compliance with respect to front yard, perimeter wall height, setback, and sky-exposure plane contrary to Z.R. §§23-45, 23-461, 23-631, & 54-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 31, 2001"-(7) sheets, "December 10, 2001"-(3) sheets and "January 7, 2002"-(2) sheets; and on further condition;

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

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

Adopted by the Board of Standards and Appeals, January 8, 2002.

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.
SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the proposed demolition of the existing structure and the proposed construction of a new automotive service station, (Use Group 16) a 2,900 square foot accessory retail convenience store, installation of underground gasoline storage tanks, a new overhead canopy, re-arrange the existing pump islands and re-landscape the premises and alteration of the signage contrary to Z.R. §32-31.

PREMISES AFFECTED - 73-15 Parsons Boulevard, between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

MINUTES

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 21, 2001 acting on Applic. No. 401166787, reads:

“Proposed construction of a new automotive service station with accessory retail convenience store within a C2-2 zoning district requires a special permit from the NYC Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on after due notice by publication in The City Record, and laid over to December 11, 2001, and then to January 8, 2002 for decision; and

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

WHEREAS, this is an application for a special permit under Z.R. §73-211 on a site previously before the Board, to permit the proposed demolition of the existing structure and the proposed construction of a new automotive service station, (Use Group 16) a 2,900 square foot accessory retail convenience store, installation of underground gasoline storage tanks, a new overhead canopy, re-arrange the existing pump islands and re-landscape the premises and alteration of the signage contrary to Z.R. §32-31; and

WHEREAS, in 1958, under Calendar Numbers 256-58-BZ & 256-58-A as amended through August 12, 1985 expiring November 26, 1990, the Board permitted the erection and maintenance of a gasoline service station with automobile repairs; and

WHEREAS, the application indicates that automobile repairs will no longer be performed at the subject premises but that gasoline sales will remain; and

WHEREAS, the subject premises currently houses an automotive service station consisting of (2428) square feet containing six (6) pump islands, (5) four thousand (4000) fuel underground fuel storage tanks; and

WHEREAS, the instant proposal seeks to demolish the existing structure and remove all existing underground storage tanks, as well as the pump islands pump islands and replace them with a two thousand nine hundred (2900) square foot convenience store, six (6) new pump islands, a canopy and three (3) new ten thousand (10,000) gallon underground storage tanks, and a on-site parking for eight (8) automobiles; and

WHEREAS, screening from adjoining residential properties will be provide by a six (6) foot high brick wall with low maintenance landscaping along the fence line in accordance with Z.R. §73-211(4)(1) and (2)

WHEREAS, the proposed convenience store use will contain 2900 square feet; and

WHEREAS, the application proposes 144.5 square feet of illuminated signage which less than the 150 square feet permitted under Z.R. §73-211(5)(1); and

WHEREAS, the size of the premises, nineteen thousand and four hundred and ninety three (19,493) meets the requirement of Z.R. §73-211(a) that the premises have a minimum area of at least seven thousand five hundred (7500 square feet); and

WHEREAS, evidence in the record reveals that entrances and exits are planned so that at maximum operation, into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 73-211, and grants a special permit, on a site previously before the Board, to permit the proposed demolition of the existing structure and the proposed construction of a new automotive service station, (Use Group 16) a 2,900 square foot accessory retail convenience store, installation of underground gasoline storage tanks, a new overhead canopy, re-arrange the existing pump islands and re-landscape the premises and alteration of the signage contrary to Z.R. §32-31 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received August 21, 2001”-(5) sheets; and on further condition;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT landscaping shall be provided in accordance with BSA-approved plans;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT premises be maintained free of debris and graffiti;

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

MINUTES

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, January 8, 2002.

228-01-BZ

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

SUBJECT - Application July 2, 2001 - under Z.R. §72-21, to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §22-00, §22-10 and §122-03.

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

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 18, 2001 acting on Applic. No. 200663790 reads:

A 1. In an R8 zoning district (Grand Concourse District) creation of store (Use Group 6) is contrary to section 22-00 Z.R. & Sec. 122-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on December 11, 2001, after due notice by publication in The City Record and laid over to December 4, 2001 and then to January 8, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §§22-00, 22-10 and 122-03; and

WHEREAS, the site is improved with a six story Class A multiple dwelling (new law tenement), constructed in 1922 and contains 58 apartments; and

WHEREAS, the lot coverage of the building at the site is approximately 9,500 sq. ft. and the total floor area of the building is 57,360sf; and

WHEREAS, the floor area of the stores at issue are located at the southernmost portion to the frontage on the Grand Concourse, immediately adjacent to McCellan Sreet; and

WHEREAS, the stores comprise 1464 sq. ft. of the site; and

WHEREAS, the applicant contends that there are unique physical conditions which create practical difficulties and unnecessary hardships in the building in conformance with the R8 zoning regulations; and

WHEREAS, the applicant contends the site is across the street from a new courthouse which lacks retail services and that the tenants patronize the stores; and

WHEREAS, the applicant contends that the Special Grand Concourse District narrows down at McCellan Street to exclude a portion of the east side of the Grand Concourse; and

WHEREAS, the applicant contends many areas of the Grand Concourse are designated as commercial extension areas; and

WHEREAS, the applicant contends all the apartments at the Premises have low rent; and

WHEREAS, the applicant contends the stores were erected prior to the “Americans with Disabilities Act”; and

WHEREAS, while although the site has some nearby commercial uses, there are many ground floor residential apartments through the immediate area; and

WHEREAS, the two stores were former residential units; and

WHEREAS, furthermore, the fact that there are apartments on the same level as the premises where the stores are located is demonstrative of the viability for residential use; and

WHEREAS, the Board site visit revealed that in the blocks surrounding the subject premises there are numerous multiple dwellings units; and

WHEREAS, besides dwelling units, community facilities are also permitted uses in the R8 zoning district; and

WHEREAS, the applicant’s contentions do not address practical difficulties and unnecessary hardships inherent in the zoning lot; and

WHEREAS, based upon the foregoing, the Board finds that the application as presented fails to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the applicant contends that development of this property without the food and record stores will preclude the earning of a reasonable return; and

WHEREAS, the subject premises are currently improved with a non-complying multiple dwelling which is much larger than what could be currently built under existing zoning; and

WHEREAS, the subject building contains 58 dwelling units; and

MINUTES

WHEREAS, however, the applicant requests that the Board find that a reasonable return for this dramatically overbuilt property hinges upon the conversion of two residential units to a food store and a record store, even though one cannot reasonably expect high income from such a unit; and

WHEREAS, the Board finds that the application as presented fails to show an inability to obtain a reasonable return without a variance and therefore it fails to meet the requirements of Z.R. §72-21 (b); and

WHEREAS, the area immediately surrounding the subject premises is marked by medium and low density residential buildings; and

WHEREAS, the stores location is in marked contrast the surrounding homes; and

WHEREAS, while the City does have many buildings which have ground floor commercial uses mixed with upper-level residences, those mixed use buildings are in appropriately zoned commercial areas, often along streets developed for local retail uses; and

WHEREAS, in contrast, the stores in question is the lone commercial enterprise in an otherwise residential area; and

WHEREAS, the fact that the store has existed illegally for over many years does not make it more appropriate for the surrounding area; and

WHEREAS, while its lengthy existence has led to a customer base in the area, the success of a business does not mean that said business does not alter the character of the surrounding area; and

WHEREAS, the Board finds that the store in question does alter the residential character of the area and therefore is contrary to Z.R. §72-21 (c); and

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) and (c), it must be denied.

Therefore, it is Resolved that the decision of the Borough Commissioner must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, January 8, 2002.

237-01-BZ

APPLICANT - Friedman and Gotbaum, LLP by Shelly S. Friedman, Esq., for The Spence School, owner.

SUBJECT - Application July 17, 2001 - under Z.R. §72-21, to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of non-compliance with respect to the rear yard requirement, in the R8B portion of the yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 56 East 93rd Street, south side, between Madison and Park Avenue, Block 1504, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant - Lori Cuisinier.

For Opposition: Patrick Jones.

For Administration: John Yacavone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 22, 2001 acting on Applic. No. 102773535 reads:

“That portion of the proposed 5th floor addition in the R-8B district does not comply with Z.R. §24-36 because it increases the extent of an existing rear yard non-compliance.”

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

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

WHEREAS, this is an application under Z.R. § 72-21 to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of noncompliance with respect to the rear yard requirement, in the R8B portion of the yard, is contrary to Z.R. §24-36; and

WHEREAS, the subject site consists of a Zoning Lot improved with the Building, a five floor plus cellar structure; and

WHEREAS, in or around 1966, the Building was converted into a residential alcohol and drug treatment facility, a Use Group 3 community facility use; and

WHEREAS, in 1972, the Building was designated as an individual New York City landmark for its distinctive architecture; and

WHEREAS, the Zoning lot is also included within the boundaries of the Carnegie Hill Historic District; and

WHEREAS, the applicant’s proposal’s configuration of the modification to the fifth floor in the area of the non-compliance presents a practical difficulty in appropriately enlarging that floor; and

WHEREAS, the as of right construction of this project would eliminate a historic garden in the rear yard, however, the applicant has voluntarily planned to preserved this garden; and

WHEREAS, the applicant represents that the proposed addition is the only means by which the floor can be configured to provide the five Lower School classrooms, which cannot be smaller than 500 sf. Each; and

WHEREAS, by law and by programmatic necessity, classrooms for children in lower grades have specific requirements; and

WHEREAS, the Lower School program cannot function without relief from the rear yard requirements for a portion of the fifth floor that does not exceed 240 sf.; and

MINUTES

WHEREAS, the floor plan for the fifth floor has been developed to overcome the requirements of light and air, no less than 500 sf., and support of adequate adjoining hallways, toilets, stairways, teachers' study area and mechanical shafts; and

WHEREAS, pursuant to the current zoning it would not be practical to construct the same type of facilities within the as-of-right envelope by constructing an enlargement on the R8B portion of the site whose upper floors observed the rear yard requirements; and

WHEREAS, the applicant represents that such an enlargement would require the addition of a sixth floor; and

WHEREAS, the applicant represents the resulting floor plates on floors five and six, assuming the need to provide unnecessary vertical transportation and mechanical systems and result in an enlargement to the Building which would be considerably more visible to the public; and

WHEREAS, there is no possibility of providing a similar space anywhere else within the existing building without affecting existing rooms or required facilities and the proposed structure is the minimum addition required in order to fulfill the programmatic needs of the existing facility; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot and the record indicates that the ability to provide classrooms in this arrangement will enhance the ability of the school to operate effectively; and

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the school; and

WHEREAS, these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the proposed enlargement will accommodate the students and allow for them to receive the necessary size classrooms that they need; and

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

WHEREAS, the applicant represents that the proposed modification in which the fifth floor expansion is a small part is an appropriate addition to its environs; and

WHEREAS, the applicant represents that the addition provides the necessary modifications in bulk without engulfing the Building's original scale; and

WHEREAS, the appropriate character of the overall plan, including part of the fifth floor at issue in this application, has been given approval by the Landmarks Preservation Commission; and

WHEREAS, the applicant represents the variance will have minimal impact to the Building's rear yard property line neighbors and that no new non-compliance will be created; and

WHEREAS, the applicant represents that with the completion of the modification, the footprint of the building will not be altered; and

WHEREAS, the existing walls which are visible to these neighbors will not be affected; and

WHEREAS, an existing fifth floor will be extended to meet the current walls of the three floors beneath in a unified composition and the existing rear façade will remain; and

WHEREAS, the applicant represents that the proposed addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size and the existing building is taller than the adjacent properties and will not be visible or have any impact and the record indicates that the subject proposal will not adversely affect the nature of the area residence district; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of noncompliance with respect to the rear yard requirement, in the R8B portion of the yard, is contrary to Z.R. §24-36; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July, 17, 2001"-(6) sheets and "December 11, 2001" - (9) sheets; and on further condition;

THAT the development comply with all Fire Department conditions;

THAT the proposed development obtain approval from the Landmark Preservation Commission;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with

MINUTES

all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 8, 2002.

242-01-BZ

APPLICANT - Rosenman & Colin, LLP for DPSW West 14 LLC, owner, Clay, LLC, lessee.

SUBJECT - Application July 20, 2001 - under Z.R. §73-36 to permit the proposed use of the second floor of a two story commercial building as a physical culture establishment, located in a C6-2M zoning district, which requires a special permit under Z.R. §32-31.

PREMISES AFFECTED - 25 West 14th Street, north midblock of 14th Street, between Fifth and Sixth Avenues, Block 816, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 25, 2001 acting on Applic. No. 102511541 reads:

“1. Proposed use is a physical culture establishment, which requires a special permit from the Board of Standards and Appeals pursuant to Zoning Resolution Section 73-36.”; and

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in The City Record and laid over to January 8, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed use of the entire second floor of a two story commercial building as a physical culture establishment, known as Clay LLC located on the north midblock of West 14th Street in a C6-2M zoning district; and

WHEREAS, the subject physical culture establishment will occupy 18,615 square feet of the second floor of the Building; and

WHEREAS, patrons will enter the Facility through a 450 square foot first floor lobby entrance on the West 14th Street frontage of the building via either the elevator or the staircase to the second floor; and

WHEREAS, in addition to the staircase, there will be an additional emergency exit from the stairs on the west side of the Facility that exit on West 14th Street; and

WHEREAS, the remainder of the first floor of the building is currently vacant, but will be occupied by a retail entity that will be separate and distinct from the Facility; and

WHEREAS, there will be public access to the retail from the West 14th Street frontage of the building; and

WHEREAS, there will be no public access between the retail and either the ground floor lobby or the Facility on the second floor; and

WHEREAS, the locker areas will provide changing areas, bathrooms and showers; and

WHEREAS, the training floor will include large and small studio spaces for group fitness instruction which include strength training, aerobics, yoga and other similar classes led by instructors; and

WHEREAS, there will be a cardiovascular training area that will have treadmills, elliptical trainers, bicycles and other cardiovascular equipment; and

WHEREAS, the remainder of the floor will include strength training equipment, free weights and stretching and warm-up areas; and

WHEREAS, there will be floor staff and personal trainers to assist and train members during their work outs; and

WHEREAS, there will be a spa facility offering massage therapy, water treatment and other similar services and the staff will consist of licensed massage therapists; and

WHEREAS, the remainder of the facility will include office space for employees, storage areas, a café serving light food and non-alcoholic refreshments (with food preparation done off premises), and a front and back lounge area for members to relax before, during and after their workout. The front area will also include a fireplace; and

WHEREAS, the facility anticipates a total of 2,000 members; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the second floor of the premises; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to the residential uses in the adjacent building; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-36; and

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

MINUTES

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under §73-36, to permit the proposed use of the second floor of a two story commercial building as a physical culture establishment, located in a C6-2M zoning district, which requires a special permit under Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 20, 2001"-(1) sheet and "October 30, 2001"-(5) sheets and "December 18, 2001"-(4) sheets; and on further condition;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a smoke detection system as well as a wet sprinkler system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from the date of this grant;

THAT the hours of operation will be 5:00 A.M. to 11:00 P.M. daily;

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

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

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

Adopted by the Board of Standards and Appeals, January 8, 2002.

243-01-BZ

APPLICANT - Edward Lauria, P.E., for American Parkinson Disease Association, Inc., owner.

SUBJECT - Application June 14, 2001 - under Z.R. §73-44 to permit the proposed reduction in the number of required parking spaces for a not-for profit office building.

PREMISES AFFECTED - 135 Parkinson Avenue, aka 1217 Hylan Boulevard, northeast corner, Block 3208, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Edward Lauria.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 17, 2001, acting on application number 500479617 reads;

"The proposed office building with 8100 square feet of floor area requires parking for 54 cars as per section 36-21 Z.R. Reduction in parking permitted only by the Board of Standards and Appeals under section 73-44 Z.R."; and

WHEREAS, Community Board #2, Staten Island recommends approval of this application; and

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in the Bulletin, and laid over to January 8, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A. and Commissioner Mitchell Korbey; and

WHEREAS, this is an application for a special permit under Z.R. §73-44, to allow the proposed reduction in the number of required parking spaces for a not-for profit office building; and

WHEREAS, the subject site is presently occupied by an eating and drinking establishment which will be demolished; and

WHEREAS, the proposed building will house the Head Quarters of a non-profit philanthropic organization containing offices, boardroom administration and other office uses; and

WHEREAS, the two (2) floors housing the offices have been elevated one (1) story in order to provide 20 parking spaces, at the ground level under the building; and

WHEREAS, the applicant represents that the office use does not generate vehicular traffic throughout the day as fundraising activities are performed either by mail or telephone; and

WHEREAS, the applicant notes that the parking spaces provide will only be used by employees or an occasional visitor and that the proposed 20 spaces are adequate to meet the parking needs of the non-profit organization; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the occupancy of this building shall be limited to the subject organization, who are the owners and that the arrangement and design are purely to serve the subject organization and cannot be converted to another use; and

WHEREAS, therefore, the Board finds that the applicant's proposal will not alter the essential character of the surrounding neighborhood nor impair its future development; and

MINUTES

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-44 and 73-03; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-44 and 73-03 and grants a special permit to allow the proposed reduction in the number of required parking spaces for a not-for profit office building, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received July 24, 2001"-(5) sheets and "September 6, 2001"-(4) sheets; and on further condition;

THAT there shall be no change in parking category B without prior application to and approval from the Board;

THAT any change in use requires approval from the Board;

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

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

THAT a new certificate of occupancy shall be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, January 8, 2002.

245-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 601 West Associates, L.P., owner; Stretch LLC, lessee.

SUBJECT - Application July 24, 2001 - under Z.R. §73-36 to permit the proposed physical culture establishment, to be located within a portion of the 16th floor of the subject premises, located in an M2-3 zoning district.

PREMISES AFFECTED - 601 West 26th Street, entire block, between 11th and 12th Street Avenues, Block 672, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Francis R. Angelino.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 18, 2001 acting on Applic. No. 102690571 reads:

"Physical culture establishment is not permitted as of right as per section 73-36 of the zoning resolution and requires the Board of Standards approval."

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in The City Record and laid over to and then to January 8, 2002 for decision; and

WHEREAS, Community Board #4M has recommended approval; and

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

WHEREAS, this is an application under Z.R. § 73-36 to permit the proposed physical culture establishment, known as stretch LLC, to be located within a portion of the 16th floor of the subject premises, of the Starrett-Lehigh building Landmark, located in an M2-3 zoning district; and

WHEREAS, the health club will occupy approximately 5,430 square feet on a portion of the 16th floor of the subject premises; and

WHEREAS, the subject application includes the physical culture establishment which will be surrounded by commercial uses; and

WHEREAS, approximately forty percent, or 2,080 sq. ft. of the floor area of the health club will be an open stretching area dedicated to the instruction of the Pilates method of body conditioning; and

WHEREAS, adjacent to the stretching area will be an 800 sq. ft. yoga area; and

WHEREAS, there will be one, massage room of 55 sq. ft. and massages will all be performed by licensed massage therapists; and

WHEREAS, the remainder of the floor area will contain changing rooms, bathrooms, juice bar, staff room and office space; and

WHEREAS, the club will be accessed from the main entrance on the ground floor of the subject premises on West 26th Street and by elevator to the 16th floor; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the sixteenth floor of the premises; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

MINUTES

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-36; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under §73-36, under Z.R. §73-36 to permit the proposed physical culture establishment, to be located within a portion of the 16th floor of the subject premises, located in an M2-3 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 31, 2001"-(1) sheet; and on further condition;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, January 8, 2002.

71-99-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R4-1 zoning district, which will not comply with rear yard requirements, exceeds the permitted floor area ratio and non-compliance regarding the required number of accessory parking spaces, and is contrary to Z.R. §33-121, §33-26, §33-27 and §36-21.

PREMISES AFFECTED - 56-05 69th Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for continued hearing.

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue a.k.a. 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

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 and Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

MINUTES

For Applicant: Lyra Altman.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for decision, hearing closed.

134-01-BZ

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fifth through seventh, and ninth floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: R. Bass.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

197-01-BZ

APPLICANT - Anthony M. Salvati, for George Dilis, owner.

SUBJECT - Application May 24, 2001 - under Z.R. §73-622 to permit the proposed one story enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirement for rear yard, which is contrary to Z.R. §23-00.

PREMISES AFFECTED - 951 81st Street, north side 223'-4" west of 10th Avenue, Block 5992, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: Gloria Ippolita.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

209-01-BZ thru 214-01-BZ

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

146/48 Middleton Street, south side, 158' west of Harrison Avenue, Block 2241, Lot 28, Borough of Brooklyn.

150/52 Middleton Street, south side, 116' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 30), Borough of Brooklyn.

154 Middleton Street, south side 95' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 31), Borough of Brooklyn

119/21 Lorimer Street, north side, 20'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 41), Borough of Brooklyn.

115/17 Lorimer Street, north side, 62'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 43), Borough of Brooklyn

113 Lorimer Street, north side, 104'-1" west of Union Avenue Block 2241, Lot 28 (Tentative Lot 44), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Yacovone, Fire Department

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

216-01-BZ

APPLICANT - Rampulla Associates Architects, for Rampulla Planning and Development, Inc., owner; Rampulla Associates Architects, LLP, lessee.

SUBJECT - Application June 14, 2001 - under Z.R. §72-21 to permit the legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 155 3rd Street, northwest corner of Rose Avenue, Block 4195, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

MINUTES

APPEARANCES -

For Applicant: Philip Rampulla.

For Administration: John Yacavone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

224-01-BZ

APPLICANT - Rosenman & Colin , LLP, for Soho Grand Centre, LLC, owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel on the first through 12th Floors, and retail use in the cellar and on the first floor. Use Group 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §43-12, §43-43 and §44-14(D)(2)(b).

PREMISES AFFECTED - 159 Grand Street, bounded by Grand, Lafayette, Howard and Centre Streets, Block 234, Lot 11, Borough of Manhattan.

COMMUNITY BOARD # 2M

APPEARANCES -

For Applicant: Gary Tarnoff.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

120-01-BZ

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.

SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit the legalization of commercial uses (Use Group 6) in an existing two story building, located in an R4 zoning district.

PREMISES AFFECTED - 134-02 Cross Bay Boulevard, west side, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131. PREMISES AFFECTED - 125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for postponed hearing.

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

MINUTES

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant:

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

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for continued hearing.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

217-01-BZ

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #6BX

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for postponed hearing.

219-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Young Israel of Forest Hills, owner.

SUBJECT - Application June 19, 2001 - under Z.R. §72-21 to permit the 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 and is contrary to Z.R. §24-34.

PREMISES AFFECTED - 67-85 Burns Street, aka 67-85 Yellowstone Boulevard, northeast corner, Block 3166, Lot 84, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Yvonne Barno.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

MINUTES

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Barbara Hair.

For Opposition: Doris Diether, Stuart Beckerman and Monica Shenouda.

For Administration: John Yacovone, Fire Department

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug and Rabbi Joseph Blesofsky.

For Opposition: Community Board #4, Frank Skala, Charles Rinaldi, Terry Islum, Anastalia Fotaridis, William Ladd, Nancy Zegarra and others.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, No. 4

January 24, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	34
CALENDAR of February 12, 2002	
Morning	35
Afternoon	35
CALENDAR of February 26, 2002	
Morning	36
Afternoon	37

CONTENTS

MINUTES of Regular Meetings,
Tuesday, January 15, 2002

Morning Calendar39

Affecting Calendar Numbers:

329-59-BZ	910-924 Nineth Avenue, a/k/a 22-44 West 60 th Street, Manhattan
727-59-BZ	2-8 Fifth Avenue, 14 Washington Square and 4-6 West 8 th Street, Manhattan
964-87-BZ	780/798 Burke Avenue, Bronx
983-83-BZ	134-42/60 Guy R. Brewer Boulevard, Queens
416-87-BZ	547-551 West 133 rd Street, Manhattan
648-88-BZ	2107 Richmond Road, Staten Island
1345-88-BZ	1165 Ogden Avenue, Bronx
45-90-BZ	260 Hamilton Avenue, Brooklyn
289-01-A	398-1/2 Sea Breeze Avenue, Queens
290-01-A	13 Beach 220 th Street, Queens
296-01-A	171 Ocean Avenue, Queens
122-99-A	91-70 Metropolitan Avenue, Queens

Afternoon Calendar44

Affecting Calendar Numbers:

304-00-BZ	2044 Hylan Boulevard, Staten Island
305-00-BZ	268 Adams Avenue, Staten Island
286-01-BZ	165 Bryson Avenue, Staten Island
37-00-BZ	111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, Queens
226-00-BZ	210 Middleton Street, Brooklyn
138-01-BZ	464/74 Liberty Avenue, a/k/a 179/87 Bradford Street, Brooklyn
139-01-BZ	27 West 38 th Street, Manhattan
260-01-BZ	119-15 27 th Avenue, Queens
261-01-BZ	105 West 24 th Street, a/k/a 735/57 Avenue of the Americas, Manhattan

CONTENTS

MINUTES of Dismissal Calendar,
Wednesday, January 16, 2002

Morning Calendar50

Affecting Calendar Numbers:

233-01-BZ	537 West 19 th Street, Manhattan
240-01-BZ	110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, Manhattan
246-01-BZ	35-11 Prince Street, Queens
279-01-BZ	2106/30 McDonald Avenue, Brooklyn

DOCKET

New Case Filed Up to January 15, 2002

26-02-BZ B.S.I. 1680 Richmond Avenue,
northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of
Staten Island. Applic. #500459764. The reestablishment of an expired
variance previously granted by the Board under Cal. No.141-69-BZ for
an automotive service station, and a proposal for minor modifications
to the pump islands, is contrary to Z.R. §32-25.

COMMUNITY BOARD #2SI

27-02-BZ B.M. 287 Hudson Street,
west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of
Manhattan. Applic. #102791739. The legalization of the second floor
conversion from office, to residential use within the existing four story
mixed use building, located in an
M1-6 zoning district, is contrary to Z.R. §52-35.

COMMUNITY BOARD #2M

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

CALENDAR

FEBRUARY 12, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 12, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner
SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 12, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

362-01-BZ

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, Proposed construction of a eleven story building, Use Groups 2, 3 and 6, located in a C1-4 overlay within an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, and minimum distance between buildings, is contrary to Z.R. §§ 33-431 and 23-711.

PREMISES AFFECTED - 1255 /57 Amsterdam Avenue and 130 Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

368-01-BZ

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the proposed change in use from a community facility (Use Group 3) to transient hotel (Use Group 5) also the addition of a small penthouse on the roof, a bar and restaurant facility at the first story level, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

402-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruth Fischl, contract vendee

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family

FEBRUARY 12, 2002, 2:00 P.M.

CALENDAR

residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 936 East 24th Street, 260' south of Avenue "T", Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

FEBRUARY 26, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 26, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

611-76-BZ

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side 161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

COMMUNITY BOARD #11Q

1204-80-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 835 Tilden Street Holding Corporation, owner; East End Sanitation, lessee.

SUBJECT - Application August 28, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 835 Tilden Street, 300' east of Barnes Avenue, Block 4671, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #12BX

150-95-BZ

APPLICANT - Paul Selver, Esq., for St. Bernard's School, Inc., owner.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4-10 East 98th Street, aka south side of 98th Street, 125' east, Block 1603, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #11M

192-00-BZ

APPLICANT - H. Irving Sigman, for 144-43 Farmers Boulevard, Realty Corp., owner.

SUBJECT - Application October 24, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmers Boulevard and South Conduit Avenue, Block 13314, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

247-00-BZ

APPLICANT - Martyn & Don Weston, for Prince Street Corporation, owner; T.T. Day Spa Inc., lessee.

SUBJECT - Application October 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-45 41st Avenue, north side, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

FEBRUARY 26, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 26, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

CALENDAR

328-01-A thru 331-01-A

APPLICANT - Land Planning and Engineering Consultants, P.C., by Vito J. Fossella, P.E., for Kathleen A. Amoia, owner.

SUBJECT - Applications November 9, 2001 - Proposed construction of a two-family, semi-detached home, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

14 Miller Street, west side, 259.5' north of Constant Avenue, Block 374, Lot 198, Borough of Staten Island.

16 Miller Street, west side, 231.5' north of Constant Avenue, Block 374, Lot 199, Borough of Staten Island.

18 Miller Street, west side, 203.5' north of Constant Avenue, Block 374, Lot 200, Borough of Staten Island.

20 Miller Street, west side, 175.5' north of Constant Avenue, Block 374, Lot 201, Borough of Staten Island.

COMMUNITY BOARD #3SI

394-01-A

APPLICANT - Alfred V. Saulo, Architect, for Sonny Marotte, owner.

SUBJECT - Application December 18, 2001 - Proposed construction of a two family residence, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 William Avenue, south side, 680.0' east of Hillcrest Street, Block 5282, Lot 40, Borough of Staten Island.

398-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Rosemary Gurry, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Reid Avenue, east side, 82.46' south of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

399-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Anthony and Christine Allocco, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and also has a private disposal system within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Hillside Avenue, south side, 144.05' west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens.

400-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Judy Andariese, lessee.

SUBJECT - Application December 19, 2001 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law and to upgrade private disposal system which is partially located in the bed of a private service road maintained by the Breezy Point Cooperative, which is contrary to Department of Buildings policy.

PREMISES AFFECTED - 26 Newport Walk, west side 52.32' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14BK

FEBRUARY 26, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 26, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

302-01-BZ

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411

MINUTES

§73-01, to permit the proposed the reestablishment of a previous variance under Cal. #861-48-BZ, which permitted an accessory parking facility for commercial use located in an R8 zoning district. PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

361-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Siegfried Lobel, owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-622, to permit proposed enlargement to an existing one family dwelling (Use Group 1) located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, perimeter wall, open space, lot coverage and side and rear yards, is contrary to Z.R. §§23-141(a) and (b), §23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305' north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

370-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §73-622,

to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, and side and rear yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

380-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 230 West 41st Associates, LLC, owner; TSI West 41, Inc. dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21 story commercial office structure, in an M1-6 zoning district, requires a special permit as per Z.R. §42-10.

PREMISES AFFECTED - 230 West 41st Street, south side, 320' west of Seventh Avenue, Block 1012, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

381-01-BZ

APPLICANT - Rothkrug & Rothkrug & Spector, for Therapy Learning Center, owner.

SUBJECT - Application December 6, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing community facility (Use Group 4) located in an R5 zoning district, which will result in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-521.

PREMISES AFFECTED - 1723 8th Avenue, aka 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

Pasquale Pacifico, Executive Director

REGULAR MEETING

TUESDAY MORNING, JANUARY 15, 2002

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 4, 2001, were approved as printed in the Bulletin of December 13, 2001, Volume 86, No. 44.

SPECIAL ORDER CALENDAR

329-59-BZ

APPLICANT - Rosenman & Colin, LLP, for Coliseum Tenants Corp., c/o Rosedale Management Co., Inc., owner; Central Parking System of New York, Inc., lessee.

MINUTES

SUBJECT - Application August 24, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired November 17, 1999.

PREMISES AFFECTED - 910-924 Ninth Avenue, a/k/a 22-44 West 60th Street, east side of Ninth Avenue, between 58th Street and West 60th Street, Block 1049, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Albert Fredericks.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to obtain a certificate of occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a re-opening and an extension of the time to obtain a certificate of occupancy which expired on November 17, 1999; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, laid over to January 15, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on September 15, 1959 as amended through November 17, 1998 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within one (1) year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 15, 2002.

727-59-BZ

APPLICANT - Sheldon Lobel, P.C., for Square-Arch Realty Corp., owner; Garage Management Corp., lessee.

SUBJECT - Application July 13, 2001 - reopening for an extension of term of variance which expired July 12, 2001.

PREMISES AFFECTED - 2-8 Fifth Avenue, 14 Washington Square and 4-6 West 8th Street, Block 551, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Lyra Altman and Doris Diether, Community Board #2.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired July 12, 2001; and

WHEREAS, Community Board #2, Manhattan, has recommended unanimous approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in the *Bulletin*, laid over to January 15, 2002 for decision; and

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

Resolved, that the Board of Standards and Appeals hereby *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted July 12, 1960 as amended through, July 12, 1991, expiring October 16, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from July 12, 2001 expiring July 12, 2011, *on condition*:

THAT a sign be posted and maintained at the entrance of the garage informing residents of their right to recapture any of the spaces devoted to transient parking on thirty (30) day notice to the owner or operator of the garage, that all cars parked in the garage facility shall be private-non commercial passenger type motor vehicles; that all rate signs shall be posted directly inside the entrance doors of the garage; that the premises be kept clean of debris and graffiti, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received July 13, 2001” - (1) sheet and “Received January 14, 2002” - (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.”

(ALT No.905/59)

Adopted by the Board of Standards and Appeals, January 15, 2002.

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

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Rules of Practice and Procedure

MINUTES

waived, application reopened, resolution amended and term of the special permit extended.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution and extension of the term of the special permit which expired on February 6, 2000; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, laid over to January 15, 2002 for decision; and

WHEREAS, this application also seeks the installation of a 24'x 36' canopy over the existing gasoline dispensers.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on February 6, 1990 expiring February 6, 2000, so that as amended this portion of the resolution shall read:

“To permit the installation of a 24'x 36' canopy over existing gasoline dispensers and to legalize the existing pump island with four dispensers on condition:

THAT the term of the variance shall be limited to ten (10) years from February 6, 2000, expiring February 6, 2010 and on further condition:

THAT there shall be no sale of diesel fuel;

THAT there shall be no fueling of trucks on the premises;

THAT there shall be no sale of used cars on the premises;

THAT there shall be no outdoor storage;

THAT outdoor repairs shall not be performed at the site;

THAT there shall be no parking of vehicles on the premises;

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

THAT the premises shall be maintained in substantial with the drawings filed with this application marked “Received November 14, 2001”-(2) sheets and “Received December 7, 2001”- (1) sheet and on further condition; that a new Certificate of Occupancy shall be obtained within one (1) year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 15, 2002.

983-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Joyce Ross., Owner.

SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.

PREMISES AFFECTED - 134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137th Avenue, Block 12300, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 10 A.M., for decision, hearing closed.

416-87-BZ

APPLICANT - Blythe S. Brewster, A.I.A., for Michael Abruzese, owner.

SUBJECT - Application June 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133rd Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Blythe S. Brewster.

ACTION OF THE BOARD - Laid over to February 5, 2002, at 10 A.M., for continued hearing.

648-88-BZ

APPLICANT - Philip Lloyd Rampulla, A.I.A., for Raghava Raju, M.D., owner.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 2107 Richmond Road, north east of Todt Hill Road, Block 899, Lot 18, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: Kevin Fullington.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 10 A.M., for continued hearing.

1345-88-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 1165 Gas Corp., owner.

MINUTES

SUBJECT - Application July 10, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired December 12, 2010 and for an amendment to the resolution.

PREMISES AFFECTED - 1165 Ogden Avenue, northeast corner of West 167th Street, Block 2528, Lot 35, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 10 A.M., for decision, hearing closed.

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Walter T. Gorman and John Ronan.

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

ACTION OF THE BOARD - Laid over to February 26, 2002, at 10 A.M., for continued hearing.

289-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Dana and Joseph Henry, lessee.

SUBJECT - Application October 18, 2001 - proposed alteration and enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and is contrary to Section 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 398-1/2 Sea Breeze Avenue, between Hillside and Sea Breeze Avenues, west of Beach 182nd Street, Block 16340, Part of Lot 50, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 17, 2001, acting on ALT 1. Application No. 401282143, reads:

“A1- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York, Therefore:

- a) A Certificate of Occupancy may not be issued as Per Article 3, section 36 of the General City Law.
- b) Existing dwelling to be altered does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.

A2- Existing Dwelling to be altered lies within the Bed of a mapped street contrary to Article 3, Section 35 of the General City Law.”; and

WHEREAS, by letter dated December 4, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 5, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 11, 2001, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 17, 10, 2001, acting on ALT 1. Application No. 401282143, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, October 18, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 15, 2002.

290-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Marie and Daniel McCarthy, lessee.

SUBJECT - Application October 18, 2001 - proposed alteration and enlargement, to an existing one family dwelling, not fronting on

MINUTES

a legally mapped street, which is contrary to Section 36, Articles 3 of the General City Law.

PREMISES AFFECTED - 13 Beach 220th Street, southeast corner of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 17, 2001, acting on ALT 1. Application No. 401298172 reads:

“A1- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York , Therefore:

- a) A Certificate of Occupancy may not be issued as Per Article 3, Section 36 of the General City Law.”; and
- b) Existing dwelling to be altered does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.

WHEREAS, by the letter dated December 5, 2001, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 17, 2001, acting on ALT 1. Application No. 401298172, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received October 18, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 15, 2002.

296-01-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Victor LaPlace, lessee.

SUBJECT - Application October 24, 2001 - proposed enlargement of the existing first floor and the construction of a new second floor to an exiting one family dwelling, not fronting on a legally mapped street, and also lies within the bed of mapped street, which is contrary to Section 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 171 Ocean Avenue, north side, 110' west of Breezy Point Boulevard, Block 16350, Part of the Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: John Ronan.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 8, 2001, acting on ALT 1. Application No. 401311941 reads:

- “1. Proposal to enlarge the existing first floor and construct a new second floor on a home which lies within an R4 zoning district but which does not front on a mapped street (Ocean Avenue) and simultaneously lies within the bed of a street that is mapped (Beach 207th Street) is contrary to Article 3, Sections 36(2) and 35 of the General City Law respectively and contrary to Section 27-291 of the Building Code and must, therefore, be referred back to the Board Standards and Appeals for approval.”; and

WHEREAS, by letter dated November 23, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 28, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 5, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence

MINUTES

to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated October 8, 2001 acting on ALT 1. Application No. 401311941, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received October 24, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 15, 2002.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

REGULAR MEETING TUESDAY AFTERNOON, JANUARY 15, 2002 2:00 P.M.

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

ZONING CALENDAR

304-00-BZ

CEQR #01-BSA-073R

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit in a C1-8 zoning district, the proposed enlargement of an existing auto repair center (Use Group 16B) which creates non-compliance with respect to floor area ratio and required parking, and is contrary to Z.R. §§33-122 and 36-21.

PREMISES AFFECTED - 2044 Hylan Boulevard, southeast corner of Adams Avenue, Block 3670, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2000, acting on ALT.1 Applic. No. 500429244, reads:

"OBJECTION #1 - PROPOSED EXTENSION TO EXISTING AUTO REPAIR CENTER-USE GROUP 16B IN A C8-1 DISTRICT, IS NOT PERMITTED DUE TO THE INCREASED BULK AS PER SECTION 33-122 OF THE ZONING RESOLUTION

OBJECTION #2 - PROPOSED EXTENSION TO EXISTING AUTO REPAIR CENTER - USE GROUP 16B IN A C8-1 DISTRICT, IS NOT PERMITTED DUE TO THE INCREASED PARKING REQUIRED, AS PER SECTION 36-21 OF THE ZONING RESOLUTION.";

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record*, laid over to December 18, 2001, and then to January 15, 2002 for decision; and

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

MINUTES

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C8-1 zoning district, the proposed enlargement of an existing auto repair center (Use Group 16B) which creates non-compliance with respect to floor area ratio and required parking, and is contrary to Z.R. §§33-122 and 36-21; and

WHEREAS, the proposal seeks to enlarge an existing 6000 square foot auto repair center (Use Group 16B) on an existing 6852.21 square foot lot; and

WHEREAS, the record indicates that the subject building is located on the northerly side lot line adjacent to the front lot line along Hylan Boulevard and adjacent to the easterly side lot line; and

WHEREAS, this section of Hylan Boulevard has become increasing commercial with many automotive uses; and

WHEREAS, the site's history of conforming commercial use, and site's uniquely undersized lot presents practical difficulty and unnecessary hardship for the existing Use Group 16 use, and the additional floor area is the minimum amount necessary to relieve this hardship; and

WHEREAS, the record indicates that the owner requires additional floor area for the display of specialty items in order to compete with the increasing number of other automotive service centers on Hylan Boulevard and to maintain existing relationship with suppliers; and

WHEREAS, the proposal calls for an enlargement of the second floor which will be placed on the columns above the parking areas and driveways on the open portion of the lot housing a sales area of approximately 2243.8 square feet; and

WHEREAS, a C8-1 zone permits a floor area ratio (FAR) of one (1); and

WHEREAS, since the proposed enlargement for 2850 square feet, exceeds 852.21 square feet, the proposal requires the instant variance application; and

WHEREAS, the record indicates that Hylan Boulevard is a major thoroughfare serviced by major express and local bus routes connecting the north and south shores of Staten Island; and

WHEREAS, the subject premises is located in an area characterized by retail and, commercial uses including automotive sales and service centers, car washes, and gasoline service stations; and

WHEREAS, the aforementioned unique physical constraints of the building make its occupancy for a complying C8-1 use impractical and create an unnecessary hardship in developing the site in compliance with the current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a complying bulk would not yield the owner a reasonable return; and

WHEREAS, the property is located in a C8-1 Commercial zone; and

WHEREAS, the record indicates that within the vicinity of the subject premises many retail and commercial automotive uses are present; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner reasonable relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in a C1-8 zoning district, the proposed enlargement of an existing auto repair center (Use Group 16B) which creates non-compliance with respect to floor area ratio and required parking, and is contrary to Z.R. §§33-122 and 36-21, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 18, 2001"-(-5) sheets; and on further condition;

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

THAT a Certificate of Occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 15, 2002.

305-00-BZ CEQR #01-BSA-074R

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed parking lot (Use Group 8), which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 268 Adams Avenue, south side, 100' east of Hylan Boulevard, Block 3672, Lot 14, Borough of Staten

MINUTES

Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2000, acting on ALT.1 Applic. No. 500429253, reads:

“OBJECTION #1 - PROPOSED PUBLIC PARKING LOT FOR 17 CARS (PUBLIC USE/USE GROUP 8) WITHIN AN R3-2 DISTRICT IS CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record*, laid over to December 18, 2001, and then to January 15, 2002 for decision; and

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

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-2 zoning district, the proposed parking lot (Use Group 8), which is contrary to Z.R. §22-10; and

WHEREAS, under Calendar Number 304-00-BZ, an application was made for an enlargement to an existing 6000 square feet automotive repair center; and

WHEREAS, the record indicates that the enlargement proposed under Calendar Number 304-00-BZ triggered a requirement for additional parking; and

WHEREAS, the existing 7,053.25 square foot lot (the subject property) is a large tract of land measuring approximately 80' X 90', zoned R3-2, with commercial uses to the right and heavy commercial uses in the (C8-1) district across the street; and

WHEREAS, the applicant represents that this area along Hylan Boulevard suffers from lack of street parking and general congestion; and

WHEREAS, the record indicates that Hylan Boulevard is a major thoroughfare serviced by major express and local bus routes connecting the north and south shores of Staten Island; and

WHEREAS, the subject premises is located in an area characterized by retail and, commercial uses including automotive sales and service centers, car washes, and gasoline service stations; and

WHEREAS, the aforementioned unique physical constraints of the building site make its occupancy for a conforming R3-2 use impractical and create an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the record indicates that within the vicinity of the subject premises many retail and commercial automotive uses are present and that there is a demand for parking; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R3-2 zoning district, the proposed parking lot (Use Group 8), which is contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 11, 2002”-(1) sheet; and on further condition;

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

THAT a Certificate of Occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 15, 2002.

286-01-BZ CEQR # 02-BSA-033R

APPLICANT - Rampulla Associates, A.I.A., for Robert Rampulla, owner.

SUBJECT - Application October 15, 2001 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, located in an R2 Zoning district, which creates non-compliance in respect to front yard is contrary Z.R. §23-45.

MINUTES

PREMISES AFFECTED - 165 Bryson Avenue, southeast corner of Waters Street, Block 1474, Lot 20, Borough of Staten Island.

COMMUNITY BOARD # 1S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 30, 2001 acting on Alt. Applic. No. 500487877, reads:

- “1. The proposed new building in an R-2 zoning district to be occupied as a one-family detached residence, use group 1, does not have minimum required front yard on Bryson Avenue and is contrary to section 23-45 of the zoning resolution.”; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, laid over to January 15, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a one family dwelling, located in an R2 Zoning district, which creates non-compliance in respect to front yard is contrary Z.R. §23-45; and

WHEREAS, a similar application (Calendar No. 524-86-BZ) on the site was denied on the grounds of objections for the front yard, side yard, height and open space requirements; and

WHEREAS, however, the current proposal has only one objection; and

WHEREAS, the applicant represents that the site measures 25' x 100' and contains 2,500 square feet of lot area; and

WHEREAS, the property is located in an R-2 residential zone; and

WHEREAS, applicant states that the property has 25' of frontage on Waters Avenue and 100' of frontage on Bryson Avenue; and

WHEREAS, the site is currently vacant and unimproved; and

WHEREAS, applicant represents that the lot has frontage on two separate streets; Waters Avenue and Bryson Avenue are 60' wide final mapped streets; and

WHEREAS, the applicant represents that, therefore, as per Z.R. §12-10, the subject property is a corner lot and is not subject to any rear yard requirements; and

WHEREAS, applicant represents that a 15' front yard is required on Bryson Avenue and a 15' front yard is required on Waters Avenue; and

WHEREAS, applicant represents that a 5' side yard is required along the side lot line; and

WHEREAS, the aforementioned unique physical condition,

the narrowness of the lot, makes its occupancy for a complying R-2 use impractical creating an unnecessary hardship in developing the site in complying with the current zoning; and

WHEREAS, the applicant represents that the above referenced conditions leave no reasonable possibility constructing a conforming development; and

WHEREAS, the record demonstrates that because of the narrowness of the zoning lot it becomes impossible to comply to the applicable provisions of the Zoning Resolution to construct a residence or any other allowable building type on this property either detached or otherwise and the only alternative the owner has is to seek relief by variance application; and

WHEREAS, the applicant represents that most homes within the immediate neighborhood are one and two story detached residences; and

WHEREAS, the proposed dwelling would be no higher than the existing two story houses within the area and that the design of the house would be in character with its immediate neighborhood; and

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

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

WHEREAS, the present overall dimension of the subject lot was created by the owner who created the street system and subdivided the lots; and

WHEREAS, the lot has been undersized (25' x 100') since before the enactment of 1961 zoning resolution and, therefore, complies with Z.R. §23-33 Special Provisions for existing small lots; and

WHEREAS, the requested reduction in the required front yard from 15' to 5' is to develop a single family home; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed construction of a one family dwelling, located in an R2 Zoning district, which creates non-compliance in respect to front yard is

MINUTES

contrary ZR §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, November 15, 2001"- (5) sheets; and on further condition;

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

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

THAT a certificate of occupancy be obtained within two (2) years.

Adopted by the Board of Standards and Appeals, January 15, 2002.

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the reestablishment of an expired variance previously granted under Cal. #613-56-BZ, which permitted an automotive service station Use Group 16 in a C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to January 29,

2002, at 2 P.M., for continued hearing.

138-01-BZ

APPLICANT - Geroge E. Berger, for Love Fellowship Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing church (Use Group 4) located in an M1-1 zoning district, also an increase in the size of the building which will penetrate the sky exposure plane and extend into the required open space is contrary to Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a.k.a. 179/87 Bradford Street, southeast corner, Block 3708, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Morris Wasserstein and Estate of Theo, owners.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 27 West 38th Street, north side, between Fifth and Sixth Avenue, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 5, 2002, at 2 P.M., for decision, hearing closed.

260-01-BZ

APPLICANT - Law Offices of Howard Goldman for Jus Sara Jac Corp., LLC, owner; Waterview Nursing Care Center, lessee.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply

MINUTES

with F.A.R., height of the front wall and side yard setback, is contrary to Z.R. §24-551 and 24-521.

PREMISES AFFECTED - 119-15 27th Avenue, bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for deferred decision.

261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to January 30, 2002, at 9:30 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 2:05 P.M.

MINUTES

SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 35-11 Prince Street, east side, 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to March 5, 2002, SOC Calendar at 10 A.M., for postponed hearing.

DISMISSAL CALENDAR WEDNESDAY MORNING, JANUARY 16, 2002 10:00 A.M.

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

233-01-BZ

APPLICANT - New York City of Standards and Appeals.

OWNER: Heller Realty Corporation.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Block 691, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 24, 2002, at 10 A.M., for postponed hearing.

240-01-BZ

APPLICANT - New York City of Standards and Appeals.

OWNER: Lionshead 110 Development, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 24, 2002, at 10 A.M., for postponed hearing.

246-01-BZ

APPLICANT - New York City of Standards and Appeals.

OWNER: Q. P. Development Corporation.

279-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Howard Friscia, 2128 McDonald Avenue, 2130 McDonald Avenue, Alice Lee and Vincezo Morello, owner; Magen David Yeshivah, lessee.

SUBJECT - Application September 7, 2001 - under Z.R. §72-21 and §73-19, to permit the proposed community facility (school), Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to Z.R. §42-00, §24-11, §24-34, §24-35, §24-36, §24-521, and also requires a special permit as per Z.R. §73-19.

PREMISES AFFECTED - 2106/30 McDonald Avenue, a/k/a 143/45 Lake Street, between Avenues S and T, Block 7087, Lots 14, 22, 24, 73 and 76, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Peter Santon, Elton Eldon and other.

For Opposition: William Cohen, Assemblyman 47th District; Richard J. Clarke, Community Board 11; Kathleen Lembo, Josephine Dimino Lorraine Lapetina, Colleen Florek, Anthony Piazza, Frances Mattered, Frances Mulvaney, John Balaes, Mary Placanica and others.

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

ACTION OF THE BOARD - Laid over to March 6, 2002, Special Hearing, at 9:30 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:13 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, Nos. 5-6

February 7, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	54-55
CALENDAR of February 26, 2002	
Morning	56
Afternoon	57
CALENDAR of March 5, 2002	
Morning	58
Afternoon	59-60
CALENDAR of March 19, 2002	
Morning	60
Afternoon	61-62

CONTENTS

MINUTES of Regular Meetings,
Tuesday, January 29, 2002

Morning Calendar63

Affecting Calendar Numbers:

440-68-BZ 1896 Bruckner Boulevard, The Bronx
113-00-BZ thru
117-00-BZ Kent Avenue, Brooklyn
1069-27-BZ 6702/6724 New Utrecht Avenue, Brooklyn
789-45-BZ 56-02 to 56-20 Broadway, Queens
502-60-BZ 4452/6 Broadway, Manhattan
1449-61-BZ 4085 Nostrand Avenue, Brooklyn
334-66-BZ 30-07 Newton Avenue, Queens
926-86-BZ 217-07 Northern Boulevard, Queens
16-95-BZ 434 East 77th Street, Manhattan
107-95-BZ 290/98 Dyckman Street, Manhattan
180-95-BZ 256 West Street/416-424 Washington Street, Manhattan
151-01-A thru
161-01-A Keppel Avenue, Sapphire Court, Staten Island
236-01-A 11-07 Redfern Avenue, Queens
298-01-A 107 Beach 221st Street, Queens
220-01-A 10 Everton Avenue, Staten Island
300-01-A 3903/3911 Amboy Road, Staten Island
326-01-A 85-80 148th Street, Queens

CONTENTS

Afternoon Calendar68

Affecting Calendar Numbers:

97-00-BZ	502 Avenue P, Brooklyn
134-01-BZ	139 East 57 th Street, Manhattan
197-01-BZ	951 81 st Street, Brooklyn
216-01-BZ	155 3 rd Street, Staten Island
224-01-BZ	159 Grand Street, Manhattan
208-00-BZ	2739-2747 86 th Street, Brooklyn
217-00-BZ	530 West 50 th Street, Manhattan
226-00-BZ	210 Middleton Street, Brooklyn
248-00-BZ	2398 Stillwell Avenue, Brooklyn
149-01-BZ	88/90 Jane Street/357-359 West 12 th Street, Manhattan
150-01-A	88/90 Jane Street/357-359 West 12 th Street, Manhattan
198-01-BZ	105-45 Cross Bay Boulevard, Queens
238-01-BZ	135-04 11 th Avenue, Queens
239-01-BZ	135-16 11 th Avenue, Queens
252-01-BZ	2382-2388 Creston Avenue, The Bronx
258-01-BZ	168/70 West 79 th Street, Manhattan
259-01-BZ	222-25 Jamaica Avenue, Queens
280-01-BZ	663/73 Second Avenue, Manhattan
295-01-BZ	1257/63 38 th Street, Brooklyn.

MINUTES of Special Hearing,
Wednesday, January 30, 2002

Morning Calendar78

Affecting Calendar Number:

192-01-BZ	525 Broome Street, Manhattan
261-01-BZ	105 West 24 th Street, Manhattan

Afternoon Calendar79

Affecting Calendar Number:

233-01-BZ	33 Division Street, Manhattan
-----------	-------------------------------

DOCKET

New Case Filed Up to January 29, 2002

28-02-BZ B.M. 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan. Applic.#103047016. The legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #5M

29-02-BZ B.Q. 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens. Alt.-I 401379156. Proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

COMMUNITY BOARD #13Q

30-02-BZ B.M. 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan. Applic. #103006658. The legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, requires a special permit as per Z.R. §32-10.

COMMUNITY BOARD #8M

31-02-BZ B.BK. 1924 East 24th Street (Mansfield Place), west side, 186'-8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn. Applic.#301284296. Proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

COMMUNITY BOARD #14BK

32-02-BZ B.BK. 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

Applic.#301116664. Proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

33-02-BZ B.Q. 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens. Applic.#s 401381330, 401380698 and 401381205. Proposed addition of three lobbies, which will project three feet into the required ten foot front yards, is contrary to Z.R. §23-44(a).

COMMUNITY BOARD #16Q

34-02-BZ B.BK. 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn. Applic.#301289406. Proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

COMMUNITY BOARD #15BK

35-02-A B.Q. 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens. Alt.1#-401365982. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. §23-45 and how it relates to front yard requirement.

DOCKET

36-02-BZ B.M. 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan. Applic.#103066389. Proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, requires a special permit from the Board as per Z.R.§32-31.

COMMUNITY BOARD #7Q

37-02-BZ B.BK. 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn. Applic.#301279097. Proposed enlargement of an existing two family dwelling, Use Group 2, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, is contrary to Z.R. §23-141. §23-47 and §54-31.

COMMUNITY BOARD #15BK

38-02-BZ B.BK. 1210 82nd Street, south side, 100'-4" east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn. Applic. #301252294. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §23-141, §23-47 and §54-31.

COMMUNITY BOARD #10BK

39-02-BZ B.Q. 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens. Applic.#401368531. Proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

COMMUNITY BOARD #12Q

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

CALENDAR

FEBRUARY 26, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 26, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

611-76-BZ

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side 161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

COMMUNITY BOARD #11Q

1204-80-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 835 Tilden Street Holding Corporation, owner; East End Sanitation, lessee.

SUBJECT - Application August 28, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 835 Tilden Street, 300' east of Barnes Avenue, Block 4671, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #12BX

150-95-BZ

APPLICANT - Paul Selver, Esq., for St. Bernard's School, Inc., owner.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4-10 East 98th Street, aka south side of 98th Street, 125' east, Block 1603, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #11M

192-00-BZ

APPLICANT - H. Irving Sigman, for 144-43 Farmers Boulevard, Realty Corp., owner.

SUBJECT - Application October 24, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmers Boulevard and South Conduit Avenue, Block 13314, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

247-00-BZ

APPLICANT - Martyn & Don Weston, for Prince Street Corporation, owner; T.T. Day Spa Inc., lessee.

SUBJECT - Application October 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-45 41st Avenue, northside, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

FEBRUARY 26, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, February 26, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

328-01-A thru 331-01-A

APPLICANT - Land Planning and Engineering Consultants, P.C., by Vito J. Fossella, P.E., for Kathleen A. Amoia, owner.

SUBJECT - Applications November 9, 2001 - Proposed construction of a two-family, semi-detached home, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

14 Miller Street, west side, 259.5' north of Constant Avenue, Block 374, Lot 198, Borough of Staten Island.

16 Miller Street, west side, 231.5' north of Constant Avenue, Block 374, Lot 199, Borough of Staten Island.

CALENDAR

18 Miller Street,
west side, 203.5' north of Constant Avenue, Block 374, Lot 200,
Borough of Staten Island.

20 Miller Street, west side, 175.5' north of Constant Avenue,
Block 374, Lot 201, Borough of Staten Island.

COMMUNITY BOARD #3SI

394-01-A

APPLICANT - Alfred V. Saulo, Architect, for Sonny Marotte,
owner.

SUBJECT - Application December 18, 2001 - Proposed
construction of a two family residence, located partially within the
bed of a mapped street, is contrary to Section 35, Article 3 of the
General City Law.

PREMISES AFFECTED - 56 William Avenue, southside, 680.0'
east of Hillcrest Street, Block 5282, Lot 40, Borough of Staten
Island.

398-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; Michael and Rosemary Gurry, lessee.

SUBJECT - Application December 19, 2001 - Proposed
enlargement to an existing one family dwelling, not fronting on a
legally mapped street and located partially within the bed of a
mapped street, is contrary to Sections 35 and 36, Article 3 of the
General City Law.

PREMISES AFFECTED - 59 Reid Avenue, east side, 82.46' south
of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

399-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; Anthony and Christine Allocco, lessee.

SUBJECT - Application December 19, 2001 - Proposed
enlargement to an existing one family dwelling, not fronting on a
legally mapped street, located partially within the bed of a mapped
street and also has a private disposal system within the bed of the
mapped street, is contrary to Sections 35 and 36, Article 3 of the
General City Law.

PREMISES AFFECTED - 59 Hillside Avenue, south side, 144.05'
west of Rockaway Point Boulevard, Block 16340, Lot 50,
Borough of Queens.

400-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; Judy Andariese, lessee.

SUBJECT - Application December 19, 2001 - Proposed
construction of a single family detached residence, not fronting on
a legally mapped street, is contrary to Section 36, Article 3 of the
General City Law and to upgrade private disposal system which
is partially located in the bed of a private service road maintained

by the Breezy Point Cooperative, which is contrary to
Department of Buildings policy.

PREMISES AFFECTED - 26 Newport Walk, west side 52.32'
north of Breezy Point Boulevard, Block 16350, Lot 400, Borough
of Queens.

COMMUNITY BOARD #14BK

FEBRUARY 26, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,
Tuesday afternoon, February 26, 2002, at 2 P.M., at 40 Rector
Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

302-01-BZ

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham
Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411
§73-01, to permit the proposed the reestablishment of a previous
variance under Cal. #861-48-BZ, which permitted an accessory
parking facility for commercial use located in an R8 zoning district.
PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest
corner of East 191st Street, Block 3175, Lot 26, Borough of The
Bronx.

COMMUNITY BOARD #7BX

361-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Siegrid Lobel,
owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-
622, to permit proposed enlargement to an existing one family
dwelling (Use Group 1) located in an R3-2 zoning district, which
does not comply with the zoning requirements for floor area,
perimeter wall, open space, lot coverage and side and rear yards,
is contrary to Z.R. §§23-141(a) and (b), §23-631(b), §23-47 and
§23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305'
north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

370-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §73-
622,

to permit the proposed enlargement to an existing one family
dwelling (Use Group 1) located in an R2 zoning district, which
creates non-compliance with respect to floor area ratio, and side
and rear yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1041 East 24th Street, between
Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

CALENDAR

COMMUNITY BOARD #14BK

380-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 230 West 41st Associates, LLC, owner; TSI West 41, Inc. dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21 story commercial office structure, in an M1-6 zoning district, requires a special permit as per Z.R. §42-10.

PREMISES AFFECTED - 230 West 41st Street, south side, 320' west of Seventh Avenue, Block 1012, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

381-01-BZ

APPLICANT - Rothkrug & Rothkrug & Spector, for Therapy Learning Center, owner.

SUBJECT - Application December 6, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing community facility (Use Group 4) located in an R5 zoning district, which will result in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-521.

PREMISES AFFECTED - 1723 8th Avenue, aka 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

MARCH 5, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 5, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

SUBJECT - Application November 20, 2001 - reopening for an

amendment to the resolution.

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #8BX

608-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

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

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

COMMUNITY BOARD #13BK

758-84-BZ

APPLICANT - David L. Businelli, for Richard Sgarlato, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2000.

PREMISES AFFECTED - 1444 Clove Road, Block 658, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.

SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #1SI.

236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Femicola, owner.

SUBJECT - Application September 4, 2001 - reopening for an

CALENDAR

amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block 1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

MARCH 5, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March , 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benshaul, owner.
SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

MARCH 5, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 5, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of

Brooklyn.

COMMUNITY BOARD #1BK

301-01-BZ

APPLICANT - Stadtmauer Bailkin, LLP, by Howard A. Zipser, for 231 Centre Street Associates and 23 Great Jones Street, LLC, owners; 119 Seventh Avenue Cafeteria, LLC, lessee.

SUBJECT - Application October 30, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(b) and D(3)(a).

PREMISES AFFECTED - 371 Lafayette Street, aka 21/23 Great Jones Street, between Great Jones and Bonds Streets, Block 530, Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #2M

359-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bnos Zion of Bobov, owner.

SUBJECT - Application November 13, 2001 - under Z.R. §72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-11.

PREMISES AFFECTED - 5002 14th Avenue, aka 1384 50th Street, southwest corner, Block 5649, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

366-01-BZ

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

369-01-BZ

CALENDAR

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.
PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.
COMMUNITY BOARD #1BK

372-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc, lessee.
SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.
PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.
COMMUNITY BOARD #18BK

MARCH 19, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 19, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.
SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.
PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.
COMMUNITY BOARD #8M

267-70-BZ

APPLICANT - Elise Wagner, Esq./Jeremiach H. Candreva, Esq., for New York University, owner.
SUBJECT - Application December 7, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 50 Washington Square South, east side of Sullivan Street, Block 541, Lot 33, Borough of Manhattan.
COMMUNITY BOARD #2M

307-81-BZ

APPLICANT - Francis R. Angelino, Esq., for 50 East 69th Street Corp., owner.
SUBJECT - Application October 17, 2001 - reopening for an extension of term of variance which expired September 15, 2001.
PREMISES AFFECTED - 50 East 69th Street, Block 1383, Lot 40, Borough of Manhattan.
COMMUNITY BOARD #8M

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.
SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.
COMMUNITY BOARD #11Q

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.
SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.
PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.
COMMUNITY BOARD #11BX

52-97-BZ

APPLICANT - Rosenman & Colin, LLP, for 21 Club Inc., owner.
SUBJECT - Application December 28, 2001 - reopening for an extension of time to complete construction which expired January 6, 2002.
PREMISES AFFECTED - 17/21 West 52nd Street, north side of

CALENDAR

West 52nd Street, between Fifth and Sixth Avenues, Block 1268,
Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

MARCH 19, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,
Tuesday afternoon, March 19, 2002, at 2 P.M., at 40 Rector
Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co.,
Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to
permit the proposed construction of a residential building. Use
Group 2, located in an M1-2 zoning district, is contrary to Z.R.
§42-00.

PREMISES AFFECTED - 65-97 Terrace Court, at the end of
Admiral Avenue, near the juncture of Admiral Avenue and 65th
Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20,
Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21,
Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22,
Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23,
Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24,
Borough of Queens.

PREMISES AFFECTED - 65-87 Terrace Court, at the end of
Admiral Avenue, near the juncture of Admiral Avenue and 65th
Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26,
Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27,
Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29,

Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30,
Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31,
Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32,
Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33,
Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34,
Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the
juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35,
Borough of Queens.

COMMUNITY BOARD #5Q

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for
Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21,
to permit proposed residential use in its upper six stories and a
portion of its first story, in a seven story former warehouse
building, also the construction of a new eighth story for said use,
located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125'
east of Greenwich Street, Block 597, Lot 48, Borough of
Manhattan.

COMMUNITY BOARD #2M

397-01-BZ

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

SUBJECT - Application December 19, 2001 - under Z.R. §72-21,
to permit the legalization of the conversion of an accessory auto
supply storage facility, into an eating and drinking establishment,
Use Group 6, located in an R-6 zoning district, is contrary to Z.R.
§22-10.

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

COMMUNITY BOARD #1Q

MINUTES

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, JANUARY 29, 2002 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 11, 2001, were approved as printed in the Bulletin of December 20, 2001, Volume 86, Nos. 45-46.

SPECIAL ORDER CALENDAR

440-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Equiva Services, Inc., owner.

SUBJECT - Application August 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of time to obtain a Certificate of Occupancy which expired October 27, 1999.

PREMISES AFFECTED - 1896 Bruckner Boulevard, Bruckner Boulevard, southwest corner of White Plains Road, Block 3671, Lot 19, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedures

MINUTES

waived; application reopened and time to obtain a certificate of occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedures

and an extension of the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on December 4, 2001, after due notice by publication in The City Record, laid over to January 8, 2002 and then to January 29, 2002 for decision.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedures and reopens and amends the resolution adopted on December 16, 1997 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within forty-two (42) months of October 27, 1999.”

Adopted by the Board of Standards and Appeals, January 29, 2002.

113-00-BZ thru 117-00-BZ

APPLICANT - Sheldon Lobel, P.C., For Cong. Tehilo Leduvid and M & G Housing, owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 760 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26 (Tentative 125), Borough of Brooklyn.

762 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 126), Borough of Brooklyn.

764 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26 (Tentative 127), Borough of Brooklyn.

766 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 128), Borough of Brooklyn.

768 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 129), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

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

resolution previously approved on August 15, 2001; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in The City Record, laid over to January 29, 2002 for decision; and

WHEREAS, this application seeks to rotate the orientation of the buildings on the lot; and

WHEREAS, however, the applicant represents that in order to erect rectangular buildings, it is necessary to align the buildings at a 90-degree angle at the corner of Flushing Avenue and Kent Avenue; and

WHEREAS, the street wall of the most northeasterly building (760 Kent Avenue) would be located 5'1 1/4" from the front lot line, and the rear yards would no longer be 20 feet from the rear lot line; and

WHEREAS, the rear yards would gradually reduce from the yard closest to Flushing Avenue to the yard furthest from Flushing Avenue; and

WHEREAS, the size of the rear yard in the building furthest from Flushing Avenue would be 15'9 1/4" from the rear lot line; and

WHEREAS, this application also seeks to make the roofs of the buildings flat instead of pitched as originally approved by the Board; and

WHEREAS, this application seeks to remove the half shaft on Flushing Avenue in order to permit the construction of an attic and to reduce construction cost; and

WHEREAS, the applicant seeks to add 1.3 apartments in order to defray some of the construction costs; and

WHEREAS, the addition of 1.3 apartments and the removal of the aforementioned half shaft would increase the Floor Area Ratio of the building from 3.98 to 4.3; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure and reopens and amends the resolution adopted on August 15, 2001, so that as amended this portion of the resolution shall read:

“To permit the rotation of the orientation of the buildings on the lot to align the buildings at a 90-degree angle at the corner of Flushing Avenue and Kent Avenue, to make the roofs of the buildings flat instead of the existing pitched roofs, to remove the half shaft on Flushing Avenue in order to permit the construction of an attic and to reduce construction cost and to add 1.3 apartments in order to defray some of the construction costs”; on condition:

THAT all construction shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received August 21, 2001”- (1) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects and on further condition; that a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, January 29,

MINUTES

2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.
SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 10 A.M., for continued hearing.

789-45-BZ

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

For Applicant: Arthur Sullivan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 12, 2002, at 10 A.M., for decision, hearing closed.

502-60-BZ

APPLICANT - Rothkrug & Rothkrug, for 4452 Broadway Realty Co., owner.

SUBJECT - Application February 27, 2001- request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired January 20, 2001.

PREMISES AFFECTED - 4452/6 Broadway, a/k/a 88/90 Fairview Avenue, southeast of Broadway and Fairview Avenue, Block 2170, Lot(s) 400, 62, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 10 A.M., for decision, hearing closed.

1449-61-BZ

APPLICANT - Vassalotti Associates Architects, for Exxon Company U.S.A., owner.

SUBJECT - Application February 2, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to legalize the removal of a previously approved pump island, the enlargement to the accessory building and for an extension of term of variance which expired November 8, 1997.

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

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 Opposition: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over without date to be heard with companion BZ case.

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner.

SUBJECT - Application July 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

MINUTES

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 10 A.M., for continued hearing.

16-95-BZ

APPLICANT - The Agusta Group, for STA Parking Corp., owner.

SUBJECT - Application August 24, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 434 East 77th Street, aka 433 East 76th Street, south of East 77th Street, 150' west of York Avenue, Block 1471, Lot 31, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Nelly Bravo.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 12, 2002, at 10 A.M., for decision, hearing closed.

107-95-BZ

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

SUBJECT - Application April 9, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired March 7, 2001.

PREMISES AFFECTED - 290/98 Dyckman Street, corner of Dyckman Street and Henshaw Street, Block 2246, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 10 A.M., for continued hearing.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

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

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, MANHATTAN.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deidre Carson

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for continued hearing.

151-01-A thru 161-01-A

APPLICANT - Rothkrug & Rothkrug, for Nicole Development Corporation, owner.

SUBJECT - Applications April 20, 2001 - proposed two family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

28 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 1, Borough of Staten Island.

29 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 168, Borough of Staten Island.

25 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 170, Borough of Staten Island.

24 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 172, Borough of Staten Island.

20 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 174, Borough of Staten Island.

19 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 176, Borough of Staten Island.

15 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 178, Borough of Staten Island.

16 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 184, Borough of Staten Island.

20 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 186, Borough of Staten Island.

24 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 188, Borough of Staten Island.

28 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 190, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 29, 2002.

236-01-A

APPLICANT - Sheldon Lobel, P.C., for Coland Real Estate, LLC, owner.

MINUTES

SUBJECT - Application July 13, 2001 - proposed construction of dry wells and paving treatment, within the bed of a mapped street, is contrary Section 35 of the General City Law.

PREMISES AFFECTED - 11-07 Redfern Avenue, between Beach 12th Street and approximately 140' east of Beach 11th Street, Block 15505, Lot 2, Borough of Queens.

APPEARANCES -

For Applicant: Jon Popin.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated June 14, 2001, acting on N.B. Application No. 401016440, reads:

“1. Proposed construction of Dry Wells and paving treatment within a bed of a mapped street (Beach 12th Street) is contrary to Section 35 of General City Law .”

WHEREAS, by the letter dated November 9, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 19, 2001, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 10, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, there exists a condemnation clause within the deed that is in the chain of the aforementioned property which reads:

“In the event of the acquisition by the City of New York by condemnation or otherwise of any part of or portion of the above premises lying within the bed of any street, avenue, parkway, expressway, park, public place or catch-basin as said street, avenue, parkway, expressway, park, public place or catch-basin is shown on the present City Map, the party of the second part the heirs or successors and assigns of the party of the second party, shall only be entitled as compensation for such acquisition by The City to the amount of one dollar, and shall not be entitled to compensation for any buildings of structures erected thereon within the lines of the street, avenue, parkway, expressway, park, public place or catch-basin so laid out and acquired.”

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 14, 2001, acting on N.B. Application No. 401016440, is modified under the power vested in the Board by § 35 of the General City Law, and that this appeal is granted,

limited to the decision noted above, on condition; that construction shall substantially conform to the drawing filed with the application marked, “Received September 15,2001”-(1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT any rights of the City of New York stated in the indenture of October 28, 1983 which reads:

“In the event of the acquisition by the City of New York by condemnation or otherwise of any part of or portion of the above premises lying within the bed of any street, avenue, parkway, expressway, park, public place or catch-basin as said street, avenue, parkway, expressway, park, public place or catch-basin is shown on the present City Map, the party of the second part the heirs or successors and assigns of the party of the second party, shall only be entitled as compensation for such acquisition by The City to the amount of one dollar, and shall not be entitled to compensation for any buildings of structures erected thereon within the lines of the street, avenue, parkway, expressway, park, public place or catch-basin so laid out and acquired.”

shall remain in full force and effect, and

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

298-01-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Rachele and James Boyhan, lessees.

SUBJECT - Application October 25, 2001 - proposed enlargement and alteration of an existing single family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Beach 221st Street, east side, 120' south of Breezy Point Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough

MINUTES

Commissioner, dated September 17, 2001, acting on ALT 1. Application No. 401297798, reads:

“A1- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York, Therefore:

a) A Certificate of Occupancy may not be issued as Per Article 3, section 36 of the General City Law.

b) Existing dwelling to be altered does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated November 28, 2001, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated September 17, 2001, acting on ALT 1. Application No. 401297798, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received October 25, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Applicant: Glen V. Cutrona.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for continued hearing.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Honey Burman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 11 A.M., for continued hearing.

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Scrofani and Arthur Haven, Fire Department; Lisa Orrantia.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

MINUTES

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 29, 2002
2:00 P.M.

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

ZONING CALENDAR

97-00-BZ

APPLICANT - Sheldon Lobel, P.C., for 1833 Nostrand Avenue Corp., owner.

SUBJECT - Application March 29, 2000 - under Z.R. §72-21, to permit, in the proposed change of use from the non-conforming, automotive repair shop (Use Group 6) to retail convenience store, located partially within a R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 502 Avenue P, Avenue P and East 5th Street, Block 6637, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 15, 2000, acting on Alt. Application No. 300991121, reads:

“Proposed retail convenience store, partially within an R6 District and partially within a C1-4 District is contrary to Section 22-00 of the Zoning Resolution and therefore must be referred to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on October 17, 2000 after due notice by publication in The City Record, laid over to December 5, 2000, January 23, 2001, May 1, 2001, June 12, 2001, July 17, 2001, August 14, 2001, October 16, 2001, December 4, 2001, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed change of use from the non-conforming, automotive repair shop (Use Group 16) to retail convenience store (Use Group 6), located partially within a R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00;

and

WHEREAS, the record indicates that the site is located on the southeast corner of East 5th Street and Avenue P in Brooklyn and lies within the OP special district; and

WHEREAS, given the history of prior commercial use, there exists practical difficulty in conforming with the requirements of the site, especially the R6-A portion, a relatively minor portion of the lot; and

WHEREAS, the site is 6,000 square feet in size, and lies on a split lot with approximately 50 feet of the site located in an R6-A zoning district and the remainder of the premises located within a C1-4 zoning district; and

WHEREAS, the proposal seeks to completely renovate the existing 1971 square foot structure; and

WHEREAS, the remainder of the lot will be resurfaced and parking spaces for seven vehicles will be created; and

WHEREAS, all existing signage will be removed and replaced with 51.2 square feet of illuminated signage; and

WHEREAS, the proposal indicates that deliveries will occur approximately five times per week to the Premises and will be brought into the store through the proposed western entrance; and

WHEREAS, refuse will be picked up by a commercial carter approximately 3 times per week ; and

WHEREAS, in response to concerns by the surrounding residential neighbors over noise, traffic, parking and debris, the Board addressed restricting the hours of the proposed use; and

WHEREAS, the applicant agrees with the Board’s restriction, limiting the hours of operation from 6:00 A.M. to 8:00 P.M. Monday through Friday, 6:00 A.M. to 6:00 P.M. Saturday and 6:00 A.M. to 8:00 P.M. on Sunday; and

WHEREAS, the proposal seeks to replace an existing non-conforming automotive repair shop with a proposed Use Group 6 store; and

WHEREAS, the Premises has housed an automotive service station since the original grant on June 27, 1961 (248-61-BZ); and

WHEREAS, the Board decreed a uniqueness determination during the granting of the first variance, and the conditions at the Premise have not changed substantially since the granting of that first variance; and

WHEREAS, the applicant states that use of the Premises as an automotive service station was discontinued in 1996; and

WHEREAS, the aforementioned history of development makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, an automotive service station occupied the Premises for almost forty years; and

WHEREAS, the site is situated in between a R6A and a C1-4 district; and

WHEREAS, the majority of the Premises is located within

MINUTES

the C1-4 zoning district which would permit the proposed use as of right; and

WHEREAS, the Premises is located on a corner of Avenue P, which contains considerable commercial uses; and

WHEREAS, however, the Board notes that most commercial uses in the immediate area have hours of operation within 6:00 A.M. to 8:00 P.M., and none operate 24 hours a day; and

WHEREAS, the Board considered the applicant's request that the proposed store be allowed to operate 24 hours; and

WHEREAS, the Board finds that if the proposed store were to operate 24, hours it would be out-of character-with the adjoining residential community and other commercial establishments; and

WHEREAS, therefore, the Board determines that the proposed use will operate between the hours of 6:00 A.M. and 8:00 P.M. Monday through Friday, 6:00 A.M. to 6:00 P.M. Saturday and 6:00 A.M. to 8:00 P.M. on Sunday, so as to stay within the character of the neighborhood; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in the proposed change of use from the non-conforming, automotive repair shop (Use Group 6) to retail convenience store, located partially within a R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received August 24, 2001"-(7) sheets; and on further condition;

THAT deliveries shall occur approximately five times per week to the Premises and will be brought into the store through the proposed western entrance;

THAT refuse shall be picked up by a commercial carter approximately 3 times per week ;

THAT fire protective measures for the exterior walls will

include solid masonry, fire-protected (Old Code) 3 hour rated exterior walls;

THAT fire protective measures for the roof will consist of existing steel beams with 3x rafters, wood members protected with 1" of cement plaster for a 1 hour rating;

THAT fire protective measures for the fire alarm system will include smoke detectors with fan cut-offs installed in the HVAC system;

THAT fire protective measures for emergency exits will consist of two exits direct to exterior located at a maximum reasonable travel distance, illuminated exits with internally illuminated exit signs and path of travel lighting with battery back up for all lighting and signage;

THAT the hours of operation shall be limited to 6:00 A.M. and 8:00 P.M. Monday through Friday, 6:00 A.M. to 6:00 P.M. Saturday and 6:00 A.M. to 8:00 P.M. on Sunday;

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

THAT substantial construction will be completed in accordance with Z.R. §73-70;

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

134-01-BZ

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, located on the fifth through seventh, and ninth (penthouse) floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Richard Bass.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

MINUTES

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 13, 2001 acting on Alt. Application number 102061055 reads:

“1.) Proposed use of a Physical Culture Establishment (as defined in Z.R. §12-10) requires special permit from the BSA as per Z.R. §73-36.”;and

WHEREAS, a public hearing was held on this application on September 25, 2001 after due notice by publication in The City Record and laid over to October 16, 2001, December 4, 2001, and January 8, 2002, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application for under Z.R. §§73-03 and 73-36, to permit the legalization of an existing physical culture establishment, located on the fifth through seventh, and ninth (penthouse) floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject development includes the physical culture establishment which will be surrounded by commercial uses; and

WHEREAS, the subject physical culture establishment will occupy 10,700 square feet of floor area; and

WHEREAS, the facility will be a boutique one-on-one personal training facility; and

WHEREAS, the fifth and six floors will be used primarily for free weights and exercise machines, the seventh floor will be used for restrooms, exercise machines and massage tables, and the ninth floor (penthouse) will be used for office space, a juice bar/lounge, boxing studio and massage room; and

WHEREAS, the massage tables and massage rooms will be used for massage and all massage therapists will be licensed by the State of New York; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the fifth through seventh, and ninth (penthouse) floors of the premises; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-36; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-03 and 73-36, to permit the legalization of an existing physical culture establishment, located on the fifth through seventh, and ninth (penthouse) floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received August 13, 2001”-(3) sheets; and on further condition;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from February 1, 1998;

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

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

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

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

MINUTES

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

Adopted by the Board of Standards and Appeals, January 29, 2002.

197-01-BZ

APPLICANT - Anthony M. Salvati, for George Dilis, owner.
SUBJECT - Application May 24, 2001 - under Z.R. §73-622 to permit, in an R4 zoning district, the enlargement of an existing one family dwelling, which creates non-compliance with respect to rear yard requirements contrary to Z.R. § 23-00.

PREMISES AFFECTED - 951 81st Street, north side 223'-4" west of 10th Avenue, Block 5992, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 21, 2001 acting on Application No. 301119448 reads, in pertinent part:

FOR DENIAL TO THE BSA

“THE PROPOSED ADDITION TO THE EXISTING ONE FAMILY IS NOT PERMITTED AS PER 114-00 ZR AND REQUIRES A SPECIAL PERMIT AS PER 73-622 ZR FROM THE BSA.

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in The City Record, laid over to December 4, 2001, January 8, 2002, and then to January 29, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R4 zoning district, the enlargement of an existing one family dwelling, which creates non-compliance with respect to rear yard requirements contrary to Z.R. § 23-00; and

WHEREAS, the Board notes that since the proposed deck is within three feet of the lot line, it must be composed of non-combustible material; and

WHEREAS, the proposed enlargement will only decrease the rear yard to 25' "0"; and

WHEREAS, the perimeter wall height of '0" will comply with the applicable zoning regulations; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit in an R4 zoning district, in an R4 zoning district, the enlargement of an existing one family dwelling, which creates non-compliance with respect to rear yard requirements contrary to Z.R. § 23-00, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received, December 20, 2001"-(9) sheets; and on further condition;

THAT the proposed deck be composed of non-combustible material;

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 be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, January 29, 2002.

216-01-BZ

APPLICANT - Rampulla Associates Architects, for Rampulla Planning and Development, Inc., owner; Rampulla Associates Architects, LLP, lessee.

SUBJECT - Application June 14, 2001 - under Z.R. §72-21 to permit the legalization of the premises as a professional office

MINUTES

(Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 155 3rd Street, northwest corner of Rose Avenue, Block 4195, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated June 6, 2001 acting on Application No. 500467657 reads:

- “1) The proposed conversion of an existing Community Facility Building (Use Group 3) to Professional Offices (Use Group 6) in an R3-1 Zoning District is contrary to Section 22-00 of the Zoning Resolution.
- 2) There are no bulk, yard or parking requirements for a Professional Office use located in a Residential District.”; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in The City Record and laid over to January 8, 2002, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, the premises is located in the New Dorp section of Staten Island, on a 7,500 square foot corner lot with 100 feet of frontage on 3rd Street and 75 feet of frontage on Rose Avenue; and

WHEREAS, the site is improved with an existing basement and one story brick building; and

WHEREAS, the record indicates that the New York Public Library owned and operated the building from 1927 to 1984; and

WHEREAS, the subject premises has been occupied exclusively as a professional office (Use Group 6b) for the past 16

years; and

WHEREAS, the history of development of the site predates the enactment of the 1961 Zoning Resolution; and

WHEREAS, the original construction of the building as a library, is not in compliance within an R3-1 zoning district; and

WHEREAS, evidence in the record indicates that the walls of the premises are 16" thick and made of terra cotta block and brick; and

WHEREAS, because of the weight of the copper and slate roof, the columns, posts and girders are 6" by 12" and 4" by 12"; and

WHEREAS, the original construction of the building required increased wall and column thickness that makes current renovation or adaptation into conforming uses prohibitively difficult; and

WHEREAS, the applicant represents that compliance with zoning regulations would entail either the establishment of a community facility, such as a doctor's office, or the demolition of the structure and the construction of a semi-detached residence; and

WHEREAS, there is no usable rear yard or side yard for normal residential recreational use; and

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that either of the two aforementioned conforming developments are extremely costly and would not yield a reasonable return; and

WHEREAS, the proposed legalization would not necessitate any construction or alteration of the current appearance, and therefore character of the neighborhood would not be affected; and

WHEREAS, the applicant represents that an architect's office (Use Group 6B) is a low volume, low impact use that generates less vehicular traffic than a library or medical facility; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning

MINUTES

Resolution, to permit the legalization of the premises as a professional office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 14, 2002"-(3) sheets and "January 29, 2002"-(1) sheet; and on further condition;

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

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 29, 2002.

224-01-BZ

APPLICANT - Rosenman & Colin , LLP, for Soho Grand Centre, LLC, owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel on the first through 12th floors, and retail use in the cellar and on the first floor, Use Groups 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §§43-12, 43-43 and 42-14(D)(2)(b).

PREMISES AFFECTED - 159 Grand Street, bounded by Grand, Lafayette, Howard and Centre Streets, Block 234, Lot 11, Borough of Manhattan.

COMMUNITY BOARD # 2M

APPEARANCES -

For Applicant: James P. Power.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 24, 2001 acting on N.B. Application number 102450553 reads;

"1A. Proposed new building on zoning lot located in M1-5B zoning district does not comply with floor area regulations as set forth in Zoning Resolution Section

43-12.

2A. Proposed new building does not comply with the height and setback regulations of Zoning Resolution Section 43-43.

3A. Proposed new building is occupied by hotel and retail uses below the floor level of the second story contrary to the Use Regulations of Zoning Resolution Section 42-14 (D)(2)(b)."; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in The City Record and laid over to January 8, 2002, and then to January 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel use on the first through 12th floors, and retail use in the cellar and on portions the first floor, Use Groups 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §§43-12, 43-43 and 42-14(D)(2)(b); and

WHEREAS, the subject premises is a "L" shaped zoning lot located on Tax Lot 11, Block 234, with 25 feet 5 inches of frontage on the south side of Grand Street, 25 feet 3 inches of frontage on the east side of Lafayette Street, and a total area of 2,669 square feet; and

WHEREAS, the premises has a depth of 79 feet 11 inches from Grand Street and of 50 feet 7 inches from Lafayette Street; and

WHEREAS, the record indicates that the premises is currently occupied by a two-story live poultry market, which would be demolished; and

WHEREAS, the proposed building is a 12-story, 118-foot high with 1,658 square feet of retail use on portions of the first floor, fronting on Lafayette Street, and 13,486 square feet of hotel use on floors one through twelve for a total of 15,144 square feet, or 5.67 FAR; and

WHEREAS, the proposed building would rise without setback to its full height on the Grand Street frontage; and

WHEREAS, the proposed building would extend only 55 feet 4 inches into the lot, and provide a rear court of 24 feet 7 inches; and

WHEREAS, first floor retail use would front on Lafayette Street and complement the hotel use, which would front on Grand Street and there would be a door between the two ground floor uses; and

WHEREAS, the Grand Street frontage would contain a full lobby and reception desk for the hotel; and

WHEREAS, the applicant represents that the hotel would have a total of 42 hotel rooms ranging in size from 153 to 180

MINUTES

square feet; and

WHEREAS, floors two through eleven would have four rooms each, and floor twelve would have two rooms and a terrace above a rear setback over the 11th floor; and

WHEREAS, the zoning lot is a shallow, undersized, and irregularly shaped parcel; and

WHEREAS, the applicant represents that the shallow depth and irregular shape of the Zoning Lot, together with the Multiple Dwelling Law requirements, require the construction of two separate portions, with a small connection between them in order to maximize the floor plates on each floor effectively; and

WHEREAS, the construction of a complying building with comparable floor area on the zoning lot would necessitate two separate foundations, exterior walls, facades and stairways, and thus increasing construction costs significantly; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the proposed building would be slightly shorter than the adjacent building on the corner of Grand and Centre Streets, which rises to a full 10 stories without setback; and

WHEREAS, the proposal states that the Grand Street facade would be composed of white brick, red sandstone and dark-green window treatments to match the adjacent buildings, and the Lafayette Street facade would be a one-story structure with a combination of stone and brick masonry treatments; and

WHEREAS, the applicant represents that uses in the proposed building would be consistent with and enhance those in surrounding neighborhood; and

WHEREAS, ground floor retail use would be similar to those in most of the neighboring buildings along Grand, Lafayette and Centre Streets; and

WHEREAS, the applicant has provided documentation that the proposed use will be operation by a nationally recognized chain that provides comprehensive hotel uses; and

WHEREAS, the applicant has assured the Board that hotel rooms will not be rented on an hourly basis; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the

preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed construction of a 12-story building, with a hotel on the first through 12th floors, and retail use in the cellar and on the first floor, Use Groups 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §§43-12, 43-43 and 42-14(D)(2)(b), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 22, 2001"-(8) sheets and "December 26, 2001"-(2) sheets; and on further condition;

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

THAT hotel rooms will not be rented on an hourly basis;

THAT any eating and drinking establishment be restricted to Use Group 6a or 6c;

THAT an interior fire alarm system connected to a central alarm system will be installed;

THAT a hard wired smoke detector connected to a central system will be installed;

THAT a wet sprinkler system will provided throughout the entire building;

THAT an automatic smoke exhaust system will be provided for the elevator machine room;

THAT an emergency power system will be provided for all emergency light and smoke exhaust fans in hotel guest rooms;

THAT all required egress doors exiting the building will have panic type hardware;

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

THAT a Certificate of Occupancy be obtained within four years from the date of this resolution.

Adopted by the Board of Standards and Appeals, January 29, 2002.

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, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52,

MINUTES

Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Peter Hirshman

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

248-00-BZ

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

For Opposition: John Scrofani and Arthur Haven, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 12, 2002, at 2 P.M., for decision, hearing closed.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Dennis Gayne and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Dennis Gayne

MINUTES

and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

238-01-BZ

APPLICANT - The Agusta Group for Aquarius Corp., owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 52, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Robert Gentner and William Deakin.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

239-01-BZ

APPLICANT - The Agusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group

1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

252-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Eric Palatnik, Radame Perez, Jose Perez and Daniel Lance.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

258-01-BZ

APPLICANT - Sybil H. Pollet for Congregation Rodeph Sholom, owner.

SUBJECT - Application August 22, 2001 - under Z.R. §72-21 to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §24-33(b), §24-36, §24-382 and §54-31.

PREMISES AFFECTED - 168/70 West 79th Street, a/k/a 165/67 West 78th Street, bounded by Amsterdam and Columbus Avenues, Block 1150, Lots 59 and 5, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Sybil Pollet and Robert A. Kandel.

For Opposition: Elizabeth Klaber, Bob Lamm and John ?.

For Administration: John Scrofani and Arthur Haven, Fire

MINUTES

Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for decision, hearing closed.

259-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner.
SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an 1-2 zoning district, which is contrary to Z.R. §32-25.
PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Chris Tartogolia and Eric Palatnik.

For Opposition: Richard Hellenbrecht, Michael Gordon, Zacharia Johny and Richard Albert.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively) , located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent, residential tower, street wall, accessory parking and curb cuts for accessory berths, and is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

PREMISES AFFECTED - 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser, Howard Hornstein, Sam Schwartz, Mark Adams Taylor, Mark Perl binder, Al Meyer, David West, Jerome Haimes, Steve Sinacori, Mildred Miele and Carmela Cuomo.

For Opposition: Carole Slater, Mark London, Keelan Noble, Johns Johnson, Walter Amundsen, Tim Noble, Pat Decker, Darlene Ertrachter, Hugh McGlincy, Dino Palermo, James Horvath, Israel Pavo, Alene S. Yarrow, Betsy Heer and others.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, Inc., owner.

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

SPECIAL HEARING

WEDNESDAY MORNING, JANUARY 30, 2002

9:30 A.M.

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

ZONING CALENDAR

192-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6c, requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan.

MINUTES

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel, Honer Cook and Sungwon Cho.

For Opposition: Doris Diether and Stuart Klein.

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2:00 P.M., for continued hearing.

SPECIAL HEARING

WEDNESDAY AFTERNOON, JANUARY 30, 2002

1:30 A.M.

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

ZONING CALENDAR

261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: R. Davis, D. Helpem, S. Quinn, L. Zaffanella and W. Bally.

For Opposition: Christine Quinn, Stephen Kass, Nadler, Mark Ginkberg, Mark Shapiro, John Melito, Sylvia Lachter, Marty Algaze, Peter Weiner, David Berliner and others.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2002, at 1:30 P.M., for continued hearing.

223-01-BZ

APPLICANT - Marvin B. Mitzner, Esq., for Fischbein Badillo Wagner Harding for Lower East Side Service Center, Inc., owner.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed construction of an 8-story building (community facility), which will connect on seven levels to an existing 7-story building, which does not comply with zoning requirements for F.A.R. and height of the front wall setback, which is contrary to Z.R. §33-123 and §33-432.

PREMISES AFFECTED - 33 Division Street a/k/a 46 East Broadway, block between Market and Catherine Streets, Block 281, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: Doris Diether.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, January 30, 2002.

Pasquale Pacifico, Executive Director.

Adjourned: 1:40 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, No. 7

February 14, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	83
CALENDAR of March 19, 2002	
Morning	84
Afternoon	85-86

CONTENTS

MINUTES of Regular Meetings,
Tuesday, February 5, 2002

Morning Calendar87

Affecting Calendar Numbers:

983-83-BZ	134-42/60 Guy R. Brewer Boulevard, Queens
1345-88-BZ	1165 Ogden Avenue, Bronx
234-56-BZ	10-02 Clintonville Street, Queens
252-71-BZ	190-18 Northern Boulevard, Queens
416-87-BZ	547-551 West 133 rd Street, Manhattan
36-99-BZ	1347-53 East 23 rd Street, Brooklyn
123-01-A	540/2 West 50 th Street, Manhattan
266-01-A thru 15, 17, 19, 21, 23, 27, 29, 31, 33, 37, 39, 41, 43	Beachview Avenue, Staten Island
278-01-A	
382-01-A	11 East 57 th Street, Manhattan
391-01-A	21 Hudson Walk, Queens
1-02-A	574 Pendale Street, Staten Island

Afternoon Calendar90

Affecting Calendar Numbers:

37-00-BZ	111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, Queens
139-01-BZ	27 West 38 th Street, Manhattan
209-01-BZ & 210-01-BZ	146/48 & 150/52 Middleton Street, Brooklyn
211-01-BZ	154 Middleton Street, Brooklyn
212-01-BZ & 119/21 & 115/17	Lorimer Street, Brooklyn
213-01-BZ	
214-01-BZ	113 Lorimer Street, Brooklyn
219-01-BZ	67-85 Burns Street, Queens
173-00-BZ	341/349 Troy Avenue, a/k/a 1515, 1519, 1523 Carroll Street, Brooklyn
214-00-BZ	2761 Plumb 2 nd Street, Brooklyn
291-00-BZ	2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, Brooklyn
143-01-BZ	348 East 9 th Street, Manhattan
200-01-BZ	182-15 Hillside Avenue, Queens
226-01-BZ	48 Laight Street and 166/72 Hudson Street, Manhattan
234-01-BZ	80 North 5 th Street, Brooklyn
235-01-BZ	2009 Mermaid Avenue, a/k/a 2879 West 21 st Street, a/k/a 2882 West 20 th Street, Brooklyn
241-01-BZ	1279 East 23 rd Street, Brooklyn
294-01-BZ	125 Green Street, Brooklyn

DOCKET

New Case Filed Up to February 5, 2002

40-02-A B.S.I. 79 Tyrrell Street,
northeast side, 101.20' northwest of Arthur Kill Road, Block 8000,
Lot 27, Borough of Staten Island. Applic. #500512046. Proposed
construction of a two story, two family dwelling, not fronting on
a legally mapped street, is contrary to Section 36, Article 3 of the
General City Law.

41-02-BZ B.S.I. 124 McLean Avenue,
southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough
of Staten Island. Applic. #500430250. Proposed eating and
drinking establishment with live musical entertainment and
dancing, Use Group 12, located in a C1-2 zoning district, is
contrary to Z.R. §32-15.

COMMUNITY BOARD #2SI

42-02-BZ B.S.I. 4601 Amboy Road,
northwest corner of Waimer Place, Block 5585, Lot 99, Borough
of Staten Island. Applic. #500509808. Proposed open auto sales
establishment, Use Group 16, located in an R3-2 (Special South
Richmond Development) zoning district, is contrary to Z.R. §22-
10.

COMMUNITY BOARD #3SI

43-02-BZ B.M. 116 East 73rd Street,
south side, between Park and Lexington Avenues, Block 1407, Lot
67, Borough of Manhattan. Applic. #102232344. The legalization
of an existing greenhouse-type structure and stairway platform,
encroaching partially within the required rear yard is contrary to
Z.R. §23-47, and a previous decision by the Board under Cal. No.
31-01-A.

COMMUNITY BOARD #8M

44-02-BZ B.BK. 1125 Gilmore Court,
north side, 100'-0" west of East 12th Street, Block 7455, Lot 56,
Borough of Brooklyn. Applic. #301172460. Proposed
enlargement of an existing one family dwelling, by enlarging the
building forward and erecting a second story, also in addition to the
enlargement, the dwelling will be converted to a two family
residence, creates non-compliance with respect to floor area ratio,
lot coverage, open space ratio and rear yard, and is therefore
contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

COMMUNITY BOARD #15BK

45-02-BZ B.BX. 443 East 186th Street,
northeast corner of Park Avenue, Block 3040, Lots 1, 35 and 33,
Borough of The Bronx. Applic. #200450038. The legalization of
an existing public parking lot, Use Group 8, located in an R7-1
zoning district, is contrary to Z.R. §22-00.

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.**

CALENDAR

MARCH 19, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 19, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.
SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.
PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.
COMMUNITY BOARD #8M

267-70-BZ

APPLICANT - Elise Wagner, Esq./Jeremiach H. Candreva, Esq., for New York University, owner.
SUBJECT - Application December 7, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 50 Washington Square South, east side of Sullivan Street, Block 541, Lot 33, Borough of Manhattan.
COMMUNITY BOARD #2M

307-81-BZ

APPLICANT - Francis R. Angelino, Esq., for 50 East 69th Street Corp., owner.
SUBJECT - Application October 17, 2001 - reopening for an extension of term of variance which expired September 15, 2001.
PREMISES AFFECTED - 50 East 69th Street, Block 1383, Lot 40, Borough of Manhattan.
COMMUNITY BOARD #8M

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck

Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.
SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.
COMMUNITY BOARD #11Q

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.
SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.
PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.
COMMUNITY BOARD #11BX

52-97-BZ

APPLICANT - Rosenman & Colin, LLP, for 21 Club Inc., owner.
SUBJECT - Application December 28, 2001 - reopening for an extension of time to complete construction which expired January 6, 2002.
PREMISES AFFECTED - 17/21 West 52nd Street, north side of West 52nd Street, between Fifth and Sixth Avenues, Block 1268, Lot 23, Borough of Manhattan.
COMMUNITY BOARD #5M

MARCH 19, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 19, 2002, at 2 P.M., at 40 Rector

CALENDAR

Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

PREMISES AFFECTED - 65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

397-01-BZ

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

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

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

COMMUNITY BOARD #1Q

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

MINUTES

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

MINUTES

**TUESDAY MORNING, FEBRUARY 5, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 18, 2001, were approved as printed in the Bulletin of December 27, 2001, Volume 86, No. 47.

SPECIAL ORDER CALENDAR

983-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Joyce Ross, Owner.
SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.
PREMISES AFFECTED - 134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137th Avenue, Block 12300, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired March 5, 2000; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, laid over to February 5, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional fifteen (15) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted March 5, 1985, expiring March 5, 2001, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for fifteen years from March 5, 2000 expiring March 5, 2015, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will no parking on the sidewalks, that there shall be no outdoor storage, that

all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received June 18, 2001" - (3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution."

(ALT No. 940/83)

Adopted by the Board of Standards and Appeals, February 5, 2002.

1345-88-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 1165 Gas Corp., owner.
SUBJECT - Application July 10, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired December 12, 2010 and for an amendment to the resolution.

PREMISES AFFECTED - 1165 Ogden Avenue, northeast corner of West 167th Street, Block 2528, Lot 35, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution and extension of the term of the variance which expired on December 18, 2000; and

WHEREAS, a public hearing was held on this application on December 4, 2001, after due notice by publication in *The City Record*, laid over to January 15, 2002, and then to February 5, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) years; and

WHEREAS, this application also seeks the erection of a 45' by 24' metal canopy over the existing pump island; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on December 18, 1990 expiring December 18, 2000, so that as amended this portion of the resolution shall read:

"to permit the installation of a 45' by 24' metal canopy over the existing pump island, extend the term of the resolution for ten years from December 18, 2000 expiring December 18, 2010 on condition:

THAT all lighting shall be installed and maintained down and

MINUTES

away from neighboring properties;

THAT the premises shall be maintained in substantial compliance with the drawings filed with this application marked "Received July 10, 2001"-(5) sheets and "January 8, 2002" -(1) sheet and on further condition; that a new Certificate of Occupancy shall be obtained within one (1) year from the date of this amended resolution."

(ALT.2- 200671503 / NB-288/56)

Adopted by the Board of Standards and Appeals, February 5, 2002.

234-56-BZ

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: William Warr and Neal Fartanvan.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 5, 2002, at 10 A.M., for decision, hearing closed.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for continued hearing.

416-87-BZ

APPLICANT - Blythe S. Brewster, A.I.A., for Michael Abruzese,

owner.

SUBJECT - Application June 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133rd Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Blythe S. Brewster.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 10 A.M., for decision, hearing closed.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

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

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 10 A.M., for continued hearing.

123-01-A

APPLICANT - The Agusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis, lessee.

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

MINUTES

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 11 A.M., for continued hearing.

266-01-A thru 278-01-A

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

For Applicant: Robert Caneco.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 11 A.M., for decision, hearing closed.

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Barbara Hair, Howard Hornstein and Vincent Laino.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department and John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 11 A.M., for continued hearing.

391-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Robert Rooney, lessee.

SUBJECT - Application December 18, 2001 - Proposed first floor enlargement and partial second floor addition to existing single family dwelling not fronting a mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Hudson Walk, east side of Hudson Walk, 132.18 north of Breezy Point Boulevard, Rockaway Point, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

MINUTES

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 11 A.M., for decision, hearing closed.

1-02-A

APPLICANT - Rampulla Associates Architects, for Joseph Cafiero, owner.

SUBJECT - Application January 2, 2002 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to February 12, 2002, at 11 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:45 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, FEBRUARY 5, 2002

2:00 P.M.

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

ZONING CALENDAR

37-00-BZ

CEQR #00-BSA-092Q

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the re-establishment of an expired variance which permitted an automotive service station, lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced within a C2-2 zoning district previously granted under Calendar Number 613-56-BZ.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 25, 2000 and amended February 4, 2002 acting on NB. Application No. 2989 reads:

“1. Proposed gasoline service station, automobile repair and accessory uses, Use Group 16, in C2-2 district (previously restricted retail use district) is contrary to Section 32-25 of the Zoning Resolution.”;

and

WHEREAS, a public hearing was held on this application on February 27, 2001, after due notice by publication in *The City Record*, and laid over to April 17, 2001, May 22, 2001, June 12, 2001, July 17, 2001, September 11, 2001. All hearing scheduled for September 11, 2001 were postponed and this case was rescheduled for December 4, 2001 then deferred to January 15, 2002 and then to February 5, 2002 for decision; and

WHEREAS, Community Board No. 10 in Queens recommended conditional approval; and

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

MINUTES

WHEREAS, this is an application for a special permit under Z.R. §11-411, on a site previously before the Board, to allow the re-establishment of an expired variance which permitted an automotive service station, lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced within a C2-2 zoning district previously granted under Calendar Number 613-56-BZ; and

WHEREAS, the site is irregular in shape with five (5) separate lot lines located along a heavily utilized commuter road, on the westerly side of Van Wyck Expressway at the intersection of Lincoln Street containing a total lot area of 10,980 square feet; and

WHEREAS, the applicant represents that the premises has been in continuous operation as an automobile repair facility with lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced since the 1957 grant; and

WHEREAS, the most recent term of the grant expired on April 9, 1992; and

WHEREAS, evidence in the record indicates that the automobile repair use has continued since the last Board approval; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to allow the re-establishment of an expired variance which permitted an automotive service station, lubritorium, minor repairs with hand tools only, auto washing (non-automatic), office, sales and storage of auto accessories and parking of cars waiting to be serviced within a C2-2 zoning district previously granted under Calendar Number 613-56-BZ, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 20, 2001"- (2) sheets and "May 15, 2001"-(1) sheet; and on further condition;

THAT the term of the special permit shall be limited to five (5) years expiring on February 5, 2007;

THAT the hours of operation and hours for refuse pick-ups shall be 7 AM to 8 PM;

THAT there shall be no parking of vehicles on the sidewalk and no commercial parking on the premises;

THAT there shall be no sale of vehicles on the site;

THAT there shall be no outdoor work;

THAT there shall be no auto body work or auto painting on the premises;

THAT the premises shall be maintained graffiti-free;

THAT no flags shall be allowed on the premises;

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

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

THAT a new certificate of occupancy be obtained within one (1) year of the date of this resolution.

Adopted by the Board of Standards and Appeals, February 5, 2002.

139-01-BZ CEQR #01-BSA-130M

APPLICANT - Sheldon Lobel, P.C., for Joseph and Morris Wasserstein and Estate of Theo, owners.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 27 West 38th Street, north side, between Fifth and Sixth Avenue, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

MINUTES

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated March 12, 2001 acting on Application No. 102959185 reads:

“The Proposed residential dwellings in an M1-6 district are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on October 18, 2001 after due notice by publication in *The City Record* and laid over to November 20, 2001, December 11, 2001, January 15, 2002, and then to February 5, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the premises is located on the north side of 38th Street between 5th and 6th Avenues in Manhattan; and

WHEREAS, the record indicates that currently a mechanical room, boiler room and storage area occupy the cellar, a restaurant occupies the basement, a commercial loft space and storage area occupy the first floor, one apartment and storage area occupy the second floor, commercial spaces occupy the third and fourth floors, and one apartment occupies the fifth floor; and

WHEREAS, the commercial loft space on the first floor and the restaurant in the basement are complying uses within the zoning district; and

WHEREAS, the applicant represents that the owner has net leased the entire building to the owner of the restaurant that occupies the English basement, who has in turn rented out a portion of the second floor, and the entire fifth floor of the building for residential use; and

WHEREAS, this proposal seeks to legalize the aforementioned residential use on the 2nd and 5th floors, and to convert the remainder of floors two through four to residential uses; and

WHEREAS, this conversion will result in four residential units, one per floor, from the 2nd floor to the 5th floor; and

WHEREAS, the proposal indicates that the building has a stepped back feature within its floor plates, and as a result the small floor plates almost continuously get smaller on the upper floors; and

WHEREAS, the applicant represents that these setbacks and small floor plates cause uniquely shaped and irregularly sized floors, resulting in floors with square footage ranging from approximately 2,100 square feet on the first floor to 650 square feet on the fifth floor; and

WHEREAS, the applicant states that the upper floors of the

building are only accessible through one narrow stairwell or a small elevator that can only be accessed by walking down five stairs, and that the elevator cannot access the fifth floor of the building, and thus the stairs are the only means of access; and

WHEREAS, the applicant further contends, the obstacle of descending the stairs, coupled with the small size and inability of the elevator to hold large objects reduces its practicality as a conforming manufacturing or commercial use building; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

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

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as well as many buildings which are solely residential or commercial; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received April 12, 2001”-(11) sheets; and on further condition;

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

MINUTES

jurisdiction of the Department;

THAT a automatic wet-pipe sprinkler system connected to a Fire Department approved Central Station will be installed throughout the building;

THAT a Certificate of Occupancy be obtained within one year from the date of this resolution.

Adopted by the Board of Standards and Appeals, February 5, 2002.

209-01-BZ & 210-01-BZ

CEQR #01-BSA-152K & CEQR #01-BSA-153K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

146/48 Middleton Street, south side, 158' west of Harrison Avenue, Block 2241, Lot 28, Borough of Brooklyn.

150/52 Middleton Street, south side, 116' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 30), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD- Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 18, 2001 acting on N.B. Applic. No. 301162177, reads:

“Proposed Residential Use (U.G.2) contrary to Section ZR Section 42-00. There are no applicable bulk, yard, or parking regulations for residential uses in Manufacturing Districts.”;

and

WHEREAS, Community Board No.1, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on October 18, 2001, after due notice by publication in the City Record, laid over to November 20, 2001, December 11, 2001, and January 8, 2002 and then to February 5, 2002 for decision; and

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

WHEREAS, this application was originally filed as one of six applications, Calendar numbers 209-214-01-BZ requesting a variance to permit the construction of a residential complex in a manufacturing district; and

WHEREAS, the original application has been amended and the applicant now seeks permission for the erection a housing complex consisting of four multiple dwellings; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary Z.R. §42-00; and

WHEREAS, the zoning lot presently fronts on two streets, approximate 105 feet upon Lorimer Street and 105 feet upon Middleton Street in the Williamsburg section of Brooklyn; and

WHEREAS, the applicant notes that upon approval the zoning lots referenced above, will be subdivided into Lots 28, 30, 41, and 43, each will be developed with a multiple dwelling; and

WHEREAS, the record indicates that the lot is presently burdened with a structurally defective and functionally obsolete four story light industrial structure; and

WHEREAS, evidence in the record, including an engineering report by reputable consultant indicates that the site was built for manufacturing use between the 1890s and 1910s and is now burdened with an insufficient number of elevators, loading docks, a large number of columns and low ceilings, deteriorated exterior walls, wooden floors with insufficient weight bearing capacity for modern manufacturing machinery; and

WHEREAS, the applicant has represented that the factory complex is now obsolete for manufacturing use as evidenced by the fact that it is currently, completely vacant, and has been under nominal, partial occupancy for the past ten years; and

WHEREAS, the record indicates that prior to being occupied by manufacturing or industrial uses, the subject site was used for residential purposes; and

WHEREAS, within the vicinity of the subject premises, other sites are in the process of complete rehabilitation and or development for modern residential use; and

WHEREAS, the instant application proposes to erect buildings containing fourteen apartments consisting of 2 to 3 bedroom units; and

WHEREAS, the applicant has represented that the proposed apartment units, if approved, will not be sub-divided to create

MINUTES

additional apartments, and that rooms not labeled as bedrooms will not become bedrooms; and

WHEREAS, the site is located across the street from a residential portion of Middleton Street and mid-block across from a residential district on Marcy Avenue; and WHEREAS, the applicant represents that but for the subject site, virtually the entire block is either being used, developed or planned for residential use; and

WHEREAS, the size of the site, its history of development with a now obsolete-conforming use, and its location across from a residential zone characterized by community facility, uses and other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented substantial compliance with quality housing requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses immediately adjacent on Lot 18 as well as across the street on the Middleton Street side of the development; and

WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area; and

WHEREAS, the scale of the proposed buildings will be comparable to other R7-1 multiple dwellings previously approved by the Board in the surrounding area; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the

objections above noted, filed with this application marked "Received December 4, 2001" - (1) sheet, "December 19, 2001" - (8) sheets; "February 4, 2002" - (1) sheet; and on further condition;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT in accordance with Fire Department requirements an automatic wet sprinkler system shall be installed and maintained throughout the entire building and be connected to a Fire Department approved Central Station pursuant to Local Law 10/99;

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

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

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

Adopted by the Board of Standards and Appeals, February 5, 2002.

211-01-BZ CEQR #01-BSA-154K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1 5 4
Mid
dlet
o n
Stre
e t ,
sout
h
side
9 5 '
west
o f
Harr
ison
Ave
nue,
Bloc
k
2241
, Lot
2 8
(Ten

MINUTES

tativ
e
L o t
3 1),
Boro
u g h
o f
Broo
klyn

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, February 5, 2002.

212-01-BZ & 213-01-BZ

CEQR #01-BSA-155K & CEQR #01-BSA-156K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

119/21 Lorimer Street, north side, 20'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 41), Borough of Brooklyn.

115/17 Lorimer Street, north side, 62'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 43), Borough of Brooklyn

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 18,2001 acting on N.B. Applic. No. 301162177, reads:

“Proposed Residential Use (U.G.2) contrary to Section ZR Section 42-00. There are no applicable bulk, yard, or parking regulations for residential uses in Manufacturing Districts.”;

and

WHEREAS, Community Board No.1, Brooklyn, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on October 18, 2001, after due notice by publication in the City Record, laid over to November 20, 2001, December 11, 2001, and January 8, 2002 and then to February 5, 2002 for decision; and

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

WHEREAS, this application was originally filed as one of six applications, Calendar numbers 209-214-01-BZ requesting a variance to permit the construction of a residential complex in a manufacturing district; and

WHEREAS, the original application has been amended and the applicant now seeks permission for the erection a housing complex consisting of four multiple dwellings; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00; and

WHEREAS, the zoning lot presently fronts on two streets, approximate 105 feet upon Lorimer Street and 105 feet upon Middleton Street in the Williamsburg section of Brooklyn; and

WHEREAS, the applicant notes that upon approval the zoning lots referenced above, will be subdivided into Lots 28, 30, 41, and 43, each will be developed with a multiple dwelling; and

WHEREAS, the record indicates that the lot is presently burdened with a structurally defective and functionally obsolete four story light industrial structure; and

WHEREAS, evidence in the record, including an engineering report by reputable consultant indicates that the site was built for manufacturing use between the 1890s and 1910s and is now burdened with an insufficient number of elevators, loading docks, a large number of columns and low ceilings, deteriorated exterior

MINUTES

walls, wooden floors with insufficient weight bearing capacity for modern manufacturing machinery; and

WHEREAS, the applicant has represented that the factory complex is now obsolete for manufacturing use as evidenced by the fact that it is currently, completely vacant, and has been under nominal, partial occupancy for the past ten years; and

WHEREAS, the record indicates that prior to being occupied by manufacturing or industrial uses, the subject site was used for residential purposes; and

WHEREAS, within the vicinity of the subject premises, other sites are in the process of complete rehabilitation and or development for modern residential use; and

WHEREAS, the instant application proposes to erect buildings containing fourteen apartments consisting of 2 to 3 bedroom units; and

WHEREAS, the applicant has represented that the proposed apartment units, if approved, will not be sub-divided to create additional apartments, and that rooms not labeled as bedrooms will not become bedrooms; and

WHEREAS, the site is located across the street from a residential portion of Middleton Street and mid-block across from a residential district on Marcy Avenue; and WHEREAS, the applicant represents that but for the subject site, virtually the entire block is either being used, developed or planned for residential use; and

WHEREAS, the size of the site, its history of development with a now obsolete-conforming use, and its location across from a residential zone characterized by community facility, uses and other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented substantial compliance with quality housing requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses immediately adjacent on Lot 18 as well as across the street on the Middleton Street side of the development; and

WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area; and

WHEREAS, the scale of the proposed buildings will be comparable to other R7-1 multiple dwellings previously approved by the Board in the surrounding area; and

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

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

WHEREAS, this proposal is the minimum necessary to

afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 4, 2001" - (1) sheet, "December 19, 2001" - (8) sheets; "February 4, 2002" - (1) sheet; and on further condition;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT in accordance with Fire Department requirements an automatic wet sprinkler system shall be installed and maintained throughout the entire building and be connected to a Fire Department approved Central Station pursuant to Local Law 10/99;

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

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

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

Adopted by the Board of Standards and Appeals, February 5, 2002.

214-01-BZ CEQR #01-BSA-157K

APPLICANT - Agusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1 1 3
Lori
mer
Stre
et ,

MINUTES

north
side,
104'-
1 "
west
of
Union
Avenue,
Block
2241
, Lot
28
(Ten
tentative
Lot
44),
Borough
of
Brooklyn

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, February 5, 2002.

219-01-BZ

CEQR # 01-BSA-162Q

APPLICANT - Rothkrug and Rothkrug, for Young Israel of Forest Hills, owner.

SUBJECT - Application June 19, 2001 - under Z.R. §72-21 to permit the 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 and is contrary to Z.R. §24-34.

PREMISES AFFECTED - 67-85 Burns Street, a/k/a 67-85 Yellowstone Boulevard, northeast corner, Block 3166, Lot 84, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Adam Rothkrug.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 25, 2001 acting on ALT-2 Application No. 401236774 reads:

“New elevator enclosure is not a permitted encroachment in req'd front yard. Proposed development is contrary to ZR 24-34.”; and

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in *The City Record* and laid over to February 5, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed addition of a new one-story structure designed solely to contain an elevator and elevator lobby, to an existing community facility (Use Group 3) located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34; and

WHEREAS, the subject site is a trapezoidal shaped parcel that lies on the corner of Yellowstone Boulevard and Burns Street, with 72.2 feet of frontage on Burns Street and 159.5 feet of frontage on Yellowstone Boulevard, and a total area of 116,575

MINUTES

square feet; and

WHEREAS, the applicant represents that the lot is presently developed with an existing cellar, basement and one-story synagogue (Use Group 3) serving the Young Israel of Forest Hills congregation; and

WHEREAS, the applicant proposes to add a new one-story structure, 10 feet deep by 18 feet 6 inches in length, with a total of 185 square feet in area, designed to contain an elevator and elevator lobby, which is required in order to provide handicapped and infirmly access to the varying levels of the existing facility; and

WHEREAS, the proposed structure will be located adjacent to the existing main entrance of the synagogue, on Burns Street, and will encroach within the required front yard; and

WHEREAS, the record indicates that a synagogue is a permitted use in the subject R4 zoning district, however Zoning Resolution §24-34 requires that a building in an R4 District used for community facility must provide a front yard with a minimum required depth of 15 feet; and

WHEREAS, the existing building, constructed prior to December 15, 1961 (the effective date of the current Zoning Resolution), has two 10 foot front yards and this non-compliance with Z.R. §24-34 is a pre-existing condition that the owner would like to continue in the new building; and

WHEREAS, the entrances to both the synagogue and school area both require the navigation of several steps; and

WHEREAS, the proposed design is necessary in order to meet the needs of handicapped and infirmly congregants and visitors; and

WHEREAS, the existing building currently prohibits accessibility by a number of congregants and visitors and the only way to enter the synagogue is through the proposed side on Burns Street; and

WHEREAS, the proposed structure will extend to the street line adjacent to Burns Street, for a length of 18'6" and provide street level access to an elevator lobby and the elevator itself; and

WHEREAS, the proposal seeks to eliminate the existing office in the cellar in order to provide access from the cellar to the social hall, and provide direct access from the first floor to the sanctuary; and

WHEREAS, the applicant represents that the premises is located on an irregularly-shaped corner lot, developed with an existing synagogue facility which pre-dates the current provisions of the Zoning Resolution, limiting the ability of the congregation to alter the building to provide handicapped accessibility, and thus fulfill the congregation's programmatic requirements; and

WHEREAS, these circumstances create a unique burden on the synagogue, creating the need for a non-complying design that is better satisfies its programmatic needs; and

WHEREAS, the Board finds that the proposed non-complying design is necessary in order to meet the programmatic needs of the synagogue, as the subject synagogue does provide an adequate access to accommodate handicapped and infirmly congregants and visitors; and

WHEREAS, the Board finds that there are unique conditions peculiar to this particular zoning lot that create practical difficulties and cause unnecessary hardship in strict compliance with the provisions of the zoning resolution; and

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

WHEREAS, a synagogue is permitted as of right in the subject R4 zoning district; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed addition of a new one-story structure designed solely to contain an elevator and elevator lobby, to an existing community facility (Use Group 3) located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 1, 2002"- (5) sheets; and *on further condition*;

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

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

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and February 5, 2002.

MINUTES

173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.
SUBJECT - Application June 30, 2000 - under 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.

OPREMISES 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

APPEARANCES -

For Applicant: Eric Palatnik and Sheldon Lobel.
For Opposition: Battalion Chief Philip Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.
SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit the reestablishment of an expired special permit, previously granted under Cal No. 733-86-BZ.
PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.
SUBJECT - Application December 4, 2000 - under ZR §73-19 to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.
PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik, Sheldon Lobel and James Heineman.
For Opposition: Anthony Scavi and Bill Wissenmann.
For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for continued hearing.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik and Thomas Birchard.
For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

MINUTES

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.
SUBJECT - Application July 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use on the ground floor and loft dwellings on the upper floors, Use Groups 6 and 2, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §111-02 and §12-10.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis Angelino, Joseph Vassauo, Dennis Lee, Jack Freeman and Dana Sohile.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for decision, hearing closed.

234-01-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Jagoon Kim.

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

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to

permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug, Father Patrick West, and Rev. Connis Mobley.

For Opposition: Ivana Wong, Yony Hong Zheng, Po Chu Seto and others.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.

SUBJECT - Application July 18, 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 FAR, OSR and rear yard and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

294-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21 to permit the legalization of the fourth floor of an existing four story building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

MINUTES

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik and Anthony Meran.

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

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:45 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, No. 8

February 21, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	104-106
CALENDAR of March 26, 2002	
Morning	107
Afternoon	108

CONTENTS

MINUTES of Regular Meetings,
Tuesday, February 12, 2002

Morning Calendar110

Affecting Calendar Numbers:

789-45-BZ	56-02 to 56-20 Broadway, Queens
16-95-BZ	434 East 77 th Street, Manhattan
245-32-BZ	123-05 101 st Avenue, Queens
648-88-BZ	2107 Richmond Road, Staten Island
53-91-BZ	23-27/27A Steinway Street, Queens
174-92-BZ	23-29/29A Steinway Street, Queens
175-92-BZ	23-31/31A Steiway Street, Queens
176-92-BZ	23-33/33A Steinway Street, Queens
177-92-BZ	23-33/33A Steinway Street, Queens
16-99-BZ	1116 East 26 th Street, Brooklyn
51-99-BZ	1192 East 22 nd Street, Brooklyn
1-02-A	574 Pendale Street, Staten Island
165-01-A thru	
189-01-A	Beard Street, Monahan Avenue, Staten Island

Afternoon Calendar114

Affecting Calendar Numbers:

248-00-BZ	2398 Stillwell Avenue, Brooklyn
292-00-BZ	35 Warsoff Place, Brooklyn
281-99-BZ	6055 Strickland Avenue, Brooklyn
226-00-BZ	210 Middleton Street, Brooklyn
136-01-BZ	11-11 44 th Drive, Queens
138-01-BZ	464/74 Liberty Avenue, Brooklyn
201-01-BZ	2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, Brooklyn
207-01-BZ	110 Greenwich Street, aka 2 Carlisle Street, Manhattan
250-01-BZ	101-03 Astoria Boulevard, Queens
253-01-BZ	848 Washington Street, Manhattan
322-01-BZ	402 Avenue U, Brooklyn
362-01-BZ	1255/57 Amsterdam Avenue, Manhattan
368-01-BZ	88/102 Ninth Avenue, Manhattan
402-01-BZ	936 East 24 th Street, Brooklyn

CORRECTIONS119

Affecting Calendar Numbers:

743- 59-BZ	38-50 East 36 th Street, Manhattan
218-01-BZ	450 West 250 th Street, The Bronx

DOCKET

New Case Filed Up to February 12, 2002

40-02-A B.S.I. 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island. Applic. #500512046. Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

41-02-BZ B.S.I. 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of Staten Island. Applic. #500430250. Proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

COMMUNITY BOARD #2SI

42-02-BZ B.S.I. 4601 Amboy Road, northwest corner of Waimer Place, Block 5585, Lot 99, Borough of Staten Island. Applic. #500509808. Proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #3SI

43-02-BZ B.M. 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan. Applic. #102232344. The legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A.

COMMUNITY BOARD #8M

44-02-BZ B.BK. 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn. Applic. #301172460. Proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

COMMUNITY BOARD #15BK

45-02-BZ B.BX. 443 East 186th Street,

northeast corner of Park Avenue, Block 3040, Lots 1, 35 and 33, Borough of The Bronx. Applic. #200450038. The legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #6BX

46-02-BZ B.BK. 205 State Street, aka 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn. Applic. #301246729. Proposed construction of a twenty-two story dormitory building, Use Group 3, to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

COMMUNITY BOARD #2BK

47-02-A B.S.I. 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island. Applic. #500507560. Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

48-02-A B.S.I. 3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island. Applic. #500507579. Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

49-02-BZ B.Q. 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens. N.B.# 401370413. Proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

COMMUNITY BOARD #12Q

DOCKET

50-02-BZ B.Q. 58-46 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 1, Borough of Queens. N.B.#400830437. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

51-02-BZ B.Q. 58-44 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 3, Borough of Queens. N.B.#400830446. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

52-02-BZ B.Q. 58-42 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 5, Borough of Queens. N.B.#400830455. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

53-02-BZ B.Q. 58-40 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 6, Borough of Queens. N.B.#400830464. Proposed construction of a cellar and two-story mixed use building, Use Groups 2 and 6, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5Q

54-02-A B.S.I. 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island. Applic.#500511680. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

55-02-A B.S.I. 106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island. Applic.#500511699. Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

56-02-BZ B.BK. 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn. Applic.#300648823. Proposed four story and cellar school, Use Group 3, located in an R5 zoning district, which creates non-compliance with respect to rear, side and front yards, perimeter wall, lot coverage and height of building, is contrary to Z.R. §24-11, §24-34, §24-35, §24-36 and §24-52.

COMMUNITY BOARD #12BK

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

CALENDAR

MARCH 26, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 26, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

80-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 854, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

295-71-BZ

APPLICANT - Steven M. Sinacori, Stadmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 98 Richmond Hill Road, south side of Richmond Hill Road, 1014' off Richmond Avenue, Block 2400 Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

1013-80-A

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #5M

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

327-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 9, 2001 - request for withdrawal.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

MARCH 26, 2002, 11:00 A.M.

CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 26, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

Tuesday afternoon, March 26, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. §23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto, owner.

SUBJECT - Application January 30, 2002 - Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

ZONING CALENDAR

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a twenty-one story mixed use building in a C4-6A/R8 zoning district, which requires a special permit as per 32-10.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

MARCH 26, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,

390-01-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required

MINUTES

accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

Pasquale Pacifico, Executive Director

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 12, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Korbey and Commissioner Caliendo.

2002.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, _____, were approved as printed in the Bulletin of, Volume _____, No. _____.

SPECIAL ORDER CALENDAR

789-45-BZ

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the rules of practice and procedure and a reopening for an extension of time to complete construction; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in The City Record, laid over to January 29, 2002 and then to February 12, 2002 for decision.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedures and reopens and amends the resolution adopted on February 4, 1947 only as to the time to the time to obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within eighteen (18) months of May 27, 2001, on condition

THAT there shall be no parking of vehicles on the sidewalk on the premises;

THAT there shall be no rental of vehicles on the site;

THAT there shall be no auto body work or auto painting on the premises;

THAT the premises shall be kept clean and graffiti-free at all times, and the landscaping shall be maintained by the owner;

THAT there shall be no parking of repaired vehicles on the street.”

(N.B. 1882/45, D.O.B. 400793913 & 400784558)

Adopted by the Board of Standards and Appeals, February 12,

16-95-BZ

APPLICANT - The Agusta Group, for STA Parking Corp., owner.

SUBJECT - Application August 24, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 434 East 77th Street, aka 433 East 76th Street, south of East 77th Street, 150' west of York Avenue, Block 1471, Lot 31, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the rules of practice and procedure and a reopening for an extension of the time to complete construction; and

WHEREAS, a public hearing was held on this application on January 29, 2002, after due notice by publication in The City Record, laid over to February 12, 2002 for decision.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedures and reopens and amends the resolution adopted on March 23, 1999 only as to the time to the time to complete construction, so that as amended this portion of the resolution shall read:

“That the time to complete construction shall be extended to twenty-nine (29) months from March 23, 2001.”

(ALT. NO. 100664372)

Adopted by the Board of Standards and Appeals, February 12, 2002.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

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

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

MINUTES

APPEARANCES -

For Applicant: Robert M. Blakeman.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for continued hearing.

648-88-BZ

APPLICANT - Philip Lloyd Rampulla, A.I.A., for Raghava Raju, M.D., owner.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 2107 Richmond Road, north east of Todt Hill Road, Block 899, Lot 18, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 10 A.M., for continued hearing.

53-91-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for continued hearing.

174-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g,

Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 26 2002, at 10 A.M., for continued hearing.

175-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

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

ACTION OF THE BOARD - Laid over to March 26 2002, at 10 A.M., for continued hearing.

176-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 26 2002, at 10 A.M., for continued hearing.

177-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside

MINUTES

of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 26 2002, at 10 A.M., for continued hearing.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner
SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for continued hearing.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 10 A.M., for continued hearing.

1-02-A

APPLICANT - Rampulla Associates Architects, for Joseph Cafiero, owner.

SUBJECT - Application January 2, 2002 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 574 Pendale Street, south east side, 100' northeast of Malone Avenue, Block 4726, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Phil Rampulla.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated December 14, 2001, acting on ALT 1. Application No. 500504439 reads:

“A1- Street giving access to the proposed building is not placed on the official map of the City of New York; Therefore, No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and, A2 -Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.”; and WHEREAS, by the letter dated February 6 , 2002, the Fire

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

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated December 14, 2001, acting on ALT Application No. 500504439, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received January 2, 2002, (1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

THAT the Department of Buildings must ensure compliance 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, February 12, 2002.

MINUTES

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of

Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

ACTION OF THE BOARD - Laid over to March 5, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:45 A.M.

REGULAR MEETING TUESDAY AFTERNOON, FEBRUARY 12, 2002 2:00 P.M.

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

ZONING CALENDAR

248-00-BZ

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

MINUTES

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

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 18, 2000, acting on Application No. 301077750 reads:

“The proposed construction of the office and warehouse in an R5 District is contrary to section 22-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals”; and

WHEREAS, the decision of the Borough Commissioner, dated October 18, 2001, acting on Application No. 301077750 was an update of the previous decision and reads:

“The proposed construction of the mixed-use building, to contain a retail store with storage, and residential units, is contrary to section 22-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 17, 2001 after due notice by publication in The City Record and laid over to May 15, 2001, June 19, 2001, July 24, 2001, October 16, 2001, November 13, 2001, December 18, 2001, January 29, 2002 and then to February 26, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a two-story mixed-use building, within a R5 district, with commercial use on the first floor and residential use on the second floor; and

WHEREAS, the premises is located on the westerly side of Stillwell Avenue, between Bay 49th and Bay 50th Street in Brooklyn and is located within a R5 zoning district, which permits residential and community facility development; and

WHEREAS, evidence in the record indicates that the zoning lot is currently improved with a one-story frame single family dwelling and a brick two-car garage, which is unoccupied; and

WHEREAS, the “A” finding in a variance requires that the hardship must result from the unique circumstances peculiar to the subject premises and that this condition presents a practical difficulty in meeting the requirements of the Zoning Resolution; and

WHEREAS, the applicant contends that the subject lot is irregularly and disproportionately shaped and that the current structure is obsolete and underutilized; and

WHEREAS, however, the applicant does not provide evidence that the applicable zoning requirements prevent the

owner from upgrading the structure in order to remedy the obsolete condition claimed; and

WHEREAS, although the Board observed that the site is to some extent awkwardly shaped, it found that the site’s configuration does not preclude a development consistent with the district’s zoning regulations; and

WHEREAS, the applicant cites portions of nearby streets that contain numerous commercial uses as evidence to the commercial character of the neighborhood, and yet the applicant acknowledges that these sites are in C1-2 commercial overlay districts, a district in which the subject site is not located; and

WHEREAS, the Board has found that the site’s recent history of residential use is consistent with the area and the neighborhood, which is primarily residential, notwithstanding the commercial uses along nearby avenues; and

WHEREAS, the applicant contends that the presence of the elevated subway line directly in front of the property discourages residential use development because it blocks out light and ventilation, creates noise, and causes more difficulty in maintenance of nearby properties; and

WHEREAS, the Board finds that many viable residential sites in the area are also adjacent the elevated line, and the fact that the subject site is adjacent to an elevated subway line does not relate to the site’s inherent physical characteristics; and

WHEREAS, the applicant contends that a subsurface water condition presents a burden for new residential development because it is cost prohibitive to build a residential structure with a basement; and

WHEREAS, the applicant further contends that the site has a potential flooding problem due to the low lying land which creates additional expenditures for a conforming development such as expensive excavation, foundation, and facade installation; and

WHEREAS, the Board finds that the claim regarding the effects of high water table is not a compelling uniqueness claim because it was not demonstrated that the high water table condition is unique to the subject site; and

WHEREAS, moreover, the cost for additional pilings as shown in the applicant’s feasibility analysis does not appear to be extraordinary and does not result in an unnecessary hardship; and

WHEREAS, the applicant states that utilization of the premises for residential purposes is uneconomical; and

WHEREAS, the applicant states that the premises was listed for sale with a local real estate broker for five years, but that the real estate broker was not able to find any buyer who intended to use the property for residential purposes because of the conditions of the site and the surrounding location; and

WHEREAS, the applicant claims that the site has been on the market for five years without any success, however, there is no conclusive evidence (such as advertisements in local newspapers) or testimony that the site was offered at fair market value; and

WHEREAS, the Board also noted that the site was able to sustain a viable residential use as recently as six months before the application date of the variance request; and

MINUTES

WHEREAS, the applicant's claim that an as of right community facility use is not a viable alternative was not sufficiently illustrated, because the applicant's feasibility analysis did not include a fully built as of right condition; and

WHEREAS, the Board finds that the proposed development contains a commercial activity that is inconsistent with the general retail (Use Group 6) use claimed in the plans submitted by the applicant; and

WHEREAS, the Board finds that the proposed commercial use (tile supply establishment) will have a substantially negative impact on the character of the neighborhood because of increased traffic, inadequate parking and proposed parking which is located in the rear facing residences; and

WHEREAS, the Board finds that the curb cut on the Bay 49th Street side of the proposed development introduces commercial traffic into a residential area; and

WHEREAS, moreover, the Board finds that with respect to the residential portion of the proposed building, the open space and yards provided are not consistent with residential zoning standards; and

WHEREAS, the applicant has failed to prove that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Zoning Resolution, and that the alleged practical difficulties or unnecessary hardship are not due to the circumstances created generally by the strict application of such provisions in the neighborhood or districts which the zoning lot is located; and

WHEREAS, the Board finds that the record does not show how the alleged conditions on the site make the site not viable for residential or a community facility use; and

WHEREAS, the applicant's record fails to sufficiently explain why the site is different from other sites in the area and also why applicable zoning regulations result in practical difficulty because the Board noted that the site conditions as described by the applicant are not unique and do not present a practical difficulty in conforming to the Zoning Resolution; and

WHEREAS, the applicant has failed to meet the burden under ZR§72-21 (A) in this application; and

WHEREAS, the Board finds that the Department of Buildings acted properly in not permitting this application for the proposed construction of the mixed-use building, to contain a retail store with storage, and residential units, is contrary to section 22-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals; and

Resolved, that the decision of the Borough Commissioner dated, October 18, 2001, acting on Application No. 301077750 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals February 12, 2002.

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 and Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals February 12, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for continued hearing.

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

MINUTES

For Applicant: Mitchell Ross.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

138-01-BZ

APPLICANT - Gerge E. Berger, for Love Fellowship Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing church (Use Group 4) located in an M1-1 zoning district, also an increase in the size of the building which will penetrate the sky exposure plane and extend into the required open space is contrary to Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a.k.a. 179/87 Bradford Street, southeast corner, Block 3708, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance

granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik and John Lage.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.

SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

MINUTES

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.
SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether and Stuart Beckerman.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein, Stephen Jacobs, Jack Freeman, Ethan Eldon and Peter Geis.

For Opposition: Steven Enriquez.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

362-01-BZ

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, Proposed construction of a eleven story building, Use Groups 2, 3 and 6, located in a C1-4 overlay within an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, and minimum distance between buildings,

is contrary to Z.R. §§ 33-431 and 23-711.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130 Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Samuel H. Lindenbaum., Gary Tarnoff, James Pouin, and Mel Burstein.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for decision, hearing closed.

368-01-BZ

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the proposed change in use from a community facility (Use Group 3) to transient hotel (Use Group 5) also the addition of a small penthouse on the roof, a bar and restaurant facility at the first story level, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Richard Born, Robert B. Davis and Edward Kirkland.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

402-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruth Fischl, contract vendee

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 936 East 24th Street, 260' south of Avenue "T", Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Burt Russell

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on October 30, 2001, under Calendar No. 743-59-BZ and printed in Volume 86, Bulletin Nos. 35-44, is hereby corrected to read as follows:

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 expired July 12, 2001.
PREMISES AFFECTED - 38-50 East 36th Street, Park Avenue and East 36th Street, Block 865, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, Community Board #6, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record*, then laid over to September 11, 2001 for decision. On September 11, 2001 all hearing were postponed and this case was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the previous resolution.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on June 28, 1960 as amended through December 4, 1991 expiring on June 14, 2001, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to ten (10) years, from June 14, 2001, expiring June 14, 2011; that the attended transient parking shall be limited to twenty (20) unused or surplus spaces; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, “Received, September 4, 2001”- (3) sheets 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 (18) months of the date of this amended resolution.”

(ALT 102136886)

Adopted by the Board of Standards and Appeals, October

30, 2001.

***The resolution has been corrected to correct the Department of Buildings Alt. No. which read: “ALT. 201136886” now reads: “ALT.102136886”. Corrected in Bulletin No. 8, Vol. 87, dated February 21, 2002.**

*CORRECTION

This resolution adopted on December 18, 2001, under Calendar No. 218-01-BZ and printed in Volume 86, Bulletin Nos. 51-52, is hereby corrected to read as follows:

218-01-BZ

CEQR #01-BSA-161X

APPLICANT - Moshe M. Friedman, P.E., for Misrad Associates, LP, owner; Yeshiva Ohavei Torah, lessee.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. 24-111, 24-521, 24-34 and 25-31.

PREMISES AFFECTED - 450 West 250th Street, south east corner of Henry Hudson Parkway, Block 5824, Lot 2470, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Moshe M. Friedman.

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

ACTION OF THE BOARD- Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

CORRECTIONS

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 12, 2001 acting on Applic. No. 200673789 reads:

“In an R1-2 in an NA-2 Zoning District

1. Proposed vertical extension of existing School Building is contrary to
ZR 24-111 FAR
ZR 24-521 Height, Perimeter Wall & Sky Exposure
ZR 25-31 Parking and requires a Variance from the Board of Standards and Appeals.
2. Approval from City Planning Commission required in a Special Natural Area (NA-2)
District ZR 105-02”

WHEREAS, a public hearing was held on this application on October 2, 2001, after due notice by publication in *The City Record* and laid over to October 18, 2001 and November 20, 2001 and then to December 18, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31; and

WHEREAS, the subject site is improved with an existing building which is a one story, detached brick school building; and

WHEREAS, the applicant represents the existing school requires more space in order to accommodate the growing needs of the community; and

WHEREAS, the applicant represents that the school requires more floor area in order to have more classrooms and a larger Synagogue; and

WHEREAS, the applicant represents the proposed construction takes into account the unique sensitivity of the current zoning as a Special Natural Area and in order not to disturb the ground or create more covered space, the building will only be enlarged vertically; and

WHEREAS, the applicant represents the subject premises is occupied by a brick school building on an irregularly shaped lot of 10,510'; and

WHEREAS, the applicant represents the site is bounded on three sides by streets, West 250th Street to the north, Delafield Avenue to the east, and Henry Hudson Parkway to the west; and

WHEREAS, it is proposed to vertically extend the school building without change to the existing footprint; and

WHEREAS, these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the Religious School-Yeshiva requiring both Synagogue study hall and classrooms in the same building; and

WHEREAS, the site itself is unique, as the lot fronts three Streets, and is graded at an extreme slope causing construction to be difficult and expensive; and

WHEREAS, the site also fronts an arterial highway- the Henry Hudson Parkway, making the site undesirable for a one family residential use; and

WHEREAS, the applicant represents and the Board agrees that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot; and

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

WHEREAS, as the building fronts a busy arterial highway and is at a different level than all the residential buildings in the neighborhood, it will not substantially impair the appropriate use or development of adjacent properties; and

WHEREAS, the Board has reviewed the applicant's proposal and finds it consistent with New York City's Waterfront policy; and

WHEREAS, the applicant represents the proposed addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size; and

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an

CORRECTIONS

NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, November 20, 2001"- (9) sheets and "January 29, 2002"-(1) sheets; and *on further condition*;

THAT the development, as approved, is subject to approval from City Planning Commission as required in a Special Natural Area (NA-2) District Z.R. §105-02; and

THAT in accordance to the request from the Fire Department that the premises is not to be used for housing;

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

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, December 18, 2001.

***The resolution has been corrected in that the portion which read: "Received November 20, 2001"-(7) sheets" now reads: "Received, November 20, 2001-(9) sheets and "January 29, 2002"-(1) sheet". Corrected in Bulletin No. 8, Vol. 87, dated February 21, 2002.**

Pasquale Pacifico, Executive Director.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, Nos. 9-10

March 7, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	127
CALENDAR of March 26, 2002	
Morning	128
Afternoon	128
CALENDAR of April 9, 2002	
Afternoon	130

CONTENTS

MINUTES of Regular Meetings,

Tuesday, February 26, 2002

Morning Calendar130

Affecting Calendar Numbers:

502-60-BZ	4452/6 Broadway, a/k/a 88/90 Fairview Avenue, Manhattan
416-87-BZ	547-551 West 133 rd Street, Manhattan
74-49-BZ	515 7 th Avenue and 144-158 West 38 th Street, Manhattan
611-76-BZ	43-17/21 214 th Place, Queens
1204-80-BZ	835 Tilden Street, Bronx
837-85-A	166-18 73 rd Avenue and 73-02 167 th Street, Queens
926-86-BZ	217-07 Northern Boulevard, Queens
45-90-BZ	260 Hamilton Avenue, Brooklyn
150-95-BZ	4-10 East 98 th Street, Manhattan
192-00-BZ	144-43 Farmers Boulevard, Queens
247-00-BZ	136-45 41 st Avenue, Queens
391-01-A	21 Hudson Walk, Queens
99-01-A	37-18 74 th Street, Queens
266-01-A thru 15, 17, 19, 21, 23, 27, 29, 31, 33, 37, 39, 41, and 43 Beachview Avenue, Staten 278-01-A	Island
328-01-A thru 14, 16, 18, 20 Miller Street, Staten Island 331-01-A	
394-01-A	56 William Avenue, Staten Island
398-01-A	59 Reid Avenue, Queens
399-01-A	59 Hillside Avenue, Queens
400-01-A	26 Newport Walk, Queens

Afternoon Calendar135

Affecting Calendar Numbers:

226-01-BZ	48 Laight Street and 166/72 Hudson Street, Manhattan
258-01-BZ	168/70 West 79 th Street, a/k/a 165/67 West 78 th Street, Manhattan
402-01-BZ	936 East 24 th Street, Brooklyn
71-99-BZ	56-05 69 th Street, Queens
137-99-BZ	165/67 Norfolk Street, Brooklyn
291-00-BZ	2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, Brooklyn
125-01-BZ thru 128-01-BZ	125, 131, 135 and 141 Classon Avenue, Brooklyn
238-01-BZ	135-04 11 th Avenue, Queens
239-01-BZ	135-16 11 th Avenue, Queens
260-01-BZ	119-15 27 th Avenue, Queens
294-01-BZ	125 Green Street, Brooklyn
302-01-BZ	2519/2525 Creston Avenue, Bronx
361-01-BZ	1761 East 29 th Street, Brooklyn
370-01-BZ	1041 East 24 th Street, Brooklyn
380-01-BZ	230 West 41 st Street, Manhattan
381-01-BZ	1723 8 th Avenue, a/k/a 443 18 th Street, Brooklyn

DOCKET

New Case Filed Up to February 26, 2002

57-02-BZ B.BK. 194 North 14th Street, border by Wythe Avenue on the east and the corner of Nassau Avenue and Berry Street to the west, Block 2279, Lot 13, Borough of Brooklyn. Alt. #301237301. Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

58-02-A B.BK. 194 North 14th Street, border by Wythe Avenue on the east and the corner of Nassau Avenue and Berry Street to the west, Block 2279, Lot 13, Borough of Brooklyn. Alt. #301237301. Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

59-02-A B.Q. 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens. Applic. #401265554. Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

60-02-BZ B.BK. 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn. Applic. #300698519. The legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, is contrary to Z.R. §§23-141 and 23-47.

COMMUNITY BOARD #15BK

61-02-BZ B.BK. 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn. Applic. #301227054. Proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #4K

62-02-BZ B.BK. 108 Walworth Street,

between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn. Applic. #301290993. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BK

63-02-BZ B.BK. 110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn. Applic. #301290948. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BK

64-02-BZ B.BK. 120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn. Applic. #301290984. Proposed residential units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BK

65-02-BZ B.BK. 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets (78th Street), Block 4497, Lot 1, Borough of Brooklyn. Applic. #300790366. The reestablishment of an expired variance, previously granted by the Board under Cal. # 742-74-BZ, which permitted an enlargement to an existing diner in an R4 zoning district.

COMMUNITY BOARD #5BK

66-02-BZ B.BK. 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn. Applic. #301253989. Proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

DOCKET

67-02-BZ B.Q. 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens. Applic. #401395904. The legalization of off-street parking spaces, accessory to an existing community facility (church), requires a special permit from the Board as per Z.R.§73-452.

COMMUNITY BOARD #7Q

68-02-BZ B.Q. 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens. N.B. #401387904. Proposed four story community facility (substance abuse treatment center), Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #9Q

69-02-A B.Q. 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens. N.B. #401387904. Proposed community facility, (substance abuse treatment center), located within the bed of a mapped street, is Section 35 of the General City Law.

70-02-BZ B.BK. 1456 East 26th Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn. Alt. #301284054. Proposed enlargement of an existing one family dwelling, Use Group1, located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #14BK

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

CALENDAR

MARCH 26, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 26, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #5M

SPECIAL ORDER CALENDAR

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

80-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 854, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

295-71-BZ

APPLICANT - Steven M. Sinacori, Stadmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 98 Richmond Hill Road, south side of Richmond Hill Road, 1014' off Richmond Avenue, Block 2400 Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

327-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 9, 2001 - request for withdrawal.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

1013-80-A

Pasquale Pacifico, Executive Director
MARCH 26, 2002, 11:00 A.M.

CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, March 26, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

Tuesday afternoon, March 26, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R.§23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto, owner.

SUBJECT - Application January 30, 2002 - Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

ZONING CALENDAR

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a twenty-one story mixed use building in a C4-6A/R8 zoning district, which requires a special permit as per 32-10.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R.§32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

390-01-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

MARCH 26, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing,

MINUTES

COMMUNITY BOARD #2 S.I.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

APRIL 9, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 9, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a twenty-two story dormitory building (Use Group 3) to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, aka 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

Pasquale Pacifico, Executive Director
REGULAR MEETING

TUESDAY MORNING, FEBRUARY 26, 2002

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 15, 2002, were approved as printed in the Bulletin of January 24, 2002, Volume 87, No. 4.

MINUTES

SPECIAL ORDER CALENDAR

502-60-BZ

APPLICANT - Rothkrug & Rothkrug, for 4452 Broadway Realty Co., owner.

SUBJECT - Application February 27, 2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired January 20, 2001.

PREMISES AFFECTED - 4452/6 Broadway, a/k/a 88/90 Fairview Avenue s/e/s of Broadway and Fairview Avenue, Block 2170, Lot(s) 400, 62, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Hiram Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired January 20, 2001; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in *The City Record*, laid over to August 14, 2001, October 16, 2001, November 13, 2001, January 29, 2002, and then to February 26, 2002 for decision; and

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

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted December 6, 1960, expiring January 20, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from January 20, 2001, expiring January 20, 2011, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will no parking on the sidewalks, that there shall be no outdoor storage, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked “February 27, 2001”- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT this approval is limited to the relief granted by the

Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

(ALT No. 188)

Adopted by the Board of Standards and Appeals, February 26, 2002.

416-87-BZ

APPLICANT - Blythe S. Brewster, A.I.A., for Michael Abruzese, owner.

SUBJECT - Application June 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133rd Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 27, 1999; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, and laid over to January 15, 2002, February 5, 2002, and then to February 26, 2002 for decision; and

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

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §72-01, said resolution having been adopted June 27, 1989, expiring June 27, 1999, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from June 27, 1999, expiring June 27, 2009, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will no parking on the sidewalks, that there shall be no outdoor storage, that the existing auto spray paint area shall comply with the following laws:

MINUTES

- 1) New York City Code: sub-chapter 7
Article 3: Occupancies involving spraying or dip finishing (sections 27- 406, 27-412)
Article 9: Automobile repair shops (sections 27-443, 27-449)
- 2) BSA rules covering use of equipment for spraying, storage, and drying of paints etc.,

that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked "January 25, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

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

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

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

(ALT No. 102165791)

Adopted by the Board of Standards and Appeals, February 26, 2002.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

611-76-BZ

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side

161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

1204-80-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 835 Tilden Street Holding Corporation, owner; East End Sanitation, lessee.

SUBJECT - Application August 28, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 835 Tilden Street, 300' east of Barnes Avenue, Block 4671, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph Morsellino.

For Opposition: Larry Seabrook and others.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for continued hearing.

837-85-A

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

SUBJECT - Application December 13, 2000 - reopening for an extension of the term of variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73rd Avenue and 73-02 167th Street, southwest corner of 73rd Avenue and 167th Street, Block 6974, Lot 19, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Nelly Bravo.

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

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner.

SUBJECT - Application July 5, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

MINUTES

COMMUNITY BOARD #11Q

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for continued hearing.

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for continued hearing.

150-95-BZ

APPLICANT - Paul Selver, Esq., for St. Bernard's School, Inc., owner.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4-10 East 98th Street, aka south side of 98th Street, 125' east, Block 1603, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Paul Selver, Stuart Johnson, Dan Kearin, and Fred Laldar.

For Opposition: Jack Lester, John Barakat, Roger Thomas, Diane Williams, Alan Fierstein, Sally Jo O'Brien, Leslie Samuels, Corbin R. Miller, Claudia Thompson and others.

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

ACTION OF THE BOARD - Laid over to April 24, 2002, at 1:30 P.M., for continued hearing.

192-00-BZ

APPLICANT - H. Irving Sigman, for 144-43 Farmers Boulevard, Realty Corp., owner.

SUBJECT - Application October 24, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmers Boulevard and South Conduit Avenue, Block

13314, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: H. I. Sigman.

For Opposition: Richard Hellenbrecht.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for decision, hearing closed.

247-00-BZ

APPLICANT - Martyn & Don Weston, for Prince Street Corporation, owner; T.T. Day Spa Inc., lessee.

SUBJECT - Application October 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-45 41st Avenue, north side, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Don Weston.

For Opposition: Thomas James and others.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 10 A.M., for continued hearing.

391-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Robert Rooney, lessee.

SUBJECT - Application December 18, 2001 - Proposed first floor enlargement and partial second floor addition to existing single family dwelling not fronting a mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 21 Hudson Walk, east side of Hudson Walk, 132.18 north of Breezy Point Boulevard, Rockaway Point,

MINUTES

Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated December 7, 2001, acting on ALT 1. Application No. 401282152, reads:

“A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore :

- 1) A Certificate of Occupancy may not be issued as per Article 3 , Section 36 of the General City Law.
- 2) Existing dwelling to be altered does not have a least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to section 27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated January 2, 2002, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated December 7, 2001, acting on ALT 1. Application No. 401282152, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received December 18, 2001”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, February 26, 2002.

99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 and Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 11 A.M., for continued hearing.

266-01-A thru 278-01-A

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of

MINUTES

Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

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

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for continued hearing.

328-01-A thru 331-01-A

APPLICANT - Land Planning and Engineering Consultants, P.C., by Vito J. Fossella, P.E., for Kathleen A. Amoia, owner.

SUBJECT - Applications November 9, 2001 - Proposed construction of a two-family, semi-detached home, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

14 Miller Street, west side, 259.5' north of Constant Avenue, Block 374, Lot 198, Borough of Staten Island.

16 Miller Street, west side, 231.5' north of Constant Avenue, Block 374, Lot 199, Borough of Staten Island.

18 Miller Street, west side, 203.5' north of Constant Avenue, Block 374, Lot 200, Borough of Staten Island.

20 Miller Street, west side, 175.5' north of Constant Avenue, Block 374, Lot 201, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Victor Han.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for continued hearing.

394-01-A

APPLICANT - Alfred V. Saulo, Architect, for Sonny Marotte, owner.

SUBJECT - Application December 18, 2001 - Proposed construction of a two family residence, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 William Avenue, south side, 680.0' east of Hillcrest Street, Block 5282, Lot 40, Borough of Staten Island.

APPEARANCES -

For Applicant: Alfred Saulo.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for decision, hearing closed.

398-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Rosemary Gurry, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Reid Avenue, east side, 82.46' south of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Michelle Sherry.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for decision, hearing closed.

399-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Anthony and Christine Allocco, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and also has a private disposal system within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Hillside Avenue, south side, 144.05'

MINUTES

west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens.

APPEARANCES -

For Applicant: Michelle Sherry.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for decision, hearing closed.

400-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Judy Andariese, lessee.

SUBJECT - Application December 19, 2001 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law and to upgrade private disposal system which is partially located in the bed of a private service road maintained by the Breezy Point Cooperative, which is contrary to Department of Buildings policy.

PREMISES AFFECTED - 26 Newport Walk, west side 52.32' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Michelle Sherry.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 1:45 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 26, 2002**

2:00 P.M.

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

ZONING CALENDAR

226-01-BZ

CEQR # 01-BSA -166M

APPLICANT - Francis R. Angelino, Esq., for GDM Hudson Laight Street, LLC, owner; TMG-48 Laight, LLC, contract vendee.
SUBJECT - Application June 26, 2001 - under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. § 42-00.

PREMISES AFFECTED - 48 Laight Street and 166/72 Hudson Street, northeast corner, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis Angelino, Joseph Vassauo and Dennis Lee.
For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 2, 2001 acting on N.B. Application No. 102796146, reads:

“Residential Use Group 2 is not permitted within M1-5 TMU zoning district as per Section 42-00 ZR.”;and

WHEREAS, a public hearing was held on this application on February 5, 2002, after due notice by publication in the City Record, laid over to February 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the zoning lot is located at the northeast corner of Laight and Hudson Streets, with 38 feet of frontage on the Laight Street side and 100 feet of frontage on the Hudson Street side; and

MINUTES

WHEREAS, the zoning lot is situated in The Tribeca Mixed Use District in an M1-5 zoning district; and

WHEREAS, the record indicates that the existing building is a vacant one-story 1,392 square foot automotive service station; and

WHEREAS, the zoning lot is a small parcel with only 3,800 square feet of area, enveloped on all sides by taller buildings; and

WHEREAS, the applicant represents that the existing structure is a functionally obsolete building, inconsistent with the existing office and loft dwellings land use pattern in the area; and

WHEREAS, the zoning lot is located immediately north of the large open space that compromises the rotary road system for vehicles exiting the Holland Tunnel; and

WHEREAS, the applicant represents that there is continuous vehicular traffic which passes directly by the zoning lot, thus making it unsuitable for conforming manufacturing or warehouse use which would require loading docks and trucks maneuvering into the building from Hudson or Laight Street; and

WHEREAS, evidence in the record, including Sanborn maps, indicates that the site was formerly a four-story residential use building with retail use on the ground floor before being demolished and converted to an automotive service station in approximately 1930; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the proposed building will have an 85 foot street wall for its six stories which is consistent with, or shorter than, the other building currently on the block; and

WHEREAS, evidence in the record indicates that the subject premises is the only lot on its block which is not developed with a five to seven story building; and

WHEREAS, the applicant represents that a number of buildings in the surrounding neighborhood have been converted to loft dwellings in recent years; and

WHEREAS, The New York City Landmarks Preservation Commission issued a Certificate of Appropriateness for the proposed work at the subject premises; and

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

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed development of a new six-story building, with retail use (Use Group 6) on the ground floor and loft dwellings (Use Group 2) on the upper floors, located in an M1-5 (TMU) zoning district, which is contrary to Z.R. § 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "June 26, 2001"-(4) sheets and "November 1, 2001"-(11) sheets; and on further condition;

THAT the entire building shall be sprinklered with automatic wet sprinklers;

THAT the cellar, first floor, and all commercial spaces have fire alarm systems and smoke detection systems connected to a Fire Department approved central station;

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

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

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

THAT any ground floor use be restricted to Use Group 6a or 6b, with the exception of a dry cleaning or clothes pressing establishment;

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

THAT a Certificate of Occupancy be obtained within 4 years from the date of this resolution.

Adopted by the Board of Standards and Appeals, February 26, 2002.

258-01-BZ CEQR #02-BSA-022M

APPLICANT - Sybil H. Pollet for Congregation Rodeph Sholom, owner.

SUBJECT - Application August 22, 2001 - under Z.R. §72-21 to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §§24-33(b), 24-36, 24-382, and 54-31.

PREMISES AFFECTED - 168/70 West 79th Street, a/k/a 165/67

MINUTES

West 78th Street, bounded by Amsterdam and Columbus Avenues, Block 1150, Lots 59 and 5, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Sybil H. Pollet.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 21, 2001 acting on Applic. No. 102975951 reads:

- “1. Proposed enlargement of first floor is contrary to ZR 24-33 (b), (permitted obstructions in rear yards are limited to one-story in height); and
2. Proposed enlargement of third and fourth floors is contrary to ZR 24-36 and 24-382 rear yard requirements.
3. Proposed enlargement increases the degree of non-compliance pursuant to ZR 54-31.”

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record* and laid over to January 29, 2002 and then to February 26, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §§24-33(b), 24-36, 24-382, and 54-31; and

WHEREAS, the subject site is located between 78th and 79th Streets, bounded by Amsterdam and Columbus Avenues, with a total lot area of 8,785 square feet; and

WHEREAS, the applicant represents that the four brownstones which comprise the school were built prior to 1900 as a parochial school on 79th Street with residences for the nuns/teachers in the 78th Street buildings, and the structure that fills the rear yard and now houses the school's gym was built in about 1902; and

WHEREAS, in 1989, the Department of Buildings, in a reconsideration, allowed predecessor owner, a school, to install a twenty-three foot high one story gymnasium in place of an existing corridor in the rear yard to connect the 79th and 78th street buildings; and

WHEREAS, the evidence in the record indicates that the rear yard, as built, measures only 45 feet 8.5 inches and is not in compliance with the required rear yard equivalent of the zoning resolution; and

WHEREAS, the applicant represents that the existing floor area of the site is 38,009 square feet, and the proposed floor area would be 41,589 square feet which is still in compliance with what is permitted to be developed on the site; and

WHEREAS, the existing building is legally non-complying, having been erected prior to December 15, 1961, when the current zoning became effective; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot, which was developed with the pre-existing building which became non-complying when the current zoning went into effect in December 1961; and

WHEREAS, the applicant contends that the zoning lot has a narrow and irregular through-lot configuration with 50 feet of frontage 79th Street and only 36 feet of frontage on 78th Street and; and

WHEREAS, evidence in the record indicates that the subject site is located in three separate zoning districts, R-10A, R8B, and C2-7A, which complicates utilization for school purposes; and

WHEREAS, the applicant represents that the current buildings are now inadequate for the efficient operation of the institution and limit how the school might be altered to meet its programmatic needs in a manner least disruptive to students, faculty, least costly and most practical; and

WHEREAS, this is a proposal to construct four small class rooms (totaling 1,954 square feet) as a two-floor addition to an existing 100-year-old two-story extension on the 79th Street side of the school, which would be built in a non-conforming rear yard; and

WHEREAS, the proposal also seeks to permit the construction of an in-fill floor, or mezzanine, within the envelope of the existing school gym which would house classrooms and a “boulevard” connecting the 78th and 79th Street buildings; and

WHEREAS, the applicant contends that under the current zoning regulations, the school needs a variance to permit it to create the additional classrooms and extracurricular space it requires, because all of the development options lie in the R10A portion of the lot on West 79th Street; and

WHEREAS, the applicant further contends that full as-of-right development on West 79th Street would negatively affect the school's programs, would result in an inappropriate distribution on the school's property, negatively impact the Upper West Side / Central Park West Historic District in which the school is situated and would be prohibitively expensive; and

MINUTES

WHEREAS, the applicant claims that the R10A district regulations on the 79th Street portion of the school would permit additional floors, but the vertical rather than horizontal expansion would result in disruptive, expensive and undesirable changes to the existing elevator; and

WHEREAS, the applicant represents that enlargement on 79th Street would result in an uneven distribution of children within the school building, undesirable congestion, and dangerous conditions should it be necessary to evacuate children; and

WHEREAS, therefore, the applicant contends that spreading students horizontally in a building would be more desirable; and

WHEREAS, the applicant represents that were it not for the rear yard requirements, which cannot be met without demolition of part of the school, enlargement of the third and fourth floors would not otherwise violate any height or bulk regulations; and

WHEREAS, the applicant states that since only in a small portion of the zoning lot, 2' by 102'2", lay in a C2-7A district, in which a 135' high building is permitted, additional floors in the 78th Street buildings in an R8B district would not be possible because the maximum base height has already been exceeded, and

WHEREAS, evidence in the record indicates that the school facility is located in the Upper West Side/Central Park West Historic District; and

WHEREAS, therefore, the applicant represents that even if zoning regulations permitted construction on the street side, above the existing facility on either 78th or 79th Streets, rather than in the rear, such construction would negatively impact the protected exterior of the building; and

WHEREAS, the applicant states that these variances would allow the Congregation to relocate functions to create more space within the buildings, useable for educational programs, administrative functions and generally, to upgrade existing facilities; and

WHEREAS, the applicant further contends that there is no possibility of providing a similar space anywhere else within the existing building without affecting existing rooms or required facilities, and the proposed structure is the minimum addition required in order to fulfill the programmatic needs of the existing facility; and

WHEREAS, the applicant states that the proposed non-complying design is necessary in order to meet the programmatic needs of the school and congregation, as the subject premises does provide an adequate area to accommodate its students and community functions; and

WHEREAS, the applicant represents that these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the applicant further represents that based upon the existing structures at the site, the history of the development of the zoning lot, the irregular and narrow width of the lot, its split zoning designations and historic district designation, there are unique physical conditions that create practical difficulties in

building in strict conformity with the Zoning Resolution; and

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

WHEREAS, Community Board 7 of Manhattan approved the portion of the application for a variance to allow the addition of approximately 1200 square feet of floor area by splitting the height of the existing gymnasium, thereby creating an additional floor and improving circulation between the applicant's properties on West 78th Street and West 79th Street; and

WHEREAS, the Landmarks Preservation Commission issued a Certificate of Appropriateness for the proposed plans; and

WHEREAS, the applicant represents that the proposed additions will have minimal impact on any adjacent property, and will not alter the essential character of the neighborhood; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §§24-33(b), 24-36, 24-382, and 54-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 22, 2001"-(4) sheets and "November 1, 2001"-(11) sheets; and *on further condition*;

THAT the development comply with all Fire Department conditions;

THAT the development, as approved, is subject to

MINUTES

verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, February 26, 2002.

402-01-BZ
CEQR #02-BSA-100K

APPLICANT - Sheldon Lobel, P.C., for Ruth Fischl, contract vendee

SUBJECT - Application December 26, 2001 - under Z.R. §73-622, to permit the enlargement of a single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R §§23-141, 23-461, and 23-47.

PREMISES AFFECTED - 936 East 24th Street, 260' south of Avenue "T", Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 24, 2001, acting on Alt. Application No. 301276679 reads:

“Obtain special permit approval from the Board of Standards and Appeals for the following objections:

- (1) proposed floor area contrary to Z.R. 23-141.
- (2) Proposed open space ratio contrary to Z.R. 23-141
- (3) Proposed side yards contrary to Z.R. 23-461
- (4) Proposed rear yard contrary to Z.R. 23-47”;

and

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in *The City Record*, and laid over to February 26, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and

neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow the enlargement of a single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R §§23-141, 23-461, and 23-47; and

WHEREAS, the subject site is located within the area described under item (b) of §73-622; in an R2 district within the area bounded by Avenue I, Nostrand Avenue, Kings Highway, Avenue O and Ocean Avenue; and

WHEREAS, the proposed enlargement will increase the FAR to .98, decrease the Open Space Ratio to .607, truncate the side yard to 3 feet 11.5 inches, and shorten the rear yard to 20 feet; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to allow the enlargement of a single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, is contrary to Z.R §§23-141, 23-461, and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received February 19, 2002”- (4) sheets and “February 26, 2002”-(1) sheet; and *on further condition*;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within one (1) year of this

MINUTES

grant.

Adopted by the Board of Standards and Appeals, February 26, 2002.

71-99-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R4-1 zoning district, which will not comply with rear yard requirements, exceeds the permitted floor area ratio and non-compliance regarding the required number of accessory parking spaces, and is contrary to Z.R. §33-121, §33-26, §33-27 and §36-21.

PREMISES AFFECTED - 56-05 69th Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane, Philip Agusta and Vincent Petretre.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

137-99-BZ

APPLICANT - Goidel & Siegel, LLP, for Mr. & Mrs. Michael Tropp, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit the legalization of a one story extension for residential purposes and the installation of a pool for respiratory therapy, which creates non-compliance with respect to open space, rear yard, lot coverage, floor area and side yards, which is contrary §23-12, §23-44, §23-14, §23-47, §23-141 and §23-48.

PREMISES AFFECTED - 165/67 Norfolk Street, Norfolk Street and Oriental Blvd., Block 8757, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Andrew Siegel.

For Opposition:

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.

SUBJECT - Application December 4, 2000 - under ZR §73-19 to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel and James Heineman.

For Opposition: Anthony Scavo, Henry Stricoff and Bill Wissenmann.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Opposition: Ruben Pratis, Wilma Maynard and Mark A. Levin.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

238-01-BZ

APPLICANT - The Agusta Group for Aquarius Corp., owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32,

MINUTES

§23-221 and §23-45.

PREMISES AFFECTED - 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 52, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

239-01-BZ

APPLICANT - The Agusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip P. Agusta.

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

260-01-BZ

APPLICANT - Law Offices of Howard Goldman for Jus Sara Jac Corp., LLC, owner; Waterview Nursing Care Center, lessee.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply with F.A.R., height of the front wall and side yard setback, is contrary to Z.R. §24-551 and 24-521.

PREMISES AFFECTED - 119-15 27th Avenue, bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for deferred decision.

294-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21 to

permit the legalization of the fourth floor of an existing four story building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and Michael Piskun.

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

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

302-01-BZ

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411 §73-01, to permit the proposed the reestablishment of a previous variance under Cal. #861-48-BZ, which permitted an accessory parking facility for commercial use located in an R8 zoning district. PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Deirdre Carson.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for decision, hearing closed.

361-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Siegfried Lobel, owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-622, to permit proposed enlargement to an existing one family dwelling (Use Group 1) located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, perimeter wall, open space, lot coverage and side and rear yards, is contrary to Z.R. §§23-141(a) and (b), §23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305' north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani,

MINUTES

Fire Department.

ACTION OF THE BOARD - Laid over to March 5, 2002, at 2 P.M., for postponed hearing.

370-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to floor area ratio, and side and rear yards, is contrary to Z.R. §23-141, §23-47 and §23-461.
PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for decision, hearing closed.

380-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 230 West 41st Associates, LLC, owner; TSI West 41, Inc. dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21 story commercial office structure, in an M1-6 zoning district, requires a special permit as per Z.R. §42-10.

PREMISES AFFECTED - 230 West 41st Street, south side, 320' west of Seventh Avenue, Block 1012, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

381-01-BZ

APPLICANT - Rothkrug & Rothkrug & Spector, for Therapy Learning Center, owner.

SUBJECT - Application December 6, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing community facility (Use Group 4) located in an R5

zoning district, which will result in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-521.

PREMISES AFFECTED - 1723 8th Avenue, a/k/a 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:30 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 87, No. 11

March 14, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	147
CALENDAR of April 9, 2002	
Morning	148
CALENDAR of April 16, 2002	
Morning	148
Afternoon	149
CALENDAR of April 23, 2002	
Morning	150

CONTENTS

MINUTES of Regular Meetings, Tuesday, March 5, 2002

Morning Calendar151

Affecting Calendar Numbers:

234-56-BZ	10-02 Clintonville Street, Queens
107-95-BZ	290/98 Dyckman Street, Manhattan
246-01-BZ	35-11 Prince Street, Queens
1069-27-BZ	6702/6724 New Utrecht Avenue, Brooklyn
1015-61-BZ	1515 Bruckner Boulevard, The Bronx
608-70-BZ	351-361 Neptune Avenue, Brooklyn
758-84-BZ	1444 Clove Road, Staten Island
648-88-BZ	2107 Richmond Road, Staten Island
114-94-BZ	44 Victory Boulevard, Staten Island
189-96-BZ	85-12 Roosevelt Avenue, Queens
236-98-BZ	103-117 Kent Avenue, Brooklyn
36-99-BZ	1347-53 East 23 rd Street, Brooklyn
51-99-BZ	1192 East 22 nd Street, Brooklyn
165-01-A thru	
189-01-A	Beard Street, Monahan Avenue, Staten Island
300-01-A	3903/3911 Amboy Road, Staten Island
326-01-A	85-80 148 th Street, Queens
376-01-A	10-03 141 st Street, Queens
382-01-A	11 East 57 th Street, Manhattan

Afternoon Calendar156

Affecting Calendar Numbers:

281-99-BZ	6055 Strictland Avenue, Brooklyn
214-00-BZ	2761 Plumb 2 nd Street, Brooklyn
143-01-BZ	348 East 9 th Street, Manhattan
198-01-BZ	348 East 9 th Street, Manhattan
200-01-BZ	182-15 Hillside Avenue, Queens
217-01-BZ	505 East 188 th Street, The Bronx
241-01-BZ	1279 East 23 rd Street, Brooklyn
244-01-BZ	325 South First Street, Brooklyn
252-01-BZ	2382-2388 Creston Avenue, The Bronx
254-01-BZ	26-06 213 th Street, Queens
301-01-BZ	371 Lafayette Street, Manhattan
359-01-BZ	5002 14 th Avenue, Brooklyn
361-01-BZ	1761 East 29 th Street, Brooklyn
366-01-BZ	500 Driggs Avenue, Brooklyn
369-01-BZ	303 Seigel Street, Brooklyn
372-01-BZ	1982 Utica Avenue, Brooklyn

DOCKET

New Case Filed Up to March 5, 2002

71-02-BZ B.M. 204/210 Lafayette Street, aka 51 Crosby Street, west side, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan. Applic. #103060394. Proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

COMMUNITY BOARD #2M

72-02-A B.M. 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan. Applic.#102343322. An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

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

CALENDAR

APRIL 9, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 9, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a twenty-two story dormitory building (Use Group 3) to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, aka 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

Pasquale Pacifico, Executive Director

APRIL 16, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 6, 2002, at 10 A.M., at 40 Rector

Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

752-29-BZ, Vol. IV

APPLICANT - Jack Gamill, P.E., for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.

SUBJECT - Application November 27, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000.

PREMISES AFFECTED - 8801 4th Avenue, south east corner of 4th Avenue and 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #10BK

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APRIL 16, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 16, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment (Use Group 9A) located in an M1-1 within a C2-2 zoning district, which requires a special permit as per Z.R. §32-31 and §42-31.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

CALENDAR

285-01-BZ

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, is contrary to Z.R. §42-00, §52-22 and §52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regards to use regulations, and side and rear yards, and is contrary to Z.R. §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, aka 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

33-02-BZ

APPLICANT - Miriam J. Allen, for New York City Housing Authority, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed addition of three lobbies, which will project three feet into the required ten foot front yards, is contrary to Z.R.

§23-44(a).

PREMISES AFFECTED - 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

56-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bnos Yerushalayim D'Chasidei Belz, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed four story and cellar school (Use Group 3) located in an R5 zoning district, which creates non-compliance with respect to rear, side and front yards, perimeter wall, lot coverage and height of building, is contrary to Z.R. §24-11, §24-34, §24-35, §24-36 and §24-52.

PREMISES AFFECTED - 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn.

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

APRIL 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.
SUBJECT - Application August 21, 2001 - reopening for an

MINUTES

amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APRIL 23, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

Pasquale Pacifico, Executive Director

REGULAR MEETING TUESDAY MORNING, MARCH 5, 2002 10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 29, 2002, were approved as printed in the Bulletin of February 7, 2002, Volume 87, Nos. 5-6.

SPECIAL ORDER CALENDAR

234-56-BZ

MINUTES

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: William Warr.

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

ACTION OF THE BOARD - Application denied.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; 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 1, 2001, June 5, 2001, July 10, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were canceled and this case was laid over to October 18, 2001, December 4, 2001, December 18, 2001 and then to March 5, 2002 for decision; and

WHEREAS, the applicant proposes to erect a lighted metal canopy over the existing gasoline pump islands; and

WHEREAS, in response to community concerns, the Board has determined that due to the small size of this site and area traffic conditions, the sale of diesel fuel creates a hazardous condition; and

WHEREAS, by affidavit dated August 22, 2001, the owner agreed to terminate all sales of diesel fuels and remove all diesel tanks; and

WHEREAS, although the applicant has terminated the sale of diesel fuel, video and photographic evidence submitted by neighborhood groups and site visits conducted by the Board demonstrate that the applicant has not complied with the Board's repeated requests to comply with the original 1957 resolution (234-56-BZ) including the failure to remove an improper attendant's booth on the adjoining property and failure to install a fixed fence to separate the two properties along the lot line to the south with a masonry base 12 inches in height with an iron picket

fence above to a total height of 5 ft. 6 in., extending from the accessory building to the street line on Clintonville Street, with suitable terminal posts; and

WHEREAS, in order to amend an application the applicant must demonstrate compliance with all prior resolutions and that the existing use is still within the character of the surrounding area;

Resolved, that the Board of Standards and Appeals denied this application for lack of prosecution.

(N.B. Applic. 642-56)

Adopted by the Board of Standards and Appeals, March 5, 2002.

107-95-BZ

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

SUBJECT - Application April 9, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired March 7, 2001.

PREMISES AFFECTED - 290/98 Dyckman Street, corner of Dyckman Street and Henshaw Street, Block 2246, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD -

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an extension of time to obtain a Certificate of Occupancy, which expired March 7, 2001; and

WHEREAS, a public hearing was held on this application on June 12, 2001, after due notice by publication in The City Record, laid over to July 10, 2001, October 16, 2001, November 13, 2001, January 29, 2002 and then to March 5, 2002 for decision; and

WHEREAS, on February 10, 2000 the Fire Department issued a Violation Order to the applicant which required the installation of an automatic fire extinguishing system; and

WHEREAS, in addition the Department of Buildings required an approved fixed pipe extinguishing system in addition to an approved grease filter over the doughnut fryer; and

WHEREAS, despite repeated requests of the Board, the applicant has failed to clear the violation from the Fire Department

MINUTES

and comply with the Department of Buildings and Fire Department regulations; and

WHEREAS, in order to extend the time to obtain a Certificate of Occupancy, the applicant must demonstrate compliance with all prior resolutions;

Resolved, that the Board of Standards and Appeals denied for failure to comply with the previous resolution and the Board's requests.

Adopted by the Board of Standards and Appeals, March 5, 2002.

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq, for Q.P. Development Corporation, owner.

SUBJECT - Application August 2, 2001 - reopening for dismissal. PREMISES AFFECTED - 35-11 Prince Street, east side, 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 5, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner. SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

SUBJECT - Application November 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot

1, Borough of The Bronx.

COMMUNITY BOARD #8BX

For Applicant: Seymour Gage.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for continued hearing.

608-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

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

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

COMMUNITY BOARD #13BK

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for continued hearing.

758-84-BZ

APPLICANT - David L. Businelli, for Richard Sgarlato, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2000.

PREMISES AFFECTED - 1444 Clove Road, Block 658, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

For Applicant: David L. Businelli

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for continued hearing.

648-88-BZ

APPLICANT - Philip Lloyd Rampulla, A.I.A., for Raghava Raju, M.D., owner.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 2107 Richmond Road, north east of Todt Hill Road, Block 899, Lot 18, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 19, 2002,

MINUTES

at 10 A.M., for decision, hearing closed.

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.

SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #IS.I

For Applicant: John LaFemina.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for decision, hearing closed.

189-96-BZ

APPLICANT - John C Chen, A.I.A., for Ping Yee, owner; Edith D'Angelino-Canandonga, lessee.

SUBJECT - Application October 25, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 19, 2001.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

For Applicant: John C. Chen.

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for postponed hearing.

236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Fericola, owner.

SUBJECT - Application September 4, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block

1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

For Applicant: Deidre A. Carson.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for continued hearing.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

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

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for continued hearing.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.

SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Ira Zicherman.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 10 A.M., for continued hearing.

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis

MINUTES

Avenue, Block 2370, Lot 4, Borough of Staten Island.
38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.
34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.
32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.
28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.
26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.
20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.
22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.
16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.
14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.
8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.
6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.
3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.
30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.
28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.
26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.
24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.
22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.
20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.
18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.
14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.
12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.
8 Monahan Avenue, south side, 244.35' east of

Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 11 A.M., for continued hearing.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Honey Burman.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 11 A.M., for continued hearing.

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department; Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for continued hearing.

MINUTES

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benshaul, owner.
SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: H. Irving Sigman.

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to March 26, 2002, at 11 A.M., for continued hearing.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 5, 2002 2:00 P.M.

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

ZONING CALENDAR

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Barbara Hair, Howard Hornstein, Vincent Laino and James Lord.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department and John Reisinger, Department of Buildings.

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

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to March 19, 2002, at 11 A.M., for continued hearing.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.

SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit the reestablishment of an expired special permit, previously granted under Cal No. 733-86-BZ.

PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 A.M.

MINUTES

Korbey and Commissioner Caliendo.....4
Negative:0
ACTION OF THE BOARD - Laid over to March 26, 2002,
at 2:00 P.M., for decision, hearing closed.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, 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 April 9, 2002, at 2 P.M., for continued hearing.

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to March 19, 2002, at 2 P.M., for continued hearing.

217-01-BZ

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #6BX

APPEARANCES -

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

ACTION OF THE BOARD - Laid over to May 5, 2002, at 2 P.M., for continued hearing.

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.

SUBJECT - Application July 18, 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 FAR, OSR and rear yard and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

MINUTES

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane.

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

252-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Eric Palatnik, Yolanda Negron and Jose Perez.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

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

301-01-BZ

APPLICANT - Stadtmauer Bailkin, LLP, by Howard A. Zipser, for 231 Centre Street Associates and 23 Great Jones Street, LLC, owners; 119 Seventh Avenue Cafeteria, LLC, lessee.

SUBJECT - Application October 30, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(b) and D(3)(a).

PREMISES AFFECTED - 371 Lafayette Street, aka 21/23 Great Jones Street, between Great Jones and Bonds Streets, Block 530, Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser, Jack Freeman, Peter Voletsky, Ethan Eldon, Mark Thomas, Susan Leonard and Luis Plaza.

For Opposition: Ann Wardner Arien, Charles John Cafiero, Shirley Secunda, Simeon Bandoff, Neil Krupnick, Keith H. Crandell, Bill Talen, Eugene Secunda, Michael Lew and others.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

359-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bnos Zion of Bobov, owner.

SUBJECT - Application November 13, 2001 - under Z.R. §72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-11.

PREMISES AFFECTED - 5002 14th Avenue, aka 1384 50th Street, southwest corner, Block 5649, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 26, 2002,

MINUTES

at 2 P.M., for decision, hearing closed.

361-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Siegfried Lobel, owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-622, to permit proposed enlargement to an existing one family dwelling (Use Group 1) located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, perimeter wall, open space, lot coverage and side and rear yards, is contrary to Z.R. §§23-141(a) and (b), §23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305' north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for decision, hearing closed.

366-01-BZ

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane and Terry Jacobs.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

369-01-BZ

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

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane..

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

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

372-01-BZ

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

SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.

PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to March 26, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, Nos. 12-13

March 28, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	164
CALENDAR of April 16, 2002	
Morning	165
Afternoon	165
CALENDAR of April 23, 2002	
Morning	166
Afternoon	167

CONTENTS

MINUTES of Regular Meetings,
Tuesday, March 19, 2002

Morning Calendar168

Affecting Calendar Numbers:

758-84-BZ	1444 Clove Road, Staten Island
648-88-BZ	2107 Richmond Road, Staten Island
192-00-BZ	144-43 Farmers Boulevard, Queens
245-32-BZ	123-05 101 st Avenue, Queens
1250-65-BZ	55 East 87 th Street, Manhattan
334-66-BZ	30-07 Newton Avenue, Queens
267-70-BZ	50 Washington Square South, Manhattan
252-71-BZ	190-18 Northern Boulevard, Queens
1204-80-BZ	835 Tilden Street, Bronx
307-81-BZ	50 East 69 th Street, Manhattan
364-82-BZ	245-02/34 Horace Harding Expressway, Queens
926-86-BZ	217-07 Northern Boulevard, Queens
37-96-BZ	1601 Bronxdale Avenue, Bronx
52-97-BZ	17/21 West 52 nd Street, Manhattan
16-99-BZ	1116 East 26 th Street, Brooklyn
247-00-BZ	136-45 41 st Avenue, Queens
382-01-A	11 East 57 th Street, Manhattan
394-01-A	56 William Avenue, Staten Island
398-01-A	59 Reid Avenue, Queens
399-01-A	59 Hillside Avenue, Queens
400-01-A	26 Newport Walk, Queens
266-01-A thru 15/17/19/21/23/27/29/31/33/37/39/41/43	Beachview Avenue, Staten Island
278-01-A	
328-01-A thru 14/16/18/20	Miller Street, Staten Island
331-01-A	

CONTENTS

MINUTES of Regular Meetings,
Tuesday, March 19, 2002

Afternoon Calendar176

Affecting Calendar Numbers:

362-01-BZ	1255/57 Amsterdam Avenue, Manhattan
370-01-BZ	1041 East 24 th Street, Brooklyn
71-99-BZ	56-05 69 th Street, Queens
281-99-BZ	6055 Strickland Avenue, Brooklyn
173-00-BZ	341/349 Troy Avenue, a/k/a 1515, 1519, 1523 Carroll Street, Brooklyn
208-00-BZ	2739-2747 86 th Street, Brooklyn
291-00-BZ	2316-2324 Coney Island, Brooklyn
120-01-BZ	134-02 Cross Bay Boulevard, Queens
149-01-BZ	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
150-01-A	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
192-01-BZ	525 Broome Street, Manhattan
200-01-BZ	182-15 Hillside Avenue, Queens
201-01-BZ	2591/2613 Atlantic Avenue, a/k/a 53/59 Georgia Avenue, Brooklyn
235-01-BZ	2009 Mermaid Avenue, a/k/a 2879 West 21 st Street, a/k/a 2882 West 20 th Street, Brooklyn
260-01-BZ	119-15 27 th Avenue, Queens
280-01-BZ	663/73 Second Avenue, and 241/49 East 36 th Street, Manhattan
302-01-BZ	2519/2525 Creston Avenue, Bronx
305-01-BZ thru 320-01-BZ	65-97/65-77/65-79/65-81/65-83/65-85/65-87/65-89/65-91/65-90/65-88/65-86/65-84/ 65-82/65-80/65-78 Terrace Court, Queens
322-01-BZ	402 Avenue "U", Brooklyn
368-01-BZ	88/102 Ninth Avenue, Manhattan
371-01-BZ	104 Charlton Street, Manhattan
380-01-BZ	230 West 41 st Street, Manhattan
397-01-BZ	30-07 Newtown Avenue, Queens
31-02-BZ	1924 East 24 th Street, Brooklyn

DOCKET

New Case Filed Up to March 19, 2002

73-02-BZ B.BK. 6 Stanwix Street,
a/k/a 59 Jefferson Street, a through lot fronting Stanwix and
Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. Alt.1
#301173030. Proposed conversion of an existing four story
building, located in a manufacturing zoning district, into a mixed-
use building, with floors 2 through 4 for residential use, and the
first floor to remain commercial, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

74-02-BZ B.BK. 1383 East 23rd Street,
80' north of Avenue "N", Block 7660, Lot 10, Borough of
Brooklyn. Applic. #301300624. Proposed enlargement of a single
family residence, Use Group 1, located within an R2 zoning
district, which does not comply with the zoning requirements for
floor area ratio and open space ratio, is contrary to Z.R. §23-141.

COMMUNITY BOARD #14BK

75-02-BZ B.BK. 460 Union Street,
bounded by Union, Bond and Presidents Streets, and Gowanus
Canal, Block 438, Lot 7, Borough of Brooklyn. Applic.
#301264450. Proposed construction of a six story, 64-unit
residential building, Use Group 2, located in an M2-1 zoning
district, is contrary to §42-00.

COMMUNITY BOARD #6BK

76-02-BZ B.S.I. 265 Stobe Avenue,
southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough
of Staten Island. Applic. #500509684. Proposed open auto sales
establishment, accessory to an existing auto sales establishment,
Use Group 16, located in an R3-2 zoning district, is contrary to
Z.R. §22-10.

COMMUNITY BOARD #2SI

77-02-BZ B.S.I. 277 Stobe Avenue,
northeast corner of Boundary Avenue, Block 3664, Lot 13,
Borough of Staten Island. Applic. #500509675. Proposed parking
facility, Use Group 16, accessory to an existing auto sales
establishment, located in an R3-2 zoning district, is contrary to
Z.R. §22-10.

COMMUNITY BOARD #2SI

78-02-BZ B.Q. 104-72 48th Avenue,
south side, 90' west of 108th Street, Block 1992, Lot 39, Borough

of Queens. N.B.#401383061. Proposed construction of a three
family dwelling, Use Group 2, located in an R6B and R5 zoning
district, which does not comply with the zoning requirements for
side yard, is contrary to Z.R. §23-51.

COMMUNITY BOARD #4Q

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

CALENDAR

APRIL 16, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 6, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

752-29-BZ, Vol. IV

APPLICANT - Jack Gamill, P.E., for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.

SUBJECT - Application November 27, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000.

PREMISES AFFECTED - 8801 4th Avenue, south east corner of 4th Avenue and 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #10BK

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APRIL 16, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 16, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment (Use Group 9A) located in an M1-1 within a C2-2 zoning district, which requires a special permit as per Z.R. §32-31 and §42-31.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

285-01-BZ

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, is contrary to Z.R. §42-00, §52-22 and §52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regards to use regulations, and side and rear yards, and is contrary to Z.R. §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, aka 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

33-02-BZ

APPLICANT - Miriam J. Allen, for New York City Housing Authority, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed addition of three lobbies, which will project three feet into the required ten foot front yards, is contrary to Z.R. §23-44(a).

PREMISES AFFECTED - 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential

CALENDAR

buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

56-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bnos Yerushalayim D'Chasidei Belz, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed four story and cellar school (Use Group 3) located in an R5 zoning district, which creates non-compliance with respect to rear, side and front yards, perimeter wall, lot coverage and height of building, is contrary to Z.R. §24-11, §24-34, §24-35, §24-36 and §24-52.

PREMISES AFFECTED - 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn.

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

APRIL 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 23, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Association, owner; Expressway Arcade Corp., lessee.

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

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

MINUTES

APRIL 23, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 23, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.
SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

Pasquale Pacifico, Executive Director

APRIL 23, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 23, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.
SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.
PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.
COMMUNITY BOARD #5BX

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance, previously granted under Cal. # 742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 zoning district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets(78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, MARCH 19, 2002**

MINUTES

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 5, 2002, were approved as printed in the Bulletin of February 14, 2002, Volume 87, No. 5-6.

SPECIAL ORDER CALENDAR

758-84-BZ

APPLICANT - David L. Businelli, for Richard Sgarlato, owner.
SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 2, 2000.
PREMISES AFFECTED - 1444 Clove Road, Block 658, Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired July 2, 2000; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, and laid over to March 19, 2002 for decision; and

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

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §72-01 and 72-22, said resolution having been adopted July 2, 1985 as amended through January 22, 1991 expiring July 2, 2000, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from July 2, 2000, expiring July 2, 2010, *on condition that*, the premises be kept clean of debris and graffiti,

THAT all lighting shall be pointed away from residential dwellings;

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

THAT the hours of operation shall be limited to Monday through Friday 9:00 A.M. to 5:00 P.M. and Saturday 1:00 P.M. to 5:00 P.M.:

THAT all signs shall be maintained in accordance with BSA

approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received, November 21, 2001"-(1) sheet and "February 6, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

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

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

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

(DOB No. 500472213)

Adopted by the Board of Standards and Appeals, March 19, 2002.

648-88-BZ

APPLICANT - Philip Lloyd Rampulla, A.I.A., for Raghava Raju, M.D., owner.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction and for an amendment to the resolution.

PREMISES AFFECTED - 2107 Richmond Road, north east of Todt Hill Road, Block 899, Lot 18, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction extended and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the rules of practice and procedure, a re-opening and an extension of the time to complete construction, which expired July 11, 1998 and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 15, 2002, after due notice by publication in *The City Record*, laid over to February 12, 2002, March 5, 2002, and then to March 19, 2002 for decision.

WHEREAS, the applicant now seeks to reduce the building to 10,000 square feet, eliminate rooftop parking, increase in the number of parking spaces from 35 to 38, and an additional two years extension for the time to complete construction.

Resolved, that the Board of Standards and Appeals

MINUTES

reopens and amends the resolution adopted on February 5, 1991 as amended through April 27, 1999, so that as amended this portion of the resolution shall read:

“To permit a reduction in the size of the building to 10,000 square feet, allow the elimination of rooftop parking, increase the number of grade parking spaces to 38 and extend the time to complete construction; on condition;

THAT construction shall be completed within 68 months of July 11, 1998;

THAT the Department of Transportation shall be notified 3 months following prior to the opening of the proposed project in order to install a Quik-Kurb fronting the second “one-way” entrance-only servicing the southbound traffic to prohibit northbound left-turns into the project;

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

THAT there shall be no left turns for vehicles exiting from the eastern curb cut;

THAT the hours of operation shall be limited to 8:00 A.M. to 11:00 P.M. Sunday through Saturday and on further condition;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received February 5, 2002”- (3) sheets;

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

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

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

Adopted by the Board of Standards and Appeals, March 19, 2002.

192-00-BZ

APPLICANT - H. Irving Sigman, for 144-43 Farmers Boulevard, Realty Corp., owner.

SUBJECT - Application October 24, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmers Boulevard and South Conduit Avenue, Block 13314, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: H. I. Sigman.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 26, 2002, after due notice by publication in *The City Record*, laid over to March 19, 2002 for decision; and

WHEREAS, the applicant is seeking to amend the variance to permit the inclusion of a cellar for use as a utility and meter room; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R. §§72-01 and 72-22, adopted on March 6, 2001, so that as amended this portion of the resolution shall read:

“to permit the inclusion of a cellar for use as storage and as a utility and meter room on condition:

THAT there cellar shall be used only as storage and as a utility and meter room with no public access;

THAT all lighting shall be installed and maintained down and away from neighboring residential properties;

THAT the premises shall be maintained in substantial compliance with the drawings filed with this application marked “Received, October 24, 2001”-(2) sheets and on further condition; that a new Certificate of Occupancy shall be obtained within one (1) year from the date of this amended resolution.”

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the 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 # 401081191)

Adopted by the Board of Standards and Appeals, March 19, 2002.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

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

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

MINUTES

APPEARANCES -

For Applicant: Robert M. Blakeman and Michael Raso.
For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.

SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.

PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 23, 2002, at 10 A.M., for postponed hearing.

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 Opposition: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

267-70-BZ

APPLICANT - Elise Wagner, Esq./Jeremiach H. Candreva, Esq., for New York University, owner.

SUBJECT - Application December 7, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 50 Washington Square South, east side of Sullivan Street, Block 541, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Elise Wagner.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Korbey.....3

Negative:0

Abstain: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

1204-80-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 835 Tilden Street Holding Corporation, owner; East End Sanitation, lessee.

SUBJECT - Application August 28, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 835 Tilden Street, 300' east of Barnes Avenue, Block 4671, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph Morsellino.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

307-81-BZ

APPLICANT - Francis R. Angelino, Esq., for 50 East 69th Street Corp., owner.

SUBJECT - Application October 17, 2001 - reopening for an extension of term of variance which expired September 15, 2001.

PREMISES AFFECTED - 50 East 69th Street, Block 1383, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Francis Angelino and Christopher Cascin.

THE VOTE TO CLOSE HEARING -

MINUTES

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee. SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner. SUBJECT - Application July 5, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

37-96-BZ

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

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Eric Palatnik and Thomas Chin.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for continued hearing.

52-97-BZ

APPLICANT - Rosenman & Colin, LLP, for 21 Club Inc., owner. SUBJECT - Application December 28, 2001 - reopening for an extension of time to complete construction which expired January 6, 2002.

PREMISES AFFECTED - 17/21 West 52nd Street, north side of West 52nd Street, between Fifth and Sixth Avenues, Block 1268, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Gary Tarnoff and other.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner. SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for continued hearing.

247-00-BZ

APPLICANT - Martyn & Don Weston, for Prince Street Corporation, owner; T.T. Day Spa Inc., lessee.

SUBJECT - Application October 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-45 41st Avenue, north side, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

MINUTES

APPEARANCES -

For Applicant: Don Weston.

For Administration: Captain Arthur Haven and John Scrofan, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

382-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Hearst Corporation, owner; Jil Sander America, Inc., lessee.

SUBJECT - Application December 7, 2001 - Proposed access "convenience" stairs, located in the rear of an existing six story building and penetrating the three retail floors, first through third, is contrary §27-375 (i) (2) of the NYC Building Code.

PREMISES AFFECTED - 11 East 57th Street, north side, between Madison and Fifth Avenues, Block 1293, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Barbara Hair.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 19, 2002.

394-01-A

APPLICANT - Alfred V. Saulo, Architect, for Sonny Marotte, owner.

SUBJECT - Application December 18, 2001 - Proposed construction of a two family residence, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 William Avenue, south side, 680.0' east of Hillcrest Street, Block 5282, Lot 40, Borough of Staten Island.

APPEARANCES -

For Applicant: Alfred Saulo.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated November 28, 2001, acting on ALT Application No. 500510128, reads:

"The Proposed construction of a two family residence on a lot which is partially within the bed of a mapped street is contrary to Section 35 of the General City Law and therefore shall be referred to the Board of Standards & Appeals."; and

WHEREAS, by the letter dated January 16, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 17, 2002, the Department of Environmental Protection has reviewed the above project and has approved this application; and

WHEREAS, by letter dated January 23, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 24, 2002, the Staten Island Community Board #3 has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated November 28, 2001, acting on ALT Application No. 500510128, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received March 19, 2002"- Proposed Plan labeled, PP1-(1) sheet; and that the proposal comply with all applicable R3-2, Special South Richmond District zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

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

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

Adopted by the Board of Standards and Appeals, March 19, 2002.

MINUTES

398-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Rosemary Gurry, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Reid Avenue, east side, 82.46' south of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

APPEARANCES -

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated November 28, 2001, acting on ALT Application No. 401293042, reads:

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

A2- The site and building is not fronting on an official mapped street therefore, no permit or Certificate of Occupancy can be issued as per Art. 3 Sec. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York”; and

WHEREAS, by letter dated January 11, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated January 11, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 22, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated November 28, 2001, acting on ALT Application No. 401293042, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, December 19, 2001”- Proposed Plan labeled, #4 (1) sheet; and that the proposal comply with all applicable R4, zoning district requirements; that all

applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, March 19, 2002.

399-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Anthony and Christine Allocco, lessee.

SUBJECT - Application December 19, 2001 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and also has a private disposal system within the bed of the mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 59 Hillside Avenue, south side, 144.05' west of Rockaway Point Boulevard, Block 16340, Lot 50, Borough of Queens.

APPEARANCES -

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated November 28, 2001, acting on ALT Application No. 401316054, reads:

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

A2- The site and building is not fronting on an official mapped street therefore, no permit or Certificate of Occupancy can be issued as per Art. 3 Sec. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a

MINUTES

legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York

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

WHEREAS, by the letter dated January 11, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 22, 2002, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated November 28, 2001, acting on ALT Application No. 401316054, is modified under the power vested in the Board by §35 and §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received December 19, 2001”- Proposed Condition Plan labeled, #4 - (1) sheet; and that the proposal comply with all applicable R4, zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, March 19, 2002.

400-01-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Judy Andariese, lessee.

SUBJECT - Application December 19, 2001 - Proposed construction of a single family detached residence, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law and to upgrade private disposal system which is partially located in the bed of a private service road maintained by the Breezy Point Cooperative, which is contrary to Department of Buildings policy.

PREMISES AFFECTED - 26 Newport Walk, west side 52.32' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14BK

APPEARANCES -

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 28, 2001, acting on ALT 1 Application No. 401295585, reads:

“A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sec. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York.

A2- The upgraded private disposal system is partially located in the bed of a private service road maintained by the Breezy Point Cooperative contrary to Department of Buildings policy.”; and

WHEREAS, by letter dated January 11, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 5, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated February 8, 2002, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated November 28, 2001, acting on ALT 1 Application No. 401295585, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received December 19, 2001”- Proposed Condition Plan labeled #4-(1) sheet; and that the proposal comply with all applicable R4, zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

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

MINUTES

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

Adopted by the Board of Standards and Appeals, March 19, 2002.

266-01-A thru 278-01-A

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.
SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of

Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

For Applicant: Robert Caneco.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for decision, hearing closed.

328-01-A thru 331-01-A

APPLICANT - Land Planning and Engineering Consultants, P.C., by Vito J. Fossella, P.E., for Kathleen A. Amoia, owner.

SUBJECT - Applications November 9, 2001 - Proposed construction of a two-family, semi-detached home, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

14 Miller Street, west side, 259.5' north of Constant Avenue, Block 374, Lot 198, Borough of Staten Island.

16 Miller Street, west side, 231.5' north of Constant Avenue, Block 374, Lot 199, Borough of Staten Island.

18 Miller Street, west side, 203.5' north of Constant Avenue, Block 374, Lot 200, Borough of Staten Island.

20 Miller Street, west side, 175.5' north of Constant Avenue, Block 374, Lot 201, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Victor Han.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 19, 2002
2:00 P.M.**

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

ZONING CALENDAR

362-01-BZ

CEQR # 02-BSA-070M

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25

PREMISES AFFECTED - 1255 /57 Amsterdam Avenue and 130 Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: James P. Power.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Applic. No. 102020328 reads:

- “1. Proposed new building on a zoning lot located in C1-4 overlay and R8 zoning districts (the “subject Zoning Lot”) does not comply with the height and setback regulations of the Zoning Resolution section 33-431 along Amsterdam Ave. and Morningside Drive.
2. Proposed new building on the subject Zoning Lot does not provide the minimum distance between a residential

building and any other building on the same Zoning Lot required by Zoning Resolution section 23-711.

3. Open area provided along a portion of the subject Zoning Lot’s southern side lot line does not have the minimum width required by Zoning Resolution section 33-25.”

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in *The City Record* and laid over to March 19, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; and

WHEREAS, the applicant seeks to construct an 11-story, 121,982 square foot building with 8,410 square feet of retail use in a portion of the first floor and 113,345 square feet of school use on the first through eleventh floors; and

WHEREAS, the applicant states that the Zoning Lot lies partially within an R8 zoning district and partially in a C1-4 overlay district, and is located on the southeast corner of the intersection of Amsterdam Avenue and Morningside Drive, on a block bounded by Amsterdam, Morningside and West 121st Street; and

WHEREAS, the Zoning Lot is comprised of Lots 56 and 61 on Block 1963 and has a total lot area of 24,652 square feet; and

WHEREAS, the applicant represents that the Zoning Lot is irregularly shaped, with 155 feet 8 inches of frontage on the east side of Amsterdam Avenue and 200 feet of frontage on Morningside Drive; and

WHEREAS, evidence in the record indicates that the Lot 61 portion of the Zoning Lot is currently occupied by a 54-space parking lot used by affiliates of the school; and

WHEREAS, the applicants states that the Lot 56 portion of the Zoning Lot is currently occupied by a 6-story residential building, also owned by the university, which is currently under renovation and will contain 50 residential units upon completion used mainly for student housing; and

WHEREAS, the applicant contends that the existing building is underbuilt, and 20,840 square feet of unused development rights from Lot 56 would be incorporated into the Proposed Building; and

WHEREAS, the proposed building is 11 stories and 152 feet 8 inches tall with mechanical bulkheads rising 20 feet above the roof; and

WHEREAS, the applicant states that the proposed building maintains a continuous streetwall up to the 10th floor on

MINUTES

Amsterdam Avenue and Morningside Drive, except for 32 feet 4 inches along the eastern end of the Morningside frontage, where the Proposed Building rises only 4 stories, and 30 feet along the southern end of the Amsterdam frontage, where the Proposed Building rises only 5 stories; and

WHEREAS, the applicant represents that the proposed building sets back 8 feet away from the Existing Building to the east along Morningside Drive and sets back 8 feet on the interior of the lot from the adjacent residential building to the south, 431 West 121st Street; and

WHEREAS, the applicant contends that the 8-foot distance from the existing Building, the 4-story height at the eastern end of the Morningside frontage, the interior lot setback from 431 West 121st Street, and the 5 story height at the southern end of Amsterdam frontage are all provided to ensure sufficient light and air for tenants of the two residential buildings; and

WHEREAS, the applicant has stated that although there are as yet no firm plans for the retail space, it is the school's policy to use ground floor retail space in its buildings to provide needed neighborhood services; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant denotes a steep downward slope on the site - 9 feet from the south to the north along Amsterdam Avenue and 4.5 feet from east to west on Morningside Drive that equates to the loss of one full floor that could have been built below the required setback; and

WHEREAS, the applicant's proposal would require to provide a reasonable height for the proposed building's lobby at the south end of the site and to provide a constant level for the second floor, 6 feet of additional height has been included at the 1st floor level; and

WHEREAS, the applicant represents that the existing building is significantly underbuilt, consumes a large amount of lot area relative to the floor area that it generates, and significantly reduces the footprint of a new development and the sufficiency of the floorplates for school use; and

WHEREAS, the applicant contends that the school requires floorplates large enough for classrooms, offices, and research space and with the proper size, location and adjacencies and these requirements cannot be met in the complying building because of the unique conditions of the zoning lot; and

WHEREAS, the applicant contends that if the existing building was not on the zoning lot, the school would have a very large footprint to work with, and could easily design a building that complies with the height, setback and minimum distance requirements; and

WHEREAS, the applicant represents that these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the applicant further represents that based upon the existing structures at the site, the irregular shape of the lot, its split zoning designations, unique topographic conditions and the steep slope of the lot, there are unique physical conditions that create practical difficulties in building in strict conformity with the Zoning Resolution; and

WHEREAS, the applicant states that the proposed building is required to meet the school's programmatic needs the front height and setback variance is needed to provide the required floor area and adjacencies for the offices and research space; and

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

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building because of the unique conditions on the Zoning lot; and

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

WHEREAS, the applicant states that the neighborhood is primarily comprised of residential buildings, many of which have ground floor retail uses on the avenues as well as a large number of institutional buildings; and

WHEREAS, the applicant represents that the Proposed Building is contextual, as most buildings along Amsterdam Avenue between 118th and 122nd Streets rise to between 7 and 11 stories with uninterrupted streetwalls, without setback, up to the full height of their facades; and

WHEREAS, evidence in the record indicates that the surrounding buildings in the area are often organized into a number of blocks separated by narrow courtyards for light and ventilation, and are detailed with strong horizontal and vertical banding to provide a scale along the street; and

WHEREAS, the applicant maintains that the proposed project would not alter the neighborhood character, since the proposed project would be similar to those in the vicinity of the Zoning Lot; and

WHEREAS, the applicant represents that the proposed addition will not have any impact on any adjacent property, will not be visible or obstruct views from many cross street locations, will not alter the essential character of the neighborhood, that the addition is modest in size, the existing building is taller than the adjacent properties, and that the subject proposal will not adversely affect the nature of the area residence district; and

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

MINUTES

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2002"-(28) sheets; and *on further condition*;

THAT the development comply with all Fire Department conditions;

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

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

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

THAT a new certificate of occupancy be obtained within four years from the date of this resolution.

Adopted by the Board of Standards and Appeals, March 19, 2002.

370-01-BZ

CEQR # 02-BSA-078K

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with

regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §23-141, §23-47 and §23-461.

PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2001, acting on N.B. Application No. 301223423 reads:

"Proposed plans are contrary to ZR:23-141 in that they exceed the maximum permitted Floor Area Ratio of .5 and do not provide the minimum required Open Space Ratio of 150. Proposed plans are contrary to ZR:23-47 in that the proposed rear yard is less than 30 feet.

Proposed plans are contrary to ZR:23-461 in that the proposed side yards are less than the minimum 5 feet required on one side and 12 feet required on the combined sides."; and

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City Record*, and laid over to March 19, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §23-141, §23-47 and §23-461; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR to 1.07, decrease the Open Space Ratio to .50, reduce one side yard by from the required 5 feet to 3 feet 11 inches, and reduce the rear yard from the required 30 feet to 20 feet; and

WHEREAS, the applicant contends that the perimeter wall height will comply with the applicable zoning regulation; and

WHEREAS, Community Board #14 has no objections and has approved this application; and

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

MINUTES

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §23-141, §23-47 and §23-461, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received, November 27, 2001"-(7) sheets and "February 19, 2002"-(2) sheets; and *on further condition*;

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

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

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

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

THAT a new Certificate of Occupancy be obtained within one (1) year of this grant.

Adopted by the Board of Standards and Appeals, March 19, 2002.

71-99-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R4-1 zoning district, which will not comply with rear yard requirements, exceeds the permitted floor area ratio and non-compliance regarding the required number of accessory parking spaces, and is contrary to Z.R. §33-121, §33-26, §33-27 and §36-21.

PREMISES AFFECTED - 56-05 69th Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane and Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for decision, hearing closed.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

173-00-BZ

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

SUBJECT - Application June 30, 2000 - under 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, §24-52a, §35-411 and §24-21.

PREMISES 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

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

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, northwest 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: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

120-01-BZ

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.

SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit the legalization of commercial uses (Use Group 6) in an existing two story building, located in an R4 zoning district.

PREMISES AFFECTED - 134-02 Cross Bay Boulevard, west side, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Ricky Pistone and Mitchell Udewitch.

For Opposition: Lorraine Khawaja, Clara Flippi and Sybil D. Amelio.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.

SUBJECT - Application December 4, 2000 - under ZR §73-19 to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Anthony Scavo, Henry Stricoff and William Wissenmann.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for decision, hearing closed.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether, Community Board #2.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

MINUTES

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether, Community Board #2.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

192-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6c, requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Doris Diether, Community Board #2, Stuart Klein and Jack Faxm.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Patrick W. Jones.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

MINUTES

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Ivana Wong, Grace Lo, Victoria Gooden and others.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

260-01-BZ

APPLICANT - Law Offices of Howard Goldman for Jus Sara Jac Corp., LLC, owner; Waterview Nursing Care Center, lessee.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply with F.A.R., height of the front wall and side yard setback, is contrary to Z.R. §24-551 and 24-521.

PREMISES AFFECTED - 119-15 27th Avenue, bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for deferred decision.

280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively) , located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent, residential tower, street wall, accessory parking and curb cuts for accessory berths, and is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

PREMISES AFFECTED - 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser, Howard Hornstein, Sam Schwartz, Mark Adams Taylor, Mark Perl binder, Al Meyer, David West, Jerome Haimes and Sheldon Gottlieb.

For Opposition: Carole Slater, Keelan Noble, Theodore Johnson, Johna Till Johnson, Fraida Hyman, Carmula Cuomo, Walter Amundson, Mark Londen, Hugh McGlincy, Caroline Schoner, Patricia Decker, Stanley Markowitz, Alene S. Yarrow and others.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

302-01-BZ

CEQR # 02-BSA-041X

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411 §73-01, to permit the proposed the reestablishment of a previous variance under Cal. #861-48-BZ, which permitted an accessory parking facility for commercial use located in an R8 zoning district. PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for decision, hearing closed.

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

MINUTES

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane and Thomas F. Gusanelli.

For Opposition: Gary Giordano, Community Board #5Q, Joseph Werkmeister and other.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for continued hearing.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Geis.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

368-01-BZ

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the proposed change in use from a community facility (Use Group 3) to transient hotel (Use Group 5) also the addition of a small penthouse on the roof, a bar and restaurant facility at the first story level, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lori Cuisiner Matt Markowitz and Robert Davis.

For Opposition: Marva Sarva.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

MINUTES

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal, Doris Diether, David Foley, Joel Rose and others.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

380-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 230 West 41st Associates, LLC, owner; TSI West 41, Inc. dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21 story commercial office structure, in an M1-6 zoning district, requires a special permit as per Z.R. §42-10.

PREMISES AFFECTED - 230 West 41st Street, south side, 320' west of Seventh Avenue, Block 1012, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for decision, hearing closed.

397-01-BZ

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

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for postponed hearing.

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 7:20 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, No. 14

April 4, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	190
CALENDAR of April 23, 2002	
Morning	191
Afternoon	192

CONTENTS

MINUTES of Regular Meetings,
Tuesday, March 26, 2002

Morning Calendar193

Affecting Calendar Numbers:

327-01-BZ	148/152 East 39 th Street, Manhattan
636-53-BZ	700 Post Avenue, Staten Island
80-54-BZ	148/152 East 39 th Street, Manhattan
1015-61-BZ	1515 Bruckner Boulevard, The Bronx
295-71-BZ	98 Richmond Hill Road, Staten Island
1013-80-A	58-64 West 40 th Street, Manhattan
62-83-BZ	696 Pacific Street, Brooklyn
45-90-BZ	260 Hamilton Avenue, Brooklyn
53-91-BZ	23-27/1 Steinway Street, Queens
174-92-BZ	23-29/29A Steinway Street, Queens
175-92-BZ	23-31/31A Steinway Street, Queens
176-92-BZ	23-33/33A Steinway Street, Queens
177-92-BZ	23-35/35A Steinway Street, Queens
114-94-BZ	44 Victory Boulevard, Staten Island
180-95-BZ	256 West Street/416-424 Washington Street, Manhattan
64-96-BZ	148-20 Cross Island Parkway, Queens
36-99-BZ	1347-53 East 23 rd Street, Brooklyn
51-99-BZ	1192 East 22 nd Street, Brooklyn
99-01-A	37-18 74 th Street, Queens
123-01-A	540/2 West 50 th Street, Manhattan
165-01-A	
thru 189-01	Beard Street, Monahan Avenue, Staten Island
376-01-A	10-03 141 st Street, Queens
35-02-A	366 Hillside Avenue, Queens
40-02-A	79 Tyrrell Street, Staten Island

CONTENTS

Afternoon Calendar.....	198
-------------------------	-----

Affecting Calendar Numbers:

214-00-BZ	2761 Plumb 2 nd Street, Brooklyn
241-01-BZ	1279 East 23 rd Street, Brooklyn
279-01-BZ	2106/30 Mc Donald Avenue, Brooklyn
359-01-BZ	5002 14 th Avenue, aka 1384 50 th Street, Brooklyn
361-01-BZ	1761 East 29 th Street, Brooklyn
381-01-BZ	1723 8 th Avenue, a/k/a 443 18 th Street, Brooklyn
217-00-BZ	530 West 50 th Street, Manhattan
226-00-BZ	210 Middleton Street, Brooklyn
136-01-BZ	11-11 44 th Drive, Queens
198-01-BZ	105-45 Cross Bay Boulevard, Queens
207-01-BZ	110 Greenwich Street a/k/a 2 Carlisle Street, Manhattan
250-01-BZ	101-03 Astoria Boulevard, Queens
253-01-BZ	848 Washington Street, Manhattan
259-01-BZ	222-25 Jamaica Avenue, Queens
287-01-BZ	2525 Broadway, Manhattan
295-01-BZ	1257/63 38 th Street, Brooklyn
372-01-BZ	1982 Utica Avenue, Brooklyn
379-01-BZ	4/10 Irving Place, Manhattan
390-01-BZ	98 Richmond Hill Road, Staten Island
396-01-BZ	43A West 13 th Street, Manhattan
29-02-BZ	271-17 76 th Avenue, Queens
34-02-BZ	1705 East 22 nd Street, Brooklyn

MINUTES of Special Hearing,
Wednesday, March 27, 2002

Morning Calendar	212
------------------------	-----

Affecting Calendar Number:

36-01-BZ	328 Spring Street, aka 489-495 Washington Street, Manhattan
----------	---

Afternoon Calendar	212
--------------------------	-----

Affecting Calendar Number:

262-01-BZ	105 West 24 th Street, aka 735/57 Avenue of the Americas, Manhattan
-----------	--

CORRECTIONS	213
--------------------------	-----

Affecting Calendar Numbers:

218-01-BZ	450 West 250 th Street, The Bronx
313-00-BZ	248-55 Jamaica Avenue, Queens

DOCKET

New Case Filed Up to March 26, 2002

79-02-BZ B.BK. 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn. Applic.#301126537. Proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, is contrary to Z.R. §42-00.

COMMUNITY BOARD #8M

80-02-A B.Q. 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens. Applic.#401130628. Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

81-02-BZ B.BK. 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn. Applic.#301124290. Proposed construction of a religious high school (Yeshiva), Use Group 3, located in an R5 Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, street wall, total height, side yards and loading, is contrary to Z.R. §113-11, §23-141(b), §23-622(d), §23-462(a) and §113-22(b).

COMMUNITY BOARD #14BK

82-02-BZ B.BK. 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn. Applic.#301293785. Proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, is contrary to Z.R. §42-00, §23-145 and §23-47.

COMMUNITY BOARD #3BK

83-02-BZ B.BK. 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot

40(Tentative Lot 60), Borough of Brooklyn. Applic.#301126528. Proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

COMMUNITY BOARD #8BK

84-02-BZ B.M. 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan. Applic.#103093171. Proposed expansion at the basement, first and second floor levels, of an existing synagogue (Use Group4), located in an R7B and R9A zoning district, which does not comply with the zoning requirements for rear yard and lot coverage, is contrary to Z.R. §24-12 and §24-33.

COMMUNITY BOARD #6M

85-02-BZ B.BX. 850 East 181street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of the Bronx. Applic.#200696577. The legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

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.

CALENDAR

APRIL 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

SPECIAL ORDER CALENDAR

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.
SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Association, owner; Expressway Arcade Corp., lessee.

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

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

APRIL 23, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

Pasquale Pacifico, Executive Director

MINUTES

APRIL 23, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 23, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance, previously granted under Cal. # 742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 zoning district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets(78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

REGULAR MEETING

MINUTES

**TUESDAY MORNING, MARCH 26, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 26, 2002, were approved as printed in the Bulletin of March 7, 2002, Volume 87, No. 7.

SPECIAL ORDER CALENDAR

327-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 9, 2001 - request for withdrawal.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 26, 2002.

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for postponed hearing.

80-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 854, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Sheldon Lobel.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 10 A.M., for decision, hearing closed.

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

SUBJECT - Application November 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Peter Hirshman and Sy Gage.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

295-71-BZ

APPLICANT - Steven M. Sinacori, Stadmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 98 Richmond Hill Road, south side of Richmond Hill Road, 1014' off Richmond Avenue, Block 2400 Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to be heard on the afternoon calendar with Cal. No. 390-01-BZ.

MINUTES

1013-80-A

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Elliott M. Glass.

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

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane, Sheldon Lobel and Vlad.

For Opposition: Elisabeth Martin, Roger Mendis, Karen Gleeson, Paul Sheridan and other.

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

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

53-91-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostov.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

174-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostov.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18 2002, at 10 A.M., for continued hearing.

175-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

MINUTES

For Applicant: Sandy Anagnostov.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Laid over to June 18 2002, at 10 A.M., for continued hearing.

176-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.
SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -
For Applicant: Sandy Anagnostov.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

177-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.
SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -
For Applicant: Sandy Anagnostov.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.
SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for deferred decision.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.
SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES - None.
ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.
SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -
For Applicant: Hiram A. Rothkrug.
For Administration: John Scrofani, Fire Department.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.
SUBJECT - Application August 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for decision, hearing closed.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.

SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 and Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 11 A.M., for continued hearing.

123-01-A

APPLICANT - The Agusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis, lessee.

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use

Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

APPEARANCES -

For Applicant: Philip P. Agusta, Bruce Bartell and Russel Fridman.

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 11 A.M., for continued hearing.

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of

MINUTES

Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug and Stan Krebusheuski.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 11 A.M., for decision, hearing closed.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug and Helen Napoli.

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

ACTION OF THE BOARD - Laid over to May 14, 2002, at 11 A.M., for continued hearing.

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benshaul, owner.

SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for continued hearing.

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. §23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department; Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 11 A.M., for continued hearing.

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto, owner.

SUBJECT - Application January 30, 2002 - Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3SI

MINUTES

APPEARANCES -

For Applicant: Philip Rampulla.

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 26, 2002 2:00 P.M.

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

ZONING CALENDAR

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.
SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit on a site previously before the Board the reestablishment of an expired special permit, previously granted under Calendar Number 733-86-BZ for an eating and drinking establishment, located in a C3 Zoning District.
PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest

corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

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

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated September 1, 2000 acting on Alt. Applic.# 301020516 reads:

BOARD OF STANDARDS AND APPEALS DENIAL

1. "THE USE AS AN EATING OR DRINKING ESTABLISHMENT INCLUDING THOSE WHICH PROVIDE OUTDOOR TABLE SERVICE OR HAVE MUSIC FOR WHICH THERE IS NO COVER CHARGE AND NO SPECIFIED SHOWTIME, IN USE GROUP 6 IN A C3 ZONING DISTRICT IS CONTRARY TO SECTION 32-15 OF THE ZONING RESOLUTION: PRIOR BSA APPROVAL UNDER CALENDAR NO. 733/86 BZ HAS LAPSED AND IS REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on February 5, 2002, after due notice by publication in the Bulletin and laid over to March 26, 2002 for decision; and

WHEREAS, Community Board No. 15, Brooklyn, has 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, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-242 to permit, on a site previously before the Board the reestablishment of an expired special permit, previously granted under Calendar Number 733-86-BZ for an eating and drinking establishment, located in a C3 Zoning District; and

WHEREAS, Z.R. §73-242 allows eating or drinking establishments (including those which provide outdoor table service or musical entertainment but not dancing, with a capacity of 200 people or less, and including those which provide music for which there is no cover charge and no specified showtime) for a term not to exceed five years; and

WHEREAS, under Z.R. §73-242 the applicant must demonstrate that the use is located so as not impair the essential character or the future use or development of the nearby residential neighborhood and that the subject use will generate a minimum of vehicular traffic to and through local streets in residential areas; and

WHEREAS, the applicant represents that the subject premises

MINUTES

has continuously housed an eating and drinking establishment for the last 14 years without impairing the essential character of the residential neighborhood and has complied with the conditions of the previous grant; and

WHEREAS, the record indicates that the service road of the Belt Parkway is due south of the site and that Knapp Street to the north carries traffic past a sewage treatment plant buffering traffic from the nearby residential neighborhood; and

WHEREAS, to the south Knapp Street feeds traffic to Edmonds Avenue which leads to the Belt Parkway to the east, or to Sheepshead Bay to the West; and

WHEREAS, the hours of operation for the Use Group 6A eating or drinking establishment shall be limited to 11:30 A.M. to 12:00 Midnight, Sunday through Thursday, and from 11:30 A.M. to 3:00 A.M. Friday and Saturday; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-242; and

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-242 to permit, on a site previously before the Board the reestablishment of an expired special permit, previously granted under Calendar Number 733-86-BZ for an eating and drinking establishment, located in a C3 Zoning District on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, February 25, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to five years from the date of this resolution, expiring on March 26, 2007;

THAT the premises remain graffiti free at all times;

THAT the hours of operation for the Use Group 6A eating or drinking establishment shall be limited to 11:30 A.M. to 12:00 Midnight, Sunday through Thursday, and from 11:30 A.M. to 3:00 A.M. Friday and Saturday;

THAT landscaping be maintained in accordance with BSA approved plans;

THAT the maximum occupancy shall be 200 persons;

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

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

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

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

THAT the above referenced conditions shall be noted on the certificate of occupancy;

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

THAT a new Certificate of Occupancy shall be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, March 26, 2002.

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.
SUBJECT - Application July 18, 2001 - under Z.R. §73-622, to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and rear yards contrary to Z.R §§ 23-141, and 23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

ACTION OF THE BOARD -Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 10, 2001, acting on Application No. 301167092 reads:

- "1. The Floor Area Ratio exceeds the allowable Floor Area Ratio and is contrary to section 23-141 of the Zoning Resolution;
2. The Open Space Ratio is less than the allowable Open Space Ratio and is contrary to section 23-141 of the Zoning Resolution;
3. The rear yard is less than 30' and is contrary to section 23-47 of the Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on February 5, 2002 after due notice by publication in The City Record, and laid over to March 5, 2002, and then to March 26, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board

MINUTES

consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and rear yard requirements contrary to Z.R. §§ 23-141, and 23-47; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR to 1.11, decrease the Open Space Ratio to .452 and reduce the rear yard from the required 30 feet to 20 feet; and

WHEREAS, the applicant contends that the perimeter wall height will comply with the applicable zoning regulation; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and rear yards contrary to Z.R. §§ 23-141, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 9, 2002"-(8) sheets, "January 10, 2002" -(1) sheet, "March 11, 2002"-(3) sheets, and "March 25, 2002"-(1) sheet; and on further condition;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT an automatic wet sprinkler system off the domestic water shall be installed;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, March 26, 2002.

279-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Howard Friscia, 2128 McDonald Avenue, 2130 McDonald Avenue, Alice Lee and Vincezo Morello, owner; Magen David Yeshivah, lessee.

SUBJECT - Application September 7, 2001 - under Z.R. §72-21 and §73-19, to permit the proposed school, Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to §24-11, §24-34, §24-35, §24-36, §24-521.

PREMISES AFFECTED - 2106/30 McDonald Avenue, a/k/a 143/45 Lake Street, between Avenues S and T, Block 7087, Lots 14, 22, 24, 73 and 76, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 7, 2001 acting on N.B. Applic. No. 301223548, reads;

"The proposed erection of a new yeshiva school in use group 3 in a split zoning district:

1. In an M1-1 Zone is contrary to section 42-00 and is not permitted as of right;
2. In the R5 Zone, exceeds the permitted floor area ratio and is contrary to section 24-11 of the Zoning Resolution (ZR);
3. In R5 Zone, is below the minimum lot coverage and is contrary to section 24-11 of the Zoning Resolution;
4. In the R5 Zone, is contrary to section 24-35 by having deficient side yards.
5. In the R5 Zone, is contrary to section 24-34 by having deficient front yard.
6. In the R5 Zone, is contrary to section 24-36 by having deficient rear yard.
7. In the R5 Zone, is contrary to section 24-521 by not providing a front setback and penetrating the sky exposure plane."

WHEREAS, a public hearing was held on this application on November 27, 2001 after due notice by publication in The City Record, and laid over to January 16, 2002, March 6, 2002 and then to March 26, 2002 for decision; and

MINUTES

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed school, Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to §24-11, §24-34, §24-35, §24-36, §24-521; and

WHEREAS, Community Board 11 approved the use of the site for the school, but objected to the proposed bulk of the building; and

WHEREAS, the subject premises is a through lot divided lengthwise by zoning districts R5 and M1-1 is between Avenues S and T; and

WHEREAS, the proposed school has been designed to front on McDonald Avenue away from the residential community on Lake Street; and

WHEREAS, the applicant represents that the design places activity of the school along McDonald Avenue in the M1-1 district and significantly limits activity along Lake Street in the R5 district; and

WHEREAS, the applicant claims that the entrance is along McDonald Avenue and a bus loading and unloading area will be provided on-site with curb-cuts along McDonald Avenue; and

WHEREAS, the applicant states that a service driveway on the south side of the building will be accessed from McDonald Avenue; and

WHEREAS, a loading dock in the M1-1 portion of the site, properly screened from the Lake Street side of the project, will be used for all deliveries; and

WHEREAS, a receiving room located on the south side of the building is provided to facilitate loading and unloading from the service driveway; and

WHEREAS, the school will provide classrooms, special education classrooms, physical/occupational therapy rooms, arts and science rooms, administrative offices, a library, a cafeteria/gymnasium, a small kitchen and servery for lunches delivered to the school using the service driveway and receiving room on the south side of the building, a main gym, an auditorium/synagogue, and a Beis Midrash (Hebrew library and prayer room); and

WHEREAS, the applicant contends that the student population has outgrown the current elementary school located at Stillwell Avenue and Avenue P; and

WHEREAS, the applicant further contends that the decision to relocate entirely from the Stillwell Avenue location was made because the proposed site is more accessible for education of persons of Orthodox Jewish faith; and

WHEREAS, according to the applicant, the mission of the

school is to provide a system of secular and religious education that challenges and maximizes the individual potential of each student; and

WHEREAS, the site is a rhomboid through lot with approximately 235 feet of frontage along McDonald Avenue and Lake Street and is divided lengthwise between zoning districts; and

WHEREAS, the applicant claims that half the site along Lake Street is in an R5 district and half the site along McDonald Avenue is in an M1-1 district and that the approximate angles of the rhomboid site are 101 degrees on the east lot line and 78 degrees on the west lot line; and

WHEREAS, the applicant claims that these conditions create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

WHEREAS, the school has had difficulty in obtaining land for the development of a school sufficient to meet the programmatic needs of the school; and

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

WHEREAS, the applicant claims that McDonald Avenue is an M1-1 corridor and that the elevated rails of the F train are above and along McDonald Avenue; and

WHEREAS, evidence in the record indicates that properties on the subject block along McDonald Avenue are improved with a transformer yard, school yard, industrial buildings, residencies and professional building; and that properties along Lake Street are improved with a school and 2 and 3 family homes; and

WHEREAS, the applicant has represented that the school has been designed to blend into the existing character of the neighborhood; and

WHEREAS, at the request of the Board and in response to community-based concerns, the proposed project was substantially reduced with regard to height and floor area; and

WHEREAS, the applicant reduced the floor area of the school from 156,071 square feet in the original proposal to 149,173 square feet and is now proposed for 143,200 square feet; and

WHEREAS, the applicant has reduced the height of the front wall along Lake Street from 72 feet in the original proposal to 36 feet or 3 stories to coincide with the height of the adjacent residential homes along Lake Street; and

WHEREAS, the applicant states that the height of the mid section of the building has been reduced from 92 feet in the original proposal to 84 feet; and

WHEREAS, the applicant represents that the FAR in the residential district was reduced from 4.94 in the original proposal to 4.37 and is now 3.47; and

MINUTES

WHEREAS, the applicant states that the side yards in the residential district were increased from 8 and 12 feet to 20 feet unobstructed with landscaping provided; and

WHEREAS, the applicant claims that the number of classrooms was reduced from 80 in the original proposal to 76 and is now proposed for 67; and

WHEREAS, the applicant represents that the proposed number of students to be enrolled in the school has been reduced from 1800 in the original proposal to 1538 and the roof recreation area has been eliminated in response to community-based concerns; and

WHEREAS, the school has reduced the number of staff from 245 in the original proposal to 209 individuals including speech and other therapists and administrative individuals; and

WHEREAS, the applicant further represents that the original submission showed a through driveway for delivery trucks exiting onto Lake Street and at the community's request to eliminate all traffic use of Lake Street, a loading dock was placed at the end of the service driveway to serve as a physical barrier; and

WHEREAS, the applicant claims that the loading dock was moved into the manufacturing district to provide 20 foot side yards in the residential district and in this location to provide a barrier to Lake Street; and

WHEREAS, the applicant has demonstrated that there will be 67 attended parking spaces for the faculty and staff within one half block of the school, and this accessory facility will accommodate the 134 faculty and administrative staff who will be required to car pool; and

WHEREAS, the applicant states that all students, faculty and staff will enter and exit the building through the McDonald Avenue frontage except in case of emergency;

WHEREAS, the applicant also states that school safety guards will be provided by the school or will be financed by the school through the appropriate government agency;

WHEREAS, therefore, after complying with the request of the Board to substantially reduce the proposed project, 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, the hardship herein was not created by the owner or a predecessor in title; and

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

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

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

WHEREAS, the proposed school will be operated by a not-

for-profit entity, and will provide instructions for grades 1 through 8; and

WHEREAS, the proposed hours of operation will be from approximately 7:15 a.m. to 5:15 p.m.; and

WHEREAS, the subject site is 35,000 Square feet, half of which is in the M1-1 district, and required assemblage of five tax lots; and

WHEREAS, the applicant represents that the existing property improvements must be demolished to permit construction of the proposed school; and

WHEREAS, the applicant claims that the assemblage of lot area which would be required to construct the proposed school as-of-right, particularly of substantially unimproved property, can not be reasonably acquired; and

WHEREAS, the Board finds that within the neighborhood to be served by the proposed school, there is no practical possibility of obtaining a site of adequate size located in a zoning district wherein it is permitted as-of-right, because appropriate sites in such districts are occupied by substantial improvements; and

WHEREAS, the applicant states that the site is divided by zoning districts; half of the site is within an M1-1 district and half is within an R5 district (Schools are permitted as-of-right in R5 districts); and

WHEREAS, the Board finds that the school is located not more than 400 feet from the boundary of a district wherein such school is permitted as-of-right; and

WHEREAS, as set forth in the Board approved plans, the premises will contain sound attenuating construction; and

WHEREAS, the Board finds that an adequate separation of the surrounding non-Residential Districts from noise, traffic and other adverse effects will be achieved through the use of sound-attenuating exterior wall and window construction and by the provision of adequate open area along lot lines of the zoning lot; and

WHEREAS, the school is allowed as-of-right in the residential portion of the site and the portion located in a M1-1 zone is surrounded by commercial uses which are similar to uses in a commercial zoning district where the school would be allowed as-of-right; and

WHEREAS, the proposed synagogue/auditorium will be used only for school-related activities and functions; and

WHEREAS, no on-site commercial catering will be allowed; and

WHEREAS, the New York City Department of Transportation ("DOT") has conducted a child and traffic safety review of the subject proposal; and

WHEREAS, the applicant has submitted a school safety plan in consultation with the Proposed School's Safety Program Office in order to address safe routes to the school as well as other measures necessary for the safety of the students and staff; and

WHEREAS, DOT shall investigate the feasibility of implementing the applicant's proposed signal timing modifications at two intersections by the School when the project is built and occupied. These intersections

MINUTES

include McDonald Avenue at Kings Highway and McDonald Avenue at Avenue S. The applicant shall notify DOT six months prior to opening of the school; and

WHEREAS, a bus loading and unloading area will be provided along McDonald Avenue which permits children to be delivered to and picked up from the school entirely within the safety of the school property; and

WHEREAS, the Board finds that the movement of the traffic through the street on which the school is located can be controlled so as to protect children going to and from the school; 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 Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed school, Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to §24-11, §24-34, §24-35, §24-36, §24-521 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 20, 2002" - (13) sheets; and on further condition;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT all students, faculty and staff will enter and exit the building through the McDonald Avenue frontage except in case of emergency;

THAT the Certificate of Occupancy will state that the proposed synagogue/auditorium shall be used only for school-related activities and functions;

THAT the Certificate of Occupancy will state that the number of students shall be limited to 1538;

THAT adequate separation of the surrounding non-Residential Districts from noise, traffic and other adverse effects shall be provided through the use of sound-attenuating exterior wall and window construction and by the provision of adequate open area along lot lines of the zoning lot;

THAT the applicant shall notify DOT six months prior to opening of the school;

THAT the DOT shall investigate the feasibility of implementing the applicant's proposed signal timing modifications

at two intersections, namely McDonald Avenue at Kings Highway and McDonald Avenue at Avenue S, by the school when the project is built and occupied;

THAT the school comply with all of the DOT's recommendations;

THAT the Certificate of Occupancy will state that school safety guards shall be provided at two intersections (McDonald Avenue at Avenues S and T) during the hours of 7:30 AM - 8:30 AM and 4:00 PM - 5:00 PM;

THAT these crossing guards shall be provided by the school or shall be financed by the school through the appropriate government agency;

THAT the Certificate of Occupancy will state that no rooftop recreation will be permitted;

THAT the Certificate of Occupancy will state that no on-site commercial catering will be permitted;

THAT all deliveries will be made through the McDonald Avenue frontage;

THAT the Certificate of Occupancy will state that the school shall always maintain at least 67 accessory parking spaces for faculty and staff at 2050 McDonald Avenue;

THAT the staff shall be instructed not to park on Lake Street;

THAT a certificate of occupancy for the accessory parking facility at 2040-2050 McDonald Avenue will be obtained prior to the issuance of a certificate of occupancy for the subject premises;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 26, 2002.

359-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bnos Zion of Bobov, owner.

SUBJECT - Application November 13, 2001 - under Z.R. §72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, which is contrary to Z.R. §24-11.

PREMISES AFFECTED - 5002 14th Avenue, aka 1384 50th Street, southwest corner, Block 5649, Lot 38, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2001 acting on ALT Applic. No. 301235483 reads:

“Proposed legalization of the Sixth Floor within the Envelope of the Religious School (Yeshiva) Building is contrary to: ZR § 24-11- Floor Area Ratio and requires a variance from the Board of Standards and Appeals as per § 72-11.”; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record and laid over to March 26, 2002 for decision; and

WHEREAS, Community Board No. 12 in Brooklyn recommended approval of the application; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-11; and

WHEREAS, the subject premises is occupied by a brick school building on a corner lot of 12,017.7 square feet on the corner of 14th Avenue and 50th Street; and

WHEREAS, the applicant states that the existing building was built in the 1920's, with only three floors, and functioned for many years as a ball room; and

WHEREAS, the applicant represents that in 1980, the building was converted into a conforming school use; and

WHEREAS, the applicant further represents that during this conversion, the second floor was divided to create the new third and fourth floors, and the third floor was divided in order to create the new fourth and fifth floors; and

WHEREAS, the applicant states that during construction, a structural hung ceiling was added at the fifth floor level because the total height of the former third floor was approximately 36 feet, and thus the sixth floor was built within the bulk of the existing structure; and

WHEREAS, the applicant represents that the first floor of the building will be used as a banquet hall with no commercial catering, that the second through sixth floors will be used for educational purposes, that the penthouse will be used as storage

and that the roof will be used as a play area; and

WHEREAS, the applicant states that the uniqueness of the subject premises is inherent in the original structure on this zoning lot and is not the result of the strict application of the zoning regulations in this zoning district; and

WHEREAS, the applicant claims that the original three-story configuration of the 77-foot high structure created a practical difficulty which necessitated the creation and use of the sixth floor; and

WHEREAS, the legalization of the sixth floor is necessary in order to meet the school's need for additional classroom space and fulfill its programmatic needs; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met without use of the sixth floor for classrooms because of the unique conditions of the existing building; 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 or creates a severe detriment to the character of the neighborhood; and

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

WHEREAS, a religious school is permitted as of right in the subject R6 zoning district; and

WHEREAS, the applicant represents that the existing structure has occupied the subject lot since the 1920s; and

WHEREAS, the applicant notes that the variance will not alter the character of the neighborhood as there are no changes to the existing footprint or exterior building structure; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the area residential district; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and

MINUTES

Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. 72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, which is contrary to Z.R. §24-11, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 13, 2001"-(12) sheets and "December 11, 2001 - (1) sheet; and on further condition;

THAT all catering shall be restricted to school-related functions;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 26, 2002.

361-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Siegfried Lobel, owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-622, to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space, Lot Coverage, perimeter wall and side and rear yards contrary to Z.R. §§ 23-141, 23-631, 23-47 and 23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305' north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

ACTION OF THE BOARD- Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2001, acting on ALT 1 Application No. 301247238 reads:

"Proposed extensions to existing One (1) Family Dwelling are contrary to

ZR Sec 23-141 (a)	Floor Area
ZR Sec 23-141 (b)	Open Space & Lot Coverage
ZR Sec 23-631 (b)	Perimeter Wall
ZR 23-47	Rear Yard
ZR 23-48	Minimum Side Yard

and requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622"; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to March 26, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space, Lot Coverage, perimeter wall and side and rear yards contrary to Z.R. §§ 23-141, 23-631, 23-47 and 23-48; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR from .46 to .85, decrease the Open Space from .74 to .55; and

WHEREAS, the applicant also seeks to increase the Lot Coverage Ratio from .257 to .446, increase the Open Space from 1102.5 square feet to 1405 square feet and reduce the rear yard from 47 feet to 20 feet; and

WHEREAS, evidence in the record indicates that the subject building was constructed in 1927 and that the pre-existing non-complying side yards of 7 feet and 2 feet 8 inches will be maintained; and

WHEREAS, the applicant also proposes to maintain the pre-existing, non-complying perimeter wall measuring 21'-2"; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit under Z.R. §73-622 to permit, in an R2 zoning

MINUTES

district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space, Lot Coverage, perimeter wall and side and rear yards contrary to Z.R §§ 23-141, 23-631, 23-47 and 23-48, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 19, 2001"-(5) sheets and "March 5, 2002"-(2) sheets; and on further condition;

THAT there shall be no habitable room in the cellar other than a recreation room;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, March 26, 2002.

381-01-BZ

APPLICANT - Rothkrug & Rothkrug & Spector, for Therapy Learning Center, owner.

SUBJECT - Application December 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 resulting in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, which is contrary to Z.R. §§ 54-31, 24-11, 24-34 and 24-521.

PREMISES AFFECTED - 1723 8th Avenue, a/k/a 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2002 acting on ALT. Application No. 301230353, reads:

"Proposed enlargement of an existing non-profit institution

without sleeping accommodations (Use Group 4) in an R5 zoning district, will increase the degree of non-compliance with respect to floor area, perimeter wall height and encroachment in the sky exposure plane. And must be referred to the Board of Standards and Appeals.";and

WHEREAS, a public hearing was held on this application on February 26, 2002, after due notice by publication in the City Record and laid over to March 26, 2002 for decision; and

WHEREAS, Community Board No. 7 in Brooklyn recommended approval of the subject application;

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district resulting in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, which is contrary to Z.R. §§ 54-31, 24-11, 24-34 and 24-521; and

WHEREAS, the zoning lot is a rectangular corner lot with 50.1' of frontage on Eighth Avenue by 100'-0" of frontage on 18th Street consisting of 5,000 square feet of area, developed with an existing three-story building in the process of being converted into a "non-profit institution without sleeping accommodations (Use Group 4)"; and

WHEREAS, the subject premises is operated by the Therapy and Learning Center, a not-for-profit organization that serves the physical and mental needs of children from birth to age 16; and

WHEREAS, the record indicates that the proposed enlargement includes the enclosure of a portion of the approved roof-top recreation area, to be used for indoor recreation/multi-purpose area creating the need for the instant application; and

WHEREAS, the history of the site indicates that it previously housed a three-story manufacturing or warehouse building and then in 1962 a Certificate of Occupancy indicated that the property was located in a "local retail" Use District and allowed use of the premises as a factory; and

WHEREAS, the applicant represents that the prior use of the building as a non-conforming factory in a residential district severely limited the use of the building for permitted residential or community facility use; and

WHEREAS, the applicant further suggests that the zoning lot's location is undesirable for complying residential uses because it is adjacent to Prospect Expressway and it would be costly to convert the building to a conforming development; and

WHEREAS, the applicant represents that since use of the building was contingent upon obtaining approval for use of a portion of the rooftop as an indoor recreation area, the proposed enlargement will enable the Therapy Learning Center to continue using the building; and

WHEREAS, the applicant represents that the size, history of

MINUTES

development and location of the existing building create unique conditions which result in practical difficulty in redeveloping the site in accordance with the current zoning while meeting the increased programmatic needs of the instant community facility; and

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

WHEREAS, the applicant notes that the Learning Center's use of the subject building will result in the elimination of non-conforming manufacturing uses which would be permitted by the current Certificate of Occupancy; and

WHEREAS, evidence in the record indicates that the proposed community facility use is consistent with the existing R5 zoning district regulations, except for bulk and area regulations; and

WHEREAS, the applicant represents that the proposed rooftop addition will not have a significant impact on adjacent residential uses, and will not result in an increase in the anticipated number of students, staff or visitors; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district resulting in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, which is contrary to Z.R. §§ 54-31, 24-11, 24-34 and 24-521; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "December 6, 2001"-(4) sheets and "March 15, 2002"-(4) sheets; and on further condition;

THAT the cellar, first floor, and all spaces have fire alarm systems and smoke detection systems connected to a Fire Department approved central station;

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

THAT the approved plans shall be considered approved only

for the portions related to the specific relief granted;

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

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

Adopted by the Board of Standards and Appeals, March 26, 2002.

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.

SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani,

Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Yvonne Barno, Roy Caldwood, Janita F. and others.

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

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for continued hearing.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard Hornstein.

For Opposition: Doris Diether and Stuart Beckerman.

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

ACTION OF THE BOARD - Laid over to April 25, 2002, at 1 P.M., for continued hearing.

259-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner.

SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to

MINUTES

permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an 1-2 zoning district, which is contrary to Z.R. §32-25. PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to April 9, 2002, at 2 P.M., for continued hearing.

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a twenty-one story mixed use building in a C4-6A/R8 zoning district, which requires a special permit as per 32-10.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, Inc., owner.

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of

Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter, Howard Hornstein and Ethan Eldon.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

372-01-BZ

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

SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.

PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE CLOSE HEARING -

MINUTES

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

390-01-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES -

For Applicant: Steven Sinacori, Howard Zipser, Harvey Samuelson, Edward Goldberg and Vincent Iavavone.

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker and Doris Diether.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for decision, hearing closed.

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31. PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

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

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for postponed hearing.

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

29-02-BZ

MINUTES

**SPECIAL HEARING
WEDNESDAY MORNING, MARCH 27, 2002
9:30 A.M.**

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

ZONING CALENDAR

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street a.k.a. 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Palazzo, Dan Lane, Gall Guillet and others.

For Opposition: Doris Diether, Kenneth McCallion, Katy Bordonaro and Richard Barrett.

For Administration: John Scrofani, Fire Department.

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 9:30 A.M., for decision, hearing closed.

**SPECIAL HEARING
WEDNESDAY AFTERNOON, JANUARY 30, 2002
1:00 P.M.**

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

ZONING CALENDAR

261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Robert S. Davis, David Helpem, John Miksad and Sharon Ullman.

For Opposition: Stephen Kass, Michael Tracy, Sylvia Lachter, Peter Weiner and others.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 17, 2002, at 1:30 P.M., for decision, hearing closed.

MINUTES

CORRECTIONS

Pasquale Pacifico, Executive Director.

Adjourned: :00 P.M.

***CORRECTION**

This resolution adopted on December 18, 2001, under Calendar No. 218-01-BZ and printed in Volume 86, Bulletin Nos. 51-52, is hereby corrected to read as follows:

218-01-BZ

CEQR #01-BSA-161X

APPLICANT - Moshe M. Friedman, P.E., for Misrad Associates, LP, owner; Yeshiva Ohavei Torah, lessee.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. 24-111, 24-521, 24-34 and 25-31.

PREMISES AFFECTED - 450 West 250th Street, south east corner of Henry Hudson Parkway, Block 5824, Lot 2470, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Moshe M. Friedman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 12, 2001 acting on Applic. No. 200673789 reads:

“In an R1-2 in an NA-2 Zoning District

1. Proposed vertical extension of existing School Building is contrary to
ZR 24-111 FAR
ZR 24-521 Height, Perimeter Wall & Sky Exposure
ZR 25-31 Parking and requires a Variance from the Board of Standards and Appeals.
2. Approval from City Planning Commission required in a Special Natural Area (NA-2)
District ZR 105-02”

WHEREAS, a public hearing was held on this application on October 2, 2001, after due notice by publication in *The City Record* and laid over to October 18, 2001 and November 20, 2001 and then to December 18, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31; and

WHEREAS, the subject site is improved with an existing building which is a one story, detached brick school building; and

WHEREAS, the applicant represents the existing school requires more space in order to accommodate the growing needs of the community; and

WHEREAS, the applicant represents that the school requires more floor area in order to have more classrooms and a larger Synagogue; and

WHEREAS, the applicant represents the proposed construction takes into account the unique sensitivity of the current zoning as a Special Natural Area and in order not to disturb the ground or create more covered space, the building will only be enlarged vertically; and

WHEREAS, the applicant represents the subject premises is occupied by a brick school building on an irregularly shaped lot of 10,510'; and

WHEREAS, the applicant represents the site is bounded on three sides by streets, West 250th Street to the north, Delafield Avenue to the east, and Henry Hudson Parkway to the west; and

WHEREAS, it is proposed to vertically extend the school building without change to the existing footprint; and

WHEREAS, these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the Religious School-Yeshiva requiring both Synagogue study hall and classrooms in the same building; and

WHEREAS, the site itself is unique, as the lot fronts three Streets, and is graded at an extreme slope causing construction to be difficult and expensive; and

WHEREAS, the site also fronts an arterial highway- the Henry Hudson Parkway, making the site undesirable for a one family residential use; and

WHEREAS, the applicant represents and the Board agrees that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot; and

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

CORRECTIONS

WHEREAS, as the building fronts a busy arterial highway and is at a different level than all the residential buildings in the neighborhood, it will not substantially impair the appropriate use or development of adjacent properties; and

WHEREAS, the Board has reviewed the applicant's proposal and finds it consistent with New York City's Waterfront policy; and

WHEREAS, the applicant represents the proposed addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size; and

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an

NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, August 16, 2001"-(2) sheets, "November 20, 2001"- (9) sheets and "January 29, 2002"-(1) sheet; and on further condition;

THAT the development, as approved, is subject to approval from City Planning Commission as required in a Special Natural Area (NA-2) District Z.R. §105-02; and

THAT in accordance to the request from the Fire Department that the premises is not to be used for housing;

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

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, December 18, 2001.

***The resolution has been corrected in that the portion which read: "Received, November 20, 2001-(9) sheets and "January 29, 2002"-(1) sheet" now reads: "Received, August 16, 2001"-(2) sheets, November 20, 2001-(9) sheets and "January 29, 2002"-(1) sheet". Corrected in Bulletin No. 14, Vol. 87, dated April 4, 2002.**

***CORRECTION**

This resolution adopted on October 16, 2001, under Calendar No. 313-00-BZ and printed in Volume 86, Bulletin Nos. 35-44, is hereby corrected to read as follows:

**313-00-BZ
CEQR # 01-BSA-080Q**

APPLICANT - Alfonso Duarte, for Rajesh Pushparajan, owner.
SUBJECT - Application December 28, 2000 - under Z.R. §72-21, to permit the legalization of an existing auto repairs and sales

establishment (Use Group 16A and 16B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §32-00 and §33-291, also a previous variance granted under Cal. No. 107-34-BZ, which permitted a gasoline service station in a C2-2 within an R4 zoning district.

PREMISES AFFECTED - 248-55 Jamaica Avenue, northwest corner of 249th Street, Block 8664, Lot 45, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Alfonso Duarte.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated November 29, 2000 acting on ALT. 1 Applic. No. 400983138, reads:

- "1. Proposed automobile repairs and sales in C2-2/R4 district contrary to Sect. 32-00 Z.R. and BSA CAL.

CORRECTIONS

- 2) Proposed extension in side yard contrary to Sect. 33-291 Z.R.”;and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in *The City Record* and laid over to August 14, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit in a C2-2 within an R4 zoning district, on a site previously before the Board, the legalization of an existing auto repair establishment (Use Groups 16 A and 16 B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §§32-00, 33-291 and Calendar Number 107-34-BZ; and

WHEREAS, the record indicates that the current owner purchased the subject property in 1997 unaware that the land was subject to a term variance, which had expired on January 12, 1995; and

WHEREAS, the applicant represents that the site which is improved with a one-story building containing 2,304 square feet, located on the northwest corner of Jamaica Avenue and 249th Street is burdened by having to replace buried gasoline tanks ; and

WHEREAS, the record indicates that Jamaica Avenue is a heavily traveled arterial highway with many commercial uses;and

WHEREAS, the applicant represents that Nassau County lies across from Jamaica Avenue housing two gasoline service stations and a food market, making continued use of the subject premises as a gasoline service station economically infeasible; and

WHEREAS, the applicant notes that the premises has been used as an automotive repair establishment without complaints from the neighbors or community; and

WHEREAS, the record indicates that the subject application does not create any non-compliance because the proposed extension is within the Floor Area Ratio requirements and the and the uses are within the same use group as previously approved by the Board; and

WHEREAS, the applicant has eliminated the proposed side yard objection and replaced it with landscaping to buffer the adjacent residences; and

WHEREAS, the aforementioned history of development with a gasoline service station creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the Board notes that this is a legalization; and

WHEREAS, the record indicates that within the vicinity of the subject premises many commercial uses are present; and

WHEREAS, therefore, the Board finds that this action will not

alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, to permit in a C2-2 within an R4 zoning district, on a site previously before the Board, the legalization of an existing auto repair and establishment (Use Groups 16 A and 16 B) which is contrary to Z.R. §32-00 and Calendar Number 107-34-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received, March 28, 2001”-(2) sheets and “August 2, 2001”-(1) sheet; and on further condition;

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

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

Adopted by the Board of Standards and Appeals, October 16, 2001.

***The resolution has been corrected in that the portion of the Resolved which read: “...and a proposed extension into the side yard of the subject premises...” has been removed. Corrected in Bulletin No. 14, Vol. 87, dated April 4, 2002.**

Pasquale Pacifico, Executive Director.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, Nos. 15-16

April 18, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	220
CALENDAR of April 23, 2002	
Morning	223
Afternoon	224
CALENDAR of May 7, 2002	
Morning	224
Afternoon	225

CONTENTS

MINUTES of Regular Meetings,
Tuesday, April 9, 2002

Morning Calendar227

Affecting Calendar Numbers:

1015-61-BZ	1515 Bruckner Boulevard, Bronx
334-66-BZ	30-07 Newton Avenue, Queens
267-70-BZ	50 Washington Square South, Manhattan
1013-80-A	58-64 West 40 th Street, Manhattan
1204-80-BZ	835 Tilden Street, Bronx
307-81-BZ	50 East 69 th Street, Manhattan
926-86-BZ	217-07 Northern Boulevard, Queens
52-97-BZ	17/21 West 52 nd Street, Manhattan
247-00-BZ	136-45 41 st Avenue, Queens
1069-27-BZ, Vol. II	6702/6724 New Utrecht Avenue, Brooklyn
245-32-BZ	123-05 101 st Avenue, Queens
74-49-BZ	515 7 th Avenue, Manhattan
252-71-BZ	190-18 Northern Boulevard, Queens
364-82-BZ	245-02/34 Horace Harding Expressway, Queens
16-99-BZ	1116 East 26 th Street, Brooklyn
266-01-A thru 15/17/19/21/23/27/29/31/33/37/39/41/43	Beachview Avenue, Staten Island
278-01-A	
328-01-A thru 14/16/18/20	Miller Street, Staten Island
331-01-A	
220-01-A	10 Everton Avenue, Staten Island
326-01-A	85-80 148 th Street, Queens
376-01-A	10-03 141 st Street, Queens

CONTENTS

MINUTES of Regular Meetings,
Tuesday, April 9, 2002

Afternoon Calendar236

Affecting Calendar Numbers:

71-99-BZ	56-05 69 th Street, Queens
291-00-BZ	2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, Brooklyn
380-01-BZ	230 West 41 st Street, Manhattan
208-00-BZ	2739-2747 86 th Street, Brooklyn
224-00-BZ	2353 Cropsy Avenue, a/k/a 247 Bay 34 th Street, Brooklyn
143-01-BZ	348 East 9 th Street, Manhattan
149-01-BZ	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
150-01-A	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
234-01-BZ	80 North 5 th Street, Brooklyn
259-01-BZ	222-25 Jamaica Avenue, Queens
280-01-BZ	663/73 Second Avenue and 341/49 East 36 th Street, Manhattan
294-01-BZ	125 Green Street, Brooklyn
302-01-BZ	2519/2525 Creston Avenue, Bronx
304-01-BZ	1720 Avenue J, Brooklyn
397-01-BZ	30-07 Newtown Avenue, Queens
46-02-BZ	205 State Street, a/k/a 58 Boerum Place, Brooklyn

DOCKET

New Case Filed Up to April 9, 2002

86-02-BZ B.BK. 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn. Applic. #301301446. Proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6)), is contrary to Z.R.§97-22.

COMMUNITY BOARD #1BK

87-02-BZ B.BK. 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn. N.B.#301292553. Proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district, is contrary to Z.R. §32-00.

COMMUNITY BOARD #18BK

88-02-BZ B.BX. 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx. Applic. #200711989. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R5 zoning district, requires a special permit from the Board as per Z.R.§32-31.

COMMUNITY BOARD #12BX

89-02-A B.Q. 244-10 Merrick Boulevard, a/k/a 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens. Applic. #401401979. Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

90-02-A B.BK. 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn. Alt.1 #301035396. Proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

91-02-BZ B.BK. 3032/42 West 22nd Street,

180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn. N.B. #301111384. Proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

COMMUNITY BOARD #13BK

92-02-BZ B.M. 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan. N.B. #103084877. Proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6- 2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, is contrary to §96-102 and §33-341.

COMMUNITY BOARD #4M

93-02-A B.Q. 465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401425800. Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

94-02-A B.Q. 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Applic. #401298582. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

DOCKET

95-02-A B.Q. 28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Applic. #401238148. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

96-02-BZ B.Q. 23-27/27A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 64, Borough of Queens. Applic. #401268301. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven- three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

97-02-BZ B.Q. 23-29/29A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 63, Borough of Queens. Applic. #401268294. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

98-02-BZ B.Q. 23-31/31A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 62, Borough of Queens. Applic. #401268105. Proposed construction of ne three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

99-02-BZ B.Q. 23-33/33A Steinway Street, east side, 75.78' north of 23RD Road, Street, Block 793, Lot 60, Borough of Queens. Applic. #401268141. Proposed construction of one three-story attached mixed-use building, which is part of a

development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

100-02-BZ B.Q. 23-35/35A Steinway Street, east side, 75.78' north of 23RD Road, Block 793, Lot 52, Borough of Queens. Applic. #401268405. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

101-02-BZ B.Q. 40-11 23RD Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 53, Borough of Queens. Applic. #401420510. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

102-02-BZ B.Q. 40-15 23RD Road, northeast side, 70.40' northeast of 41st Street, Block 793, Lot 56, Borough of Queens. Applic. #401414821. Proposed construction of one three-story attached mixed-use building, which is part of a development of seven-three story buildings, on a single zoning lot, with retail uses and accessory signs (Use Group 6) on the ground floor, which do not conform to district use regulations and residential uses (Use Group 2) on the second and third floors, is contrary to Z.R. §22-10 and §22-32.

COMMUNITY BOARD #1Q

DOCKET

103-02-BZ B.BK. 1516 East 24th Street, 105' south of Avenue "O", between Avenue "O" and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn. Alt. #300189622. Proposed enlargement of an existing two story and cellar community facility, Use Group 4, by the addition of a second story within the existing envelope in the rear yard, located in an R6 zoning district, is contrary to Z.R.§24-36.

COMMUNITY BOARD #14BK

104-02-BZ B.Q 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens. N.B.#401420020. Proposed use of the property for the storage of new automobiles, prior to delivery to customers, located in a C3 zoning district, is contrary Z.R. §32-10.

COMMUNITY BOARD #7Q

105-02-BZ B.BX. 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx. Applic. #200711970. Proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C2-4 within an R6 zoning district, is contrary to Z.R.§32-31.

COMMUNITY BOARD #7BX

106-02-BZ B.BK. 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn. Alt. #301161515. Proposed expansion of an existing childcare facility and yeshiva, Use Groups 3 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking is contrary to Z.R. §24-11, §24-12, §24-36 and §25-31.

COMMUNITY BOARD #12BK

107-02-BZ B.S.I. 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island. Applic. #500529680. Proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, is contrary to Z.R. §22-00.

COMMUNITY BOARD #2SI

108-02-BZ B.M. 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan. N.B.# 103117093. Proposed construction of a new

automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, is contrary to Z.R. §32-31.

COMMUNITY BOARD #12M

109-02-BZ B.BX. 2460 East Tremont Avenue, corner of Saint Peters Avenue, Block 3999, Lot 32, Borough of The Bronx. Applic. #200712014. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R6 zoning district, is contrary to Z.R. §32-31.

COMMUNITY BOARD #10BX

110-02-BZ B.BK. 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn. Alt.I # 301237249. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b) , §23-461(a) and §23-47.

COMMUNITY BOARD #15BK

111-02-BZ B.BX 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard (Expressway), Block 2735, Lot 20, Borough of The Bronx. Applic. #200711998. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-1 zoning district, is contrary to Z.R. §32-31.

COMMUNITY BOARD #2BX

112-02-BZ B.M. 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan. Applic. #103112196. Proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, is contrary to Z.R. §15-021(e).

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

CALENDAR

APRIL 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.
SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Association, owner; Expressway Arcade Corp., lessee.

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

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APRIL 23, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

Pasquale Pacifico, Executive Director

CALENDAR

APRIL 23, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 23, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance, previously granted under Cal. #742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 zoning district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets(78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

MAY 7, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 7, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.
SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

713-55-BZ

APPLICANT - Vassalotti Associates, Architects for Exxon Mobil Fuels Marketing Co., owner.

SUBJECT - Application January 2, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 181-05 Horace Harding Expressway, north east corner of Utopia Parkway and Horace Harding Expressway, Block 7065, Lot 8, Borough of Queens.

COMMUNITY BOARD #11Q

91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501,7503, 1101, 1103, Borough of Manhattan.

COMMUNITY BOARD #2M

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car Carrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten

CALENDAR

Island.

COMMUNITY BOARD #1S.I.

MAY 7, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 7, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - An appeal challenging the Department of Buildings' decision dated September 20, 2001, which permitted the renovation of parts of subject building under the old code, when the cost of renovation exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code.

PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

MAY 7, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 7, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

303-01-BZ

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

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th

MINUTES

Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

403-01-BZ

APPLICANT - Sullivan, Chester & Gardner LLP, for Trump Construction Co., owner; Yandoli Foods Corp., lessee.

SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit the reestablishment of an expired special permit previously granted under Calendar No. 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 54, located in a C7-2 zoning district, which is contrary to Z.R. §73-243.

PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #13BK

17-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on portions of the second and third floors of a two and three story building, located in a C4-3 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

36-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT - Application January 22, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #7M

67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R. §73-452, to permit the legalization of off-street parking spaces, accessory to an existing community facility (church), located in an R3-2 zoning district.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 9, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 5, 2002, were approved as printed in the Bulletin of March 14, 2002, Volume 87, No. 11.

MINUTES

SPECIAL ORDER CALENDAR

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

SUBJECT - Application November 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Peter Hirshman.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 1015-61-BZ; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to March 26, 2002, and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to permit the change of use from an automotive related service establishment (Use Group 16) to a laundromat (Use Group 6).

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §11-413, said resolution having been adopted November 21, 1961, so that as amended this portion of the resolution shall read:

"to permit the change of use on the lot from an automotive related services establishment (Use Group 16) to a laundromat (Use Group 6) and to limit the term of the variance for ten years from April 9, 2002 expiring April 9, 2012, *on condition that*, the premises be kept clean of debris and graffiti,

THAT this variance shall expire with the change of use, ownership or lessee;

THAT all lighting will be pointed away from residential dwellings;

THAT all landscaping shall be maintained according to BSA approved plans;

THAT there will be no outdoor storage;

THAT all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received November 20, 2001"-(2) sheets, "February 1, 2002"-(1) sheet, "March 19, 2002"-(1)

sheet, "March 26, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.

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

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

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

(ALT No. 200670979)

Adopted by the Board of Standards and Appeals, April 9, 2002.

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

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, April 9, 2002.

267-70-BZ

APPLICANT - Elise Wagner, Esq./Jeremiach H. Candreva, Esq., for New York University, owner.

SUBJECT - Application December 7, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 50 Washington Square South, east side of Sullivan Street, Block 541, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Elise Wagner and Jeremiach Candreva.

ACTION OF THE BOARD - Application reopened and resolution amended.

MINUTES

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Korbey4

Negative:.....0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in The *City Record*, laid over to April 9, 2002 for decision; and

WHEREAS, the applicant seeks a minor modification of the prior variance to permit the subdivision without creating new non-compliance and to limit the future use of the southern portion of the site to on-site open space; and

WHEREAS, the applicant represents that upon completion of the subdivision the site will be treated as two separate zoning lots; and

WHEREAS, the proposed amendment will enable a new building to be constructed with windows that provide required light and air for dwelling units on its western facade; and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on June 30, 1970, so amended through April 3, 1990 so that as amended this portion of the resolution shall read:

“to permit the subdivision of the subject lot and establish two (2) separate lots (the “North Lot” and the “Open Space Lot” respectively): *on condition that*

THAT the North Lot shall be maintained in substantial compliance with plans marked “December 7, 2001”-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy for the North Lot shall be obtained within one year from the date of this amended resolution; on further condition

THAT the newly created South Lot shall remain as open space pursuant to the Declaration dated February 20, 2002 for the term of the variance;

THAT the newly created South Lot shall be merged with the adjacent lot to the east prior to the issuance of a Certificate of Occupancy for the new building to be built on the adjacent lot to the east. This merger will enable the new building to be constructed to have windows on its western facade that provide legal light and air for dwelling units pursuant to the Zoning Resolution and the Building Code. This portion of the newly created lot shall not be considered for any additional zoning benefits to the currently existing east lot;

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

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

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

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB. 103030051)

Adopted by the Board of Standards and Appeals, April 9, 2002.

1013-80-A

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Elliott M. Glass.

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

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired February 10, 2001; and

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in the *City Record*, and laid over to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for use of the Quick Response Service to provide elevator-in-readiness service for an additional ten (10) years.

WHEREAS, by letter dated January 31, 2002, the Fire Department has no objections.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted February 10, 1981, expiring February 10, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from February 10, 2001, expiring February 10, 2011, *on condition that*, Quick Response Service or any other approved agency, is mandated to perform the service, and that the records and reports required shall be maintained by the Fire Department; that the service shall be maintained in accordance with the requirement of the general resolution adopted by the Board under Calendar Number 630-56-GR; that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

MINUTES

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

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

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

Adopted by the Board of Standards and Appeals, April 9, 2002.

1204-80-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 835 Tilden Street Holding Corporation, owner; East End Sanitation, lessee.

SUBJECT - Application August 28, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance and for an amendment to the resolution.

PREMISES AFFECTED - 835 Tilden Street, 300' east of Barnes Avenue, Block 4671, Lot 9, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph Morsellino.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired January 26, 2002; and

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City Record*, and laid over to March 19, 2002, and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) years; and

Resolved, that the Board of Standards and Appeals hereby

waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted January 26, 1982, as amended through July 14, 1992, so that as amended this portion of the resolution shall read:

“to extend the of the variance to ten (10) years from January 26, 2002, expiring January 26, 2012, *on condition that*, the premises be kept clean of debris and graffiti;

THAT this variance shall expire with any change of use, ownership or lessee;

THAT there shall be no outdoor parking of vehicles on the premises;

THAT all lighting shall be pointed away from residential dwellings;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received August 27, 2001”-(1) sheet, “March 1, 2002” -(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT all other conditions of the prior grant remain in effect;

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

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

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

(ALT No. 200683449)

Adopted by the Board of Standards and Appeals, April 9, 2002.

307-81-BZ

APPLICANT - Francis R. Angelino, Esq., for 50 East 69th Street Corp., owner.

SUBJECT - Application October 17, 2001 - reopening for an extension of term of variance which expired September 15, 2001.

PREMISES AFFECTED - 50 East 69th Street, Block 1383, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Christopher Caslin.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired September 15, 2001; and

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in *The City Record*, and laid over to April 9, 2002 for decision; and

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

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §72-01 and 72-22, said resolution having been adopted September 15, 1981 as amended through September 15, 1991 expiring September 15, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the resolution for ten years from September 15, 2001, expiring September 15, 2011, *on condition that*, THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received, January 25, 2002”-(12) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; and on further condition

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

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

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

(DOB No. 10298647719)

Adopted by the Board of Standards and Appeals, April 9, 2002.

926-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner.
SUBJECT - Application July 5, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

COMMUNITY BOARD #11Q

For Applicant: Lyra Altman.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired November 4, 2000; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, laid over to January 29, 2002, February 26, 2002, March 19, 2002, and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional five (5) years; and

WHEREAS, this application also seeks a minor alteration within the existing structure, to remove the interior showroom and replace it with offices.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §72-01, said resolution having been adopted November 4, 1987, expiring November 4, 2000, so that as amended this portion of the resolution shall read:

“to permit the replacement of the interior showroom with offices, and to extend the term of the resolution for five years from November 4, 2000, expiring November 4, 2005, *on condition that*, the premises be kept clean of debris and graffiti, that all lighting shall be pointed away from residential dwellings, that there will no parking on the sidewalks, that there shall be no outdoor storage, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked “Received, July 5, 2001”-(2) sheets and “February 27, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition;

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

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

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

(ALT No. 231/86)

Adopted by the Board of Standards and Appeals, April 9, 2002.

MINUTES

52-97-BZ

APPLICANT - Rosenman & Colin, LLP, for 21 Club Inc., owner.
SUBJECT - Application December 28, 2001 - reopening for an extension of time to complete construction which expired January 6, 2002.

PREMISES AFFECTED - 17/21 West 52nd Street, north side of West 52nd Street, between Fifth and Sixth Avenues, Block 1268, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: James P. Power.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of Occupancy extended

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on January 6, 2002; and

WHEREAS, a public hearing was held on this application on March 19, 2002, after due notice by publication in *The City Record*, laid over to April 9, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on January 6, 1998 expiring January 6, 2002 only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That substantial construction be completed and a new Certificate of Occupancy shall be obtained within four (4) years of January 6, 2002; and on further condition

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

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

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

Adopted by the Board of Standards and Appeals, April 9, 2002.

247-00-BZ

APPLICANT - Martyn & Don Weston, for Prince Street Corporation, owner; T.T. Day Spa Inc., lessee.

SUBJECT - Application October 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-45 41st Avenue, north side, 511'-11" west of Union Street, Block 5019, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Don Weston.

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

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City Record*, laid over to March 19, 2002 and then to April 9, 2002 for decision; and

WHEREAS, the applicant is seeking to rearrange the location of the treatment rooms to the lower floor; and

WHEREAS, one treatment room will be located on the first floor to accommodate people with disabilities; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R. §73-11, said resolution having been adopted May 1, 2001, expiring May 1, 2011, so that as amended this portion of the resolution shall read:

“to allow the relocation and arrangement of the treatment rooms to the lower floor, *on condition that*, one treatment room accessible to people with disabilities be located on the first floor, that there shall be no change in ownership or operating control, that the hours of operation shall remain limited to 9:00 A.M. to 9:00 P.M. seven days a week, that the maximum occupancy for the First Floor shall be 18 persons, and the maximum occupancy for the cellar shall be 16 persons, that all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with Board approved plans marked “Received, October 15, 2001”- (1) sheet and “March 22, 2002” -(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended

MINUTES

resolution; on further condition

THAT the maximum occupancy load for each floor shall be noted on the Certificate of Occupancy;

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

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

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

(DOB No. 401139335)

Adopted by the Board of Standards and Appeals, April 9, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.
SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.
SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Applicant: Robert M. Blakeman and Michael Raso.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 10 A.M., for decision, hearing closed.

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.

SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Barbara Hair.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner

SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August

MINUTES

10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

266-01-A thru 278-01-A

APPLICANT - Robert A. Caneco, R.A., for Alan Becker, owner.

SUBJECT - Application August 30, 2001 - proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island.

17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island.

19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island.

21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island.

23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island.

27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island.

29 Beachview Avenue, north side, 247.15' east of Boundary Avenue, Block 3686, Lot 57, Borough of Staten Island.

31 Beachview Avenue, north side, 269.15' east of Boundary Avenue, Block 3686, Lot 56, Borough of Staten Island.

33 Beachview Avenue, north side, 291.15' east of Boundary Avenue, Block 3686, Lot 54, Borough of Staten Island.

37 Beachview Avenue, north side, 323.15' east of Boundary Avenue, Block 3686, Lot 53, Borough of Staten Island.

39 Beachview Avenue, north side, 355.15' east of Boundary Avenue, Block 3686, Lot 52, Borough of Staten Island.

41 Beachview Avenue, north side, 377.15' east of Boundary Avenue, Block 3686, Lot 51, Borough of Staten Island.

43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island.

APPEARANCES -

For Applicant: Robert Caneco.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated August 27, 2001, acting on N.B. Application Nos. 500424873, 500424882, 500424891, 500424908, 500424917, 500424926, 500424935, 500424944, 500424953, 500424962, 500424971, 500424980, 500424999 reads:

“1. The street giving access to the proposed building is not duly placed on the official map therefore :

- a) No Certificate of Occupancy can be issued as Per Article 2, Section 36 of the General City Law.
- b) 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 is contrary to section 27-291 (Building Code).”

WHEREAS, by the letter dated February 1, 2002, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated August 27, 2001, acting on ALT 1. Application No. 500424873, 500424882, 500424891, 500424908, 500424917, 500424926, 500424935, 500424944, 500424953, 500424962, 500424971, 500424980, 500424999, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the Board approved plans filed with the application marked, “Received March 19, 2002”-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, April 9,

MINUTES

2002.

328-01-A thru 331-01-A

APPLICANT - Land Planning and Engineering Consultants, P.C., by Vito J. Fossella, P.E., for Kathleen A. Amoia, owner.

SUBJECT - Applications November 9, 2001 - Proposed construction of a two-family, semi-detached home, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

14 Miller Street, west side, 259.5' north of Constant Avenue, Block 374, Lot 198, Borough of Staten Island.

16 Miller Street, west side, 231.5' north of Constant Avenue, Block 374, Lot 199, Borough of Staten Island.

18 Miller Street, west side, 203.5' north of Constant Avenue, Block 374, Lot 200, Borough of Staten Island.

20 Miller Street, west side, 175.5' north of Constant Avenue, Block 374, Lot 201, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Victor Han.

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

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Staten Island Borough Commissioner, dated November 8, 2001, acting on N.B. Application Nos. 500490088, 500490104, 500490097, and 500490667 reads:

“1- Proposed building in the bed of a Mapped street, contrary to Section 35 of the New York City General Law.”; and

WHEREAS, the applicant proposes to build four, two-family semi-attached homes within the bed of a mapped, (Elmira Avenue), but unimproved street, and

WHEREAS, by letter dated January 3, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 31, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated January 23, 2002, the Department of City Planning has reviewed the above project and has no objections; and

WHEREAS, the applicant has represented that parking pads will be provided in the rear of the property; and

Resolved, that the decisions of the Staten Island Borough Commissioner, dated November 8, 2001, acting on N.B.

Application Nos. 500490088, 500490104, 500490097 and 500490667 is hereby granted under the power vested in the Board by §35 of the General City Law, and that these appeals are granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the applications marked, “Received March 5, 2002”-(1) sheet; that the proposals comply with all applicable R3-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

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

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

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

Adopted by the Board of Standards and Appeals, April 9, 2002

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Applicant: Glen V. Cutrona.

For Administration: Battalion Chief Phil Parr and John Yacovone,

MINUTES

Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 11 A.M., for decision, hearing closed.

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department; Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 11 A.M., for decision, hearing closed.

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benschaul, owner.

SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: H.Irving Sigman.

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002,

at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 9, 2002

2:00 P.M.

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

ZONING CALENDAR

71-99-BZ

CEQR # 99-BSA-126Q

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27.

PREMISES AFFECTED - 56-05 69th Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 4, 2002 acting on Applic. No. 400913179 reads:

"1. The proposed 2nd story enlargement encroaches on the rear yard and is therefore contrary to section 33-26 &

MINUTES

33-27 of the zoning Resolution.”

WHEREAS, a public hearing was held on this application on September 28, 1999 after due notice by publication in *The City Record* and laid over to October 19, 1999, November 23, 1999, January 16, 2001, December 4, 2001, January 8, 2002, February 26, 2002, March 19, 2002 and then to April 9, 2002 for decision. On April 9, 2002 the case was reopened and decision rendered; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27; and

WHEREAS, the subject site is Lot 7 of Block 2500, Queens County, on the New York City Tax Map, commonly known as 56-05 69th Street, Queens, NY, and is located approximately 100 feet from the northeasterly intersection of Grand Avenue and 69th Street; and

WHEREAS, the applicant contends that the lot area of the site is 5,834 square feet, and is currently improved with a one story and cellar office building that covers 5,696 square feet of the lot; and

WHEREAS, the applicant states that the building is an odd shape built out to the odd shape lot, and has a dimension of 22.95' by 54.73' by 70.81' by 59.39' by 101.93'; and

WHEREAS, the applicant proposes that the second floor is to be the exact shape of the first floor and built out over first floor; and

WHEREAS, Community Board 5 has recommended approval of this application but with off street parking to be provided for an additional (11) employees' vehicles, which together with the four (4) employee parking spaces in the bank lot on 69th Street will bring the total available and designated for employee parking in this lot to fifteen (15) spaces; and

WHEREAS, the subject lot is located within an R6B/C1-2 zoning district; and

WHEREAS, the applicant represents that the proposed additional second floor will eliminate the practical difficulty associated with the existing building; and

WHEREAS, the applicant states that currently, the employees work in the existing one story and cellar area, but when the second floor is completed, two of the existing departments will be located to the second floor and a conference room will be added; and

WHEREAS, the applicant also states that the proposed two story building will contain 11,392 feet of floor area that will require 19 parking spaces under zoning requirements; and

WHEREAS, the applicant represents that as the subject lot is 98% covered, there is no space for the required parking; and

WHEREAS, according to the applicant, the proposed building

on the subject lot is required to provide 19 parking spaces and 8 spaces on another nearby lot utilized by the bank; and

WHEREAS, the applicant states that the bank owns lots with 54 parking spaces and will add 11 parking spaces; and

WHEREAS, the applicant claims that the 65 parking spaces will accommodate the 27 required parking spaces and have an excess of 38 parking spaces to be provided; and

WHEREAS, the applicant states that the lot is oddly shaped; and

WHEREAS, the applicant claims that the lot has a frontage along the east side of 69th Street and extends easterly at a 90 degree angle on the northerly side of the lot 59.9 feet; the lot extends easterly at a 90 degree angle on the southernly side of the lot 11.607 feet, then extends northeasterly at an approximate 150 degree angle 54.73 feet; then northwesterly at an approximate 130 degree angle, where it meets the easternly bound extension on the northerly side of the lot; and

WHEREAS, the applicant states that the subject building is built out over the 98% of the lot along the odd dimensions; and

WHEREAS, the applicant claims that the use of the building is diminished by the reduction of efficiency of the odd shaped lot; and

WHEREAS, the factors that under Z.R. §33-27, this lot is an interior lot less than 70 feet in depth and as such is considered a shallow interior lot, combined with its irregularity, contribute to the finding of a unique physical condition; and

WHEREAS, according to the applicant, the existing one-story building is built out over 98% of the lot and covers the portion of the lot that would be the required rear yard area for the second floor enlargement; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, the site's history of conforming commercial use, site's uniquely oddly shaped lot, present a practical difficulty and unnecessary hardship for the existing Use Group 6 use, which does not comply with rear yard requirements; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a complying bulk would not yield the owner a reasonable return; and

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

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

WHEREAS, under Z.R. §33-27, since this lot is an interior lot less than 70 feet in depth and as such is considered a shallow interior lot, the required rear yard of twenty feet may be reduced by one foot for each two feet by which the maximum depth of such interior lot is less than 70 feet; and

WHEREAS, in addition, the degree of non-compliance to the rear yard requirement is not as great as it would be if it were greater than 70', and is therefore a minimal variance; and

WHEREAS, the Board find that this proposal is the minimum

MINUTES

necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group) located in a C1-2 within an R6B zoning district, which will not comply with rear yard requirements, and is contrary to Z.R. §33-26 and §33-27, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 4, 2002"-(6) sheets; and on further condition;

THAT the Certificate of Occupancy be obtained within two years;

THAT the Certificate of Occupancy will state that the facility shall provide the required accessory parking spaces for employees and customers;

THAT the Certificate of Occupancy for the subject lot shall note the specific address, block and lot number for the accessory parking facility;

THAT the Certificate of Occupancy for the accessory parking facility shall note that the parking provided is reserved for employees and customers of the subject facility;

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

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

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

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

Adopted by the Board of Standards and Appeals, April 9, 2002.

291-00-BZ

CEQR # 01-BSA-064K

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, owner.

SUBJECT - Application December 4, 2000 - under ZR §73-19 to

permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 & §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue T, southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 13, 2000, acting on Applic. #301079124, reads:

"Proposed use is contrary to Z.R.32-12 and 32-31 in that a school (community facility) use group 3A as per Z.R. 22-13 is allowed within a C8-2 zoning district only by special permit issued by the New York City Board of Standards and Appeals in accordance with standards set forth in Article VII, Chapter 3 (Z.R. 73-19)"; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in the Bulletin, laid over to August 14, 2001, October 16, 2001, November 13, 2001, December 18, 2001, February 5, 2002, February 26, 2002, March 19, 2002 and then to April 9, 2002 for decision; and

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

WHEREAS, this is an application for a special permit to allow use of the premises as a Use Group 3A school, a use that is not permitted in a C8-2 (OP) zoning district; and

WHEREAS, the site is located on the southwest corner of Coney Island Avenue and Avenue T; and

WHEREAS, the applicant seeks permission to construct a school for approximately 250 non-residential students with special needs in grades 9-12; and

WHEREAS, the site will also provide non-residential office space for approximately 40 staff members consisting of teachers, Rabbis, administrators and office staff; and

WHEREAS, the subject school was founded in 1981 and the use is currently located at 2066 East 9th Street in the Flatbush section of Brooklyn; and

WHEREAS, the applicant represents that the Flatbush location is not large enough to meet the current programmatic needs of the school; and

WHEREAS, under Z.R. §73-19, the Board may permit schools in a C8 district provided that four findings are met: (a) that

MINUTES

the within the neighborhood there is no practical possibility of obtaining a site of adequate size located in a district wherein it is permitted as of right; (b) that such school is located not more than 400 feet from the boundary of a district wherein such school is permitted as of right; (c) that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot; and (d) that the movement of traffic through the street on which the school is located can be controlled so as to protect children going to and from the school; and

WHEREAS, evidence in the record indicates that the applicant has documented attempts to locate a site where the school of required size would be permitted as-of-right; and

WHEREAS, the site is located directly across from an R-5 zoning district where school uses are permitted as-of-right; and

WHEREAS, the applicant has met the statutory pre-requisite that the school not be located more than 400' from the boundary of a district wherein such school would be permitted as-of-right; and

WHEREAS, the applicant represents that to minimize adverse noise effects to the surrounding neighbors, sound attenuation will be provided in the form of double-glazed windows; and

WHEREAS, the proposal includes measures to minimize any potential adverse effects, including those from noise and traffic, associated with the surrounding non-residential uses, including sound attenuating exterior walls of solid masonry construction and double-glazed sealed windows throughout the remainder of the building; and

WHEREAS, the building directly to the west of the site houses a residential use; and

WHEREAS, the applicant represents no students will be bused to the school because 90% of the students will either walk or take mass transit; and

WHEREAS, in response to the Board's request the applicant has represented that the school will provide a crossing guard at the intersection of Coney Island Avenue and Avenue T; and

WHEREAS, in response to community and Board concerns regarding parking and traffic congestion, the applicant represents that only approximately 10% of the students will arrive by private automobile; and

WHEREAS, by letter dated March 5th 2002, the New York City Department of Transportation's School Safety Division has reviewed the project and has no objections provided the following conditions are met: that the enrollment at the proposed school shall be limited to 250 students; that the school shall provide a crossing guard at the intersection of Coney Island Avenue and Avenue T during the proposed school's arrival and departure times (8:00 to 8:30 AM and 5:00 to 6:00 PM Monday through Thursday and 8:00 to 8:30 AM and 12:15 to 12:45 PM on Friday; that the applicant shall implement a safe route to school by

providing school crosswalks and school warning signs at intersections; that a No Standing zone shall be established along Avenue T in front of the main entrance to the school, as identified on the plan; and that the no standing regulations shall be in effect from 7:00 AM to 6:00 PM on Monday through Thursday and 7:00 to 12:15 PM on Friday;

WHEREAS, evidence in the record indicates that the proposed project will be consistent with the City's Local Waterfront Revitalization Program policies; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made for a school under Z.R. §73-19; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-19 and grants a special permit under Z.R. §73-19 to allow use of the premises as a Use Group 3A school, a use that is not permitted in a C8-2 (OP) zoning district, which is contrary to Z.R. §22-12, §32-12 and §32-31; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 18, 2001"- (13) sheets and on further condition;

THAT the enrollment at the proposed school shall be limited to 250 students;

THAT the school shall provide a crossing guard at the intersection of Coney Island Avenue and Avenue T during the proposed school's arrival and departure times (8:00 to 8:30 AM and 5:00 to 6:00 PM Monday through Thursday and 8:00 to 8:30 AM and 12:15 to 12:45 PM on Friday;

THAT the applicant shall implement a safe route to school by providing school crosswalks and school warning signs at intersections;

THAT a No Standing zone shall be established along Avenue T in front of the main entrance to the school, as identified on the plans;

THAT the No Standing regulations shall be in effect from 7:00 AM to 6:00 PM on Monday through Thursday and 7:00 to 12:15 PM on Friday;

THAT the applicant has stated that all sound attenuation measures shall be provided and maintained in accordance with BSA-approved plans;

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

MINUTES

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

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

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

THAT the 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. §73-70.

Adopted by the Board of Standards and Appeals, April 9, 2002.

380-01-BZ

CEQR # 02-BSA-086M

APPLICANT - Fredrick A. Becker, Esq., for 230 West 41st Associates, LLC, owner; TSI West 41, Inc. dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21-story commercial office structure, situated partially in both an M1-6 and a C6-6.5 zoning district.

PREMISES AFFECTED - 230 West 41st Street, southside, 320' west of Seventh Avenue, Block 1012, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 15, 2001 acting on Application No. 103031924 reads:

“1) Proposed Physical Culture Establishment is a Use not permitted as of right in M1-6 District and is contrary to section 42-10 Z.R..”

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in *The City*

Record and laid over to March 19, 2002 and then to April 9, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed physical culture establishment, located in portions of the cellar, first floor and second floor, in an existing 21-story commercial office structure, situated partially in both an M1-6 and a C6-6.5 zoning district; and

WHEREAS, the subject premises is located within the Special Midtown District; and

WHEREAS, the applicant represents that the health club will occupy approximately 21,814 square feet in portions of the cellar, first floor and second floor of the subject premises; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36 and 42-10; and

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

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

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the proposed physical culture establishment, located in portions of the

MINUTES

cellar, first floor and second floor, in an existing 21-story commercial office structure, situated partially in both an M1-6 and a C6-6.5 zoning district, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received December 3, 2001"-(4) sheets and "March 7, 2002"-(2) sheets; and on further condition;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from the date of this grant;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 9, 2002

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, northwest 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 Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik, Sally Haddock and Chuck Walsh.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

MINUTES

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2M.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Gene Kaufman.

For Opposition: Doris Diether, Community Board #2M.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

234-01-BZ

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

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth

floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane, George Fonnessa, Joe Nicholas, Daniel Davis and Sheldon Lobel.

For Opposition: Sandra Antoniani.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

259-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner.

SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an 1-2 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Robert Pauls, Chris Tartogolia and Eric Palatnik.

For Opposition: Richard Hellenbrecht and Richard Albert.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for decision, hearing closed.

280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively), located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent,

MINUTES

residential tower, street wall, accessory parking and curb cuts for accessory berths, and is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

PREMISES AFFECTED - 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser and Howard Hornstein.

For Opposition: Carole Slater, Dan Steinberg, Keelan Noble, Johna Till Johnson, Mark London, Hugh McGlincy, Tim Noble, Alene S. Yarrow and others.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

294-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21 to permit the legalization of the fourth floor of an existing four story building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel, Eric Palatnik and Anthony Meran.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

302-01-BZ

CEQR # 02-BSA-041X

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411, §73-01, to permit the proposed the reestablishment of a previous

variance under Cal. #861-48-BZ, which permitted an accessory parking facility for commercial use located in an R8 zoning district. PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for deferred decision.

304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Rabbi Kahn, Sheldon Lobel, Neil Golombeck, Benzion Weinberg, Richard Bienenfeld, Edward Klein, Harold B. Schonfeld, Reuben Rudman, David Stimler, Avraman Binsky, Miriam Lock and Brian Rothschild and others.

For Opposition: David Roth, Milton Pincus, Abraham Shalo, Ozzie J. Greenberg, Dr. Leon A. Petch, Harriet Polinsky.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department, Herzl Eisenstodt.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

397-01-BZ

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

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffery Chester and Glenn Isaacs.

MINUTES

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

ACTION OF THE BOARD - Laid over to May 14, 2002,
at 2 P.M., for continued hearing.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin,
for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to
permit the proposed construction of a twenty-two story
dormitory building (Use Group 3) to be located within a C5-4
zoning district within the Special Downtown Brooklyn District,
which does not comply with the zoning requirements regarding
setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum
Place, northwest corner, Block 271, Lots 1 and 8, Borough of
Brooklyn.

COMMUNITY BOARD#2BK

APPEARANCES -

For Applicant: Raymond Levin, Jan G. Weyler and John Tripp.

For Opposition: Frances Yaucutt, Thomas Glynn, Irma Kenneth,
Amy Breedlove and Michael Rohret.

ACTION OF THE BOARD - Laid over to June 18, 2002,
at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 7:45 P.M.

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 17

April 25, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	248
CALENDAR of May 7, 2002	
Morning	249
Afternoon	250
CALENDAR of May 14, 2002	
Morning	251
Afternoon	252-253
CALENDAR of May 21, 2002	
Morning	254
Afternoon	254-255

CONTENTS

MINUTES of Regular Meetings,
Tuesday, April 16, 2002

Morning Calendar256

Affecting Calendar Numbers:

114-94-BZ 44 Victory Boulevard, Staten Island
36-99-BZ 1347-53 East 23rd Street, Brooklyn
752-29-BZ, Vol. IV 8801 4th Avenue, Brooklyn
636-53-BZ 700 Post Avenue, Staten Island
355-54-BZ 33-29/43 9th Street, Queens
608-70-BZ 351-361 Neptune Avenue, Brooklyn
37-96-BZ 1601 Bronxdale Avenue, The Bronx
189-96-BZ 85-12 Roosevelt Avenue, Queens
236-98-BZ 103-117 Kent Avenue, Brooklyn
40-02-A 79 Tyrell Street, Staten Island
99-01-A 37-18 74th Street, Queens
35-02-A 366 Hillside Avenue, Queens

CONTENTS

Afternoon Calendar.....260

Affecting Calendar Numbers:

226-00-BZ 210 Middleton Street, Brooklyn
260-01-BZ 119-15 27th Avenue, Queens
287-01-BZ 2525 Broadway, Manhattan
368-01-BZ 88/102 Ninth Avenue, Manhattan
372-01-BZ 1982 Utica Avenue, Brooklyn
379-01-BZ 4/10 Irving Place, Manhattan
390-01-BZ/
295-71-BZ 98 Richmond Hill Road, Staten Island
34-02-BZ 1705 East 22nd Street, Brooklyn
138-01-BZ 464/74 Liberty Avenue, Brooklyn
200-01-BZ 182-15 Hillside Avenue, Queens
238-01-BZ 135-04 11th Avenue, Queens
207-01-BZ 110 Greenwich Street, Manhattan
239-01-BZ 135-16 11th Avenue, Queens
244-01-BZ 325 South First Street, Brooklyn
246-01-BZ 35-11 Prince Street, Queens
252-01-BZ 2382-2388 Creston Avenue, The Bronx
285-01-BZ 1045 38th Street, Brooklyn
301-01-BZ 371 Lafayette Street, Manhattan
321-01-BZ 25 Paidge Avenue, Brooklyn
322-01-BZ 402 Avenue U, Brooklyn
371-01-BZ 104 Charlton Street, Manhattan
385-01-BZ 1449 39th Street, Brooklyn
31-02-BZ 1924 East 24th Street, Brooklyn
33-02-BZ 306 and 316 Beach 56th Street, Queens
56-02-BZ 317 Dahill Road, Brooklyn

CORRECTIONS280

Affecting Calendar Numbers:

362-01-BZ 1255/57 Amsterdam Avenue, Manhattan
370-01-BZ 1041 East 24th Street, Brooklyn

DOCKET

New Case Filed Up to April 16, 2002

113-02-A B.M. 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

114-02-BZ B.S.I. 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island. Applic.#500509773. Proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #2SL.

115-02-A B.M. 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

116-02-A B.M. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

Lot 21, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

118-02-A B.M. 320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan. An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

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.

117-02-A B.M. 437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285,

CALENDAR

MAY 7, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 7, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.
SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

713-55-BZ

APPLICANT - Vassalotti Associates, Architects for Exxon Mobil Fuels Marketing Co., owner.

SUBJECT - Application January 2, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 181-05 Horace Harding Expressway, north east corner of Utopia Parkway and Horace Harding Expressway, Block 7065, Lot 8, Borough of Queens.

COMMUNITY BOARD #11Q

91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501,7503, 1101, 1103, Borough of Manhattan.

COMMUNITY BOARD #2M

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car Carrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.
COMMUNITY BOARD #1S.I.

MAY 7, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 7, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - An appeal challenging the Department of Buildings' decision dated September 20, 2001, which permitted the renovation of parts of subject building under the old code, when the cost of renovation of exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code.

PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

392-01-A

APPLICANT - Alfonso Duarte P.E., for J & J Realty, LLC, owner.

SUBJECT - Application December 18, 2001 - The legalization of the conversion of the residential use to commercial use (office), in an existing frame (IID) structure, is contrary to § 27-297 and Table 4-1 of the NYC Administrative Code.

PREMISES AFFECTED - 34-14 31st Street, west side, 90.11' south of 34th Avenue, Block 607, Lot 34, Borough of Queens.

MAY 7, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 7, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

303-01-BZ

CALENDAR

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

403-01-BZ

APPLICANT - Sullivan, Chester & Gardner LLP, for Trump Construction Co., owner; Yandoli Foods Corp., lessee.

SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit the reestablishment of an expired special permit previously granted under Calendar No. 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces

from 29 to 54, located in a C7-2 zoning district, which is contrary to Z.R. §73-243.

PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #13BK

17-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on portions of the second and third floors of a two and three story building, located in a C4-3 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

36-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT - Application January 22, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #7M

67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R. §73-452, to permit the legalization of off-street parking spaces, accessory to an existing community facility (church), located in an R3-2 zoning district.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

CALENDAR

Pasquale Pacifico, Executive Director

MAY 14, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 14, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim, owner.
SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.
PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.
COMMUNITY BOARD #1Q

635-57-BZ

APPLICANT - DeCampo, Diamond & Ash by Francis R. Angelino, Esq., for Landmark East 69th Street Associates I, L.P.
SUBJECT - Application January 25, 2002 - reopening for an extension of term of variance which expired January 26, 2002.
PREMISES AFFECTED - 115 East 69th Street, north side 185' east of Park Avenue, Block 1404, Lot 8, Borough of Manhattan.
COMMUNITY BOARD #8M

840-86-BZ

APPLICANT - Martyn & Don Weston, for 125 East 38th Street, LLC, owner; Picard International, lessee.
SUBJECT - Application February 7, 2002 - reopening for an extension of term of variance which expired March 3, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 125 East 38th Street, north west corner of Lexington Avenue, Block 894, Lot 17, Borough of Manhattan.
COMMUNITY BOARD #6M

1263-80-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America Inc., lessee.
SUBJECT - Application March 5, 2002 - request for a waiver of

the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 12, 2001.

PREMISES AFFECTED - 436 Tenth Avenue aka 432/438 10th Avenue and 461/469 West 34th Street, northeast corner of Tenth Avenue and West 34th Street, Block 732, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

32-91-BZ

APPLICANT - Walter T. Gorman for Fulvan Realty Corp., owner; Fulton Auto Repair Inc., lessee.

SUBJECT - Application December 28, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 838/846 Fulton Street aka 489/93 Vanderbilt Avenue, Block 2010, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #2BK

MAY 14, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 14, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

299-01-A

APPLICANT - Pillsbury Winthrop, LLP, for 42nd Street Development Project, Inc., owner; Dream Team Hotel Associates, LLC, lessee.

SUBJECT - Application October 26, 2001 - Proposed atrium located between the 9th floor to 16th Floor, is contrary to §27-521.05(c) of the Admin. Code, in that one of the required exits shall be only through an enclosed passageway or corridor conforming to the requirements of exits as per Subchapter 6 of the Admin. Building Code.

PREMISES AFFECTED - 270 West 43rd Street, bounded by 43rd Street, Eighth Avenue and 42nd Street, Block 1014, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

CALENDAR

80-02-A

APPLICANT - Kevin Saumell, R.A., for Breezy Point Cooperative, Inc., owner; Megan Fitzpatrick, lessee.

SUBJECT - Application - March 20, 2002 - Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

377-01-BZ

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit the proposed enlargement of an existing community facility, Use Group 3A, located in an SRD within an R3-1 overlay zoning district, which does not comply with the zoning requirements for floor area ratio and front yards, is contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

MAY 14, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 14, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

360-01-BZ

APPLICANT - Carl. A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

378-01-A

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York - D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - Proposed entry platform/terrace, which projects into the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

383-01-BZ

APPLICANT - The Agusta Group, for Thomas Morley, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for front yard, side yard and front wall setback, is contrary to §23-45, §23-461(a) and §23-631.

PREMISES AFFECTED - 146-01 17th Avenue, corner of 46th Place and 17th Avenue, Block 4626, Lot 8, Borough of Queens.

COMMUNITY BOARD #7Q

CALENDAR

387-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

401-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, located in an R3-2 zoning district, which is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

57-02-BZ

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §72-21, to permit the proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

58-02-A

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application - February 14, 2002 - Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

Pasquale Pacifico, Executive Director

MAY 21, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 21, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

MAY 21, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 21, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

367-01-BZ

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn. 838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §42-13, §43-232 and §43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

20-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold LLC, owner; Town Sports International dba New

York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed expansion of an existing physical culture establishment, located in a C6-4A zoning district, previously granted under Cal. No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

37-02-BZ

APPLICANT - Harold Weinberg, P.E., for Estate of Herbert Weinberg, Harold Weinberg, owner; Miriam Weinberg Eberman, contract vendee.

SUBJECT - Application April 11, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing two family dwelling (Use Group 2) located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, and is contrary to Z.R. §23-141. §23-47 and §54-31.

PREMISES AFFECTED - 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn.

COMMUNITY BOARD #15BK

84-02-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for East End Temple Congregation El Emet, owner.

SUBJECT - Application March 25, 2002 - under Z.R. §72-21, to permit the proposed expansion at the basement, first and second floor levels, of an existing synagogue (Use Group 4), located in an R7B and R9A zoning district, which does not comply with the zoning requirements for rear yard and lot coverage, and is contrary

MINUTES

to Z.R.§24-12 and §24-33.

PREMISES AFFECTED - 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 16, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 19, 2002, were approved as printed in the Bulletin of March 28, 2002, Volume 87, Nos. 12-13.

SPECIAL ORDER CALENDAR

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.

SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: John LaFemina.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended.

MINUTES

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and
Commissioner Korbey.....3
Negative:0
Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired May 2, 2000; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to March 26, 2002 and then deferred to April 16, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional five (5) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §72-01 and 72-22, said resolution having been adopted May 2, 1985 expiring May 2, 2000, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for five years from July 2, 2000, expiring July 2, 2005, on condition that, the premises be kept clean of debris and graffiti,

THAT all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with previously Board approved plans marked "May 23, 2001"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT the lot shall be kept clean at all times;

THAT landscaping shall be maintained, including trees on the sidewalk;

THAT all trees on the approved plans shall be maintained at all times;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB N.B. Applic. No. 1539)

Adopted by the Board of Standards and Appeals, April 16, 2002.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.

SUBJECT - Application August 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and
Commissioner Korbey.....3
Negative:0
Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in The City Record, laid over to February 5, 2002, March 5, 2002, March 26, 2002 and then to April 16, 2002 for decision; and

WHEREAS, the applicant proposes minor modifications to the approved plans and resolution granted on October 26, 1999; and

WHEREAS, the applicant represents that the sub-cellar and the one story window bay at the southeast corner have been eliminated; and

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on October 26, 1999 so that as amended this portion of the resolution shall read:

"to permit the elimination of the sub-cellar and the one story window bay at the southeast corner; on condition:

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received January 28, 2002"-(7) sheets, "February 25, 2002" -(1) sheet, "March 20, 2002" -(1) sheet, and "March 27, 2002" -(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT the primary function of the staircase leading from the storage shed to the cellar shall be to facilitate pool service and maintenance;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

MINUTES

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the 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. 300829600)

Adopted by the Board of Standards and Appeals, April 16, 2002.

752-29-BZ, Vol. IV

APPLICANT - Jack Gamill, P.E., for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.

SUBJECT - Application November 27, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000.

PREMISES AFFECTED - 8801 4th Avenue, south east corner of 4th Avenue and 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Jack Gamill.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for decision, hearing closed.

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

APPEARANCES -

For Applicant: David L. Businelli.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

608-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

SUBJECT - Application November 14, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Arthur Sullivan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for decision, hearing closed.

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

MINUTES

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

189-96-BZ

APPLICANT - John C Chen, A.I.A., for Ping Yee, owner; Edith D'Angelino-Canandonga, lessee.

SUBJECT - Application October 25, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 19, 2001.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

For Applicant: John C. Chen.

For Opposition: Battalion Chief Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for decision, hearing closed.

236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Femicola, owner.

SUBJECT - Application September 4, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block 1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

For Applicant: Deidre A. Carson.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for decision, hearing closed.

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto,

owner.

SUBJECT - Application January 30, 2002 - Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Betty A. Pietrangelo.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated January 14, 2002, acting on Application No. 500512046, reads:

- 1) Street giving access to the Proposed Building is not placed on the official map of the City of New York, Therefore :
No Certificate of Occupancy can be issued as per Article 3 , Section 36 of the General City Law and,
- 2) Permit may not be issued since proposed construction does not have a 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 March 7, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 27, 2002, Community Board #3 has approved this application; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated January 14, 2002, acting on Application No. 500512046, is modified under the power vested in the Board by § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received April 3, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the

MINUTES

Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 16, 2002.

99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 and Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

For Opposition: John Reisinger, Department of Buildings.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Korbey.....3

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for decision, hearing closed.

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. §23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 16, 2002 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of an eight-story, 43 unit multiple dwelling, on a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 28, 2000 acting on Applic. No. 300856928 reads:

“Zoning Objection: Residential use contrary to Z.R. 42-10. Must be referred to the Board of Standards and Appeals. There are no applicable bulk yard or parking regulations.”

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in The City Record and laid over to August 14, 2001, September 11, 2001 November 20, 2001, December 4, 2001, January 5, 2002, January 29, 2002, February 12, 2002, and March 26, 2002 and then to April 16, 2002 for decision; and

WHEREAS, Community Board #1 in Brooklyn recommended approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chairman Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit the proposed erection of a part six story, part 8 story, 43 unit multiple dwelling, on a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10; and

WHEREAS, the subject lot fronts upon and is bounded by two city streets, 135 feet upon Middleton Street and 100 feet upon Throop Avenue in the Williamsburg section of Brooklyn; and

WHEREAS, the subject site is a long vacant tract never having been developed (other than a parking lot) since the theater formerly occupying this site was demolished in approximately 1940; and

WHEREAS, the applicant represents that across Middleton Street the zoning district is R-6, and the site is directly adjacent on both frontages to the other uses now under modernization; and

WHEREAS, the site is also across the street from a similar residential development on Broadway; and

WHEREAS, according to the applicant the site is currently being used alternatively for parking and for open storage of lumber under temporary arrangement to defray a portion of the site's carrying costs; and

WHEREAS, the applicant claims that except for the temporary occupancy, the site is vacant, and has been vacant for over fifty years; and

WHEREAS, the applicant contends that the immediate surrounding area is characterized by both residential, community facility, and commercial/light manufacturing uses; and

WHEREAS, adjacent to and across the streets are residential uses and multiple dwellings; and

WHEREAS, the applicant proposes to erect a part six story, part 8 story, 43 unit multiple dwelling, fronting both upon Middleton Street and Throop Avenue; and

WHEREAS, an eighteen car accessory parking facility is also proposed by the applicant within the cellar of the building with a curb cut onto Throop Avenue; and

WHEREAS, according to the applicant the building will be constructed of masonry, fireproof construction and will comply with all fire safety local laws; and

WHEREAS, the applicant states that each apartment features, in addition to standard design, several bedrooms and bathrooms, dual kitchens, and study and recreation areas comply with all specified Quality Housing Amenities; and

WHEREAS, the applicant claims that the scale of the buildings will be comparable to other multiple dwellings in Williamsburg; and

WHEREAS, the subject lot is a long vacant zoning lot historically developed with a theater; and

WHEREAS, evidence in the record indicates that the site is burdened and saddled with the rubble filled cellars and remaining extensive foundations from this theater formerly located on the site; and

WHEREAS, presently the site is vacant (except for temporary parking and open storage occupancy for administrative purposes); and

WHEREAS, according to the applicant, development of this site will entail remedial measures as a result of the site's unique history of development; and

WHEREAS, this fact distinguishes this lot from others in the radius, and leads to more costly measures to properly deal with these extensive pre-existing foundations; and

WHEREAS, the applicant claims that the unique site history creates an unnecessary hardship in conforming with the strict application of the Zoning Resolution; and WHEREAS, the Board finds that the aforementioned unique physical conditions which are the result of the site's unique history of development (the remedial measures of removing the rubble filled cellars and remaining extensive foundations from this theater formerly located on the site), present a practical difficulty and unnecessary hardship for a conforming use, which does not comply with rear yard requirements; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield a reasonable return; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, at the request of the Board the building has been revised from its original proposal “in essence,” to reflect R7-1 zoning district development, the building has been set back twenty five (25) feet above the sixth story, and the overall height has been reduced over seven feet; and

MINUTES

WHEREAS, at the request of the Board the overall zoning lot, which is comprised of both corner and interior portion, provides R7-1 equivalent yard, lot coverage and open space; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 to permit the proposed erection of an eight-story, 43 unit multiple dwelling, on a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10, on condition that all work shall substantially conform to drawing, sheet A-2, as it applies to the objections above noted, filed with this application marked "Received March 19, 2002 "-(1) sheet, and on further condition;

THAT the subject building shall be of fireproof construction, comply with all applicable fire safety codes including as noted on plan sheet A-2, Local Law 10 of 1999 and the fire alarm and sprinkler system shall be connected to a Fire Department-approved central monitoring station. The proposed building shall also be equipped with exit signs and smoke detectors as required by applicable fire safety codes;

THAT the subject building shall comply with all R7-1 zoning district regulations other than the exceptions for rear yard requirements as granted by the Board;

THAT the Certificate of Occupancy be obtained within two years;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 16, 2002.

260-01-BZ

APPLICANT - Law Offices of Howard Goldman for Jus Sara Jac Corp., LLC, owner; Waterview Nursing Care Center, lessee.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply with height of the front wall and side yard setback, is contrary to Z.R. §§24-551 and 24-521.

PREMISES AFFECTED - 119-15 27th Avenue, bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Chris Wright.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 30, 2001 acting on Applic. No. 401230547 reads:

“Objection 1:

Proposed expansion of community facility does not comply with 24-521 of the NYC Zoning Resolution (Front Wall Setbacks for community facility building in residential district).

Objection 2:

Proposed expansion of community facility does not comply with 24-551 of the NYC Zoning Resolution (Side Yard Setbacks for Community facility building in residential district).”; and

WHEREAS, a public hearing was held on this application on December 4, 2001 after due notice by publication in The City Record and laid over to January 15, 2002, February 26, 2002, March 19, 2002 and then to April 16, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement of a nursing home community facility, located in an R4 zoning district, which does not comply

MINUTES

with height of the front wall and side yard setback and is therefore contrary to Z.R. §§24-551 and 24-521; and

WHEREAS, the subject site consists of a 200 bed proprietary residential health care facility located at 119-15 27th Avenue in the College Point section of Queens; and

WHEREAS, the applicant proposes to modernize and expand its facility, which was constructed in the 1950's; and

WHEREAS, the existing complex includes a three-story wing that covers almost the entire southern portion of the lot, fronting on 27th Avenue, connected to a one-story wing located on the northwest and northeast corners of the lot; and

WHEREAS, the applicant proposes the demolition of the northwest wing and the construction of a four-story addition that would span almost the entire length of the lot along 26th Avenue; and

WHEREAS, the applicant represents that the southern three-story wing would remain and would be modernized; and

WHEREAS, the proposal seeks to approximately double, from 57,000 to 112,000 square feet, the gross square footage of the complex, the total number of beds would increase from 200 to 239 and the staff would increase from 250 to 260; and

WHEREAS, the applicant represents that of the residential health care facility's existing 200 beds, 121 are in non-compliance with New York State Department of Health ("DOH") regulations, primarily due to inadequate room size; and

WHEREAS, the applicant claims that these improvements would modernize the existing facility to provide state-of-the-art services to its geriatric population, bring all existing beds into compliance with current State regulations and provide additional beds for treatment of seriously impaired children and young adults; and

WHEREAS, also, the applicant further represents that the State DOH has issued a Certificate of Need authorizing the residential health care facility to increase from 20 to 39 the number of beds that will serve patients under the age of 35 with serious impairments including multiple sclerosis, muscular dystrophy and traumatic brain injuries; and

WHEREAS, the applicant is applying for two variances; and

WHEREAS, one involves a height and setback variance for the fourth floor (above elevation 35') to maintain the same floor plate as the lower levels, so as to provide the required number of beds; and

WHEREAS, the second variance involves a side yard setback along an unmapped portion of 26th Avenue; and

WHEREAS, the applicant states that Twenty-sixth Avenue currently ends at the prolongation of 120th Street and is not mapped through to 119th Street; and

WHEREAS, the applicant represents that as a result, a requirement for a side yard setback is created above the third floor in front of the new building between 119th Street and the prolongation of 120th Street; and

WHEREAS, a variance is requested by the applicant in order to maintain the same floor plate as the lower floors; and

WHEREAS, the applicant states that the proposed side yard will allow a 20-foot inner court to be provided between the new north wing and the existing south wing; and

WHEREAS, concurrently with this application to the BSA, the applicant is seeking a special permit from the City Planning Commission; and

WHEREAS, the project requires a special permit from CPC under Section 74-90 of the Zoning Resolution to allow for the expansion of a nursing home within Queens Community District 7; and

WHEREAS, also, the as-of-right FAR for a nursing home in an R4 district is 0.75 and the proposed FAR is 1.93; and

WHEREAS, a special permit under Section 74-902 of the Zoning Resolution, which allows up to 2.00 FAR for qualifying community facilities has also been requested; and

WHEREAS, the subject site consists of a three-story building on the south and two irregularly shaped one-story wings on the north; and

WHEREAS, the applicant represents that the three-story wing is connected to each one-story structure by a corridor, but the one-story structures are not connected to each other; and the building form is irregular and inefficient; and

WHEREAS, the applicant further represents that the northerly street, 26th Avenue, is not fully mapped adjacent to the site, while the westerly street, 119th Street, is mapped but not opened; and

WHEREAS, the applicant represents that the proposed modernization of the existing southern building and construction of a new building facing it to the north, with connections on all floors, will create a regular building form with sufficient floor area to meet the nursing home community facility's programmatic needs and DOH standards; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject site; and

WHEREAS, the configuration of the site results in an inability to make improvements or changes that would result in addition of floor area and the need to create a regular building form with sufficient floor area to meet the nursing home community facility's programmatic needs and DOH standards; and

WHEREAS, the record indicates that the ability to provide the proposed floor area will greatly enhance the day to day quality of life of the nursing home; and

WHEREAS, the Board finds that the proposed non-complying design is necessary in order to meet the programmatic needs of the nursing home, as the subject nursing home does provide an adequate area to accommodate the residents and meet DOH requirements; and

MINUTES

WHEREAS, these circumstances create a unique burden on the nursing home, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a complying development will not yield a reasonable return; and

WHEREAS, the applicant states that the project is located in a low density residential neighborhood which ends one block south and one block east of the site; and

WHEREAS, the adjoining neighborhood is industrial, however, the proposed project site is the southernmost of three consecutive community facility nursing homes; and

WHEREAS, the applicant represents that the proposed expansion of nursing home community facility will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood; and

WHEREAS the applicant asserts that the additional bulk will be well distributed across the northern half of the site and the overall building will only increase by one story and the existing building will remain lower in height than the two adjacent nursing home community facilities and will be in character with the surrounding low-rise neighborhood; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the adjoining area residence district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board and the NYC Department of City Planning ("DCP") has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals adopts a Conditional Negative Declaration issued by DCP, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning

district, which does not comply with height of the front wall and side yard setback, is contrary to Z.R. §§24-551 and 24-521, on condition that all work shall substantially conform to Board approved drawings as they apply to the objections above noted, filed with this application marked "Received August 24, 2001"- (10) sheets and "November 14, 2001"- (1) sheet; and on further condition;

THAT the proposed enlargement obtain certification from CPC pursuant to Section 22-42;

THAT the proposed enlargement obtain certification from CPC pursuant to Section 74-90 of the Zoning Resolution to allow for the expansion of a nursing home within Queens Community District 7;

THAT a special permit under Section 74-902 of the Zoning Resolution, which allows up to 2.00 FAR for qualifying community facilities be obtained from CPC also; THAT the development shall comply with all fire safety measures noted on Sheet A-2 of the Proposed Site Plan;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted; and

THAT a new Certificate of Occupancy be obtained within four (4) years from the date of this resolution.

Adopted by the Board of Standards and Appeals, April 16, 2002.

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

MINUTES

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 9, 2001 acting on Application No. 101951802 reads:

“1) Proposed Physical Culture Establishment is not permitted as of right in C4-6A District. Therefore, it is contrary to section 32-10 Z.R..”

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in The City Record and laid over to April 16, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by New York State licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in

the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a 21-story mixed use building in both a C4-6A and an R8 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received October 16, 2001”-(5) sheets and “April 5, 2002” -(1) sheet; and on further condition;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT the hours of operation shall be from Monday to Thursday 6:00 a.m. - 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. - 7:00 p.m.;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of nine (9) years from the date of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

MINUTES

Adopted by the Board of Standards and Appeals, April 16, 2002.

368-01-BZ

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the addition of a small penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lori Cuisiner.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2001 acting on Applic. No. 103044180 reads: "The change of use from an existing Use Group 3 community facility with sleeping accommodations to proposed Use Group 5 transient hotel does not comply with Zoning Resolution Section 33-121 because the proposed transient hotel will exceed the permitted commercial FAR for commercial uses in an R8 (C2-5) zoning district."; and

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in The City Record and laid over to March 19, 2002 and then to April 16 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the addition of a penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning

requirements for floor area ratio and is contrary to Z.R. §33-121; and

WHEREAS, the applicant represents that the subject lot is currently improved with a 11-story building containing 55,620 square feet of floor area (3.0 FAR), housing community facility uses consisting of 18,400 square feet of lot area, with a frontage of 184 feet on the eastern side of Ninth Avenue and a 100-foot depth along the northern side of West 16th Street and the southern side of West 17th Street; and

WHEREAS, evidence in the record indicates that the building contains 108 "hotel or dormitory room units," each of which is approximately 257 square feet, and was utilized by a not-for-profit entity to house its guests and the building; and

WHEREAS, the Zoning Lot lies entirely within an R8 (C2-5) zoning district (general residence district with a commercial overlay permitting local retail and services); and

WHEREAS, within an R8 (C2-5) zoning district, residential buildings may achieve a density of 6.02 FAR or a total maximum permitted floor area of 110,768, - 36,800 square feet of which may be utilized as commercial space; and

WHEREAS, a conversion of the existing community facility to a transient hotel as proposed in this application, will result in a total floor area of 64,180 in which the commercial portion exceeds the permitted commercial floor area by 27,380 s.f.; and

WHEREAS, the applicant states that the proposed hotel will consist of the existing 11-story structure with an additional 800 square foot penthouse/guest suite and an eating and drinking establishment comprising 6,800 square feet on the first story; and

WHEREAS, the proposed Hotel development would add 8,560 square feet of new space to the existing 55,620 square feet of floor area contained in the Existing Building; and

WHEREAS, the applicant contends that in order to be financially feasible, the Hotel must be developed as "boutique" hotel which will provide 120 rooms and 1 guest suite; and

WHEREAS, the proposed 18,400 square foot sub-cellar will accommodate the Hotel's laundry room, service areas, staff locker rooms and toilets, and mechanical equipment rooms; and

WHEREAS, the application will also provide for a 7,060 square foot accessory parking garage with a 36-car capacity which will be accessed by way of an auto ramp located on a separate zoning lot directly east of the Site along West 16th Street; and

WHEREAS, the applicant states that the Existing Building's cellar will provide a kitchen for the restaurant proposed for the first story, as well as storage areas and bathrooms; and

WHEREAS, the lobby leads into an 8,000 square foot former ballroom with a double-height ceiling that is proposed as commercial space to be occupied by Use Group 5 through Use Group 9 uses; and

WHEREAS, the applicant further states that the Hotel's mezzanine, which can be accessed by two stairways in the cellar-level commercial space (or by the elevator banks) will accommodate

MINUTES

the executive offices, the Hotel staff locker rooms (including toilets, showers and lounge area or lunch room), a mechanical room and public toilets; and

WHEREAS, the applicant proposes to include approximately 7,760 square feet of new construction in the hotel's first floor that is currently non-required open space; and

WHEREAS, the Hotel will consist of a 2,500 square foot lobby in the southern section, and a 4,500 square foot restaurant (plus a 960 square foot kitchen) at the northern section; and

WHEREAS, the applicant notes that the proposed typical floor plan is largely dictated by the Existing Building's 35' by 152' configuration (on the second through eleventh floors) and the center elevator core, which occupies approximately 160 square feet of space on each floor; and

WHEREAS, the above configuration allows twelve guests rooms per floor along the western half of the Hotel's floor plate on floors two through eleven; and

WHEREAS, the applicant contends that the guest suite is an important component of this boutique hotel scheme because the building's configuration limits each room on all other floors to 225 square feet and the guest suite will draw a premium according to the applicant's feasibility study; and

WHEREAS, the applicant states that building out the existing plaza to include the restaurant/bar and lobby will enable the Hotel to provide services to its guests in a manner customary to boutique hotels in New York City; and

WHEREAS, the applicant describes the area as characterized by a mix of R8 and R8B zoned residential building types and sizes, including numerous multiple dwellings ranging from three to eight-stories (many of which are tenement "walk-ups"), loft buildings and community facilities, which are predominately located to the north, east and west of the Site; and

WHEREAS, the record indicates that the R8 zoned blocks have a C2-5 overlay running the depth of 100 feet on the west side of Ninth Avenue and north of the site and on the east side of Ninth Avenue, the 100-foot deep block-front is zoned R8B (C2-6A) between West 17th and 18th Streets and R7-B(C2-6A) between West 18th and 21st Streets; and

WHEREAS, the applicant claims that as such, ground floor retail establishments proliferate along the Avenue north of West 16th Street; and

WHEREAS, the applicant states that the area to the Hotel's east is zoned R8B (general residence district) and to the south and southwest is zoned M1-5 (loft areas located mainly within Manhattan CBD); and

WHEREAS, the Port Authority Commerce Building comprises the entire block opposite the Hotel across West 16th Street and across Ninth Avenue and west of the Hotel are located several parking garages, a community center and warehouse buildings; and

WHEREAS, the applicant represents that the Existing Building at the Site is impractical and presents a unique condition leading to a hardship due to its narrow and inefficient 35 foot by 152 foot floor plates on the second through eleventh floors; and

WHEREAS, the applicant contends that the community facility as-of-right alternative, a dormitory, would be impractical because each room could house only one student and universities generally prefer to house at least two persons per dormitory room and, moreover, its location away from existing Manhattan universities also renders it impractical; and

WHEREAS, the applicant further contends that the residential as-of-right alternative, an apartment building, would also be impractical because of the narrowness of the building, the single loaded corridors and the central elevator core which would allow for only shallow apartments; and

WHEREAS, the applicant claims that the mixed-use as-of-right alternative would also be impractical because of the extremely small apartment units and the minimum number of as-of-right hotel rooms which could be produced, thus, the Site cannot be developed within relief from the Zoning Resolution's bulk requirements; and

WHEREAS, the applicant states that although the site's lot itself measures 100 feet in depth by 184 feet in width, the Site is improved with an inefficiently shaped building that measures approximately 35 feet in depth and 152 feet in width; and

WHEREAS, according to the applicant, approximately 14'7" of the building's width comprises a north-south corridor, elevator banks, storage and mechanical rooms and two sets of stairwells; and

WHEREAS, the applicant claims that the existing configuration for this north-south floor area cannot be effectively changed and the stairwells are required as a second means of egress, thus, the open plaza area must be partially developed with Hotel's proposed eating and drinking facilities flanking a new smaller open space that leads to the new Hotel lobby; and

WHEREAS, the applicant states that the floor plans for the Hotel has been designed to overcome the difficulties and impracticalities imposed by the Existing Building by having all hotel guest rooms provide adequate square footage per person to allow a safe, healthy and uncrowded environment; and

WHEREAS, the applicant claims that the square footage required for the stairway, elevators and mechanical shafts the guest room floor approximates 39% of each floor's total square footage, and their existing location, as well as the building's narrow floor plate, negates the possibility of an internal reconfiguration; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the obsolescence due to its narrow and inefficient 35 foot by 152 foot floor plates at the second through eleventh floors, presents a practical difficulty and unnecessary hardship for the existing community facility use, which does not comply with rear yard requirements; and

MINUTES

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a complying bulk would not yield a reasonable return; and

WHEREAS, the applicant states that for all intents and purposes, the community facility is currently set up and operates as a "hotel" for Chinese students and visitors; and

WHEREAS, the applicant claims that the proposed Hotel site is located in the thriving Chelsea neighborhood, which is characterized by a mix of building types and sizes and uses, including mid- and low-rise buildings and residential, commercial and manufacturing uses; and

WHEREAS, the applicant further claims that the minimal square footage increase resulting from new construction at the Site will have no negative impact on the neighborhood; and

WHEREAS, the applicant states that the "porthole" design will be replicated on the new construction, thus creating a harmonious relationship with the existing building; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board find that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the addition of a small penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121, 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 5, 2002"-(10) sheets; and on further condition;

THAT the Certificate of Occupancy be obtained within two years;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 16, 2002.

372-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc, lessee.

SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.

PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated October 29, 2001 acting on Application No. 301241537 reads:

"Proposed construction of gasoline filling station with accessory convenience store, Use Group 16, in a C2-2 within

MINUTES

an R3-2 zoning district is contrary to BSA Calendar 94-97-BZ and therefore must be referred to the BSA.”; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to March 26, 2002 and then to April 16, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station, Use Group 16, with an accessory convenience store located in a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Calendar Number 94-97-BZ and Z.R. §32-25; and

WHEREAS, the proposed site is comprised of lot numbers 44 and 49; and

WHEREAS, the applicant represents that lot number 44 is a square corner parcel with a lot area of 10,000 square feet, fronting on Utica Avenue and Avenue L, and is improved with an existing gasoline service station; and

WHEREAS, the applicant further represents that the adjacent lot, number 49 is the site of a now non-operating used car sales lot with 60 feet of frontage on Utica Avenue; and

WHEREAS, in 1954, under Calendar Number 928-53-BZ, the Board permitted, in a business use district, the erection and maintenance of a gasoline service station, auto washing, lubritorium, storage and sale of accessories and office (Use Group 16) for a term of 15 years; thereafter in 1955 and 1957 the Board approved minor changes to approved plans; in 1955 the Board granted an extension of time to complete construction to December 29, 1955; in 1969 and 1979 the Board granted extension of the term of the variance for two additional terms of 10 years; and

WHEREAS, evidence in the record indicates that the premises continued to be operated as a gasoline service station until 1991 when such use was discontinued and the underground storage tanks were sealed; and

WHEREAS, in 1997, under Calendar Number 94-97-BZ, the Board granted an application to permit a change in use groups and the construction of a self-serve gas station with an accessory convenience store; and

WHEREAS, the site is improved with an existing 411 square foot brick building with six pump islands and three 10,000 gallon underground storage tanks; and

WHEREAS, the applicant seeks to demolish the existing building and to replace the existing 11,000 square foot service station with a new 16,000 square foot automotive service station with an accessory convenience store, and to install a solar energy collecting vehicular canopy over the proposed six multi-product dispensers; and

WHEREAS, the applicant represents that the proposed structure will contain 2,400 square feet of floor area, 1,144 of which will be sales area; and

WHEREAS, the proposed total illuminated signage is 98.67 square feet and the proposed total non-illuminated signage is 139.69 square feet; and

WHEREAS, the applicant states that there will be an eight (8) foot high chain link fence with privacy slats and six (6) foot high evergreens that will screen the perimeter of the site, which adjoins a residential district; and

WHEREAS, the applicant also states that there will be a five (5) foot high masonry wall with a three (3) foot high solid vinyl fence on top along the western property line; and

WHEREAS, the applicant represents that parking for nine (9) vehicles will be provided in addition to the spaces at the pump island; and

WHEREAS, this application does not conflict with the requirements of Z.R. §73-211; and

WHEREAS, Z.R. §73-211(a) requires that the site has a minimum area of 7,500 square feet; and

WHEREAS, the premises meets this requirement because it is 16,000 square feet; and

WHEREAS, Z.R. §73-211(b) requires that a site not located on an arterial highway or a major street must have a maximum area of 15,000 square feet; and

WHEREAS, since the premises is located on the corner of two major streets, Utica Avenue and Avenue L, this condition does not apply; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-211 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-21, and grants a variation in the application of the Zoning Resolution, limited to the objection cited, for a special permit under Z.R. §73-211 to permit the proposed expansion and construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Calendar Number 94-97-BZ and Z.R. §32-25, on

MINUTES

condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 15, 2002"-(6) sheets; and on further condition;

THAT the term of the special permit shall be limited to ten years expiring on April 16, 2012;

THAT there shall be no open storage or parking of motor vehicles at the subject site;

THAT the premises shall be maintained free of graffiti and debris;

THAT the proposed accessory convenience store hours shall be limited to 5:30 AM to 12:00 Midnight daily;

THAT there shall be no sale of alcoholic beverages in this store;

THAT there shall be an eight (8) foot high chain link fence and six (6) foot high evergreens that shall screen the perimeter of the site;

THAT the fences and gates shall be of legal and uniform height;

THAT there will be no lubrication, repair or washing of cars at the Premises;

THAT the automobile vacuums shall only be used from 9 A.M. to 9 P.M.;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA-approved plans;

THAT landscaping shall be provided and maintained in accordance with BSA-approved plans;

THAT a five (5) foot high masonry wall with a three (3) foot high solid vinyl fence on top along the western property line shall be provided;

THAT parking for nine (9) vehicles shall be provided in addition to the spaces at the pump island;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy be obtained within one year of the date of this resolution.

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 16, 2002.

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 102552514 reads:

"(1) Proposed Physical Culture Establishment is a use not permitted as of right in C6-3X District and is therefore contrary to section 32-10 Z.R.."

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in The City Record and laid over to April 16, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the basement, first floor and second floor of an existing 33-story commercial office structure in a C6-3X zoning district; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by New York State licensed massage therapists; and

MINUTES

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the applicant represents that no exterior alterations to the historic landmark building will be made; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and
Cal. No. 379-01-BZ

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the basement, first floor and second floor of an existing 33-story commercial office structure in a C6-3X zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received December 3, 2001"-(5) sheets and "January 16, 2002"-(1) sheet; and on further condition;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT the hours of operation shall be from Monday to Thursday 6:00 a.m. - 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. - 7:00 p.m.;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of nine (9) years from the date of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §73-70; THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 16, 2002.

138-01-BZ

APPLICANT - Geroge E. Berger, for Love Fellowship Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing church (Use Group 4) located in an M1-1 zoning district, also an increase in the size of the building which will penetrate the sky exposure plane and extend into the required open space is contrary to Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a.k.a. 179/87 Bradford Street, southeast corner, Block 3708, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 16, 2002.

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

MINUTES

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §§33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Administration: Captain Arthur Haven and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 11, 2001 acting on Application No. 401196031 reads:

“Objection #1 - The proposed enlargement of the building’s existing non-complying floor area must comply with ZR 54-31.

Objection #2 - The proposed floor area and floor area ratio exceeds that permitted by ZR 33-161.

Objection #3 - The Proposed sky exposure plane on the south exposure of the plane exceeds that permitted by ZR 33-441.”; and

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in The City Record and laid over to October 16, 2001, December 18, 2001, February 5, 2002, March 5, 2002, March 19, 2002, and then to April 16, 2002; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §§33-441, 33-161 and 54-31; and

WHEREAS, Community Board 8 in Queens has approved this application; and

WHEREAS, the subject site consists of the subject premises is improved with a 400 bed skilled nursing home facility providing a full array of services, from short term rehabilitative stays to long term residences; and

WHEREAS, the facility is developed on an irregularly shaped lot of 51,748 square feet at the northeast corner of Hillside Avenue and Avon Street and in addition to the nursing home building, the site provides on-site parking for forty-one vehicles and features landscaped areas along much of its perimeter; and

WHEREAS, immediately north of and adjacent to the Premises, in an R5 zoning district, is a large 6-story apartment complex stretching to a width of almost 500 feet, on almost two acres; and

WHEREAS, east of the Premises and in the same block are a public parking lot and garage and a 12-story apartment building, each within a C2-2 district mapped within an R5 district; and

WHEREAS, across Avon Street and immediately west of the Premises is a fast food restaurant and across the four lanes of Hillside Avenue to the south is a public school and a row of low-rise buildings featuring residences above ground floor commercial uses; and

WHEREAS, the applicant proposes to modernize and expand its facility, which was constructed in 1974; and

WHEREAS, the applicant represents that the variance will allow the nursing home to meet programmatic needs brought about by (a) the current standards for geriatric care facilities that have evolved since the facility was built in 1974, and (b) the expectations of the nursing home’s clientele and referring hospitals for the level of care in contemporary nursing home facilities; and

WHEREAS, specifically, an enlargement of the penthouse floor by developing that portion of the floor designed as a rooftop sitting area, will enable the nursing home to expand its rehabilitative services such as physical therapy and occupational therapy facilities, presently located in the building’s sub-cellar level, to a new, larger space; and

WHEREAS, the applicant represents that this will provide what is considered by today’s standards to be an adequate area for modern equipment and treatment programs; and

WHEREAS, three new elevators will be installed to help alleviate severe vertical circulation problems; and

WHEREAS, the applicant states that the penthouse floor expansion and addition of three elevators (two for general circulation and one for service), as well as a small column of ancillary space on the first through eleventh floors, constitute an “enlargement” because they involve an increase in floor area; and

WHEREAS, the applicant proposes that there will also be a cellar level expansion which does not involve an increase in floor area because it occurs below grade; and

WHEREAS, the applicant states that the new subsurface space consists principally of expansion of the cellar floor for a

MINUTES

dialysis center, along with a small new area on the sub-cellar floor for the relocation of a fire pump; and

WHEREAS, the applicant states that the enlargement above grade and below grade additions are necessary to insure the present and long term viability of the nursing home; and

WHEREAS, the applicant represents that there are no more options for reallocating the existing space in the building to expand existing services or necessary additional services; and

WHEREAS, the existing elevators are overburdened to a point where only a reasonable alternative is the increase in the number of nursing home's elevators; and

WHEREAS, the obsolescence of the nursing home's existing building constitutes a unique physical condition that creates practical difficulties and unnecessary hardship; and

WHEREAS, despite significant changes in applicable New York State Department of Health (DOH) regulations, increased and different services demands based on shifting industry standards, and changes in facility's patient population, the nursing home still has its original configuration; and

WHEREAS, this has resulted in inadequate physical and occupational therapy space, poor vertical circulation building-wide, and no opportunity for new and essential on-site services such as dialysis and cardiology care; and

WHEREAS, the applicant represents that the proposed modernization of the existing building will create a regular building form to meet the nursing home community facility's programmatic needs and State DOH standards; and

WHEREAS, the applicant represents that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject site; and

WHEREAS, the configuration of the site results in an inability to make improvements or changes that would result in addition of floor area and the need to create a regular building form with sufficient floor area to meet the nursing home community facility's programmatic needs and DOH standards; and

WHEREAS, the applicant claims that these improvements would modernize the existing facility to provide state-of-the-art services to its geriatric population; and

WHEREAS, the record indicates that the ability to provide the proposed floor area will greatly enhance the day to day quality of life of the nursing home; and

WHEREAS, the Board finds that the proposed non-complying design is necessary in order to meet the programmatic needs of the nursing home, as the subject nursing home does not provide an adequate area to accommodate the residents and meet State DOH requirements; and

WHEREAS, these circumstances create a unique burden on the nursing home, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant represents that nursing home has been part of its community for 27 years; and

WHEREAS, the applicant states as the requested variances entail no changes in use of intensity, and as the increases in floor area, footprint, and height are minor, the nursing home use and building will remain in harmony with its neighborhood; and

WHEREAS, the applicant represents that the nursing home is significantly distant from any other building, and there is no neighborhood building as high, the proposed increase in building height is modest and there will not be significant effect upon the views and access to light and air from neighboring properties; and

WHEREAS, the applicant represents that the proposed expansion of the nursing home community facility will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood; and

WHEREAS the applicant asserts that the additional bulk will be well distributed across the northern half of the site and the overall building will only increase by one story and the existing building will remain lower in height than the two adjacent nursing home community facilities and will be in character with the surrounding low-rise neighborhood; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the adjoining area residence district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board and the NYC Department of City Planning ("DCP") have conducted an environmental review of the proposed action and have carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals adopts a Negative Declaration issued by DCP, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the

MINUTES

application of the Zoning Resolution, limited to the objections cited, to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §§33-441, 33-161 and 54-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 19, 2001"- (12) sheets; and on further condition;

THAT the proposed enlargement obtain a special permit from the City Planning Commission (CPC) pursuant to Section 22-42;

THAT a special permit under Section 74-902 of the Zoning Resolution, which allows up to 2.00 FAR for qualifying community facilities be obtained from CPC also; THAT the development shall comply with all Fire Department requirements;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT a new Certificate of Occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, April 16, 2002.

238-01-BZ

APPLICANT - The Agusta Group for Aquarius Corp., owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-04 11th Avenue, southeast corner of 135th Street, Block 4016, Lot 52, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 16, 2002.

390-01-BZ /295-71-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES -

For Applicant: Steven Sinacori.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 14, 2001 acting on Application No. 500512411 reads:

“ Proposed parking requirements for proposed furniture store (Use Group 10) (PRC 81) at one space for every 400 square feet of floor area requires Special Permit from Board of Standards & Appeals pursuant to Z.R 73-44.”

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in The City Record and laid over to April 16, 2002 for decision; and

WHEREAS, the Board notes that this application was heard with a companion Special Order Calendar case under Calendar Number 295-71-BZ; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit, under Z.R. §§ 73-03 and 73-44, on a site previously before the Board, to permit, in a C4-1 zoning district, the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store; and

WHEREAS, under Calendar Number 295-71-BZ the applicant requested and was granted, a reopening for an amendment to the prior resolution reflecting the erection of a 50,000 square foot building; and

WHEREAS, the proposed furniture store will be housed in a freestanding building of approximately 50,000 square feet located

MINUTES

on the inboard side of the Mall's internal roadway, north of the existing Macy's store fronting on Richmond Hill Road; and

WHEREAS, the record indicates that the proposed furniture store is classified as a (Use Group 10) with a parking requirement category of "PRC B1"; and

WHEREAS, the applicant represents that the use of the proposed building will be limited to a furniture store use (Use Group 10); and

WHEREAS, the proposed use would normally generate the need for approximately 333 additional parking spaces at a rate of one space per 150 square feet of floor area; and

WHEREAS, pursuant to Z.R. section 73-44, the Board may reduce the parking requirement or ratio for uses in (Use Group 10) (PRC B1) to one space for every 400 square feet; and

WHEREAS, therefore, the applicant's proposal would trigger requirement of 125 off-street parking spaces for the proposed 50,000 square foot furniture building; and

WHEREAS, the mall's parking areas are integrated and connected; and

WHEREAS, the primary entrances to the subject furniture store are located on Richmond Avenue connected to an on-site collector/distributor road (the "Ring Road"), which provides passenger car and truck access to the various parking and loading areas; and

WHEREAS, the proposed furniture store will be located wholly within the confines of Macy's zoning lot within the mall and will be separated from residential uses and public roadways by the Ring Road; and

WHEREAS, therefore, the Board finds that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-44; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-03 and 73-44 on a site previously before the Board, to permit the proposed reduction in the number of accessory off-street parking spaces to one space for every 400 square feet (or 125 spaces) , for a proposed 50,000 square foot (Use Group 10) PRC B1) furniture

store, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received December 18, 2001"-(4) sheets and "Received February 11, 2002"-(1) sheet; and on further condition;

THAT subsequent to the Board of Standards and Appeals determination requested by this application, the applicant shall request from the City Planning Commission, pursuant to Z.R. §§ 36-023: (i) Authorization to reduce by approximately 9.4% the accessory parking requirement for the entire Macy's zoning lot consisting of both the department store and the proposed furniture store; and (ii) Authorization that the proposed modified layout of the parking spaces on the Macy's zoning lot is arranged and located to provide adequate ingress, egress and circulation with respect to the abutting streets or uses.

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 16, 2002.

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Lot Coverage and the Rear Yard contrary to Z.R. §§ 23-141, and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD -

THE VOTE GRANT -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 17, 2002, acting on Alt. 1. Application No. 301289406 reads, in pertinent part:

BOARD OF STANDARDS AND APPEALS DENIAL
"THE PROPOSED ENLARGEMENT OF THE EXISTING ONE FAMILY RESIDENCE IN AN R3-2 ZONING DISTRICT:

(1) CAUSES AN INCREASE IN THE FLOOR AREA EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO THE ALLOWABLE FLOOR AREA RATIO ALLOWED BY SECTION 23-141 OF THE ZONING RESOLUTION.

(2) REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO Z.R. Sec. 23-47

(3) CAUSES AN INCREASE IN THE LOT COVERAGE EXCEEDING THE ALLOWABLE LOT COVERAGE ALLOWED BY Z.R. Sec. 23-141"; and

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in The City Record, and laid over to April 16, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Lot Coverage and the Rear Yard contrary to Z.R. §§ 23-141, and 23-47 ; and

WHEREAS, the proposed enlargement will increase the FAR to .74, decrease the Rear Yard from the required 30' to twenty-three (23) feet, three (3) inches, and increases the Lot Coverage from thirty-five (35) percent to 37.5) percent; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of

Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Lot Coverage and the Rear Yard contrary to Z.R. §§ 23-141, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 18, 2002" -(11) sheets and "February 26, 2002"-(3) sheets; and on further condition;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, April 16, 2002.

207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.
SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

239-01-BZ

APPLICANT - The Augusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one family dwelling, Use Group 1, in an R2 zoning district, which does not meet the zoning requirements for front yard, open space, lot area, lot width and lot area per dwelling unit, which is contrary to Z.R. §23-141, §23-32, §23-221 and §23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Sol Korman.

For Opposition: Joan Vogt for Senator Padavan, Howard Sun, Robert Gentner, Josephine Tauroso, Albert Chevy, and others.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane and Susie Klen.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment

(Use Group 9A) located in an M1-1 within a C2-2 zoning district, which requires a special permit as per Z.R. §32-31 and §42-31.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

252-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

285-01-BZ

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, is contrary to Z.R. §42-00, §52-22 and §52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for continued hearing.

MINUTES

301-01-BZ

APPLICANT - Stadtmauer Bailkin, LLP, by Howard A. Zipser, for 231 Centre Street Associates and 23 Great Jones Street, LLC, owners; 119 Seventh Avenue Cafeteria, LLC, lessee.

SUBJECT - Application October 30, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(b) and D(3)(a).

PREMISES AFFECTED - 371 Lafayette Street, aka 21/23 Great Jones Street, between Great Jones and Bonds Streets, Block 530, Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Steven Sinacori, Howard Zipser, Jack Freeman, Peter Voletsky, Ethan Eldon, Mark Aanader and Susan Leonard.
For Opposition: Doris Diether, Zella Jones, Hayman Gross Ellen Peterson-Lewis, Thomas Cregan, Keith Crandell and Isabelle Fisher.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Renu Shevade, Leonard Garces and others.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Geis, Howard Hornstein, Jack Freeman and Ethan Eldon.

For Opposition: Angelina Eriquez and Francesca Randa.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal and Doris Diether.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance

MINUTES

with regards to use regulations, and side and rear yards, and is contrary to Z.R. §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, aka 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

THE VOTE REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

33-02-BZ

APPLICANT - Miriam J. Allen, for New York City Housing Authority, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed addition of three lobbies, which will project three feet into the required ten foot front yards, is contrary to Z.R. §23-44(a).

PREMISES AFFECTED - 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential

buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES - None.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for decision, hearing closed.

56-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bnos Yerushalayim D'Chasidei Belz, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed four story and cellar school (Use Group 3) located in an R5 zoning district, which creates non-compliance with respect to rear, side and front yards, perimeter wall, lot coverage and height of building, is contrary to Z.R. §24-11, §24-34, §24-35, §24-36 and §24-52.

PREMISES AFFECTED - 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis, Rabbi Berel Hecht and Jacob Unger.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

CORRECTIONS

CORRECTION

This resolution adopted on March 19, 2002, under Calendar No. 370-00-BZ and printed in Volume 86, Bulletin Nos. 12-13, is hereby corrected to read as follows:

370-01-BZ

CEQR # 02-BSA-078K

APPLICANT - Sheldon Lobel, P.C., for Harvey Fuchs, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §23-141, §23-47 and §23-461.
PREMISES AFFECTED - 1041 East 24th Street, between Avenues "J" and "K", Block 7606, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2001, acting on N.B. Application No. 301223423 reads:

"Proposed plans are contrary to ZR:23-141 in that they exceed the maximum permitted Floor Area Ratio of .5 and do not provide the minimum required Open Space Ratio of 150. Proposed plans are contrary to ZR:23-47 in that the proposed rear yard is less than 30 feet.

Proposed plans are contrary to ZR:23-461 in that the proposed side yards are less than the minimum 5 feet required on one side and 12 feet required on the combined sides."; and

WHEREAS, a public hearing was held on this application on February 26, 2002 after due notice by publication in The City Record, and laid over to March 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor

Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §§ 23-141, 23-47 and § 23-461; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR to 1.07, decrease the Open Space Ratio to .50, reduce one side yard by from the required 5 feet to 3 feet 11 inches, and reduce the rear yard from the required 30 feet to 20 feet; and

WHEREAS, the applicant contends that the perimeter wall height will comply with the applicable zoning regulation; and

WHEREAS, Community Board #14 has no objections and has approved this application; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and side and rear yards contrary to Z.R. §§ 23-141, 23-47 and § 23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 27, 2001"- (7) sheets and "February 19, 2002"- (2) sheets; and on further condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction will be completed in accordance with Z.R. §72-23;

THAT a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, March 19, 2002.

CORRECTIONS

***The resolution has been corrected in that the portion of the Resolved which read: "THAT a new Certificate of Occupancy be obtained within one (1) year of this grant" now reads: "THAT a new Certificate of Occupancy be obtained within four (4) years of this grant". Corrected in Bulletin No. 17, Vol. 87, dated April 25, 2002.**

CORRECTION

This resolution adopted on March 19, 2002, under Calendar No. 362-01-BZ and printed in Volume 86, Bulletin Nos. 12-13, is hereby corrected to read as follows:

362-01-BZ

CEQR # 02-BSA-070M

APPLICANT - Rosenman and Colin, LLP, for Columbia University, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25.

PREMISES AFFECTED - 1255/57 Amsterdam Avenue and 130 Morningside Drive, northwest corner of the block bounded by Amsterdam Avenue, 121st Street and Morningside Drive, Block 1963, Lot 56 and Part of Lot 60, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: James P. Power.

For Administration: Captain Arthur Haven and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo...4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Applic. No. 102020328 reads:

- “1) Proposed new building on a zoning lot located in C1-4 overlay and R8 zoning districts (the “subject Zoning Lot”) does not comply with the height and setback regulations of the Zoning Resolution section 33-431 along Amsterdam Ave. and Morningside Drive.

- 2) Proposed new building on the subject Zoning Lot does not provide the minimum distance between a residential building and any other building on the same Zoning Lot required by Zoning Resolution section 23-711.
- 3) Open area provided along a portion of the subject Zoning Lot’s southern side lot line does not have the minimum width required by Zoning Resolution section 33-25.”

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in *The City Record* and laid over to March 19, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; and

WHEREAS, the applicant seeks to construct an 11-story, 121,982 square foot building with 8,410 square feet of retail use in a portion of the first floor and 113,345 square feet of school use on the first through eleventh floors; and

WHEREAS, the applicant states that the Zoning Lot lies partially within an R8 zoning district and partially in a C1-4 overlay district, and is located on the southeast corner of the intersection of Amsterdam Avenue and Morningside Drive, on a block bounded by Amsterdam, Morningside and West 121st Street; and

WHEREAS, the Zoning Lot is comprised of Lots 56 and 61 on Block 1963 and has a total lot area of 24,652 square feet; and

WHEREAS, the applicant represents that the Zoning Lot is irregularly shaped, with 155 feet 8 inches of frontage on the east side of Amsterdam Avenue and 200 feet of frontage on Morningside Drive; and

WHEREAS, evidence in the record indicates that the Lot 61 portion of the Zoning Lot is currently occupied by a 54-space parking lot used by affiliates of the school; and

WHEREAS, the applicants states that the Lot 56 portion of the Zoning Lot is currently occupied by a 6-story residential building, also owned by the university, which is currently under renovation and will contain 50 residential units upon completion used mainly for student housing; and

WHEREAS, the applicant contends that the existing building is underbuilt, and 20,840 square feet of unused

CORRECTIONS

development rights from Lot 56 would be incorporated into the Proposed Building; and

WHEREAS, the proposed building is 11 stories and 152 feet 8 inches tall with mechanical bulkheads rising 20 feet above the roof; and

WHEREAS, the applicant states that the proposed building maintains a continuous streetwall up to the 10th floor on Amsterdam Avenue and Morningside Drive, except for 32 feet 4 inches along the eastern end of the Morningside frontage, where the Proposed Building rises only 4 stories, and 30 feet along the southern end of the Amsterdam frontage, where the Proposed Building rises only 5 stories; and

WHEREAS, the applicant represents that the proposed building sets back 8 feet away from the Existing Building to the east along Morningside Drive and sets back 8 feet on the interior of the lot from the adjacent residential building to the south, 431 West 121st Street; and

WHEREAS, the applicant contends that the 8-foot distance from the existing Building, the 4-story height at the eastern end of the Morningside frontage, the interior lot setback from 431 West 121st Street, and the 5 story height at the southern end of Amsterdam frontage are all provided to ensure sufficient light and air for tenants of the two residential buildings; and

WHEREAS, the applicant has stated that although there are as yet no firm plans for the retail space, it is the school's policy to use ground floor retail space in its buildings to provide needed neighborhood services; and

WHEREAS, the applicant states that there are unique physical conditions which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant denotes a steep downward slope on the site - 9 feet from the south to the north along Amsterdam Avenue and 4.5 feet from east to west on Morningside Drive that equates to the loss of one full floor that could have been built below the required setback; and

WHEREAS, the applicant's proposal would require to provide a reasonable height for the proposed building's lobby at the south end of the site and to provide a constant level for the second floor, 6 feet of additional height has been included at the 1st floor level; and

WHEREAS, the applicant represents that the existing building is significantly underbuilt, consumes a large amount of lot area relative to the floor area that it generates, and significantly reduces the footprint of a new development and the sufficiency of the floorplates for school use; and

WHEREAS, the applicant contends that the school requires floorplates large enough for classrooms, offices, and research space and with the proper size, location and adjacencies and these requirements cannot be met in the complying building because of the unique conditions of the zoning lot; and

WHEREAS, the applicant contends that if the existing building was not on the zoning lot, the school would have a very large footprint to work with, and could easily design a building that complies with the height, setback and minimum distance requirements; and

WHEREAS, the applicant represents that these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the applicant further represents that based upon the existing structures at the site, the irregular shape of the lot, its split zoning designations, unique topographic conditions and the steep slope of the lot, there are unique physical conditions that create practical difficulties in building in strict conformity with the Zoning Resolution; and

WHEREAS, the applicant states that the proposed building is required to meet the school's programmatic needs the front height and setback variance is needed to provide the required floor area and adjacencies for the offices and research space; and

WHEREAS, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it inarguably contravenes public health, safety or welfare or creates a detriment to the character of the neighborhood; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building because of the unique conditions on the Zoning lot; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant states that the neighborhood is primarily comprised of residential buildings, many of which have ground floor retail uses on the avenues as well as a large number of institutional buildings; and

WHEREAS, the applicant represents that the Proposed Building is contextual, as most buildings along Amsterdam Avenue between 118th and 122nd Streets rise to between 7 and 11 stories with uninterrupted streetwalls, without setback, up to the full height of their facades; and

WHEREAS, evidence in the record indicates that the surrounding buildings in the area are often organized into a number of blocks separated by narrow courtyards for light and ventilation, and are detailed with strong horizontal and vertical banding to provide a scale along the street; and

WHEREAS, the applicant maintains that the proposed project would not alter the neighborhood character, since the proposed project would be similar to those in the vicinity of the Zoning Lot; and

WHEREAS, the applicant represents that the proposed addition will not have any impact on any adjacent property, will not be visible or obstruct views from many cross street

CORRECTIONS

locations, will not alter the essential character of the neighborhood, that the addition is modest in size, and that the subject proposal will not adversely affect the nature of the area residence district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed construction of an eleven story building, Use Groups 2, 3 and 6, located in the C1-4 portion of the zoning lot, which does not comply with the zoning requirements for height and setback regulations, minimum distance between buildings, and minimum width of open area, is contrary to Z.R. §§ 33-431, 23-711, and 33-25; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received, March 12, 2002”-(28) sheets; and *on further condition*;

THAT the development comply with all Fire Department conditions;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted; and THAT a new certificate of occupancy be obtained within four years from the date of this resolution.

Adopted by the Board of Standards and Appeals, March 19, 2002.

***The resolution has been corrected to remove “the environmental proposed action”. Corrected in Bulletin No. 17, Vol. 87, dated April 25, 2002.**

Pasquale Pacifico, Executive Director.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 18

May 2, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	289
CALENDAR of May 21, 2002	
Morning	290
Afternoon	290
CALENDAR of June 4, 2002	
Morning	291
Afternoon	292

CONTENTS

MINUTES of Regular Meetings, Tuesday, April 23, 2002

Morning Calendar293

Affecting Calendar Numbers:

80-54-BZ	148/152 East 39 th Street, Manhattan
252-71-BZ	190-18 Northern Boulevard, Queens
1038-80-BZ	31-07/09/11 Downing Street, Queens
118-53-BZ	106-57/61 160 th Street, Queens
1250-65-BZ	55 East 87 th Street, Manhattan
130-88-BZ	1007 Brooklyn Avenue, Brooklyn
173-94-BZ	165-10 144 th Road, Queens
262-99-BZ	230-234 East 124 th Street, Manhattan
376-01-A	10-03 141 st Street, Queens
165-01-A thru 46/40/38/34/32/28/26/20/22/16/14/8/6/3 Beard Street and	
189-01-A	30/28/26/24/22/20/18/14/12/8/6 Monahan Avenue, Staten Island
220-01-A	10 Everton Avenue, Staten Island
59-02-A	23/81 89 th Street, Queens

Afternoon Calendar298

Affecting Calendar Numbers:

259-01-BZ	222-25 Jamaica Avenue, Queens
302-01-BZ	2519/2525 Creston Avenue, Bronx
120-01-BZ	134-02 Cross Bay Boulevard, Queens
125-01-BZ thru	125/131/135/141 Classon Avenue, Brooklyn
128-01-BZ	
229-01-A thru 125/131/135/141 Classon Avenue, Brooklyn	
232-01-A	
149-01-BZ	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
150-01-A	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
254-01-BZ	26-06 213 th Street, a/k/a 212-24 26 th Avenue, Queens
281-01-BZ	35 West Tremont Avenue, a/k/a 31/43 West Tremont Avenue, Bronx
295-01-BZ	1257/63 38 th Street, Brooklyn
366-01-BZ	500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, Brooklyn
396-01-BZ	43A West 13 th Street, Manhattan
65-02-BZ	2870/92 Linden Boulevard, Brooklyn

CONTENTS

MINUTES of Special Hearing,
Wednesday, April 24, 2002

Special Calendar303

Affecting Calendar Numbers:

150-95-BZ 4-10 East 98th Street, Manhattan

Dismissal Calendar304

Affecting Calendar Numbers:

52-01-BZ 2312/16 Atlantic Avenue, Brooklyn

196-01-BZ 2211-21 Emmons Avenue, Brooklyn

263-01-BZ 85-101 N. 3rd Street, Brooklyn

282-01-BZ 222 Wallabout Street, Brooklyn

283-01-BZ 264/266 Lee Avenue, Brooklyn

297-01-BZ 201 East 23rd Street, Manhattan

324-01-BZ 1077 Bay Street, Staten Island

333-01-A thru 50/52/54/56/58/60/62/64/66/68/70/72/74/76/78/80/82/84/86/88/90/92 Tennyson

358-01-A Drive and 12/14/15/17 Dream Lane, Staten Island

374-01-BZ thru 836/838 Kent Avenue, Brooklyn

375-01-BZ

384-01-BZ 218 Wallabout Street, Brooklyn

395-01-BZ 36-27 Vernon Boulevard, Queens

45-02-BZ 443 East 186th Street, Bronx

150-54-BZ 3957 Laconia Avenue, Bronx

25-95-BZ 2881 Nostrand Avenue, Brooklyn

193-01-BZ 3034 Coney Island Avenue, Brooklyn

240-01-BZ 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, Manhattan

257-01-BZ 2504 Avenue X, Brooklyn

292-01-BZ 69-71 MacDougal Street, Manhattan

363-01-BZ thru 3304/3306/3308 Rombouts Avenue, Bronx

365-01-BZ

CONTENTS

Compliance Calendar309

Affecting Calendar Numbers:

438-29-BZ 406-418 Remsen Avenue, Brooklyn

889-55-BZ 69-15 164th Street, Queens

914-62-BZ 205-04 Northern Boulevard, Queens

982-83-BZ 191-20 Northern Boulevard, Queens

32-92-BZ 72-06 Parsons Boulevard, Queens

MINUTES of Special Hearing,

Thursday, April 25, 2002

Special Calendar310

Affecting Calendar Numbers:

253-01-BZ 848 Washington Street, Manhattan

DOCKET

New Case Filed Up to April 23, 2002

119-02-BZ B.BK. 94 North 13th Street, east side, between North 12th and 13th Streets, Block 2283, Lot 1, Borough of Brooklyn. Applic. #301289415. Proposed construction of two additional floors above an existing one story manufacturing building, to be used for residential occupancy, located in an M3-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

120-02-BZ B.M. 42 Avenue "A", northeast corner of East Third Street, Block 399, Lot 1, Borough of Manhattan. Alt. Type 1#102493730. The legalization of an existing physical culture establishment, Use Group 9, located in the cellar of a six story building, requires a special permit from the Board as per Z.R. §32-10.

COMMUNITY BOARD #3M

121-02-BZ B.BK. 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn. Applic. #301295140. The legalization of an existing physical culture establishment, Use Group 9, located in a C8-1 zoning requires a special permit from the Board as per Z.R. §32-10.

COMMUNITY BOARD #10BK

122-02-BZ B.M. 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan. Applic. #103098498. The legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, requires a special from the Board as per Z.R. §73-36.

COMMUNITY BOARD #5M

123-02-BZ B.Q. 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens. N.B. #401204166. Proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #7Q

124-02-BZ B.Q. 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens. Applic.

#400912410 and #401425150. Proposed combination of three existing accessory group parking facilities, into a single facility with roof top parking, and secondly the construction of a new accessory garage with rooftop parking, for an existing university campus, located in an R4 zoning district, is contrary to §25-11 and §25-13.

COMMUNITY BOARD #8Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

MAY 21, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, May 21, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

MAY 21, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 21, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

367-01-BZ

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn. 838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §42-13, §43-232 and §43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

20-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed expansion of an existing physical culture establishment, located in a C6-4A zoning district, previously granted under Cal. No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

374-01-BZ & 375-01-BZ

30-02-BZ

CALENDAR

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10. PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

37-02-BZ

APPLICANT - Harold Weinberg, P.E., for Estate of Herbert Weinberg, Harold Weinberg, owner; Miriam Weinberg Eberman, contract vendee.

SUBJECT - Application April 11, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing two family dwelling (Use Group 2) located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, and is contrary to Z.R. §23-141, §23-47 and §54-31. PREMISES AFFECTED - 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn.

COMMUNITY BOARD #15BK

84-02-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for East End Temple Congregation El Emet, owner.

SUBJECT - Application March 25, 2002 - under Z.R. §72-21, to permit the proposed expansion at the basement, first and second floor levels, of an existing synagogue (Use Group 4), located in an R7B and R9A zoning district, which does not comply with the zoning requirements for rear yard and lot coverage, and is contrary to Z.R. §24-12 and §24-33.

PREMISES AFFECTED - 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

JUNE 4, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 4, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.

SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.

PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #5M

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

75-97-BZ

APPLICANT - Rampulla Associates Architects, for Pergament Enterprise of S.I., owner; Lovely Lady Figure Salon, lessee.

SUBJECT - Application January 29, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 1, 2001 and for an

MINUTES

amendment to the resolution.

PREMISES AFFECTED - 2795 Richmond Avenue, Richmond Avenue and Yukon Avenue, Block 2440, Lot 2, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #M1-5A

Pasquale Pacifico, Executive Director

ZONING CALENDAR

92-02-BZ

APPLICANT - Paul, Hastings, Janofsky & Walker, LLP, by Elise Wagner, Esq., and Jeremiah H. Candreva, Esq., for Alvin Ailey Dance Foundation, owner.

SUBJECT - Application March 28, 2002 - under Z.R. §72-21, to permit the proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6-2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, which is contrary to §96-102 and §33-341.

PREMISES AFFECTED - 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

Pasquale Pacifico, Executive Director

JUNE 4, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 4, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

REGULAR MEETING
TUESDAY MORNING, APRIL 23, 2002
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on

MINUTES

Tuesday morning and afternoon, March 26, 2002, were approved as printed in the Bulletin of April 4, 2002, Volume 87, No. 14.

SPECIAL ORDER CALENDAR

80-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 854, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 80-54-BZ; and

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in *The City Record*, laid over to April 23, 2002 for decision; and

WHEREAS, the applicant is seeking to permit the reduction of commercial cellar space from the previously authorized 3030 square feet to 2330 square feet of retail space; and

WHEREAS, the applicant is also seeking to permit the newly partitioned 700 square feet of space to be used as an accessory recreation room for the residents of 148-152 East 39th Street and 108 East 38th Street, a nearby building under the same ownership as the premises; and

WHEREAS, the applicant represents that the recreation room will accommodate a maximum of 25 persons at any one time.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §§11-412 and 11-413, said resolution having been adopted December 13, 1955, so that as amended this portion of the resolution shall read:

"to permit the reduction of commercial cellar space from the previously authorized 3030 square feet to 2330 square feet of retail space and to permit the newly partitioned 700 square feet of space to be used as an accessory recreation room for the residents of 148-152 East 39th Street and 108 East 38th Street, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the

application marked "Received April 11, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT the newly partitioned 700 square feet of space to be used as an accessory recreation room shall be reflected in the Certificates of Occupancy for 148-152 East 39th Street and 108 East 38th Street;

THAT the maximum occupancy for the newly partitioned accessory recreation room shall be 25 persons;

THAT new Certificates of Occupancy for 148-152 East 39th Street and 108 East 38th Street shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(ALT No. 102778004)

Adopted by the Board of Standards and Appeals, April 23, 2002.

252-71-BZ

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the variance which expired July 13, 2001; and

WHEREAS, Community Board #18, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, laid over to February 5, 2002, March 19, 2002, April 9,

MINUTES

2002 and then to April 23, 2002 for decision; and

WHEREAS, the applicant is seeking to permit the change of use on a portion of the lot from an automobile supply store (Use Group 6C) to sale of furniture (Use Group 6C), and to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted July 13, 1971 as amended through July 13, 1991, and expiring July 13, 2001, so that as amended this portion of the resolution shall read:

"to permit the change of use on a portion of the lot from an automobile supply store (Use Group 6C) to sale of furniture (Use Group 6C) and to extend the term of the resolution for ten years from July 13, 2001 expiring July 13, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received July 10, 2001"- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT the premises shall be kept clean of debris and graffiti;

THAT all lighting shall be pointed away from residential dwellings;

THAT there shall no parking on the sidewalks;

THAT there will be no outdoor storage;

THAT there shall be no outdoor automobile repair or body work;

THAT there shall be no outdoor automobile lifts on the premises;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(ALT No. 401276490)

Adopted by the Board of Standards and Appeals, April 23, 2002.

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Association, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application February 6, 2002 - reopening for an

extension of term of variance which expired January 6, 2002.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Arthur Goldstein.

ACTION OF THE BOARD - Application reopened and term of the special permit extended.

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, this is an application to extend the term of the special permit; and

WHEREAS, a public hearing was held on this application on April 23, 2002 after due notice by publication in the City Record, and a decision was reached on the same date; and.

WHEREAS, Community Board #7Q recommends approval of the application;

Resolved, that the Board of Standards and Appeals hereby reopens and extends the term of the resolution pursuant to Z.R. §73-03, said resolution having been adopted on January 6, 1981 as amended through June 5, 2001, expiring January 6, 2002, only as to the term of the special permit, so that as amended this portion of the resolution shall read:

"granted for an extension of term, on condition that the term of the special permit shall be limited to one year from January 6, 2002 to expire on January 6, 2003; that the premises shall be maintained in substantial compliance with the existing and proposed drawing submitted with the application marked "Received February 6, 2002"- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects and that a new certificate of occupancy shall be obtained within one year from the date of this amended resolution,"

(Alt. 435/81)

Adopted by the Board of Standards and Appeals, April 23, 2002.

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

MINUTES

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for postponed hearing.

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.

SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.

PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for continued hearing.

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for decision, hearing closed.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner

of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for decision, hearing closed.

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benshaul, owner.

SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: H.Irving Sigman.

ACTION OF THE BOARD - Appeal Granted

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 30, 2001 acting on Applic. No. 401376239, refused to apply the Special Provisions for Existing Narrow Zoning Lots for corner lots of Sect. 23-48 and denied a reduction of the side yard; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to April 9, 2002 and then to April 23, 2002 for decision; and

WHEREAS, this is an appeal challenging a decision of the

MINUTES

Department of Buildings (DOB), disapproving the appellant's application for a cellar and first story enlargement to an existing single family detached residence located on a corner lot in an R1-2 zoning district pursuant to Sect. 23-48; and

WHEREAS, on November 8, 2001 an application was filed to erect a cellar and one-story enlargement consisting of 264 square feet to an existing one family dwelling located on a corner lot with an eastern side yard of 18'-6" and the southern side yard is 4'-11"; and

WHEREAS, Zoning Resolution §23-461(a) requires that in an R1-2 zoning district a single detached residence provide two side yards with a minimum total width of 20', with one of the side yards measuring at least 8' in width; and

WHEREAS, the appellant's proposal would reduce the eastern side yard from its current width of 18'-6" to a width of 6'-9"; and

WHEREAS, the DOB contends that it disapproved the appellant's application because the proposed enlargement would create a new non-compliance within the minimum required side yard width pursuant to Zoning Resolution §23-461; and

WHEREAS, Zoning Resolution § 23-48 allows for a reduction of the required side yards if the zoning lot consists of a tract of land which (a) has less than the prescribed minimum lot width of 60' and (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

WHEREAS, the Board finds that the applicant's proposal falls within the minimum lot requirements of Zoning Resolution §23-32 and that §23-48's side yard reduction for existing narrow zoning lots does apply to this application because the appellant has established that the zoning lot is less than 60' wide; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated November 28, 2001 acting on Applic. No. 401376239, is modified and this appeal is granted on condition that the proposal comply with all applicable R1-2, zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on *further condition*;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals April 23, 2002.

Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at

MINUTES

Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 7, 2002, at 11 A.M., for continued hearing.

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 11 A.M., for deferred decision.

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

APPEARANCES -

For Applicant: Carlos A. Aguirre.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 23, 2002 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

259-01-BZ

CEQR # 02-BSA-023Q

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner. SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in C1-2 and R3-2 zoning districts, which is contrary to Z.R. §32-25 and §32-643 in relation to signage.

PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition. THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 5, 2001 acting on Application No. 401277202 reads:

“Proposed construction consists of a 2,900 S.F. automobile filling station with accessory convenience store, in violation of the NYC Zoning Resolution Section 32-25, installation of illuminated signage in excess of 50 S.F., in violation of the NYC Zoning Resolution Section 32-643, which requires approval by the NYC BSA.”; and

WHEREAS, a public hearing was held on this application on January 29, 2002, after due notice by publication in *The City Record*, and laid over to March 26, 2002, April 9, 2002 and then to April 23, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance under Z.R.

MINUTES

§72-21, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in C1-2 and R3-2 zoning districts, which is contrary to Z.R. §32-25 and §32-643 in relation to signage; and

WHEREAS, the applicant represents that the premises is located primarily within a C1-2 zoning district, with a small triangular portion of the premises at the northwestern corner located in an R3-2 zoning district; and

WHEREAS, the applicant further represents that the subject lot is an irregularly shaped parcel which has a total area of 32,191 square feet, with 165 feet of frontage on the northern side of Jamaica Avenue, between 222nd Street and 224th Street; and

WHEREAS, the applicant states that the premises has been utilized for automotive-related services as far back as 1965 when it was first granted a use variance under Cal. No. 77-65-BZ, which permitted the premises to be used as a used car sales and display lot in conjunction with the then existing automotive establishment across the street ; and

WHEREAS, evidence in the record indicates that the automotive establishment has since ceased operation and the premises currently lies vacant; and

WHEREAS, the applicant seeks to construct a new automotive service station with an accessory convenience store, and to install a solar energy collecting vehicular canopy over the proposed six multi-product dispensers; and

WHEREAS, the applicant represents that the proposed structure will contain 2,900 square feet of floor area, 1,551 square feet of which will be sales area; and

WHEREAS, the proposed total illuminated signage is 142.26 square feet and the proposed total non-illuminated signage is 55.02 square feet; and

WHEREAS, the applicant states that there will be a six (6) foot high chain link fence with privacy slats and 6 foot high evergreens that will screen the adjoining 6 story apartment building; and

WHEREAS, the applicant also states that there will be a six (6) foot high stockade fence which will be erected along the western property line adjacent to those structures which rest in the C1-2 zoning district; and

WHEREAS, the applicant represents that parking for fifteen (15) vehicles will be provided in addition to the spaces at the pump island; and

WHEREAS, the applicant states that the subject site is irregular in shape, with a northern width of 210 feet and a southern width of only 164 feet, with a western length of 237 feet and a eastern length of only 128 feet; and

WHEREAS, the under Cal. No. 77-65-BZ, and the Board found that the “applicant had substantiated a basis to warrant exercise of discretion to grant under Section 72-21 of the Zoning Resolution and is therefore entitled to relief on the grounds of practical difficulty and/or unnecessary hardship,” and the applicant represents that the subject site has not substantially changed since 1965; and

WHEREAS, the record indicates that the applicant has attempted to market the site for as-of-right development but has been unsuccessful; and

WHEREAS, the Board finds that the aforementioned unique physical conditions which are the result of the site’s irregular shape, history of automotive related uses, and underdevelopment

present a practical difficulty and unnecessary hardship for conforming with the strict application of the Zoning Resolution; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, automotive use has occupied the premises for most of the second half of the 20th Century; and

WHEREAS, the applicant represents that adequate parking, appropriate screening along the residential district lines, and landscaping will be provided and maintained to alleviate any negative effects on the neighborhood; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and *grants* a variation in the application of the Zoning Resolution to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in C1-2 and R3-2 zoning districts, which is contrary to Z.R. §32-25 and §32-643 in relation to signage, *on condition that* all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received March 28, 2002”-(6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years expiring on April 16, 2012;

THAT there shall be a six (6) foot high chain link fence with privacy slats and 6 foot high evergreens that will screen the adjoining 6 story apartment building;

THAT parking for fifteen (15) vehicles will be provided in addition to the spaces at the pump island;

THAT there will be a six (6) foot high stockade fence which will be erected along the western property line adjacent to those structures which rest in the C1-2 zoning district;

THAT the residential portion of the subject lot shall not be used for any commercial use;

THAT the residential portion of the subject lot shall be fenced off, and landscaping on that portion of the lot shall be maintained;

THAT the fences and gates shall be of legal and uniform height;

MINUTES

THAT all signage shall be provided in accordance with BSA-approved plans;

THAT there will be no lubrication, repair or washing of cars at the Premises;

THAT there shall be no loitering on the premises;

THAT automobile vacuums shall only be used from 9:00 A.M. to 9:00 P.M.;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new certificate of occupancy be obtained within two (2) year of the date of this resolution.

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, April 23, 2002.

302-01-BZ

CEQR # 02-BSA-041X

APPLICANT - Jay Segal, Greenberg, Traurig, LLP, for Fordham Associates, LLC, owner.

SUBJECT - Application October 31, 2001 - under Z.R. §11-411, §73-01, to permit the proposed reestablishment of an expired variance, previously granted under Cal. No. 861-48-BZ, which expired January 10, 1988 which permitted an accessory parking facility for commercial use located in an R8 zoning district.

PREMISES AFFECTED - 2519/2525 Creston Avenue, southwest corner of East 191st Street, Block 3175, Lot 26, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decisions of the Borough Commissioner, dated August 10, 2001 and updated October 5, 2001 acting on Applic. No. 200683590, reads:

“Proposed continuation of use of premises, which are in

R8 zoning district, as accessory parking facility for commercial use, after expiration of variance first granted in 1948, is contrary to Z.R. 22-00. Certificate of Occupancy expired 1/10/83.”; and

WHEREAS, a public hearing was held on this application on February 26, 2002, after due notice by publication in *The City Record* and laid over to March 19, 2002, April 9, 2002 and then to April 23, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§11-411 and 73-01, to permit the proposed reestablishment of an expired variance, previously granted under Cal. No. 861-48-BZ, which expired January 10, 1988 which permitted an accessory parking facility for commercial use located in an R8 zoning district; and

WHEREAS, the subject site lies within an R8 zoning district, located on the southwest corner of the intersection of Creston Avenue and East 191st Street in the Bronx; and

WHEREAS, the applicant represents that the site is an irregularly shaped quadrangle, with 172 feet of frontage on Creston Avenue and 135 feet of frontage on East 191st Street; and

WHEREAS, on December 7, 1948, under Calendar Number 861-48-BZ, the Board authorized use of the property as parking for motor vehicles for a term of two (2) years; and

WHEREAS, the record indicates that the property has been used as accessory parking to a large commercial building, located immediately across the street from and under common ownership, since the original variance was granted; and

WHEREAS, the applicant represents that there has been no discontinuance as a parking facility since the original grant; and

WHEREAS, the subject premises is located in a R8 zoning district, which became effective on December 15, 1961; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §§11-411 and 73-01 of the Zoning Resolution.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and 6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§11-411 and 73-01, to permit the proposed reestablishment of an expired variance, previously granted under Cal. No. 861-48-BZ, which expired January 10, 1988 which permitted an accessory parking facility for commercial use located in an R8 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received October 31, 2001”-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, expiring on April 23, 2012;

THAT the premises shall be maintained free of debris and graffiti;

MINUTES

THAT the fences and gates shall be of legal and uniform height;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted; and

THAT a new Certificate of Occupancy be obtained within one (1) year of the date of this resolution.

Adopted by the Board of Standards and Appeals, April 23, 2002.

120-01-BZ

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.
SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit the legalization of commercial uses (Use Group 6) in an existing two story building, located in an R4 zoning district.
PREMISES AFFECTED - 134-02 Cross Bay Boulevard, west side, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Ricky Pistone.

For Opposition: Lorraine Khawaja and Sybil D. Amelio.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.
PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: A. Farina.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

229-01-A thru 232-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.
PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

MINUTES

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Gene Kaufman and Jack Freeman.

For Opposition: Doris Diether, Community Board #2M.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair and Gene Kaufman and Jack Freeman.

For Opposition: Doris Diether, Community Board #2M.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam Rothkrug, Randolph Gerner, Thomas A. Sharon, Lewis Gray, Eleanor Ignal, Zev Silverman, Murray Rosenberg, Rabbi Yossi Blensofsky and others.

For Opposition: Pat Janes, Tacy Avella, Anna Kotnridis, Melvin Meer, Nancy Zegarra, Robert Klein and others.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2 P.M., for continued hearing.

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Mothiur Rahman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, Inc., owner.

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis, Howard Hornstein and Ethan Eldon.

For Administration: Battalion Chief Phip Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for decision, hearing closed.

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane Sheldon Lobel, Niel Digin, Marc Esrig and Orit Jackier.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for continued hearing.

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance, previously granted under Cal. # 742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 zoning district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets(78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for continued hearing.

**SPECIAL HEARING
WEDNESDAY MORNING, APRIL 24, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

SPECIAL ORDER CALENDAR

150-95-BZ

APPLICANT - Paul Selver, Esq., for St. Bernard's School, Inc., owner.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4-10 East 98th Street, aka south side of 98th Street, 125' east, Block 1603, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Paul Selver.

MINUTES

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, April 24, 2002.

196-01-BZ

CEQR # 01-BSA-142K

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: ADG on Sheephead Bay, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2211-21 Emmons Avenue, Emmons Avenue, Dooley Street, Shore Parkway, East 21st Street, Block 8779, Lots 158, 1001, 1002, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

DISMISSAL HEARING

WEDNESDAY MORNING, APRIL 24, 2002

9:30 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

52-01-BZ

CEQR # 01-BSA-107K

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: So-Big Realty Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2312/16 Atlantic Avenue, south side, 79.11' west of Eastern Parkway, Block 1435, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

In Favor: Hiram A. Rothkrug.

263-01-BZ

CEQR # 02-BSA-025K

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Lee & Wythe Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 85-101 N. 3rd Street, northeast corner of intersection of N. 3rd Street and Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Barbara Hair.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

MINUTES

282-01-BZ

CEQR # 02-BSA-030K

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: LEEWALL Realty, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 222 Wallabout Street, Lee Avenue and Bedford Avenue, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

283-01-BZ

CEQR # 02-BSA-031K

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: LEEWALL Realty, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 264/266 Lee Avenue, Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

97-01-BZ

CEQR # 02-BSA-039M

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Snake River Development, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of 23rd Street and Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

In Favor: Lyra Altman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

324-01-BZ

CEQR # 02-BSA-063R

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Jill Mori.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1077 Bay Street, between Bay Street and Edgewater Street, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

In Favor: Lyra Altman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

333-01-A thru 358-01-A

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: OTT LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.

54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58, Borough of

MINUTES

Staten Island.
56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.
58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.
60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.
62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.
64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.
66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.
68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.
70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.
72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.
74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68, Borough of Staten Island.
76 Tennyson Drive, east side, 136.11' north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.
78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.
80 Tennyson Drive, east side, 102.21' north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.
82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.
84 Tennyson Drive, east side, 67.88' north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.
86 Tennyson Drive, east side, 50.54' north of Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.
88 Tennyson Drive, east side, 33.07' north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.
90 Tennyson Drive, east side, 1.54' north of Nelson

Avenue, Block 5212, Tentative Lot 76, Borough of Staten Island.
92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.
12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.
14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.
15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.
17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

374-01-BZ and 375-01-BZ

CEQR # 02-BSA-082K and CEQR #02-BSA-083K

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 399 Broadway Holdings, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

836 Kent Avenue, westerly side of Kent Avenue, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, westerly side of Kent Avenue, 144'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

In Opposition: Mitchell Ross.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24, 2002.

384-01-BZ

CEQR # 02-BSA-089K

MINUTES

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Leewall Realty, LLC.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 218 Wallabout Street, Lee Avenue and
Bedford Avenue, Block 2263, Lot 43, Borough of Brooklyn.
COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24,
2002.

395-01-BZ

CEQR # 02-BSA-096Q

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Mutual Realty, LLC.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 36-27 Vernon Boulevard, south side of
Vernon Boulevard between 36th Avenue and 37th Avenue, Block
355, Lot 7, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

In Favor: Peter Hirshman and Lyra Altman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, April 24,
2002.

45-02-BZ

CEQR # 02-BSA-131X

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Baroukh Sassoon, Sassoon Realty
Management, Inc.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 443 East 186th Street, north east corner
of Park Avenue and East 186th Street, The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed for lack of
prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner
Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable
opportunity to complete this application and no satisfactory
progress has been made.

Resolved, the Board does hereby dismiss the application for
lack of prosecution.

Adopted by the Board of Standards and Appeals, April 24,
2002.

150-54-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Laconia Land Corp.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 3957 Laconia Avenue, northwest
corner of East 224th Street, Block 4871, Lot 1, The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

In Favor: Kenneth Koons.

ACTION OF THE BOARD - Laid over to July 24, 2002,
at 10 A.M., for continued hearing.

25-95-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Joseph Packman.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 2881 Nostrand Avenue, Block 7691,
Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Laid over to July 24, 2002,
at 10 A.M., for continued hearing.

193-01-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: 3044 Coney Island Avenue Associates.
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 3034 Coney Island Avenue, between
Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72,
Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

In Opposition: Harold Weinberg.

ACTION OF THE BOARD - Laid over to May 14, 2002,
at 10 A.M. SOC Calendar, for continued hearing.

MINUTES

240-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Lionshead 110 Development, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to July 24, 2002, at 10 A.M., for continued hearing.

257-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Kol Israel Cong by Albert Dweck, VP.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2504 Avenue X, southeast corner of Bedford Avenue, Bedford Avenue and East 26th Street, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

In Opposition: Harold Weinberg.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M. SOC Calendar, for continued hearing.

292-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Peter Mosconi.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 69-71 MacDougal Street, Block 526, Lots 33 and 35, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Laid over to July 24, 2002, at 10 A.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Harold Lane.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

3304 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 39 Tentative), Borough of The Bronx..

3306 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 40 Tentative), Borough of The Bronx..

3308 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 41 Tentative), Borough of The Bronx..

COMMUNITY BOARD #2BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M. SOC Calendar, for continued hearing.

Pasquale Pacifico, Executive Director.

**COMPLIANCE HEARING
WEDNESDAY MORNING, APRIL 24, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

MINUTES

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.
SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M. SOC Calendar, for continued hearing

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 72-06 Parsons Boulevard, Queens.

COMMUNITY BOARD #8Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 24, 2002, at 10 A.M., for postponed hearing

Pasquale Pacifico, Executive Director.

889-55-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 69-15 164th Street, Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

In Favor: Janice Cahalane, Wayne Weinstein, Joel Rsher and Irene Fisher.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M. SOC Calendar, for continued hearing

Adjourned: 11:30 A.M.

914-62-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 205-04 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M. SOC Calendar, for continued hearing

982-83-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 191-20 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

In Favor: H.I. Sigher.

In Opposition: E. Terri Pouymari.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M. SOC Calendar, for continued hearing

32-92-BZ

MINUTES

**SPECIAL HEARING
THURSDAY AFTERNOON, APRIL 25, 2002
1:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.
SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Barbara Hair.

For Opposition: Stuart Beckerman.

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to July 24, 2002, at 9:30 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 1:05 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 19-20

May 16, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006

HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006

BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET	314-315
CALENDAR of June 4, 2002	
Morning	316-317
Afternoon	318
CALENDAR of June 11, 2002	
Morning	319
Afternoon	320

CONTENTS

MINUTES of Regular Meetings,
Tuesday, May 7, 2002

Morning Calendar321

Affecting Calendar Numbers:

752-29-BZ, Vol. IV8801 4th Avenue, Brooklyn
608-70-BZ 351-361 Neptune Avenue, Brooklyn
8-87-BZ 4778/82 Broadway, Manhattan
236-98-BZ 103-117 Kent Avenue, Brooklyn
603-49-BZ 34-14 31st Street, Queens
713-55-BZ 181-05 Horace Harding Expressway, Queens
91-60-BZ thru
93-60-BZ 30/40/60 East 9th Street, Manhattan
1449-61-BZ 4085 Nostrand Avenue, Brooklyn
820-67-BZ 41 Barker Street, Staten Island
611-76-BZ 43-17/21 214th Place, Queens
364-82-BZ 245-02/34 Horace Harding Expressway, Queens
45-90-BZ 260 Hamilton Avenue, Brooklyn
16-99-BZ 1116 East 26th Street, Brooklyn
122-99-A 91-70 Metropolitan Avenue, Queens
99-01-A 37-18 74th Street, Queens
326-01-A 85-50 148th Street, Queens
35-02-A 366 Hillside Avenue, Queens
165-01-A thru
189-01-A Beard Street, Monahan Avenue, Staten Island
293-01-A 53 East 77th Street, Manhattan

CONTENTS

MINUTES of Regular Meetings,
Tuesday, May 7, 2002

Afternoon Calendar329

Affecting Calendar Numbers:

173-00-BZ	341/349 Troy Avenue, Brooklyn
192-01-BZ	525 Broome Street, Manhattan
207-01-BZ	110 Greenwich Street, Manhattan
280-01-BZ	663/73 Second Avenue and 241/49 East 36 th Street, Manhattan
33-02-BZ	306 and 316 Beach 56 th Street, Queens
281-99-BZ	6055 Strictland Avenue, Brooklyn
208-00-BZ	2739-2747 86 th Street, Brooklyn
217-00-BZ	530 West 50 th Street, Manhattan
136-01-BZ	11-11 44 th Drive, Queens
143-01-BZ	348 East 9 th Street, Manhattan
198-01-BZ	105-45 Cross Bay Boulevard, Queens
201-01-BZ	2591/2613 Atlantic Avenue, Brooklyn
217-01-BZ	505 East 188 th Street, The Bronx
235-01-BZ	2009 Mermaid Avenue, Brooklyn
261-01-BZ	105 West 24 th Street, Manhattan
303-01-BZ	756 Myrtle Avenue, Brooklyn
321-01-BZ	25 Paidge Avenue, Brooklyn
325-01-BZ	1375 East 27 th Street, Brooklyn
332-01-BZ	1511 Third Avenue, Manhattan
403-01-BZ	606 Neptune Avenue, Brooklyn
17-02-BZ	445/455 Fifth Avenue, Brooklyn
31-02-BZ	1924 East 24 th Street, Brooklyn
36-02-BZ	117 West 72 nd Street, Manhattan
67-02-BZ	143-22 Franklin Avenue and 143-25 Ash Avenue, Queens

DOCKET

New Case Filed Up to May 7, 2002

125-02-BZ B.Q. 46-40 Francis Lewis Boulevard, northwest corner of 47th Avenue, Block 5555, Lot 1, Borough of Queens. Applic.#401387290. The reestablishment of an expired variance previously granted by the Board under Cal. No. 550-71-BZ, which permitted a supermarket in an R2 zoning district.
COMMUNITY BOARD #11Q

126-02-BZ B.BX. 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx. Applic.#200712005. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C8-3 and an R-5 zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #7BX

127-02-A B.S.I. 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island. Applic.#500520386. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

128-02-A B.S.I. 32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island. Applic.#500520395. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

129-02-A B.S.I. 34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island. Applic.#500520402. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

130-02-A B.S.I. 36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island. Applic.#500520411. Propose construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

131-02-A B.S.I. 38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island. Applic.#500520420. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

132-02-A B.S.I. 40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island. Applic.#500520439. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

133-02-A B.S.I. 42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island. Applic.#500520448. Propose construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

134-02-A B.S.I. 44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island. Applic.#500520457. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

135-02-A B.S.I. 46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island. Applic.#500520466. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

136-02-A B.S.I. 48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island. Applic.#500520475. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DOCKET

137-02-A B.S.I. 45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island. Applic.#500518219. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

138-02-BZ B.S.I. 302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn. Applic.#301263763. Proposed one-story enlargement of an existing one-story and mezzanine building, Use Group 17, located in an M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking, is contrary to Z.R. §43-12, §43-43, §43-25 and §44-21.

COMMUNITY BOARD #17BK

139-02-A B.M. 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan. An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

140-02-A B.Q. 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens. Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

141-02-A B.Q. 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens. Applic.#401064637. Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

142-02-BZ B.BK. 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn. Applic.#301338559. Proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

COMMUNITY BOARD #14BK

143-02-BZ B.BK. 3468 Bedford Avenue, 350' north of Avenue "N", between Avenues "M and N", Block 7660, Lot 66, Borough of Brooklyn. Applic.#301329541. Proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area and side and rear yards is contrary to §23-141 §23-461 and §23-47.

COMMUNITY BOARD #14BK

144-02-BZ B.Q. 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens. Applic.# 401297743. Proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, Use Group 16, located in a C2-2 within and R3-2 zoning district, is contrary to Z.R. §32-25.

COMMUNITY BOARD #12Q

145-02-A B.Q. 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens. Applic.#401297743. Proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street is contrary to Section 35, Article 3 of the General City Law.

146-02-BZ B.Q. 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens. Applic.#401245354. Proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2 / R3-2 and R3-2 zoning district, requires a special permit from as per Z.R.§73-52.

COMMUNITY BOARD #13Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JUNE 4, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 4, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.
SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.
PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.
COMMUNITY BOARD #18BK

1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.
SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.
PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.
COMMUNITY BOARD #5M

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.
SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.
COMMUNITY BOARD #11Q

75-97-BZ

APPLICANT - Rampulla Associates Architects, for Pergament Enterprise of S.I., owner; Lovely Lady Figure Salon, lessee.
SUBJECT - Application January 29, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 1, 2001 and for an amendment to the resolution.
PREMISES AFFECTED - 2795 Richmond Avenue, Richmond Avenue and Yukon Avenue, Block 2440, Lot 2, Borough of Staten Island.
COMMUNITY BOARD #2 S.I.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.
SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.
PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.
COMMUNITY BOARD #M1-5A

JUNE 4, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 4, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.
SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.
PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #8M

CALENDAR

140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

COMMUNITY BOARD #6Q

333-01-A thru 358-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for OTT LLC, owner.

SUBJECT - Application November 13, 2001 - proposed one family dwelling, located within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.

54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58, Borough of Staten Island.

56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.

58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.

60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.

62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.

64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.

66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.

68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.

70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.

72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.

74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68, Borough of Staten Island.

76 Tennyson Drive, east side, 136.11' north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.

78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.

80 Tennyson Drive, east side, 102.21' north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.

82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.

84 Tennyson Drive, east side, 67.88' north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.

86 Tennyson Drive, east side, 50.54' north of Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

88 Tennyson Drive, east side, 33.07' north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.

90 Tennyson Drive, east side, 1.54' north of Nelson Avenue, Block 5212, Tentative Lot 76, Borough of Staten Island.

92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.

12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.

14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.

15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.

17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

Pasquale Pacifico, Executive Director

CALENDAR

JUNE 4, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 4, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

215-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 185 Union Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 85 Union Avenue, southwest corner of Lorimer Street, Block 2245, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

27-02-BZ

APPLICANT - Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp., owner.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the legalization of the second floor conversion from office, to residential use within the existing four story mixed use building, located in an M1-6 zoning district, is contrary to Z.R. §52-35.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

COMMUNITY BOARD #2M

70-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Pearl Shapiro, owner.

SUBJECT - Application February 26, 2002 - 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 creates non-compliance with respect to floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1456 East 26th Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #14BK

81-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Beth Jacob Day School, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a religious high school (Yeshiva), Use Group 3, located in an R5 Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, street wall, total height, side yards and loading, is contrary to Z.R. §113-11, §23-141(b), §23-622(d), §23-462(a) and §113-22(b).

PREMISES AFFECTED - 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

92-02-BZ

APPLICANT - Paul, Hastings, Janofsky & Walker, LLP, by Elise Wagner, Esq., and Jeremiah H. Candreva, Esq., for Alvin Ailey Dance Foundation, owner.

SUBJECT - Application March 28, 2002 - under Z.R. §72-21, to permit the proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6-2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, which is contrary to §96-102 and §33-341.

PREMISES AFFECTED - 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

Pasquale Pacifico, Executive Director

CALENDAR

JUNE 11, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 11, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1045-64-BZ

APPLICANT - Seymour W. Gage, P.E., for Kips Bay Tower Associates, owner; Rapid Park Industries, lessee.
SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 2001.
PREMISES AFFECTED - 300-330 East 33rd Street (aka 575 First Avenue) northwest corner of East 33rd Street and First Avenue, Block 936, Lots 7501 and 4280, Borough of Manhattan.

COMMUNITY BOARD #6M

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.
SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

JUNE 11, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 11, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.
SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC

Building Code, Subchapter 12, Article 6, Section 27-746.
PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.
SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.
PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.
SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.
PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.
747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.
437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.
320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

CALENDAR

JUNE 11, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 11, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-

21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

395-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted floor area ratio, and to waive the additional parking requirement due to the increase in floor area ratio, which is contrary to Z.R. §43-12 and §44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7, Borough of Queens.

COMMUNITY BOARD #2Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 7, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 9, 2002, were approved as printed in the Bulletin of April 18, 2002, Volume 87, Nos. 15-16.

SPECIAL ORDER CALENDAR

752-29-BZ, Vol. IV

APPLICANT - Jack Gamill, P.E., for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.
SUBJECT - Application November 27, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000.

PREMISES AFFECTED - 8801 4th Avenue, south east corner of 4th Avenue and 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Jack Gamill.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired April 22, 2000; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record, and laid over to May 7, 2002 for decision; and

WHEREAS, the applicant represents that there will be no parking on the sidewalk; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §11-411, said resolution having been adopted May 6, 1930 as amended through April 16, 1991 expiring April 22, 2000, so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years

from April 22, 2000, expiring

April 22, 2010, on condition that, THAT the premises shall

be maintained in substantial compliance with previously Board approved plans marked "Received, November 27, 2001"- (2) sheets and "April 18, 2002"- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; and on further condition

THAT it shall be noted in the Certificate of Occupancy that there will be no parking of cars on the sidewalk, specifically 88th Street;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB No. 1103/58)

Adopted by the Board of Standards and Appeals, May 7, 2002.

608-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

SUBJECT - Application November 14, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 608-70-BZ; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, laid over to April 16, 2002, and then to May 7, 2002 for decision; and

WHEREAS, the applicant is seeking to permit the conversion of three (3) service bays to an accessory convenience store and the erection of a new canopy over the existing islands.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. §§72-

MINUTES

01 and 72-22, said resolution having been adopted December 15, 1970, so that as amended this portion of the resolution shall read:

"to permit the conversion of three (3) service bays to an accessory convenience store and the erection of a new canopy over the existing islands, on condition";

THAT the premises be kept clean of debris and graffiti,

THAT there shall be no loitering on the premises;

THAT all lighting will be pointed away from residential dwellings;

THAT all landscaping shall be maintained according to BSA approved plans;

THAT there will be no outdoor storage;

THAT all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received November 14, 2001"-(4) sheets, "January 29, 2002"-(1) sheet and "April 8, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted".

(ALT No. 301235740)

Adopted by the Board of Standards and Appeals, May 7, 2002.

8-87-BZ

APPLICANT - Walter T. Gorman, P.E. for Andre & Jose Vasquez, owner, D/B/A Broadway Hand Carwash, lessee. SUBJECT - Application July 16, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired June 8, 2000.

PREMISES AFFECTED - 4778/82 Broadway, East side Broadway, 225' North of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of

Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on June 8, 2000; and

WHEREAS, a public hearing was held on this application on November 13, 2001, after due notice by publication in The City Record, laid over to December 18, 2001 and then to May 7, 2002 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 24, 1998 expiring May 24, 2008 only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That substantial construction be completed, and a new Certificate of Occupancy shall be obtained within thirty (30) months past June 8, 2000; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 7, 2002.

236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Fericola, owner.

SUBJECT - Application September 4, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block 1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

MINUTES

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 236-98-BZ; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, laid over to April 16, 2002, and then to May 7, 2002 for decision; and

WHEREAS, the applicant is seeking to permit 1) the substitution of 5 three-bedroom duplex apartments with 10 two-bedroom simplex apartments along the Kent Avenue frontage; 2) the increase in the number of parking spaces provided from twenty to twenty-three and to create a cellar level of parking at the location of the existing building; and 3) to install a 5-stop passenger elevator to service the dwelling units in the portion of the proposed building at the corner of Kent Avenue and North Seventh Street.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted May 2, 2000, so that as amended this portion of the resolution shall read:

"to permit 1) the substitution of 5 three-bedroom duplex apartments with 10 two-bedroom simplex apartments along the Kent Avenue frontage; 2) the increase in the number of parking spaces provided from twenty to twenty-three and to create a cellar level of parking at the location of the existing building; and 3) to install a 5-stop passenger elevator to service the dwelling units in the portion of the proposed building at the corner of Kent Avenue and North Seventh Street, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 4, 2001"-(5) sheets and "April 18, 2002"-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted" (ALT No. 300738334)

Adopted by the Board of Standards and Appeals, May 7, 2002.

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.

SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Alfonse Duarte.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

713-55-BZ

APPLICANT - Vassalotti Associates, Architects for Exxon Mobil Fuels Marketing Co., owner.

SUBJECT - Application January 2, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 181-05 Horace Harding Expressway, north east corner of Utopia Parkway and Horace Harding Expressway, Block 7065, Lot 8, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501,7503, 1101, 1103, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:0

MINUTES

Absent: Vice-Chair Babbar 1
ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for decision, hearing closed.

1449-61-BZ

APPLICANT - Vassalotti Associates Architects, for Exxon Company U.S.A., owner.

SUBJECT - Application February 2, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to legalize the removal of a previously approved pump island, the enlargement to the accessory building and for an extension of term of variance which expired November 8, 1997.

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car Carrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Willy Yuin.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

611-76-BZ

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side 161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.

SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Barbara Hair.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Arthur Sullivan and Walter T. Gorman.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner

SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

MINUTES

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 20, 2002, at 11 A.M., for defer decision, hearing closed.

99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci, Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of the conversion of a two story and cellar frame two family dwelling to stores (Use Group 6), which is contrary to §27-296 and Table 4-1 of the New York City Building Code.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

For Opposition: John Reisinger, Department of Buildings.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 14, 2001 acting on Applic. No. 400883763, in pertinent part reads;

“1. Proposed legalization of a two story and cellar frame family dwelling converted to stores (U.G. 6) is contrary to sect. 27-296 and table 4-1 of the Building Code.”; and

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in The City Record, laid over to February 26, 2002, March 26, 2002, April 16, 2002 and then to May 7, 2002 for decision; and

WHEREAS, this is an appeal challenging a decision of the Department of Buildings (DOB), disapproving the appellant’s application for the legalization of the conversion of a two story and cellar frame two family dwelling to stores, Use Group 6, is contrary to § 27-296 and tables 4-1 of the Administrative Code of the City of New York ; and

WHEREAS, the record indicates that the subject building is an Old Code, Class 4 wood frame structure built prior to 1938 for residential occupancy; and

WHEREAS, the subject premises is presently occupied by three commercial enterprises, specifically a jewelry store on the first floor and a clothing boutique and travel agency on the second floor; and

WHEREAS, the Buildings Department contends and the Board agrees that Table 4-1 of the Building Code, titled “Area and Height Limitations for Unsprinklered Buildings and Spaces,” prohibits Class C (mercantile) occupancies in Class IIC (combustible construction) structures; and

WHEREAS, the appellant asserts that the subject building has been used as a commercial building since prior to 1938; and

WHEREAS, the appellant also notes that his proposal will provide the installation of a sprinkler system connected to the domestic line in the public halls; and

WHEREAS, the Board informed the appellant that because the proposed is a conversion with three different commercial uses, the proposal must comply with Local Law of 58 of 1987 with respect to providing vertical access to people with disabilities; and

WHEREAS, the appellant contends that his proposal is entitled to a waiver from the aforementioned accessibility requirements because his building is not a new building; and

WHEREAS, the appellant also claims a waiver from accessibility requirements under Section 27-292.5(i)(1); and

WHEREAS, the Department of Building notes that Section 27-123.1(b) of the Building Code provides that LL 58/87 “shall apply to an entire existing building, as if hereafter erected, when there is a change of occupancy classification of the building”; and

WHEREAS, the Department also notes that Section 27-292.5(i)(1) is also not applicable because, the total floor area of the subject building is shown as 2,763 feet, exceeding the 2,500 limit of Section 27-292.5(i)(1); and

WHEREAS, therefore, the Board agrees with the Department of Buildings contention, that because of the change of occupancy classification from residence to mercantile proposed here, the building must be treated like a new building; and

WHEREAS, the appellant has also failed to demonstrate how the subject commercial establishment, will make its goods and services available to people with disabilities; and

WHEREAS, were the Board to waive accessibility requirements, it would be legalizing a condition that would not be permitted by a legal use; and

MINUTES

WHEREAS, therefore, the Board finds that the exemption from the LL 58/57 provisions found in Sections 27-292.5(i)(2), and 27-292.5(i)(1) of the Building Code, claimed by the applicant, are not applicable in the instant case; and

WHEREAS, the Board finds that the appellant has failed to submit adequate evidence to warrant this appeal.

Resolved, that the decision of the Queens Borough Commissioner, dated February 14, 2001 acting on Applic. No. 400883763, is affirmed and this appeal is denied.

Adopted by the Board of Standards and Appeals May 7, 2002.

326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD -Appeal granted on condition..

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated November 1, 2001, acting on ALT.1 Application # 401270398, reads:

1. "PROPOSED CHANGE OF USE OF AN EXISTING 2-1/2 STORY FRAME TWO FAMILY DWELLING INSIDE THE FIRE DISTRICTS TO A COMMUNITY FACILITY USE IS CONTRARY TO SECT. 27-296 AND TABLES 4-1 AND 4-2 OF THE ADMIN. CODE."; and

WHEREAS, this appeal challenges the Department of Buildings determination disapproving an alteration and change of occupancy of an existing wood frame building located within a Fire District; and

WHEREAS, the instant application proposes to convert an existing vacant cellar and two- story building, which has been designed and arranged for use as a one-family dwelling, into a Use Group 4A not-for profit institute without sleeping accommodations, offices and meeting rooms; and

WHEREAS, the Department of Buildings disapproved the application because the pre-1968 Administrative Code classified the subject premises as a residential Class 4 wood frame structure and the appellant's proposed use is contrary to Sections 27-296 and Tables 4-1 and 4-2 of the Administrative Code; and

WHEREAS, table 4-1(Area and Height Limitations for Unsprinklered Buildings and Spaces) and Table 4-2 (Area and Height Limitations for Sprinklered Buildings and Spaces) prohibit Group E (Business) occupancies in Class IID and IIE combustible construction structures if such structure is located within a Fire District; and

WHEREAS, the subject premises is a wood frame building classified within combustible construction class IID or IIE; and

WHEREAS, the subject building is located in an R4-1 zoning district, on an oversized zoning lot, 534 feet in width by 594 feet in length, irregular in area with a total of 245,538 square feet; and

WHEREAS, the subject building will contain a cellar for storage, with offices and a conference on the first floor occupying 1,029 square feet, offices on the second floor occupying 1062 square feet, and offices in the attic space occupying 450 square feet; and

WHEREAS, at 2,491 square feet, the applicant proposed use for the building occupies less than 2,500 square feet; and

WHEREAS, the record indicates that the subject not-for-profit community facility use meets the requirements of an Occupancy Group 4E and is therefore exempt from having to provide a second exit; and

WHEREAS, the record indicates, the existence of a fire hydrant located within 100 feet of the subject premises, on the opposite side of 148th Street; and

WHEREAS, after consulting with representatives from the Fire Department, in accordance with plans marked received April 23, 2002, (4) sheets, the appellant proposes to install extensive fire safety measures including a new sprinkler system covering the entire building connected to the domestic water line, a smoke and fire detection system installed throughout the building, connected to a Fire Department approved central monitoring station; and

WHEREAS, in addition to the aforementioned measures, the appellant will also provide, two exits, at opposite ends of the building at the first floor level, illuminated exit signs, a heat detector for the boiler room, a pull station within the first floor vestibule and a strobe and horn alarm system; and

WHEREAS, therefore, the Board finds that appellant's fire safety measure are adequate to warrant approval of this application; and

WHEREAS, the Board informed the appellant that because the proposed is a conversion, the proposal must comply with Local Law of 58 of 1987 with respect to providing vertical access to people with disabilities; and

WHEREAS, the appellant contends that his proposal is entitled to a waiver from the aforementioned

MINUTES

accessibility requirements under Section 27-292.5(i)(1) because his building contains less than 2,500 square feet; and

WHEREAS, the appellant also noted that there are on the buildings within the not-for-profit-community facility, that are accessible to people with disabilities and that for the total of employees who would work in the subject building, the cost to provide a handicapped ramp or lift in addition to the fire safety measures would be cost prohibitive; and

WHEREAS, the Board finds that when viewed within the totality of the community facility complex, and the fact that programmatic access or reasonable accommodations can be provided at accessible buildings within the complex, the appellant need not provide vertical access to people with disabilities at the subject premises; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions. Resolved, that the decision of the Queens Borough Commissioner, dated, November 1, 2001, acting on ALT.1 Application # 401270398, is reversed the appeal is granted, limited to the decision noted, on condition that the construction shall substantially conform to drawing filed with the application marked, "Received April 23, 2002"- (4) sheets; and

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 7, 2002.

35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R. § 23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Loretta Papa.

For Opposition: John Reisinger, Department of Buildings.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 16, 2002, acting on Application No. 401365982, reads:

"For Board of Standards and Appeals Only

- 1) The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law;
- 2) The site and building is not fronting on an official mapped street, therefore, no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to section C27-291 (C26-401.1) of the Administrative Code of the City of New York;
- 3) Upgraded private disposal system in the bed of a mapped street contrary to Department of Building policy;
- 4) Building front yard setback of 12'0" is contrary to Sect. 23-45 which requires a 10'0" or 18'0" front yard."; and

WHEREAS, by the letter dated February 1, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 13, 2002, the Department of Transportation has reviewed the above project and has no objections;

WHEREAS, by letter dated the Department of Environmental Protection has reviewed this project and has no objections; and

WHEREAS, Z.R. § 23-45 governs minimum required front yards in R1, R2, R3, and R4 zoning districts; and

WHEREAS, the applicant contends that the intention of Z.R. § 23-45 is to establish minimum front yards and not to prohibit deeper front yards; and

WHEREAS, the record indicates that the minimum 18' front yard would accommodate parking in the front yard and a depth less than 18' may cause the parked vehicle to project partially on the sidewalk; and

WHEREAS, the applicant has established that since

MINUTES

parking is provided off-site by the Breezy Point Cooperative and the 12'0" proposed front yard is too short for a parking space and is within the spirit of Z.R. § 23-45 which provides the minimum front yards required; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated January 16, 2002, acting on Application No. 401365982, objections #1, 2, & 3 are modified under the power vested in the Board by §§ 35 and 36 of the General City Law, Objection #4 is reversed, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 9, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 7, 2002.

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island. 30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

MINUTES

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 21, 2002, at 11 A.M., for continued hearing.

293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - An appeal challenging the Department of Buildings' decision dated September 20, 2001, which permitted the renovation of parts of subject building under the old code, when the cost of renovation exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code.
PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Robert Cook and Robert F
For Opposition: John Reisinger, Department Buildings; Jay Segal, Greg Rosznagel and Spencer Goroff.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
Negative:0
Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 18, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:50 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MAY 7, 2002 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.
SUBJECT - Application June 30, 2000 - under 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.

PREMISES 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

APPEARANCES -

For Applicant: Eric Palatnik.
For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.
THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
Negative:0
Absent: Vice-Chair Babbar.....1

Adopted by the Board of Standards and Appeals, May 7, 2002.

192-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6c, requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik.
For Opposition: Doris Diether, Community Board #2.
For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

MINUTES

Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
Absent: Vice-Chair Babbar.....1
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 24, 2001, acting on Alt. Applic. No. 102490788 reads:

“Obtain Special Permit per Z.R. section 42-14 (b) for proposed eating and drinking establishment with entertainment.”; and

WHEREAS, a public hearing was held on this application on December 12, 2001 after due notice by publication in the Bulletin, laid over to January 30, 2002, March 19, 2002, and then to May 7, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-24, to permit, in a M1-5B zoning district, the legalization of an existing eating and drinking establishment with entertainment but not dancing (Use Group 6C), located at the cellar and first floor level of the subject premises; and

WHEREAS, Use Group 6C applies to eating and drinking establishments with entertainment but not dancing; and

WHEREAS, eating and drinking establishments with musical entertainment are excluded from special permit consideration; and

WHEREAS, there is ample evidence in the record indicating that the existing and proposed use is not a Use Group 6c use; and

WHEREAS, even if viewed under a under a Use Group 6C analysis, this application must prove; (A) that the subject use will not impair the character or the future use or development of the surrounding or mixed use neighborhood; (B) that such use will not cause undue congestion in local streets; (C) that, within an M1-5B District, eating and drinking places shall be limited to not more than 5,000 square feet of floor space; (D) that such use shall take place in a completely enclosed building; and (E) that the application is made jointly by the owner of the building and the operators of such eating and drinking establishment; and

WHEREAS, the Board may permit in the subject M1-5B zoning district an eating and drinking establishment, Use Group 6C, with entertainment, but not dancing, with a capacity of 200 persons or less; and

WHEREAS, this application has been filed jointly by the owner and operator of the establishment; and

WHEREAS, the applicant contends that in response to an objecting tenant on the second floor, the volume of the music was lowered, acoustical insulation was installed and staff members were instructed to allow patrons into the premises quickly and to disperse exiting patrons to avoid crowding; and

WHEREAS, despite the applicant’s contentions that

the operators of the subject premises seek a “low profile image” because they cater to an upscale clientele, evidence in the record, including video tapes and pictures, indicate that a “red velvet” rope connecting two stanchions is placed on the sidewalk in front of the subject premises, partially blocking the sidewalk and people not granted admission are allowed to remain in front of the premises thereby causing undue congestion on the sidewalk and in nearby local streets; and

WHEREAS, the record indicates that dancing has taken place at the site, and that private parties are advertized to last past 4:00 a.m. and as late as 8:00 a.m.; and

WHEREAS, therefore, Board finds that evidence in the record demonstrates that the applicant has failed to make adequate provisions to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the street; and

WHEREAS, the Board finds that the applicant has also failed to demonstrate his operational plan blends into the surrounding neighborhood and is insufficient to prevent undue vehicular or pedestrian congestion in front of the premises or on local streets; and

WHEREAS, the evidence in the record thus demonstrates that the addition of musical entertainment and/or dancing at the premises impairs the character or the future use or development of the surrounding mixed-use neighborhood; and

WHEREAS, the evidence in the record further indicates the adverse effects of the subject premises on the privacy and quiet in the neighborhood; and

WHEREAS, while the Board finds, that when analyzed as an application qualifying under Use Group 6C, it would satisfy conditions C, D, and E, that, within an M1-5B District, eating and drinking places shall be limited to not more than 5,000 square feet of floor space; that such use shall take place in a completely enclosed building; and that the application is made jointly by the owner of the building and the operators of such eating and drinking establishment; and

WHEREAS, however, the Board finds that the application fails to satisfy conditions A and B requiring that the subject use will not impair the character or the future use or development of the surrounding mixed use neighborhood; that such use will not cause undue congestion in local streets; and

WHEREAS, the Board determines that because the existing and proposed use impair the character or future use of development of the surrounding or mixed use neighborhood and the subject has caused undue congestion in local street the application must be denied and the decision of the Borough Commissioner, dated April 24, 2001, acting on Alt. Applic. No. 102490788 is upheld.

Adopted by the Board of Standards and Appeals, May 7, 2002.

MINUTES

207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.

SUBJECT - Application June 7, 2001 - under Z.R. § 73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and first floor of a 13-story mixed use building in a C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 8, 2001 acting on Application No. 101557414 reads:

“1) Proposed Gymnasium (Physical Culture Establishment) requires BSA approval per Z.R. section 73-36.”

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in The City Record and laid over to March 26, 2002, April 16, 2002, and then to May 7, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and first floor of a 13-story mixed use building in a C6-9 zoning district; and

WHEREAS, the applicant represents that the first floor contains all of the workout equipment and open spaces for the purpose of holding aerobics, martial arts, and other physical conditioning classes, programs and instruction; and

WHEREAS, the applicant further represents that the cellar level functions as the accessory to the first floor gymnasium, containing a lounge for patrons, and separate men’s and women’s changing rooms, bathrooms and showers; and

WHEREAS, Community Board #1 has no objection with the issuing of this special permit; and

WHEREAS, the record indicates that the proposed use

will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and first floor of a 13-story mixed use building in a C6-9 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received March 19, 2002”-(6) sheets; and on further condition;

THAT the hours of operation shall be from Monday to Friday 5:30 a.m. - 11:00 p.m., and Saturday and Sunday 10:00 a.m. - 6:00 p.m.;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of eight (8) years from the date of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy be obtained within one year of the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the

MINUTES

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 7, 2002.

280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit a mixed use building located in a C1-9 zoning district which violates commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations as per Z.R. §§32-421, 33-283, 35-63(a), 23-652, 37-017, 13-134, 26-05, 36-682.

PREMISES AFFECTED - 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Howard Zipser and Howard Hornstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 10, 2001 acting on Applic. No. 102973926 reads:

1. Proposed Use Group 6 Commercial Use above the level of the 2nd floor ceiling in an MD is contrary to Section 32-421 ZR.
2. Rear yard equivalent is not provided for the commercial portion of the building (2nd to 4th floors) contrary to Section. 33-283.
5. Proposed residential tower in a mixed building is contrary to Section. 35-63(a) and 23-652 ZR.
6. Proposed street wall transparency is contrary to Sect. 26-05 ZR.
7. Proposed accessory parking for 214 cars is contrary to section 13-134 ZR.
8. Proposed curb cut for accessory loading berths on a wide street is contrary to Sect. 26-05 ZR.
9. Proposed curb cuts for accessory loading berths less than 50' from the intersection of two streets is contrary to Sect. 36-682 ZR"; and

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in The Bulletin and laid over to January 29,

2002, March 19, 2002, April 9, 2002 and then to May 7, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit a mixed use building located in a C1-9 zoning district which violates commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations as per Z.R. §§32-421, 33-283, 35-63(a), 23-652, 37-017, 13-134, 26-05, 36-682; and

WHEREAS, an amendment to the application has removed a request for a curb cut on Second Avenue, negating DOB objection number 6, referenced above; and

WHEREAS, the site is an irregularly shaped through corner lot of 58,637 square feet in area with approximately 368' of frontage on East 37th Street, 200' of frontage on East 36th Street and 200' of frontage on Second Avenue; and

WHEREAS, the southeast corner of the site, at the intersection of East 36th Street and Second Avenue, (the "land portion") is improved with three vacant five-story walk-up multiple dwellings and a public parking lot; and

WHEREAS, the remainder of the site (the "roadway portion") is improved with a recessed exit roadway for the Queens-Midtown Tunnel; and

WHEREAS, the land portion of the site is approximately 21,681 s.f. while the roadway portion of the site is the remaining 36,956 s.f.; and

WHEREAS, the application proposes a 34-story mixed commercial and residential building; and

WHEREAS, the building sub-cellar and cellar would contain building services and an accessory parking garage for a total of 214 cars; and

WHEREAS, the applicant states that the first floor would contain the residential lobby and service entrance, approximately 9,678 s.f. of retail/commercial space, and an accessory loading dock of approximately 20,765 s.f., for a post office; and

WHEREAS, the second, third and fourth floors would contain a post office; and

WHEREAS, floors 5-34 would contain 480 dwelling units; and

WHEREAS, the applicant has proposed that the building would be constructed on the easternmost 185' of the site, extending from East 37th Street to East 36th Street; and

WHEREAS, the first four floors would be a rectangular base fronting for 200' on Second Avenue and 185' on East 36th and East 37th Streets; and

WHEREAS, above the fourth floor, the building would setback and an L-shaped tower which would house the residential units; and

MINUTES

WHEREAS, the northern portion of the proposed building would be constructed on a truss located over a portion of the Midtown Tunnel exit roadway; and

WHEREAS, the applicant claims that there are unique physical conditions located on the site which create practical difficulties and unnecessary hardships in constructing in strict conformity with the Zoning Resolution; and

WHEREAS, the record indicates that 36,956 s.f. of the site, or approximately 58% of the lot area, is occupied by the exit roadway for the tunnel; and

WHEREAS, the applicant states that the exit roadway is over 14' below street grade at Second Avenue and rises steadily as it travels westerly across the site; and

WHEREAS, the applicant also states that the exit roadway is open to traffic and a clearance of 13'9" must be maintained by any structure built over it; and

WHEREAS, expert testimony indicates that in order to develop the site, an extensive truss system must be installed over the exit roadway; and

WHEREAS, further, since the roadway rises as it traverses the site, the engineering is further complicated to maintain the required vehicular clearance; and

WHEREAS, the applicant also contends that the required setbacks would create increased load transfers and mechanical transfers, contributing additional engineering expenses; and

WHEREAS, additionally, the applicant contends that the location of the property at the exit from the tunnel creates a high volume of traffic; and

WHEREAS, the applicant contends that noise from this traffic deteriorates the viability of residential units located on the street line and lower floors; and

WHEREAS, in testimony during Board hearings, persons speaking both in favor of and against the application frequently referenced the existing high level of noise at the site and its negative impact upon residential occupancies; and

WHEREAS, the record indicates that a fully compliant building would place a number of units close to the noise associated with the tunnel traffic; and

WHEREAS, the compliant design would also have a U-shaped tower; and

WHEREAS, the applicant represents that units located on the interior portion of the U would suffer from the same tunnel noises and fumes so often referenced in testimony before the Board; and

WHEREAS, the Board finds the location of a rising, below-grade roadway, engineering problems associated with constructing over said roadway and the unusually high levels of noise from the tunnel traffic constitute unique physical conditions causing a practical difficulty and unnecessary hardship in complying with the Zoning Resolution; and

WHEREAS, at the request of the Board, the applicant submitted a second economic analysis of a compliant building built only upon the unencumbered portion of the site; and

WHEREAS, the applicant has submitted economic data and contends that due to the above discussed conditions, construction in strict conformity with the Zoning Resolution would not yield a reasonable return; and

WHEREAS, the applicant submitted evidence that a compliant building built upon that smaller footprint, while not having the cost of the above truss discussed above, would have at least three setbacks, creating significant costs associated with load and mechanical transfers; and

WHEREAS, such a development on the reduced footprint would result in a taller building that would be out of character with the neighborhood; and

WHEREAS, the applicant has argued that the proposed building would not alter the essential character of the surrounding neighborhood, would not substantially impair the appropriate use and development of adjacent properties and would not be detrimental to the public welfare; and

WHEREAS, the proposed building would have 480 apartments, ground floor retail uses, a postal facility on floors one through four and 214 accessory parking spaces in a below grade garage; and

WHEREAS, the applicant represents that the C1-9 zoning district permits a residential F.A.R. of 10.0, a commercial F.A.R. of 2.0 and a combined F.A.R. of 10.0; and

WHEREAS, the proposed F.A.R. is 8.13 for the residential use, 1.86 for the commercial use and 10.0 for the combined building, all within the requirements of the Zoning Resolution; and

WHEREAS, the C1-9 zoning district also permits post offices and other retail occupancies; and

WHEREAS, however, the C1-9 district does not allow the commercial uses to be located above the level of the second floor and the applicant proposes to place a post office on the third and fourth floors; and

WHEREAS, additionally, the proposed building would not provide the required 40' commercial rear yard equivalent, the residential tower would violate the tower-on-a-base requirements, the proposed street wall transparency would be below that required, the accessory parking would exceed the permitted 124 spaces permitted and the curb cut for the post office exit would be located on East 37th Street within 50' of Second Avenue (a wide street); and

WHEREAS, through written submissions and at the Board hearings, a large portion of testimony received in opposition to the variance came from a multiple dwelling located directly west of the site on East 36th Street; and

WHEREAS, the community was concerned with traffic issues on East 36th Street and the proposed post office use; and

WHEREAS, currently, a post office is located on the same block, west of the opposing multiple dwelling along East 36th Street; and

WHEREAS, the applicant proposes to construct a facility of similar size as the existing East 36th Street post office; and

MINUTES

WHEREAS, the applicant represents that the proposed post office would utilize small trucks that would enter the facility through East 36th Street and exits onto East 37th Street; and

WHEREAS, the proposed post office would not have a retail function so that it would only be occupied by post office staff;

WHEREAS, opponents to the variance have requested that the entrance on East 36th Street be relocated to either Second Avenue or East 37th Street; and

WHEREAS, in response to Board and community concerns, the applicant has demonstrated that due to the need for clearance above the tunnel exit roadway, the northern portion of the first floor, along 37th Street is raised above street level; and

WHEREAS, the applicant represents that due to this raised level, the building can only accommodate one ramp on East 37th Street, at the corner of Second Avenue, which serves as the post office truck exit; and

WHEREAS, originally, the applicant had proposed a second post office exit on Second Avenue, but removed the exit after Community Board 6 requested that there be no curb cuts along Second Avenue; and

WHEREAS, the New York City Department of Transportation (“DOT”) has also expressed a preference for having building access on the cross streets, rather than Second Avenue; and

WHEREAS, evidence in the record indicates that Second Avenue has a bus lane that would be impacted by the relocation of vehicle entrance or exits; and

WHEREAS, the applicant states that the relocation of the accessory garage access to East 37th Street would not be possible and the relocation onto Second Avenue would create larger impacts; and

WHEREAS, besides the vehicle entrances, the applicant proposes a layby lane on East 36th Street; and

WHEREAS, the applicant proposes this lane to take cars out of the East 36th Street flow of traffic while picking-up or dropping-off for the residential entrance on East 36th Street; and

WHEREAS, in response to questions from the Board, the applicant has shown that a similar layby lane exists on East 58th Street, which has similar traffic conditions due to its proximity to the 59th Street Bridge; and

WHEREAS, as with curb cuts, the DOT has stated that they would prefer that a layby be located on East 36th Street instead of Second Avenue; and

WHEREAS, the applicant states that since the residential lobby cannot be physically located on East 37th Street, the layby lane must be located on East 36th Street; and

WHEREAS, the applicant contends that in order to ease entry and exits from said lane, the proposed lane has been lengthened to 85' from its originally proposed 50' ; and

WHEREAS, the applicant maintains that while there may still be traffic as vehicles enter or exit the layby lane, the lane is preferable since it will reduce the more serious

delays that arise from taxis and other cars double parking in travel lanes while discharging passengers; and

WHEREAS, the applicant has submitted evidence, including a letter from the post office, attesting that the proposed post office at the site would be operated in a substantially similar fashion to the existing post office on the block; and

WHEREAS, the applicant represents that since a post office already exist on the subject block, its relocation to the east end should not create any new negative impacts upon the area residents; and

WHEREAS, in response to concerns raised by neighbors about future commercial occupants, the applicant has agreed that the use of the second, third and fourth floors would be restricted to a post office; and

WHEREAS, the post office use is an as-of-right use for this district; the request is merely to allow the use to extend internally to the third and fourth floors; and

WHEREAS, the applicant contends that the physical location of the post office on the third and fourth floors would not impact upon the adjacent properties; and

WHEREAS, the proposed building would contain 480 dwelling units, of which 20% (96 units) will be reserved for affordable housing in accordance with the 80/20 Program; and

WHEREAS, the applicant represents that while the subject site could potentially house 700 dwelling units, the 480 units proposed would have significantly less impact in terms of residential traffic; and

WHEREAS, the applicant has demonstrated the proposed additional parking spaces will not increase vehicular traffic but will accommodate vehicles already brought into the area by the proposed building's occupants; and

WHEREAS, the applicant has submitted an as-of-right tower-on-a-base design for the Board's review; and

WHEREAS, the applicant has stated that the as-of-right building would have a split five-story base with a U-shaped tower totaling 27 stories; and

WHEREAS, the applicant has submitted evidence and the site visit has confirmed that the surrounding area contains a number of older, smaller residential buildings as well as newer, larger multiple-dwellings which are as tall or taller than the proposed building; and

WHEREAS, the applicant represents that the proposed tower, being L-shaped provides a superior design to a U-shaped as-of-right building in a number of ways; and

WHEREAS, the applicant further represents that for the site itself, the taller commercial base would create a vertical separation from street traffic for dwelling units, such that the lowest dwelling units would be at least 70' above said traffic, while the U-shaped building would only have apartments; and

WHEREAS, similarly, all proposed dwelling units would be set back at least 15' from East 36th Street and 10' from Second Avenue, while an as-of-right project would place dwelling units on the lower floors directly on the street line; and

MINUTES

WHEREAS, the applicant contends that the proposed L-shape would provide better access to light and air for units on the interior of the "L" compared to similar units located on the interior of the as-of-right "U"; and

WHEREAS, the open "L" design would also ensure better light and air access for the adjacent multiple dwelling, since an as-of-right "U" would direct a number of the neighboring windows into an interior court space; and

WHEREAS, atop the proposed five-story base, the applicant is proposing a large landscaped area which would significantly enhance visual amenity compared to the current view of the open tunnel exit roadway and parking lot; and

WHEREAS, evidence in the record indicates that Second Avenue currently contains a strong retail street wall that is interrupted by the open cut at the site, and the applicant states that the proposed development would continue Second Avenue's ground floor retail presence; and

WHEREAS, the applicant is also proposing a number of street trees which would enhance the appearance of this portion of Second Avenue and remove the dead zone; and

WHEREAS, the proposed project was approved by Community Board #6 Manhattan; and

WHEREAS, the Board notes that the uses and densities proposed are as-of-right, the project provides needed housing, including 96 units of affordable housing, the traffic analysis and suggestions of the applicant have been agreed to by the Department of Transportation and the proposed post office is a mere relocation of an already existing use within the same block; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title, but are the result of the unique traffic issues of the Midtown Tunnel and the need to accommodate the existing tunnel exit roadway; and

WHEREAS, as referenced above, the proposed project asks for no increases in F.A.R. or number of dwelling units; and

WHEREAS, the economic analysis submitted with this application indicates a return of only 6.49%; and

WHEREAS, the Board find that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the applicant has submitted an Environmental Assessment Statement and has made multiple environmental submissions to the Board; and

WHEREAS, the environmental analysis submitted details all areas of environmental concern under the Environmental Conservation Law and City Environmental Quality Review; and

WHEREAS, by letter dated January 7, 2002, the MTA deferred to the Board as the lead agency for environmental review; and

WHEREAS, the information submitted by the applicant was sufficient for the Board to carefully examine for any potentially significant adverse environmental impacts; and

WHEREAS, the applicant has sufficiently responded to issues raised by the Board and the community, submitted multiple supporting letters from DOT concurring with both the environmental analysis and proposed traffic mitigation measures; and

WHEREAS, the traffic analysis submitted to the Board encompasses extensive work by the applicant's consultants over the course of many months including frequent consultation with the DOT and MTA; and

WHEREAS, the applicant has included analyses of multiple intersections in the neighborhood, extending well beyond the immediate area around the site; and

WHEREAS, by letter dated April 10, 2002, the DOT has reviewed the latest submission and has no objections to this application; and

WHEREAS, the applicant has specifically addressed all environmental impacts not only from the requested zoning variance, but also from the transfer of property from the MTA to a private entity; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit a mixed use building located in a C1-9 zoning district which violates commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations as per Z.R. §§32-421, 33-283, 35-63(a), 23-652, 37-017, 13-134, 26-05, 36-682, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 10, 2001"-(10) sheets, "November 21, 2001"-(1) sheet, and "February 19, 2002"-(1) sheet; and on further condition;

THAT the occupancy of the second, third and fourth floors shall be limited to a post office;

THAT all trucks utilizing the ground floor loading docks shall exit the building through East 37th Street;

THAT 96 dwelling units shall be reserved for affordable housing in accordance with the 80/20 Program;

THAT street trees shall be maintained around the perimeter of the property;

MINUTES

THAT there shall be no parking in the layby lane on East 36th Street and that it shall only be used for persons loading or unloading;

THAT the parking garage in the cellar and sub-cellar shall be limited to 214 accessory parking spaces;

THAT the above referenced conditions shall appear on the Certificate of Occupancy;

THAT no permits, other than foundation permits, shall be issued for the construction of the post office space until the applicant has submitted an agreement for a post office tenant to the Board;

THAT the applicant shall obtain Board approval for any alternative use of the second, third and fourth floors should a post office not commit to the space;

THAT all lighting shall be directed away from adjacent residential units;

THAT the applicant shall work in conjunction with the NYC Department of Transportation to implement the traffic mitigation measures in the Environmental Assessment Statement unless the Department should find said measures to be unnecessary;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 7, 2002.

33-02-BZ

APPLICANT - Miriam J, Allen, for New York City Housing Authority, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit, in an R5 zoning district, the proposed addition of three lobbies, which will project three feet into the required ten foot front yards located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34.

PREMISES AFFECTED - 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated December 20, 2001 acting on Application No. 401381330 reads:

“RESPECTFULLY REQUEST AN OBJECTION OF BOARD OF STANDARDS AND APPEALS DENIAL FOR A FRONT YARD VARIANCE. THE PROPOSED DESIGN SHALL REDUCE THE FRONT YARD TO LESS THAN 10'-0”.”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record and laid over to May 7, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the proposed addition of three lobbies, which will project three feet into the required ten foot front yards located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34; and

WHEREAS, the subject site is occupied with seven six-story buildings containing 418 apartments operated as public housing under the jurisdiction of the New York City Housing Authority (NYCHA); and

WHEREAS, the record indicates that the front yards for the seven existing buildings contain yards of varying depths ranging from 10 to 37 feet; and

WHEREAS, the applicant represents that the existing front yards comply with the minimum required for R5 zoning districts; and

WHEREAS, it is the proposed lobby additions to Arverne Houses that cause three of the seven buildings to project three feet into the required 10-foot front yards; and

WHEREAS, the applicant represents that the proposed lobby additions will be one-story structures with large, transparent glass facades, enclosed to house a tenant patrol room, increasing security by overlooking the entrances and adjacent sidewalks; and

WHEREAS, the lobby additions are needed as part of the HOPE VI Neighborhood Revitalization program to improve the quality, safety, and security of Arverne Houses for NYCHA residents; and

WHEREAS, the applicant asserts that the proposed design for the lobby additions is the only way to enlarge the existing small lobby areas; and

WHEREAS, the applicant notes that in an R5 district

MINUTES

an 18-foot building setback along the street is normally required, but that a 10-foot front yard is allowed on one side of a corner lot, to accommodate a parking space for one car; and

WHEREAS, the applicant represents that the 10-foot minimum setback requirement is applicable to the instant application, because it refers to typical rowhouse developments, and its purpose is to avoid a parked car protruding onto the sidewalk; and

WHEREAS, the record indicates that in an R6 zoning district a front yard would not be required for buildings similar to the Arverne Houses; and

WHEREAS, the applicant represents that in July 1949, seven months after the New York City Housing Authority started construction of Arverne Houses, it conveyed, to the city, a 10-foot strip along Beach Channel Drive as well as a 20-foot strip along both Beach 56th Street and Beach 54th Street for a road widening resulting in a reduction to the setback of buildings fronting these streets; and

WHEREAS, these circumstances create a unique burden, creating the need for a non-complying design in order to meet the programmatic needs of the New York City Housing Authority; and

WHEREAS, the Board finds that there are unique conditions peculiar to this particular zoning lot that create practical difficulties and cause unnecessary hardship in strict compliance with the provisions of the zoning resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, a residential development is a permitted use in an R5 zoning district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each

and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R5 zoning district, the proposed addition of three lobbies, which will project three feet into the required ten foot front yards located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 18, 2002"-(22) sheets; and on further condition;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, May 7, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Administration: Jay Segal, Jack Freeman, Nick Deleroso, Lou Governara and others.

For Opposition: Roberta Sherman and Carrol Lebrahams. For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

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

MINUTES

auto-related uses on the project site.

PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman and Lillian Giangrande Brosnan..

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for decision, hearing closed.

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik and Les Bernstein.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for defer decision, hearing closed.

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik and Jim Athanapalous.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka

MINUTES

53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

217-01-BZ

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: David Flores-Rivera.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 1:30 P.M., for defer decision, hearing closed.

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik, Chris Tartaglia, Daniel Friedman, John Lombardo and others.

For Opposition: Wilma Maynard, Dav Matthew, Rudy Bryant and Robert Baird Paterson.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

MINUTES

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Renu Shevade.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2 P.M., for continued hearing.

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets,

Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael Silverman and Paul Bordman.

For Opposition: Marvin Mitzner.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

403-01-BZ

APPLICANT - Sullivan, Chester & Gardner LLP, for Trump Construction Co., owner; Yandoli Foods Corp., lessee.

SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit the reestablishment of an expired special permit previously granted under Calendar No. 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 54, located in a C7-2 zoning district, which is contrary to Z.R. §73-243.

PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Jeffrey Chester.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

17-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on portions of the second and third floors of a two and threestory building, located in a C4-3 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Fredrick A. Becker and others.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

MINUTES

Absent: Vice-Chair Babbar.....1
ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'- 8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

36-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT - Application January 22, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker and others.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R. §73-452, to permit the legalization of off-street parking spaces, accessory to an existing community facility (church), located in an R3-2 zoning district.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Howard Wiez, Pastor Francis Chan, Ethan Eldon, Zae Kim, Christine Calishan, James Lee, Simone Choy and others

For Opposition: Assemblyman McGlauglin (Representative) Susan Christensen, Joan Damian, Jon Bavaro, Carlos Telasarios, Richard Jannacco and others.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:45 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 21

May 23, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	378
CALENDAR of June 11, 2002	
Morning	379
Afternoon	380
CALENDAR of June 18, 2002	
Morning	381
Afternoon	382-383

CONTENTS

MINUTES of Regular Meetings,
Tuesday, May 14, 2002

Morning Calendar384

Affecting Calendar Numbers:

982-83-BZ	191-20 Northern Boulevard, Queens
130-88-BZ	1007 Brooklyn Avenue, Brooklyn
189-96-BZ	85-12 Roosevelt Avenue, Queens
262-99-BZ	230-234 East 124 th Street, Manhattan
1069-27-BZ Vol. III	6702/6724 New Utrecht Avenue, Brooklyn
245-32-BZ	123-05 101 st Avenue, Queens
74-49-BZ	515 7 th Avenue and 144-158 West 38 th Street, Manhattan
674-52-BZ	21-04 21 st Avenue, Queens
635-57-BZ	115 East 69 th Street, Manhattan
1263-80-BZ	436 Tenth Avenue, a/k/a 432/438 10 th Avenue, Manhattan
62-83-BZ	696 Pacific Street, a/k/a 529/39 Dean Street and 549/59 Dean Street, Brooklyn
840-86-BZ	125 East 38 th Street, Manhattan
32-91-BZ	838/846 Fulton Street, a/k/a 489/93 Vanderbilt Avenue, Brooklyn
51-99-BZ	1192 East 22 nd Street, Brooklyn
193-01-BZ	3034 Coney Island Avenue, Brooklyn
220-01-A	10 Everton Avenue, Staten Island
123-01-A	540/2 West 50 th Street, Manhattan
299-01-A	270 West 43 rd Street, Manhattan
300-01-A	3903/3911 Amboy Road, Staten Island
80-02-A	155 Oceanside Avenue, Queens

CONTENTS

Afternoon Calendar390

Affecting Calendar Numbers:

120-01-BZ	134-02 Cross Bay Boulevard, Queens
239-01-BZ	135-16 11 th Avenue, Queens
252-01-BZ	2382-2388 Creston Avenue, Bronx
295-01-BZ	1257/63 38 th Street, Brooklyn
371-01-BZ	104 Charlton Street, Manhattan
385-01-BZ	1449 39 th Street, a/k/a 1443/49 39 th Street, Brooklyn
56-02-BZ	317 Dahill Road, Brooklyn
234-01-BZ	80 North 5 th Street, Brooklyn
250-01-BZ	101-03 Astoria Boulevard, a/k/a 27-31 Kearney Street, Queens
261-01-BZ	105 West 24 th Street, a/k/a 735/57 Avenue of Americas, Manhattan
305-01-BZ thru 320-01-BZ	65-97/65-77/65-79/65-81/65-83/65-85/65-87/65-89/65-91/65-90/65-88/65-86/65-84/ 65-82/65-80/65-78 Terrace Court, Queens
360-01-BZ	2228 Gerritsen Avenue, Brooklyn
373-01-BZ	372 Avenue "U", Brooklyn
377-01-BZ	56 Giffords Lane, Staten Island
378-01-A	56 Giffords Lane, Staten Island
383-01-BZ	146-01 17 th Avenue, Queens
387-01-BZ	3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, Bronx
396-01-BZ	43A West 13 th Street, Manhattan
397-01-BZ	30-07 Newton Avenue, Queens
401-01-BZ	1555 East 28 th Street, Brooklyn
57-02-BZ	194 North 14 th Street, Brooklyn
58-02-A	194 North 14 th Street, Brooklyn

DOCKET

New Case Filed Up to May 14, 2002

147-02-BZ B.Q. 201-06 Hillside Avenue, southeast corner of 201st Street, Block 10495, Lot 52, Borough of Queens. Alt. #401122584. The legalization of the change of use of covered parking area, to automobile repair service bays, and the addition of a mezzanine with an accessory office and storage area, located in a C1-2 within an R-4 zoning district, is contrary to a previous variance granted by the Board under Cal. No. 148-87-BZ and Z.R. §32-00.

COMMUNITY BOARD #12Q

148-02-BZ B.BK. 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn. Applic. #300831107. The legalization of an existing inground swimming pool, which was constructed in the front yard of a corner zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

COMMUNITY BOARD #11BK

149-02-BZ B.S.I. 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island. N.B. #500509782. Proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #2SI

150-02-BZ B.S.I. 1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island. N.B. #500509781. Proposed construction of a one story bank with drive-thru facility, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #2SI

151-02-BZ B.M. 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan. N.B. #103134724. Proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, is contrary to Z.R. §23-692.

COMMUNITY BOARD #7M

152-02-BZ B.M. 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan. Alt. #103044055. The legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #8M

153-02-BZ B.BK. 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn. N.B. #301065638. Proposed three-story school building, Use Group 3, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6K

154-02-A B.S.I. 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island. Applic. #500524818. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

155-02-A B.S.I. 28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island. Applic. #500524827. Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JUNE 11, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 11, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1045-64-BZ

APPLICANT - Seymour W. Gage, P.E., for Kips Bay Tower Associates, owner; Rapid Park Industries, lessee.
SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 2001.
PREMISES AFFECTED - 300-330 East 33rd Street (aka 575 First Avenue) northwest corner of East 33rd Street and First Avenue, Block 936, Lots 7501 and 4280, Borough of Manhattan.

COMMUNITY BOARD #6M

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.
SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

JUNE 11, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 11, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.
SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.
PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.
SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.
PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.
SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.
PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.
747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.
437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.
320 West 13th Street, northwest corner of Horatio Street,

CALENDAR

Block 627, Lot 43, Borough of Manhattan.
COMMUNITY BOARD #6M

JUNE 11, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 11, 2002, at 2:00 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.
SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.
PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.
COMMUNITY BOARD #1BK

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.
SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.
PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.
COMMUNITY BOARD #1BK

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.
SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.
PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.
COMMUNITY BOARD #1BK

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.
SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

395-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted floor area ratio, and to waive the additional parking requirement due to the increase in floor area ratio, which is contrary to Z.R. §43-12 and §44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7,

CALENDAR

Borough of Queens.

COMMUNITY BOARD #2Q

Pasquale Pacifico, Executive Director

JUNE 18, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 18, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

JUNE 18, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 18, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

389-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector LLP, for D'Amico Imburgia Realty Corp., owner.

SUBJECT - Application December 17, 2001 - Proposed construction of two story commercial building, not fronting on a legally mapped is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Industrial Loop, east side, 550.14' north of Arthur Kill Road, Block 7206, Lot 253, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

CALENDAR

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

JUNE 18, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 18, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka

103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

393-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, requires a special permit from the Board as per Z.R. §32-10.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

18-02-BZ

APPLICANT - Augusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT - Application January 7, 2002 - under Z.R. §§11-412 & 11-413, to permit the proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

19-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture

CALENDAR

establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

61-02-BZ

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 14, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

SPECIAL ORDER CALENDAR

982-83-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 191-20 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: H. I. Sigman, and Peter Takudrim.

For Opposition: E. Terri Pouymari.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002; and

WHEREAS, The Board received complaints alleging non-compliance with a Variance granted for the subject premises under BSA Cal. No.982-83-BZ; and

WHEREAS, Specifically, the complaints allege that the site is being used for the illegal storage and sale of vehicles; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the alleged violations had been cured, the applicant submitted an operations plan detailing and explaining that the accessory parking at 190-02 Northern Boulevard is exclusively for the tenants of 190-22 Northern Boulevard, and that any illegally parked trucks or other motor vehicles will be towed; and

WHEREAS, the applicant will also secure the premises by locking both gates between 10:30 p.m. and 9:00 a.m.

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the Compliance Calendar.

Adopted by the Board of Standards and Appeals, May 14, 2002.

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of practice and procedure waived, application reopened and time to obtain a new certificate of occupancy extended

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on October 12, 2000; and

WHEREAS, a public hearing was held on this application on April 23, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on January 24, 1989 as amended through January 24, 1999 expiring January 24, 2009, only as to the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read: "That a new Certificate of Occupancy shall be obtained within thirty-six (36) months from October 12, 2000; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 14, 2002.

MINUTES

189-96-BZ

APPLICANT - John C Chen, A.I.A., for Ping Yee, owner; Edith D'Angelino-Canandonga, lessee.

SUBJECT - Application October 25, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 19, 2001.

PREMISES AFFECTED - 85-12 Roosevelt Avenue, Block 1502, Lot 3, Borough of Queens.

COMMUNITY BOARD #4Q

For Applicant: John C. Chen.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of the special permit extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the special permit which expired May 19, 2001; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to April 16, 2002 and then to May 14, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional three (3) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the resolution pursuant to Z.R. §73-244, said resolution having been adopted May 19, 1998, so that as amended this portion of the resolution shall read: 'to permit the extension of the term of the resolution for three years from May 19, 2001 expiring May 19, 2004, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received January 24, 2002"-(4) sheets and "April 16, 2002"(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT the premises shall be kept clean of debris and graffiti;

THAT all lighting shall be pointed away from residential dwellings;

THAT there shall be no loitering or queuing of customers in front of the premises;

THAT there parking for a minimum of thirty-five cars shall be reserved for patron parking at the parking garage at 86-10 Roosevelt Avenue;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted" (ALT No. 400662831)

Adopted by the Board of Standards and Appeals, May 14, 2002.

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and the resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on April 23, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002 for decision; and

WHEREAS, the applicant now seeks to extend use of the subject premises, at the eastern rear, so that the variance will now cover the entire lot, to permit use of the premises at block 1789, lot 21, as an accessory parking lot for employees of the subject premises, to permit the proposed second floor at the eastern side of the premises to line up with the existing mezzanine level of the existing adjacent building on the western side, to raise the height of the previously proposed enlargement to provide for the alignment of all floors; and

WHEREAS, by letter dated April 22, 2002, the applicant states that the premises continues to remain

MINUTES

unsuitable for residential development as same continues to be infeasible.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on September 12, 2000, so that as amended this portion of the resolution shall read: "To permit full coverage of the rear eastern portion of the lot, to permit use of the premises at block 1789, lot 21, as an accessory parking lot, to permit the proposed second floor at the eastern side of the premises to line up with the existing mezzanine level of the existing adjacent building on the western side, to raise the height of the previously proposed enlargement to provide for the alignment of all floors; on condition;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans; and on further condition;

THAT the Certificates of Occupancy for both the subject premises and for block 1789, lot 21 shall note that block 1789, lot 21 shall be reserved as accessory parking to the subject premises only;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received August 28, 2001"-(8) sheets;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 14, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

COMMUNITY BOARD #11BK

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim, owner.

SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.

PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

635-57-BZ

APPLICANT - DeCampo, Diamond & Ash by Francis R. Angelino, Esq., for Landmark East 69th Street Associates I, L.P.

SUBJECT - Application January 25, 2002 - reopening for

MINUTES

an extension of term of variance which expired January 26, 2002.

PREMISES AFFECTED - 115 East 69th Street, north side 185' east of Park Avenue, Block 1404, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Francis Angelino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

1263-80-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America Inc., lessee.

SUBJECT - Application March 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 12, 2001.

PREMISES AFFECTED - 436 Tenth Avenue aka 432/438 10th Avenue and 461/469 West 34th Street, northeast corner of Tenth Avenue and West 34th Street, Block 732, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for decision, hearing closed.

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane, Paul Sheridan, Karen Gleeson and Ben Klein.

For Opposition: Roger Mendis, Elizabeth Martin, Bayo Callender and other.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

840-86-BZ

APPLICANT - Martyn & Don Weston, for 125 East 38th Street, LLC, owner; Picard International, lessee.

SUBJECT - Application February 7, 2002 - reopening for an extension of term of variance which expired March 3, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 125 East 38th Street, north west corner of Lexington Avenue, Block 894, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston

For Opposition: Olanike Alabi.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

32-91-BZ

APPLICANT - Walter T. Gorman for Fulvan Realty Corp., owner; Fulton Auto Repair Inc., lessee.

SUBJECT - Application December 28, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 838/846 Fulton Street, a/k/a 489/93 Vanderbilt Avenue, Block 2010, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.

SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik and Ira Zicherman.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

MINUTES

193-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 3044 Coney Island Avenue Associates.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for continued hearing.

APPEALS CALENDAR

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Applicant: Glen V. Cutrona.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Commissioner, dated May 30, 2001, acting on ALT Application No. 500483684, reads:

“Proposed construction in the bed of a final mapped street is contrary to Article 111, Section 35 of the General City Law and is referred to the Board of the Standards and Appeals.”; and

WHEREAS, the applicant proposes to build one (1) two-family home in the bed of Everton Avenue, a mapped street; and

WHEREAS, by letter dated October 17, 2001, Community Board #3SI has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 4, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 11, 2001, the Department of Environmental Protection has reviewed the above project and finds it acceptable with the following condition: “... That the Board of Standards and Appeals reserves the remaining part of Everton Avenue for the construction and maintenance of the future drainage plan sewers.”; and

WHEREAS, by the letters dated April 5, 2002 and April 8, 2002, the Department of Transportation has reviewed the above project and has no objection to building on the mapped right -of- way of Everton Avenue, but recommends that the developer not build in the mapped right-of-way of Woodrow Road; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated May 30, 2001, acting on ALT Application No. 500483684, is modified under the power vested in the Board by § 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received December 11, 2001”- (1) sheet; and that the proposal complies with all applicable R3X/ (SSRD) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

THAT the remaining portion of Everton Avenue shall be reserved for the construction and maintenance of future drainage plan sewers;

THAT the mapped right-of-way of Woodrow Road shall remain undeveloped;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May 14, 2002.

MINUTES

123-01-A

APPLICANT - The Agusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis, lessee.

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: John Reisinger, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 11 A.M., for decision, hearing closed.

299-01-A

APPLICANT - Pillsbury Winthrop, LLP, for 42nd Street Development Project, Inc., owner; Dream Team Hotel Associates, LLC, lessee.

SUBJECT - Application October 26, 2001 - Proposed atrium located between the 9th floor to 16th Floor, is contrary to §27-521.05(c) of the Admin. Code, in that one of the required exits shall be only through an enclosed passageway or corridor conforming to the requirements of exits as per Subchapter 6 of the Admin. Building Code.

PREMISES AFFECTED - 270 West 43rd Street, bounded by 43rd Street, Eighth Avenue and 42nd Street, Block 1014, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: A. Bernard, John McKormick and Jerome Gildman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 11 A.M., for continued hearing.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 11 A.M., for continued hearing.

80-02-A

APPLICANT - Kevin Saumell, R.A., for Breezy Point Cooperative, Inc., owner; Megan Fitzpatrick, lessee.

SUBJECT - Application - March 20, 2002 -Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Kevin Saumell.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:00 P.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 14, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

120-01-BZ

CEQR # 01-BSA-119Q

APPLICANT - Sheldon Lobel, for Tony Ariola, owner.
SUBJECT - Application March 19, 2001 - under Z.R. §72-21 to permit in an R4 zoning district, the legalization of commercial uses (Use Group 6) in an existing two-story building, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 134-02 Cross Bay Boulevard, west side, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 16, 2001, acting on Applic. No.400376080, reads;

“1) A Commercial Use in a R-4 Zoning District is contrary to Section 22-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in *The City Record* and laid over to, and then to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the legalization of commercial uses (Use Group 6) in an existing two-story building, which is contrary to Z.R. §22-00; and

WHEREAS, the subject premises is an irregularly shaped 2,514.2 square foot parcel located on the west side of Cross Bay Boulevard between Gold and Silver roads in Queens improved with a two-story building; and

WHEREAS, the applicant states that the cellar level is used for storage and utilities and the ground floor houses a real estate office, a mortgage office and a beauty salon occupying 2,294 square feet, the second floor houses the

real estate company, the mortgage company and two additional offices occupying a total of 2,156 square feet; and

WHEREAS, the record indicates that the premises have a three-sided configuration, it contains approximately 112 feet of frontage along Cross-Bay Boulevard, and the applicant represents that the triangular shape of the parcel, the shape of any building on the lot would also need to be triangular in order to maximize the amount of floor area that could be built on the lot, making it impracticable the use of the lot for a residential or community facility development; and

WHEREAS, the applicant presented a scheme illustrating that a maximized residential use would be limited to a two-story, two family house with approximately 765 square feet on each floor and that a community facility use would be limited to a two-story building with approximately 430 square feet on each floor; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical condition and history of development of the zoning lot, housing office and commercial uses, creates an undue hardship with strict compliance with the use provisions of the Zoning Resolution; and

WHEREAS, evidence in the record, including an economic analysis demonstrates that a conforming residential development would not yield a reasonable return; and

WHEREAS, the record indicates that immediate vicinity of the subject premises is characterized by commercial uses along Cross Bay Boulevard; and

WHEREAS, therefore, the Board agrees with the applicant’s contention that legalizing a commercial use in this building would have no adverse affect on the surrounding area ; and

WHEREAS, to ensure that certain commercial uses do not alter the essential character of the neighborhood, the Board informed the applicant that uses at the premises shall be limited to Use Group 6 uses, except for dry cleaning or clothes pressing establishments, eating and drinking establishments, food stores, including supermarkets, grocery stores, meat markets or delicatessen stores, veterinary medicine, automobile supply stores, docks for ferries, docks for water taxis, frozen food lockers, pet shops, court houses, electric or gas utility substations, public utility stations, terminal facilities at river crossings for access to electric, gas, or steam lines, no water or sewage pumping stations, no clubs; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

MINUTES

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to provide the relief requested; 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 Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit, in an R4 zoning district, the legalization of commercial uses (Use Group 6) in an existing two- story building, which is contrary to Z.R. §22-00 on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received, March 19, 2001" - (6) sheets; and on further condition;

THAT uses at the subject premises shall be limited to Use Group 6 uses, except for dry cleaning or clothes pressing establishments, eating and drinking establishments, food stores, including supermarkets, grocery stores, meat markets or delicatessen stores, veterinary medicine, automobile supply stores, docks for ferries, docks for water taxis, frozen food lockers, pet shops, court houses, electric or gas utility substations, public utility stations, terminal facilities at river crossings for access to electric, gas, or steam lines, no water or sewage pumping stations, and no clubs;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within four years from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

239-01-BZ

CEQR # 02-BSA-007Q

APPLICANT - The Augusta Group for D.S.B. Construction, LLC, owner.

SUBJECT - Application July 18, 2001 - under Z.R. §72-21, to permit the proposed erection of a one-family dwelling (Use Group 1) in an R2 zoning district, which creates non-compliance with respect to front yard, open space, lot area, lot width and lot area per dwelling unit contrary to Z.R. §§23-141, 23-32, 23-221 and 23-45.

PREMISES AFFECTED - 135-16 11th Avenue, southeast corner of 136th Street, Block 4016, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip Augusta.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 27, 2001, acting on Applic. No. 401205904, reads:

1. Proposed one family dwelling is contrary to section 23-32 Z.R. since the proposed lot area is less than 3,800 SF. and the lot width facing 136th Street is less than 40 feet.
2. The proposed front yard of 10.96 feet average on 11th Avenue is contrary to section 23-45.
3. The proposed open space is contrary to section 23-141.
4. Proposed lot area per dwelling is contrary to Section 23-21 ZR."

WHEREAS, a public hearing was held on this application on January 29, 2002 after due notice by publication in *The City Record*, laid over to April 16, 2002, and then to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed erection of a one-family dwelling (Use Group 1) in an R2 zoning district, which creates non-compliance with respect to front yard, open space, lot area, lot width and lot area per dwelling unit contrary to Z.R. §§23-141, 23-32, 23-221 and 23-45; and

WHEREAS, the applicant originally proposed to subdivide the subject lot and erect two single-family dwellings under Calendar Numbers 238-01-BZ and 239-01-BZ, but has since withdrawn 238-01-BZ; and

MINUTES

WHEREAS, the record indicates that the subject premises is an irregular narrow corner lot located on the southwest corner of 11th Avenue and 136th Street measuring approximately 195.40' of frontage on 11th Avenue and a depth of approximately 38.12' along the west lot line and 26.91' along the east lot line, and approximately 195.32' along the south lot line; and

WHEREAS, the applicant notes that subject zoning lot is narrow, sloping and irregular with poor sub-soil conditions; and

WHEREAS, Eleventh Avenue is the southern boundary of Powells Cove Park and runs east and west along the shoreline of Powell's Cove, and across 11th Avenue and opposite the site are the mapped but unbuilt portions of 136th Street; and

WHEREAS, an as-of-right development on a corner lot with two fifteen-foot front yards, would result in a building that would be extremely narrow and irregular, as a result, this application is merely asking for relief for the front yard facing 11th Avenue, and for less than the required minimum lot width on one frontage; and

WHEREAS, the aforementioned unique physical condition, the narrow and shallow lot, makes its occupancy for a conforming R2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R2 residential zone; and

WHEREAS, within the vicinity of the site there exist many larger single family houses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617

and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, the proposed erection of a one-family dwelling (Use Group 1) in an R2 zoning district, which creates non-compliance with respect to front yard, open space, lot area, lot width and lot area per dwelling unit contrary to Z.R. §§23-141, 23-32, 23-221 and 23-45 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 19, 2002"- (4) sheets and "April 23, 2002"- (1) sheet, and on further condition;

THAT the applicant shall provide a sidewalk which shall meet all applicable New York City Department of Transportation guidelines;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, May 14, 2002.

252-01-BZ

CEQR # 02-BSA-017BX

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.
SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4 zoning district) which is contrary to Z.R. § 22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

COMMUNITY BOARD #5X

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated June 6, 2001 and updated July 16, 2001 acting on Application No. 200434093 reads:

“1. A PUBLIC PARKING LOT (USE GROUP 8C) PARTLY IN A C4-4 DISTRICT, BUT MOSTLY IN AN R8 DISTRICT, IS CONTRARY TO SECTION 22-00 Z.R.”; and

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record* and laid over to January 29, 2002, March 5, 2002, April 16, 2002 and then to May 14, 2002; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4 zoning district) which is contrary to Z.R. §22-00; and

WHEREAS, Community Board 5, the Bronx, recommends approval of this application; and

WHEREAS, the subject site has been occupied by the current parking lot since the owner purchased it at an auction more than four years ago; and

WHEREAS, the record indicates that prior to the current use, the lot was vacant and filled with rubble, which the applicant represents created an eyesore and a safety hazard to the surrounding community; and

WHEREAS, immediately after the purchase the current owner cleaned and paved the property, erected secure fencing and began to provide secure parking for neighborhood residents; and

WHEREAS, east of the Premises and in the same block are a public parking lot and garage and a 12-story apartment building, each within a C2-2 district mapped within an R5 district; and

WHEREAS, the record indicates that even though the lot is located in a residential area, it abuts a commercial zoning district; and

WHEREAS, the applicant represents that the subject site is surrounded by local and regional shopping located on the Grand Concourse and Fordham Road; and

WHEREAS, additionally, there are two public schools within one block of the subject premises, and the applicant represents that many staff members use the instant parking lot because there is a shortage of off-street parking and that therefore, the subject variance, will be an asset to the community; and

WHEREAS, the record indicates that the sites history of development as a parking lot and its location partially within a C4-4 zoning district and its prior history of being vacant, abandoned and filled with rubble and debris, the applicant asserts are unique to this property; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that conforming use in the entire building are extremely costly and would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as well as many buildings which are solely residential or commercial; and

WHEREAS, out of concern that the surrounding area may return to an as-of-right residential use, the Board notified the applicant that the term for this variance would be limited to five years; and

WHEREAS, the applicant consented to the five year term; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4 zoning district) which is contrary to Z.R. § 22-00, on condition that the lot be paved, striped and maintained in accordance with the drawings as they apply to the objections above noted, filed with this application marked “Received May 10, 2002”-(6) sheets; and on further condition;

MINUTES

THAT the term of the variance shall be limited to five years from the date of this grant;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

295-01-BZ

CEQR # 02-BSA-038K

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, Inc., owner.

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school, Use Group 3, located in an M2-1 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 26, 2001 acting on N.B. Applic. No. 301268964, reads;

“Proposed school is not permitted in an M2-1 zoning district as per Z.R. 42-00.

Refer to Board of Standards and Appeals for use and bulk regulations.”

WHEREAS, a public hearing was held on this application on December 18, 2001 after due notice by publication in *The City Record*, and laid over to January 29, 2002, March 26, 2002, and April 23, 2002 and then to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction and operation of a school, Use Group 3, located in an M2-1 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which is contrary to Z.R. §42-00; and

WHEREAS, Community Board # 12 in Brooklyn has approved this application; and

WHEREAS, the subject premises comprised of three interior lots, two of which are currently vacant and the third occupied by a deteriorated warehouse type building; and

WHEREAS, evidence in the record indicates that the subject premises is located in a small M2-1 zoning district, located between large R5 and R6 zoning districts and has a total lot area of approximately 15,040 square feet with 100 of frontage on 38th Street and a depth of approximately 150.3'; and

WHEREAS, the proposed school will be constructed to be a five-story building with a cellar and sub-cellar and will be 80'-0" wide, with 10'-0" side yards and a 105'-4" depth; and

WHEREAS, the applicant states that the school will have fifteen (15) primary classrooms serving 255 children and families, and provision for five (5) expansion classrooms serving an additional 185 children and families; and

WHEREAS, the proposed school will house a number of programs for pre-school children and their parents, centered around the Head Start program; and

WHEREAS, the applicant represents that the proposed schools will include programs for children with developmental delays, requiring additional space for therapies; and

WHEREAS, the applicant further represents that due to the highly regulated nature of these programs, the proposed school will require a significant amount staff, including teachers, assistants, special education teachers, therapists and support personnel; and

WHEREAS, the applicant states that the upper floors will contain conference rooms, waiting areas and 23 offices which are necessary to support the programs to be offered at the site and are not intended to serve as central offices; and

WHEREAS, the evidence in the record indicates that the site contains an obsolete warehouse structure in poor condition with a partially collapsed roof; and

WHEREAS, the applicant contends that a portion of the site contained housing in the early part of this century and when the warehouse was built, the foundations for the housing were left at the site and the housing debris was filled into the site; and

MINUTES

WHEREAS, the applicant further contends that this increases excavation costs and decreases the viability of commercial development; and

WHEREAS, according to the applicant, although zoned M2-1, almost the entire blockfronts facing the Site across 38th Street, and on the north side of 37th Street are occupied by dwelling units; and

WHEREAS, the applicant represents that the abundance of residential uses in the area further complicates the possibility of a conforming use on the site; and

WHEREAS, the applicant states that the site is relatively small for a modern industrial use and the proximity to housing creates added difficulty for large commercial vehicles to access the site; and

WHEREAS, the applicant represents that while the location between large R5 and R6 zoning districts makes the property poorly suited for M2-1 development, this central location is crucial to the school; and

WHEREAS, the applicant further represents that through its various government funded programs, the school must offer its services to preschoolers in targeted, disadvantaged areas; and

WHEREAS, therefore, the school must be centrally located while also finding a parcel large enough to support its special programs; and

WHEREAS, the applicant maintains that in conforming districts, there are few sites which are available for development which could accommodate the school, and furthermore that those sites do not have the central location which the school needs to effectively service the community; and

WHEREAS, the applicant claims that the combination of the deteriorated building, the existence of foundations and debris, the extensive residential uses surrounding the Site and the need for the school to be centrally located with a highly customized building creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the Site to meet the programmatic needs of the school; and

WHEREAS, the school has had difficulty in obtaining land for the development of a school sufficient to meet the programmatic needs of the school; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant claims that although zoned M2-1, the properties facing the Site are almost exclusively residential and the operation of this school will be compatible with the adjacent residential properties as well as the larger residential districts; and

WHEREAS, the facility will only operate on weekdays with no evening or weekend programs planned; and

WHEREAS, the applicant represents that the facility is almost exclusively for children 0-5 years old, and due to their young age, the children will be highly supervised, reducing any chances that the children will conflict with adjacent properties; and

WHEREAS, the applicant states that there is no bus service except for severely handicapped children, of which there will be very few at this facility; and

WHEREAS, the applicant further states that most of the children will be walked to and from the Site since the program participants will come from the surrounding neighborhood; and

WHEREAS, the applicant represents that 19 teachers/staff will drive to work, and the school intends to utilize an existing lot for teachers/staff which it owns at 1450 37th Street (two blocks from the site) which has approximately 30 spaces available; and

WHEREAS, the applicant states that the school has also made an application to the City of New York to lease a 100' by 50' vacant parcel behind the subject site on 37th Street, between 12th and 13th Streets that could be used for staff parking; and

WHEREAS, the New York City Department of Transportation ("DOT") has approved the subject proposal based on the following conditions being implemented by the applicant: 1) School crossing guards shall be posted at the two intersections of 13th Avenue and 37th and 38th Streets during the hours of 8:00 AM to 9:30 AM and 2:30 PM to 4:30 PM during school days; and 2) A "No Parking 8:00 AM to 5:00 PM during school days" sign shall be posted in front of the proposed building; and

WHEREAS, the applicant represents that refuse pick-up will be done by the New York City Department of Sanitation twice a week at the curb of 38th Street, and refuse will be stored inside the building until the day of pick-up; and

WHEREAS, the applicant further represents that double glazed windows will be installed for noise attenuation, and the windows would achieve an interior noise level of less than 45 dba; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the proposed building will contain an automatic wet sprinkler system to be installed throughout

MINUTES

the building with the system to be connected to a Fire Department approved central station; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction and operation of a school, Use Group 3, located in an M2-1 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received October 23, 2001"- (12) sheets and "April 16, 2001"- (1) sheet; and on further condition;

THAT, school crossing guards shall be posted at the two intersections of 13th Avenue and 37th and 38th Streets during the hours of 8:00 AM to 9:30 AM and 2:30 PM to 4:30 PM during school days;

THAT a "No Parking 8:00 AM to 5:00 PM during school days" sign shall be posted in front of the proposed building;

THAT the applicant shall accept a condition requiring the installation of All-Way stop or other stop signs at the intersections of 12th Avenue at 38th Street and 13th Avenue and 37th Street if the DOT determines that they are warranted after their analysis of the applicant's intersection analysis is completed;

THAT the proposed school shall own or lease a parking lot for at least 25 cars and this condition shall be included in the Certificate of Occupancy;

THAT the applicant has secured a lease for a parking lot for 25 cars at 1450 37th Street, two blocks from the project site. The lease is renewable until June 2006;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT refuse pick-up shall be done by the New York City Department of Sanitation twice a week at the curb of 38th Street, and all refuse shall be stored inside the building until the day of pick-up;

THAT adequate separation of the surrounding non-Residential District from noise, traffic and other adverse effects shall be provided through the use of sound-attenuating double-glazed window construction;

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

371-01-BZ

APPLICANT - Greenberg Traurig, LLP, Jay A. Segal, Esq., for Andrew Bradfield 104 Charlton LLC, owner.

SUBJECT - Application November 28, 2001 - under Z.R. §72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan. **COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Jay Segal and Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 8, 2001 acting on Applic. No. 103026280 reads:

1. "Residential use not permitted in M1-6 Zoning District as per Zoning Resolution 42-00"; and
2. There are no bulk regulations for residential use in M1-6 district. They must be provided by BSA."; and

WHEREAS, a public hearing was held on this application on March 19, 2002 after due notice by publication in The City Record and laid over to April 16, 2002 and then to May 14, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman

MINUTES

Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. 72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, and the construction of a new eighth story for said use, located in an M1-6 zoning district, which is contrary to Z.R. 42-00; and

WHEREAS, the building is located at the south side of Charlton Street in an M1-6 zoning district; and

WHEREAS, the site's zoning lot has a frontage of 492 ½" on Charlton, a depth of 124'6" on its eastern portion and 100'4" on its western portion, with a total lot area of 5,552 sf; and

WHEREAS, the building has historically completely covered its zoning lot; and

WHEREAS, the applicant proposes in order to provide light and air for the residential occupants of the Building that: for the Eastern Portion, its rear 15 feet be removed, which together with the 12 feet that exist between the rear lot line of the Western Portion and the wall of the residential building to the south would provide the residential occupants of floors 3 through 7 of the Western Portion of the Building with 22 feet of light and air; and

WHEREAS, the applicant proposes that some of the floor area removed from the Building to create the rear yards of the Eastern Portion and Western Portion would be used to create an eighth floor, and application is made to use this newly constructed eighth floor for residential use; and

WHEREAS, the record indicates that the Building was constructed as a warehouse prior to 1880 and it is no longer feasible to use the Building for such use; and

WHEREAS, the applicant claims that among the practical difficulties which burden this structure are the two foot thick structural wall divides the Building into the Eastern Portion and Western Portion, with narrow widths and great depths; and

WHEREAS, the applicant also claims that only one small elevator located in the Eastern Portion provides access to the upper floors of both the Eastern Portion and Western Portion, and because the structural wall separating the Eastern Portion from the Western Portion has only two openings, the movement of the warehoused goods to the Western Portion is severely restricted; and

WHEREAS, the applicant further claims that only one wooden stairway connecting the upper floors of the Building to the ground level, there are low floor to ceiling heights on most floors, there is no HVAC system and they building only has minimum plumbing; and

WHEREAS, the applicant represents that it is not feasible to convert the Building to office use for many of the same reasons and the Building now provides light and air only through windows in its front facade, which requires that almost all the offices be interior; and the

single elevator would not be adequately serve and office population; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that conforming use in the entire building are extremely costly and would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, as well as many buildings which are solely residential or commercial; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. 72-21, to permit proposed residential use in its upper six stories and a portion of its first story, in a seven-story former warehouse building, and the construction of a new eighth story for said use, located in an M1-6 zoning district, which is contrary to Z.R. 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 9, 2002"-(10) sheets and "April 16, 2002"-(3) sheets; and on further condition;

THAT a automatic wet-pipe sprinkler system connected to a Fire Department approved Central Station will be installed throughout the building;

THAT any change in use on the first floor or cellar shall require approval from the Board;

MINUTES

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

385-01-BZ

CEQR # 02-BSA-090K

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, a/k/a 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 27, 2001 acting on Applic. No. 301190397, reads;

“Proposed Yeshiva (school) and Extension in an M1-2 Zone is Contrary to:

ZR § 42-00 Use Regulations

ZR § 43-24 Side Yards

ZR § 43-26 Rear Yard

and requires a Variance from the New York City Board of Standards and Appeals as per ZR § 72-21”;

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in *The City Record*, and laid over to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26; and

WHEREAS, Community Board # 12 has approved this application; and

WHEREAS, the applicant represents that the subject premises is occupied by a two-story plus cellar brick school building on a lot of approximately 9,120 square feet, with 95.79 feet of frontage on 39th Street and a depth of 92.21 feet; and

WHEREAS, the record indicates that the applicant currently operates a Yeshiva (Religious School) that provides both religious and secular education to hundreds of girls of the Orthodox Jewish Chasidic community; and

WHEREAS, the applicant proposes to legalize the existing school at the first and second floor levels, and to extend the building one and a half stories to include a third floor and a partial fourth floor, with a play area on the roof level; and

WHEREAS, the school will have approximately 650 students, grades Nursery through 12th grade; and

WHEREAS, the applicant contends that the burgeoning population of in the Borough Park area has led to an increased need for classroom space in the school; and

WHEREAS, the applicant represents that the school is needed in order to provide Religious Education, along with secular studies, for Orthodox Jewish children, and without this variance, the school would not be able to have the classroom space it needs; and

WHEREAS, evidence in the record indicates that the existing structure was built in 1925 for use as a two-story factory building, and in 1993 the building was converted into a Business School; and

WHEREAS, the applicant represents that the original building was built almost on the entire lot, without a rear yard, and that this configuration causes a practical difficulty in extending the building, as the current structure necessitates the use of the existing walls as much as possible; and

MINUTES

WHEREAS, the applicant further represents that it is necessary for the school to be located in close proximity to the community which it serves; and

WHEREAS, the applicant claims the combination of the configuration of the existing structure, and the need for the school to meet the growing need for girls education creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant notes that the building exists and falls within the floor area requirements for a community facility and thus would have little impact upon adjacent properties of the surrounding community; and

WHEREAS, the applicant represents that the proposed play area on the roof will be enclosed by a fence, and utilized from 10 a.m. to 2 p.m. weekdays and shall be closed on the weekends; and

WHEREAS, the applicant further represents that the fence at the rear lot line shall be filed in with noise abatement material; and

WHEREAS, the applicant states that almost all the teachers and staff members live in the immediate area and walk to work, and as none of them drive to school, no parking is needed for the staff; and

WHEREAS, the New York City Department of Transportation ("DOT") recommends that one crossing guard be posted at each of the intersections of 14th Avenue with 38th Street and 39th Street; and

WHEREAS, in its recommendation dated February 21, 2002, Community Board #12 stated that "this is a much needed facility in this district and will only enhance the neighborhood."; and

WHEREAS, 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has

carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received December 12, 2001"- (3) sheets; "March 4, 2002"- (3) sheets; "April 29, 2002"- (1) sheet; and *on further condition*;

THAT the applicant shall obtain the New York City Department of Transportation's ("DOT") written approval of accident mitigation measures developed by the applicant's environmental consultant;

THAT a "No Standing 7am-7pm School Days - except School Buses" sign shall be erected in front of the school as indicated on BSA approved plans;

THAT there shall be no parking of buses on the sidewalk;

THAT one crossing guard be posted at each of the intersections of 14th Avenue with 38th Street and 39th Street;

THAT the rooftop play area shall only be used from 10 a.m. to 2 p.m. weekdays and shall be closed on the weekends;

THAT the fence at the rear lot line shall be filed in with noise abatement material;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the above conditions be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

MINUTES

relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

56-02-BZ

CEQR # 02-BSA-134K

APPLICANT - Fischbein Badillo Wagner Harding, for Bnos Yerushalayim D'Chasidei Belz, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the construction of a four-story plus cellar school within an R5 zoning district, which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to §24-11, §24-34, §24-35, §24-36 and §24-521.

PREMISES AFFECTED - 317 Dahill Road, east side, between Avenue "C" and Cortelyou Road, Block 5369, Lots 82, 83, 84 and 85, (Tentative Lot 82), Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002 acting on Applic. No. 300648823, reads;

“Proposed school does not conform to bulk regulations of an R-5 zoning district as per Z.R. 23.00.

Refer to the Board of Standards and Appeals for use and bulk regulations.”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in *The City Record*, and laid over to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the construction of a four-story plus cellar school within an R5 zoning district, which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to §24-11, §24-34, §24-35, §24-36 and §24-521; and

WHEREAS, while the school use is permitted as-of-right in the R5 district, the floor area, lot coverage,

perimeter wall and yards would not be in compliance with the Zoning Resolution; and

WHEREAS, the applicant represents that the site is comprised of four formerly separate lots, all of which are improved with old row houses which are now vacant with the exception of some administrative offices occupied by the school; and

WHEREAS, the site has a total lot area of approximately 10,000 square feet with 100' of frontage on Dahill Road and a depth of approximately 100'; and

WHEREAS, the record indicates that the applicant currently operates a school for Jewish girls from kindergarten through 12th grade in an adjacent building at 600 McDonald Avenue; and

WHEREAS, the applicant represents that the proposed building would be used for the upper grades (9-12) while the younger students would remain in the McDonald Avenue building; and

WHEREAS, the applicant states that although the two portions of the school would remain separate buildings under the Administrative Code and the Zoning Resolution, an access way would be created between the buildings so that the institution could function more efficiently; and

WHEREAS, the applicant contends that the growing Orthodox Jewish population in the Borough Park area has led to an increased demand for private schooling; and

WHEREAS, evidence in the record indicates that the Site is currently encumbered with four formerly residential buildings which are vacant, except for some school offices; and

WHEREAS, the applicant contends that since these buildings were designed for dwellings, they are not adequate for modern educational needs and therefore, must be removed; and

WHEREAS, the applicant maintains that a new compliant building constructed on the site would be too small to satisfy the programmatic needs of the institution, as the side yards mandated by the Zoning Resolution would result in smaller floor plates; and

WHEREAS, the applicant claims the combination of the existing buildings, the relatively small size of the Site, and the need for the school to meet the growing need for girls education creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

MINUTES

WHEREAS, the applicant notes that the proposed school is an as-of-right use and the variance seeks only to waiver bulk provisions which would not impact upon adjacent properties of the surrounding community; and

WHEREAS, evidence in the record indicates that the proposed building would be identical in height to the multiple dwelling located directly to the south; and

WHEREAS, similar to the proposed building, the adjacent multiple dwelling is built along the street line, with no front yard provided; and

WHEREAS, the applicant represents that to the east of the Site, along McDonald Avenue, is the school's current facility; and

WHEREAS, the applicant represents that to the north of the Site is a small row of two-story homes and a community facility, all of which would be separated from the Site by their existing rear yards as well as the proposed 4' side yard; and

WHEREAS, the proposed building is intended to be used by 250 high school age girls; and

WHEREAS, the applicant states that these older students would not be transported by school bus and would walk to the Site since most students live within walking distance from the school; and

WHEREAS, the applicant represents that the new building would likely generate an increase in administrative staff of only about 2 people with about 10 new teachers also being added; and

WHEREAS, the applicant asserts that the teachers would all be Orthodox women, who, by tradition, do not drive; and

WHEREAS, therefore, the applicant represents that additional people utilizing the Site would not create any increased amount of traffic or demand for parking; and

WHEREAS, 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the construction of a four-story plus cellar school within an R5 zoning district, which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, and which is contrary to §24-11, §24-34, §24-35, §24-36 and §24-521, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 11, 2002" - (1) sheet and "March 7, 2002" - (8) sheets; and *on further condition*;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for continued hearing.

MINUTES

250-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kearney Realty Corp., owner.

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane, Mark Astric and Creig Trvent.

For Opposition: Norman Archer, Grace Lawrence, Pearl Major, Reggie Smith, Adel Thomson, Yvonne Bernum and Roy Caldwood.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for continued hearing.

261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2:00 P.M., for deferred decision.

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and

65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and

MINUTES

65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M., for continued hearing.

360-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro and Brian Morghery.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for continued hearing.

377-01-BZ

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit the proposed enlargement of an existing community facility, Use Group 3A, located in an SRD within an R3-1 overlay zoning district, which does not comply with the zoning requirements for floor area ratio and front yards, is contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Applicant: Gerald J. Caliendo and David Prentorgas.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2:00 P.M., for decision, hearing closed.

378-01-A

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York - D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - Proposed entry platform/terrace, which projects into the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Gerald J. Caliendo and David Prentorgas.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

383-01-BZ

APPLICANT - The Augusta Group, for Thomas Morley, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for front yard, side yard and front wall setback, is contrary to §23-45, §23-461(a) and §23-631.

PREMISES AFFECTED - 146-01 17th Avenue, corner of 46th Place and 17th Avenue, Block 4626, Lot 8, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Philip Augusta.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2:00 P.M., for decision, hearing closed.

387-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalane, Howard Kopell and Sheldon Lobel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for continued hearing.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2:00 P.M., for continued hearing.

397-01-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Assoc., Inc., lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffery Chester.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2:00 P.M., for continued hearing.

401-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, located in an R3-2 zoning district, which is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2:00 P.M., for continued hearing.

MINUTES

57-02-BZ

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §72-21, to permit the proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Allison Farina.

For Opposition: Stephanie Eisenberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2:00 P.M., for continued hearing.

58-02-A

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application - February 14, 2002 - Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Allison Farina.

For Opposition: Stephanie Eisenberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 4, 2002, at 2:00 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:45 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 22

May 30, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	409
CALENDAR of June 18, 2002	
Morning	410
Afternoon	411
CALENDAR of July 9, 2002	
Morning	412
Afternoon	412
CALENDAR of July 16, 2002	
Morning	413
Afternoon	414

CONTENTS

MINUTES of Regular Meetings,
Tuesday, May 21, 2002

Morning Calendar.....415

Affecting Calendar Numbers:

713-55-BZ	181-05 Horace Harding Expressway, Queens
1449-61-BZ	4085 Nostrand Avenue, Brooklyn
611-76-BZ	43-17/21 214 th Place, Queens
364-82-BZ	245-02/34 Horace Harding Expressway, Queens
355-54-BZ	33-29/43 9 th Street, Queens
914-62-BZ	205-04 Northern Boulevard, Queens
837-85-A	166-18 73 rd Avenue and 73-02 167 th Street, Queens
180-95-BZ	256 West Street/416-424 Washington Street, Manhattan
37-96-BZ	1601 Bronxdale Avenue, The Bronx
165-01-A	
thru 189-01-A	Beard Street, Monahan Avenue, Staten Island
59-02-A	23-81 89 th Street, Queens
72-02-A	325 West 30 th Street, Manhattan

Afternoon Calendar.....392

Affecting Calendar Numbers:

224-00-BZ	2353 Cropsey Avenue aka 247 Bay 34 th Street, Brooklyn
294-01-BZ	125 Green Street, Brooklyn
301-01-BZ	371 Lafayette Street, Manhattan
403-01-BZ	606 Neptune Avenue, Brooklyn
31-02-BZ	1924 East 24 th Street, Brooklyn
65-02-BZ	2870/92 Linden Boulevard, Brooklyn
244-01-BZ	325 South First Street, Brooklyn
246-01-BZ	35-11 Prince Street, Queens
285-01-BZ	1045 38 th Street, Brooklyn
321-01-BZ	25 Paidge Avenue, Brooklyn
367-01-BZ	226 East 53 rd Street, Manhattan
369-01-BZ	303 Seigel Street, Brooklyn
374-01-BZ/	
375-01-BZ	836, 838 Kent Avenue, Brooklyn
2-02-BZ	3872 Third Avenue, The Bronx
20-02-BZ	303 Park Avenue South, Manhattan
30-02-BZ	502 Park Avenue, Manhattan
37-02-BZ	181 Falmouth Street, Brooklyn
84-02-BZ	245 East 17 th Street, Manhattan

CORRECTIONS403

Affecting Calendar Numbers:

104-00-BZ thru	2, 2A, 4, 6, 8, 10, 12 Throop Avenue, Brooklyn
110-00-BZ	
368-01-BZ	88/102 Ninth Avenue, Manhattan

DOCKETS

New Case Filed Up to May 21, 2002

156-02-BZ B.Q. 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens. Alt.1#301318991. The reestablishment of a variance previously granted by the Board under Cal. No.606-85-BZ, which permitted the maintenance of a new and used carsales lot with an accessory office and parking, in a C2-3 within and R5 zoning district.
COMMUNITY BOARD #10Q

157-02-BZ B.BK. 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn. Applic.#301064684. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-14, §23-46 and §23-47.
COMMUNITY BOARD #14BK

158-02-BZ B.Q. 444 Beach 6th Street, between Jarvis and Meehan Avenues, Block 15591, Lot 1, Borough of Queens. Alt. #401403076. Proposed enlargement to an existing community facility(yeshiva), Use Group 3, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, side, front and rear yards, also height and setback, is contrary to Z.R. §24-11, §24-35, §24-34, §24-382 and §24-521.
COMMUNITY BOARD #14Q

159-02-A B.S.I. 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island. An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violates the Zoning Resolution and the NYC Building Code requirements.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JUNE 18, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 18, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

JUNE 18, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 18, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

389-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector LLP, for D'Amico Imburgia Realty Corp., owner.

SUBJECT - Application December 17, 2001 - Proposed construction of two story commercial building, not fronting on a legally mapped is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Industrial Loop, east side, 550.14' north of Arthur Kill Road, Block 7206, Lot 253, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

CALENDAR

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

160-02-A

APPLICANT - Jose Martinez, for Carlos Aguirre, owner.

SUBJECT - Application May 20, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 24-01 89th Street, east side, 532.67' north of Astoria Boulevard, Block 1101, Lot 8, Borough of Queens.

JUNE 18, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 18, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

393-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, requires a special permit from the Board as per Z.R. §32-10.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

18-02-BZ

APPLICANT - Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT - Application January 7, 2002 - under Z.R. §§ 11-412 & 11-413, to permit the proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

19-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

CALENDAR

COMMUNITY BOARD #3S.I.

61-02-BZ

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

Pasquale Pacifico, Executive Director

JULY 9, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 9, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

141-02-A

APPLICANT - The Agusta Group for Raymond & Katherine Koon, owner.

SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

COMMUNITY BOARD #11Q

54-02-A & 55-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.

SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.

106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

JULY 9, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 9, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

104-02-BZ

APPLICANT - Joseph P. Morsellino, for Flushing Bay Realty Corp., owner; Helms Brothers, contract vendee.

SUBJECT - Application April 9, 2002 - under Z.R. §72-21, to permit the proposed use of the property for the storage of new automobiles, prior to delivery to customers, located in a C3 zoning district, which is contrary Z.R. §32-10.

PREMISES AFFECTED - 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens.

COMMUNITY BOARD #7Q

404-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maurice Wachsmann, owner.

SUBJECT - Application May 7, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family dwelling, Use Group 1, located in an R2 zoning district, which does comply with the zoning requirements for floor area ratio, open space ratio and rear yard, and is contrary to Z.R. §23-141 and §23-46.

PREMISES AFFECTED - 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Pasquale Pacifico, Executive Director

CALENDAR

JULY 16, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 16, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

JULY 16, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 16, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

JULY 16, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 16, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

265-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sandro E. Falla, owner.

SUBJECT - Application August 28, 2001 - under Z.R. §72-21, to permit the legalization of an enlargement to an existing one family dwelling which does not comply with the zoning requirements for lot size, side, front and rear yards, F.A.R. and O.S.R., which is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.

PREMISES AFFECTED - 102-06 Russell Street, south side, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens.

COMMUNITY BOARD #10Q

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

74-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1383 East 23rd Street, 80' north of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.
COMMUNITY BOARD #13BK

107-02-BZ

APPLICANT - Philip L. Rampulla, for Bartholomeo Castellano, owner.

SUBJECT - Application April 3, 2002 - under Z.R. §73-52, to permit the proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #2SI

110-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 21, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

SPECIAL ORDER CALENDAR

713-55-BZ

APPLICANT - Vassalotti Associates, Architects for Exxon Mobil Fuels Marketing Co., owner.

SUBJECT - Application January 2, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 181-05 Horace Harding Expressway, north east corner of Utopia Parkway and Horace Harding Expressway, Block 7065, Lot 8, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the special permit which expired December 11, 2001; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in The City Record, laid over to May 21, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the resolution pursuant to Z.R. §11-411, said resolution having been adopted December 11, 1956, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the resolution for ten years from December 11, 2001 expiring December 11, 2011, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received May 20, 2002"-(1) sheet; and that other than as herein amended the resolution above

cited shall be complied with in all respects; and on further condition

THAT there shall be no parking on the sidewalk;

THAT the premises shall be kept clean of debris and graffiti;

THAT all lighting shall be pointed away from residential dwellings;

THAT landscaping shall be maintained in accordance with BSA approved plans;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(NB No. 3323)

Adopted by the Board of Standards and Appeals, May 21, 2002.

1449-61-BZ

APPLICANT - Vassalotti Associates Architects, for Exxon Company U.S.A., owner.

SUBJECT - Application February 2, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to legalize the removal of a previously approved pump island, the enlargement to the accessory building and for an extension of term of variance which expired November 8, 1997.

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening

MINUTES

and an extension of the term of the variance which expired November 8, 1997; and

WHEREAS, a public hearing was held on this application on January 23, 2001 after due notice by publication in The City Record, and laid over to April 3, 2001, June 5, 2001, July 10, 2001, October 16, 2001, January 29, 2002, May 7, 2002 and then to May 21, 2002 for decision; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten years; and

WHEREAS, the applicant is also seeking to amend the variance to legalize the enlargement to the existing service station building.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §§11-411, said resolution having been adopted May 1, 1962, as amended through March 31, 1987, so that as amended this portion of the resolution shall read:

"to extend the term of the variance to ten years from November 9, 1997, expiring November 9, 2007, and to permit the legalization of the enlargement to the existing service station building, on condition

THAT the premises shall be kept clean of debris and graffiti;

THAT all lighting shall be pointed away from residential dwellings;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received November 21, 2000"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; on further condition

THAT there shall be no self-service, coin operated car washes;

THAT all other conditions of the prior grant remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."
(NB No. 2264-61)

Adopted by the Board of Standards and Appeals, May 21, 2002.

611-76-BZ

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side 161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the special permit which expired February 15, 2002; and

WHEREAS, a public hearing was held on this application on February 26, 2002, after due notice by publication in The City Record, laid over to May 7, 2002 and then to May 21, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the resolution pursuant to Z.R. §11-411, said resolution having been adopted February 15, 1977, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the resolution for ten years from February 15, 2002 expiring February 15, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received October 16, 2001"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;"

THAT there shall be no parking on the sidewalk;

THAT the premises shall be kept clean of debris and graffiti;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief

MINUTES

granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(ALT No. 893)

Adopted by the Board of Standards and Appeals, May 21, 2002.

364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.

SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and the resolution amended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on March 19, 2002, after due notice by publication in The City Record, laid over to April 9, 2002, May 7, 2002 and then to May 14, 2002 for decision; and

WHEREAS, the applicant now seeks to amend the variance to permit 1,040 square feet on the cellar level to be occupied by the existing physical culture establishment and to change the name and logo on the building facade; and

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on January 18, 1983, amended through June 20, 1995, so that as amended this portion of the resolution shall read:

"To permit 1,040 square feet on the cellar level to be occupied by the existing physical culture establishment and to change the name and logo on the building facade; on condition;

THAT accessory parking for the subject premises shall be provided at no cost for the first two hours, that a nominal fee shall be charged for additional time afterwards, and that there shall be a five hour maximum before the cars shall be either booted or towed;

THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received March 20, 2001"-(2) sheets, "February 5, 2002" -(1) sheet, and March 8, 2002" - (2) sheets; and on further condition

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (No. 401194649)

Adopted by the Board of Standards and Appeals, May 21, 2002.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10 A.M., for continued hearing.

914-62-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 205-04 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

In Favor: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for decision, hearing closed.

MINUTES

837-85-A

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

SUBJECT - Application December 13, 2000 - reopening for an extension of the term of variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73rd Avenue and 73-02 167th Street, southwest corner of 73rd Avenue and 167th Street, Block 6974, Lot 19, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Opposition: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deirdre Carson and Carole DeSaram.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for decision, hearing closed.

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

APPEALS CALENDAR

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

MINUTES

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 11 A.M., for continued hearing.

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

APPEARANCES -

For Applicant: Jose Martinez.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 11 A.M., for continued hearing.

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.
PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Timothy Dunphy.

For Administration: Lisa Oratia, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 21, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane and Sheldon Lobel.
For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 28, 2000, acting on Applic. No.301070196, reads;

- “1. Building is located in an R5 zone, zoning computations and plans represent an R7 “Quality housing” type residential development. Apply to the Board of Standards and Appeals for a zoning variance or resubmit to conform to R5 zoning Following regulations contrary to as of right R5 zoning regulations.
2. Floor area ratio exceeds 1.65
3. Lot Coverage exceeds 55%
4. Open space is less than 45%
5. Maximum height of 40' is exceeded
6. Lot area per dwelling unit is less than 605 square feet
7. Yards exceed those required provided 0'-0" required 8'-0" minimum.”; and

WHEREAS, a public hearing was held on this application on May 15, 2001, after due notice by publication in The City Record and laid over to June 27,

2001, August 7, 2001, September 25, 2001, and October 30, 2001 for continued hearing and then to November 20, 2001 for decision. A decision on November 20, 2001 was not rendered and the hearing was re-opened to accept new testimony and subsequent submissions. The hearing was continued on January 8, 2002 and April 9, 2002 and then laid over to May 21, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the proposed six-story residential building (Use Group 2), which creates non-compliance with respect to Floor Area Ratio, Lot Coverage, Open Space Ratio, Height and Perimeter Wall, Lot Area per Dwelling Unit, and yard requirements which is contrary to Z.R. §§ 23-41, 23-631, 23-222, 23-45, 23-46 and 23-47; and

WHEREAS, the subject site is located on the east side of Cropsey Avenue between Bay 34th and Bay 35th Streets; and

WHEREAS, the subject lot is currently improved with two commercial buildings which by prior Board action permitted the extension of a gasoline service station, an addition of a motor vehicle repair shop and the addition of automobile storage; and

WHEREAS, the applicant represents that the aforementioned two existing buildings currently house an auto repair shop and a grocery store; and

WHEREAS, the record indicates that the subject lot lies within an area that is zoned for, and predominantly used for residential uses; and

WHEREAS, the applicant contends that an as-of-right development is not feasible and therefore the proposal seeks an increase in the permitted bulk of the building to enable the owner to obtain a reasonable return; and

WHEREAS, on several occasions during numerous public hearings on this application, the Board informed the applicant of the need to provide a basis for uniqueness relating to a physical condition affecting the subject lot; and

WHEREAS, in response to the Board’s repeatedly expressed concerns, the applicant stated that the lot had an odd shape and that as a result, neither a complying development nor the existing two small commercial buildings, could appropriately utilize the full potential of the premises; and

WHEREAS, the Board noted that R5 zoning allows a 1.65 Floor Area Ratio, permitting a generous development yielding a reasonable return; and

WHEREAS, the Board also noted that R5 Infill zoning allows an even more generous Floor Area Ratio of 1.85; and

WHEREAS, the applicant also claims that the cost of removing the underground storage tanks and hydraulic lifts is a unique condition; and

WHEREAS, however, the record indicates that this

MINUTES

condition has already been resolved and that the cost of curing the above condition is "fixed," applying to an as-of-right development or a variance application; and

WHEREAS, in an effort to respond to the Board's requests to demonstrate uniqueness, the applicant submitted a Boring study revealing that groundwater is located 10.5 feet below the surface; and

WHEREAS, while the Board notes the above condition, it finds that the applicant failed to sufficiently demonstrate that the condition is unique to this property or that it leads to a practical difficulty or hardship in conforming to existing zoning regulations, or that it would be so costly to remedy that a complying development would not yield a reasonable return; and

WHEREAS, based on the subject lot being only slightly irregular and no evidence in the record demonstrating unique features leading to a hardship or practical difficulty on this site, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, based on the record, the Board finds that the applicant has not presented adequate documentation illustrating that a complying residential or community facility development would not yield a reasonable return; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (b)

WHEREAS, the applicant represents that if the instant application is granted, non-conforming commercial will be demolished and a residential building, more in keeping with the characteristics of the neighborhood will be constructed; and

WHEREAS, on May 7, 2002, the applicant submitted an amended proposal seeking a 2.2. Floor Area Ratio, that the Board finds to be excessive and out of character with the surrounding area; and

WHEREAS, however, while the use is appropriate for the subject lot, the record indicates that the bulk proposed is out-of-context with adjacent developments and would negatively impact the character of the surrounding area; and

WHEREAS, as noted above, R5 zoning allows a 1.65 Floor Area Ratio, permitting a generous development and R5 Infill zoning allows an even more generous Floor Area Ratio of 1.85; and

WHEREAS, therefore, the Board rejects the applicant's contention that a variance for the subject site would not alter the character of the neighborhood or impact its future use or development; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of §72-21 (c);

WHEREAS, since the application fails to meet the requirements of Z.R. §§72-21 (a), (b) and (c) it must be denied.

Resolved, that the decision of the Borough Commissioner, dated December 28, 2000, acting on

Applic. No.301070196 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, May 21, 2002.

294-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 125 Green Street Realty Corp., owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21 to permit the legalization of the fourth floor of an existing four story building for residential use and to permit the remaining three floors to be utilized for residential purposes (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 125 Green Street, between Franklin Street and Manhattan Avenue, Block 2512, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

Adopted by the Board of Standards and Appeals, May 21, 2002.

301-01-BZ

APPLICANT - Stadtmauer Bailkin, LLP, by Howard A. Zipser, for 231 Centre Street Associates and 23 Great Jones Street, LLC, owners; 119 Seventh Avenue Cafeteria, LLC, lessee.

SUBJECT - Application October 30, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(b) and D(3)(a).

PREMISES AFFECTED - 371 Lafayette Street, aka 21/23 Great Jones Street, between Great Jones and Bonds Streets, Block 530, Lots 17 and 18, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser and Susan Leonard.

For Opposition: Doris Diether and Ellen Peterson-Lewis.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE VOTE CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE VOTE GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated June 27, 2001, acting on Applic. No.
102986663, reads:

- “1 Proposed eating and drinking establishment
Use Group 6A in excess of 5,000 square feet
within M1-5B Zoning District is contrary to
Zoning Resolution Section 42-14 (D)(3)(a).
2. Proposed eating and drinking establishment
below the floor level of the second story is
contrary to Zoning Resolution 42-
14(D)(2)(b).”;

WHEREAS, a public hearing was held on this
application on March 5, 2002 after due notice by
publication in The City Record, laid over to April 16, 2002
and then to May 21, 2002 for decision; and

WHEREAS, the premises and surrounding area had a
site and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice Chair
Satish Babbar R.A., Commissioner Mitchell Korbey and
Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21,
to permit, the proposed eating and drinking establishment,
Use Group 6A, in excess of 5,000 square feet, to be partially
located below the floor level of the second story, of a
building to be constructed in an M1-5B zoning district,
which is contrary to Z.R. §42-14 D(2)(a) and D(2)(b); and

WHEREAS, the applicant represents that the zoning
lot is an irregularly shaped parcel which has a total area of
5,549 square feet, with 200'10" of frontage on the eastern
side of Lafayette Street, 49'1.75" of frontage on Great Jones
Street and 6'7.25" of frontage along Bond Street; and

WHEREAS, the applicant further represents that the
premises has been occupied by marginal commercial uses
for the past 60 years, including a gasoline station,
automobile repair business, newsstand and juice bar; and

WHEREAS, the applicant states that the only
remaining structure on the zoning lot is a 769 square foot
eating establishment occupying a deteriorated and outdated
one-story brick structure fronting on Great Jones Street; and

WHEREAS, the applicant proposes to demolish the
existing building and construct a new 3-story structure with
approximately 11,975 square feet of floor area; and

WHEREAS, the applicant represents that the ground
and second floors of the proposed building will be occupied
by the restaurant while the third floor will be entirely
enclosed, containing accessory offices and an area for
private functions; and

WHEREAS, the applicant states that the restaurant will
be a 24-hour restaurant/diner with both take-out and eat-in

services; and

WHEREAS, the applicant states that the subject site is
irregular in shape, with a northern width of approximately
49 feet and a southern width of only 6 feet 7 inches; and

WHEREAS, the applicant claims that the zoning lot is
small with an area of only 5,549 square feet and due to the
lot's odd shape, only 4,492 square feet can be used for a
conventionally shaped floorplate; and

WHEREAS, the applicant contends that the
combination of this small floor plate with the odd, narrow,
and shallow shape of the zoning lot does not permit nor
allow for the creation of an economically viable
commercial, industrial, manufacturing, or warehouse-
distribution type building; and

WHEREAS, the applicant further contends that these
conforming uses require large unencumbered floor plates,
high ceilings, and loading docks with off-street parking
which are absent on the site; and

WHEREAS, evidence in the record indicates that a
portion of the Lafayette Street frontage was formerly
improved with a one-story building, which was most
recently occupied by an automotive repair service, and in
the past has also served as a gasoline service station; and

WHEREAS, the applicant represents that this portion
of the zoning lot was further encumbered with six
petroleum underground storage tanks which were removed
at substantial cost; and

WHEREAS, the Board finds that the aforementioned
unique physical conditions, which are the result of the site's
irregular shape and history of development present a
practical difficulty and unnecessary hardship for
conforming with the strict application of the Zoning
Resolution; and

WHEREAS, the Board finds that evidence in the
record, including a feasibility study sufficiently
demonstrates that a complying development would not
yield a reasonable return; and

WHEREAS, the applicant represents that the character
of the neighborhood is predominantly commercial and
residential with many eating and drinking establishments
serving the residential community; and

WHEREAS, the applicant contends that the proposed
restaurant is in keeping with the area's established
character, as the proposed restaurant will be replacing a
diner-type restaurant with similar hours; and

WHEREAS, the applicant represents that the
restaurant will also have an accessory lounge area that will
operate from 6:00 p.m. to 4:00 a.m. and a bar in the main
dining room that will operate from 8:00 a.m. to 4:00 a.m.
daily except Sunday when it will operate from 12:00 p.m.
to 4:00 a.m.; and

WHEREAS, the applicant represents that during the
warmer months, an outdoor table area or café will be
operated from 10:00 a.m. to 12:00 a.m. Sunday through
Thursday and will close at 1:00 a.m. on Friday and
Saturday; and

WHEREAS, the applicant states that any outdoor

MINUTES

music will consist of background music only and will be kept below 45dBA and that there shall be no outdoor music after 9 PM; and

WHEREAS, the applicant further states that there will be a security presence 7 days a week between the hours of 12:00 a.m. and 7:00 a.m.; and

WHEREAS, in order to expose the neighbors to the least amount of noise disturbance, garbage will be kept indoors until the time of collection and be picked up between the hours of 11:00 p.m. and 12:00 a.m. on the Jones Street side of the building;

WHEREAS, the applicant further contends that the proposed development will replace a dilapidated building into one housing the same use, but with a building that will better serve community residents; and

WHEREAS, in response to Board and concerns, the applicant agreed to limit use of the premises to Use Group 6A eating and drinking activities; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the applicant's Shandel Phase II report indicates that "the soil at the site is classified as 'clean fill with reuse options,'" and no test results indicated any hazardous or contaminated soil that exceeded any Federal, State or local environmental code or regulation; and

WHEREAS, The New York State Department of Environmental Conservation in its May 17, 2002 letter concurs with this assessment and has determined that no further investigation or response will be required at the subject site regarding spill number 94-00935; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution to permit, the proposed eating and drinking establishment, Use Group 6A, in excess of 5,000 square feet, to be partially located below the floor level of the second story, of a

building to be constructed in an M1-5B zoning district, which is contrary to Z.R. §42-14 D(2)(a) and D(2)(b), on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 20, 2002"-(6) sheets; and on further condition;

THAT use of the premises shall be limited to Use Group 6A eating and drinking activities;

THAT the third floor shall be fully enclosed;

THAT there shall be no loitering or queuing of customers outside;

THAT the hours of operation for the accessory lounge area shall be from 6:00 p.m. to 4:00 a.m. and the hours of operation for the bar in the main dining room shall be from 8:00 a.m. to 4:00 a.m. daily except Sunday when it shall be from 12:00 p.m. to 4:00 a.m.;

THAT the outdoor table area or café shall be limited to 10:00 a.m. to 12:00 a.m. Sunday through Thursday and will close at 1:00 a.m. on Friday and Saturday;

THAT any outdoor music shall consist only of background music which shall be kept below 45dBA and that there shall be no outdoor music after 9 PM;

THAT security personnel shall be provided 7 days a week between the hours of 12:00 a.m. and 7:00 a.m.;

THAT garbage shall be picked up between the hours of 11:00 p.m. and 12:00 a.m. on the Jones Street side of the building and shall be kept indoors until the time of collection;

THAT this any change in use, ownership or lessee shall require Board approval;

THAT all signage shall be provided in accordance with BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 21, 2002.

MINUTES

403-01-BZ

APPLICANT - Sullivan, Chester & Gardner LLP, for Trump Construction Co., owner; Yandoli Foods Corp., lessee.

SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit, in a C7 zoning district, the reestablishment of an expired special permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 36.

PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Jeffrey Chester.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 28, 2001, acting on Alt. Applic. No. 301172503 reads:

“Drive through window in a C1-2 Zoning District is contrary to ZR 32-31. The Drive- through facility for this location has been previously approved by the Board of Standards and Appeals. Cal. No 98-82-BZ) and has expired. Refer this application to the Board for an extension of term.”; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in the City Record, laid over to May 21, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A. and Commissioner Mitchell Korbey; and

WHEREAS, this is an application for a special permit under Z.R. §§73-243 and 73-03, to permit, in a C7 zoning district, the reestablishment of an expired special permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 36; and

WHEREAS, the subject lot contains approximately 35,000 square feet with 150' of frontage along Neptune Avenue, improved with a restaurant with an accessory drive-thru facility; and

WHEREAS, the existing restaurant's floor area is approximately 3,714 square feet and provides 29 accessory

parking spaces; and

WHEREAS, the record indicates that the surrounding area contains a mixture of commercial, residential and community facility uses and that Neptune Avenue is a heavily trafficked thoroughfare; and

WHEREAS, the applicant represents that on Neptune Avenue, directly to the east across West 6th Street, is a large multi-tenanted shopping center with an accessory parking lot; and

WHEREAS, on July 13, 1982, under Calendar Number 98-82-BZ, the Board granted a Special Permit for a term of five (5) years, on condition that speed bumps, warning signs and stop signs be installed; and

WHEREAS, the application was amended in 1987, 1994 with the last of the five year terms expiring July 13, 1997; and

WHEREAS, the applicant represents that the current owner was not aware that the property was subject to Board renewal; and

WHEREAS, the record indicates that the drive through lane will accommodate up to 10 automobiles, that the proposed exit on West 6th Street will have a negligible impact on traffic, that 36 accessory parking spaces are being provided, that Neptune Avenue is a significant commercial thoroughfare and that the majority of the existing frontages within 500' are commercial in nature, that the drive through has existed for 18 years and has not caused an undue adverse impact on residences within the immediate vicinity, and that because there are no adjacent residential uses, there is an adequate buffer between the drive-through facility and adjacent residential uses; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-243 and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Section Z.R. §§73-243 and 73-03, to permit, in a C7 zoning district, the reestablishment of an expired special

MINUTES

permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 36, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received April 16, 2002"- (6)sheets; and on further condition;

THAT this special permit shall be limited to a term of five years from the date of this grant expiring May 21, 2007;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted

Adopted by the Board of Standards and Appeals, May 21, 2002.

31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine Wiederman, owner.

SUBJECT - Application January 17, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area, Open Space Ratio, Perimeter Wall Height and the Rear and Side Yards contrary to Z.R. §§ 23-141(b), 23-631(b), 23-47 and 23-48. PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'-8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 9, 2002, acting on Alt. 1. Application No. 301284296 reads:

“Proposed extensions to existing One (1) Family Dwelling are contrary to ZR Sec 23-141 (b) Floor Area

ZR Sec 23-141 (b) Open Space & Lot Coverage

ZR Sec 23-631 (b) Perimeter Wall

ZR Sec 23-47 Rear Yard

ZR Sec 23-48 Minimum Side Yard and requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622"; and

WHEREAS, a public hearing was held on this application on March 26, 2002 after due notice by publication in The City Record, and laid over to April 16, 2002, and then to May 21, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area, Open Space Ratio, Perimeter Wall Height and the Rear and Side Yards contrary to Z.R. §§ 23-141(b), 23-631(b), 23-47 and 23-48; and

WHEREAS, Community Board #15 has recommended approval of this application; and

WHEREAS, the proposed enlargement will increase the FAR to .78, decrease the Rear Yard from the required 30' to 20'3", decrease the open space from the required 65% to 58%, maintain the existing Perimeter Wall Height of 22', and maintain the existing side yards of 7.42' and 3.08'; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-03 and 73-622 and grants a special to allow in an R3-2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area, Open Space Ratio, Perimeter Wall Height and the Rear and Side Yards contrary to Z.R. §§ 23-141(b), 23-631(b), 23-47 and 23-48, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 17, 2002" -(4) sheets, "April 29, 2002" -(1) sheet and "May 7, 2002" -(2) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered

MINUTES

approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within two years of this grant.

Adopted by the Board of Standards and Appeals, May 21, 2002.

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed re-establishment of an expired variance, previously granted under Cal. No. 742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets (78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 26, 2002, acting on Applic. No. 300790366, reads:

“Proposed re-establishment of the variance (which pertains solely to the portion of the existing diner [UG 6] located in the R4 zone) is contrary to the Board of Standards and Appeals variance granted under 742-74-BZ.”; and

WHEREAS, a public hearing was held on this application on April 23, 2002 after due notice by publication in The City Record, laid over to May 21, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed re-establishment of an expired variance, previously granted under Cal. No. 742-74-BZ, which permitted an enlargement to an existing diner,

located in an R4 district; and

WHEREAS, the applicant further represents that the premises is a thirteen (13) foot high building, has a total area of 4,397 square feet, and provides off-street parking for 32 vehicles; and

WHEREAS, in 1974, acting on Cal. No. 742-74-BZ, the Board approved an application to permit in an R4 district, for a term of ten (10) years, expiring May 13, 1985, the erection of a one-story enlargement to an existing diner; and

WHEREAS, evidence in the record indicates that in 1976, the City Planning Commission and Board of Estimate approved a rezoning of the site, in addition to the block frontages located directly to the east and west of the site, from R4 to R4/C1-2; and

WHEREAS, although the existing diner was no longer subject to the BSA variance, only half of the 915 square foot enlargement approved by the Board was covered by the rezoning; and

WHEREAS, the applicant represents that this variance seeks to re-establish the prior variance approved by the Board for that portion of the diner enlargement (458 square feet), which still remains in the adjoining R4 district; and

WHEREAS, the applicant states that the subject site is a split lot, which creates a practical difficulty and irregularity in being able to develop the site in strict compliance with the use and bulk provisions of the Zoning Resolution; and

WHEREAS, the applicant contends that due to the existing structure, the narrowness, and shallowness of the lot, a conforming development would result in a four-story residential building with dimensions of 7' by 60'; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, which are the result of the site's split zoning designation and the existing structure present a practical difficulty and unnecessary hardship for conforming with the strict application of the Zoning Resolution; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant represents that the existing site does not have, and would not cause any new adverse impacts on the residences within the immediate vicinity of the subject site, and the subject site would remain the same as originally built in 1961; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

MINUTES

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution to permit, the proposed re-establishment of an expired variance, previously granted under Cal. No. 742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 district, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 20, 2002"-(4) sheets; and on further condition;

THAT it shall be noted in the Certificate of Occupancy that any change in use, ownership or lessee shall require Board Approval;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, May 21, 2002.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane and Sheldon Lobel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9,

2002, at 2 P.M., for continued hearing.

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment (Use Group 9A) located in an M1-1 within a C2-2 zoning district, which requires a special permit as per Z.R. §32-31 and §42-31.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for decision, hearing closed.

285-01-BZ

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, is contrary to Z.R. §42-00, §52-22 and §52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner

MINUTES

of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Michael Vitiello.

For Administration: John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

367-01-BZ

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15. PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Ellen Hay.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for continued hearing.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane, Sheldon Lobel and Neil Dolgin.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for postponed hearing.

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §42-13, §43-232 and §43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Irving E. Minkin and Peter Gluck.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

20-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed expansion of an existing physical culture establishment, located in a C6-4A zoning district, previously granted under Cal. No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to June 11,

MINUTES

2002, at 2 P.M., for continued hearing.

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2 P.M., for decision, hearing closed.

37-02-BZ

APPLICANT - Harold Weinberg, P.E., for Estate of Herbert Weinberg, Harold Weinberg, owner; Miriam Weinberg Eberman, contract vendee.

SUBJECT - Application April 11, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing two family dwelling (Use Group 2) located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, and is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for decision, hearing closed.

84-02-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for East End Temple Congregation El Emet, owner.

SUBJECT - Application March 25, 2002 - under Z.R. §72-21, to permit the proposed expansion at the basement, first and second floor levels, of an existing synagogue (Use Group 4), located in an R7B and R9A zoning district, which does not comply with the zoning requirements for rear yard and lot coverage, and is contrary to Z.R. §24-12 and §24-33. PREMISES AFFECTED - 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Harold Zipser, Steve Sinacori and George Schefferlecher.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

MINUTES

*CORRECTION

These resolutions adopted on January 9, 2001, under Calendar Nos. 104-00-BZ thru 110-00-BZ and printed in Volume 86, Bulletin Nos. 1-3, is hereby corrected to read as follows:

104-00-BZ

CEQR # 00-BSA-118K

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 2 Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 132 (prior 32), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300844594 which read:

“PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS”; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing

a five-story residential building containing 5 residential dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter “the site”; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department’s requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation

MINUTES

in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked "Received September 8, 2000" -(5) sheets, "December 4, 2000"- (10) sheets and "December 20, 2000"-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read: "WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area". Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.**

105-00-BZ

CEQR # 00-BSA-119K

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 -under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 2A Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 133 (prior 33), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300848867 which read:

"PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing a five-story residential building containing 5 residential dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter "the site"; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department's requirements; and

MINUTES

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked "Received September 8, 2000"-(5) sheets, "December 4, 2000"-(10) sheets and "December 20, 2000"-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read:** *"WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will*

minimize any adverse impacts on the surrounding area".
Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.

107-00-BZ

CEQR # 00-BSA-121K

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 6 Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 135 (prior 36), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300844601 which read:

"PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing a five-story residential building containing 5 residential

MINUTES

dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter “the site”; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department’s requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the

objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked “Received September 8, 2000”-(5) sheets, “December 4, 2000”-(10) sheets and “December 20, 2000”-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read: “WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area”. Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.**

106-00-BZ CEQR # 00-BSA-120K

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 4 Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 134 (prior 35), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300844530 which read:

“PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS”; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing a five-story residential building containing 5 residential dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter “the site”; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department’s requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. §32-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked “Received September 8, 2000”-(5) sheets, “December 4, 2000”-(10) sheets and “December 20, 2000”-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read: “WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will**

MINUTES

minimize any adverse impacts on the surrounding area”.
Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.

108-00-BZ

CEQR # 00-BSA-122K

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 8 Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 136 (prior 36), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300844549 which read:

“PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS”; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing a five-story residential building containing 5 residential

dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter “the site”; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department’s requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the

MINUTES

objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. §32-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked "Received September 8, 2000"-(5) sheets, "December 4, 2000"-(10) sheets and "December 20, 2000"-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read: "WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area". Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.**

109-00-BZ

CEQR # 00-BSA-123K

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 10 Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 137 (prior 38), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300844558 which read:

"PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing a five-story residential building containing 5 residential dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter "the site"; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

MINUTES

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department's requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked "Received September 8, 2000"-(5) sheets,

"December 4, 2000"- (10) sheets and "December 20, 2000"-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read: "WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area". Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.**

**110-00-BZ
CEQR # 00-BSA-124K**

APPLICANT - Sheldon Lobel, P.C., for Middleton Development Corp., owner.

SUBJECT - Application April 7, 2000 - under Z.R. §72-21, to permit in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00.

PREMISES AFFECTED - 12 Throop Avenue, between Middleton and Lynch Streets, Block 2238, Lot Tentative 138 (prior 38), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 13, 2000 acting on N.B. Applic. No. 300844567 which read:

"PROPOSED RESIDENTIAL DWELLINGS IN C8-2 ZONING DISTRICT ARE CONTRARY TO SECTION 32-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE

MINUTES

FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, Community Board 1, Brooklyn, has recommended conditional approval of these applications; and

WHEREAS, a public hearing was held on this application on November 21, 2000, after due notice by publication in The City Record, laid over to December 12, 2000 and then to January 9, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin and Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this application is one of 7 application, filed under Calendar Numbers 104-00-BZ through 110-00-BZ requesting a variance to permit the construction of a residential complex in a commercial district; and

WHEREAS, these applications are for the erection a housing complex consisting of 7 lots, with each lot housing a five-story residential building containing 5 residential dwellings (currently known as Block 2238 Lots 132, 133, 134, 135, 136, 137, 138) hereinafter "the site"; and

WHEREAS, this application is under Z.R. §72-21, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. § 32-00; and

WHEREAS, the site presently consists of 7 lots which are vacant; and

WHEREAS, the site occupies the corner of Middleton Street and Throop Avenue; and

WHEREAS, evidence in the record indicates that in 1887 the subject lot was occupied by a three story multi-family structure with a store on the ground floor; and

WHEREAS, the applicant represents that over the last 110 years, no manufacturing use has occupied the site; and

WHEREAS, the applicant notes that the site is too narrow to accommodate modern manufacturing uses, and

WHEREAS, the size of the site, its history of development with a non conforming use or as a vacant property and its location on the corner of Middleton Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has documented compliance with Quality Housing requirements; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department's requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

WHEREAS, as set forth, the site is part of a very small manufacturing enclave surrounded by residential uses as characterized by a residential development being erected less than two blocks from the subject site; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C8-2 zoning district, the proposed construction of residential dwellings (Use Group 2), which is contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked "Received September 8, 2000"-(5) sheets, "December 4, 2000"-(10) sheets and "December 20, 2000"-(1) sheet; and on further condition;

THAT all Fire Department requirements be complied with;

THAT landscaping be maintained in accordance with BSA-approved plans;

THAT the above conditions appear on the certificate of occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, January 9, 2001.

***These resolutions has been corrected to remove the portion which read: "WHEREAS, evidence in the record demonstrates that the proposed accessory parking spaces are sufficient to avoid any parking impacts and will minimize any adverse impacts on the surrounding area". Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.**

MINUTES

*CORRECTION

This resolution adopted on April 16, 2002, under Calendar No. 368-01-BZ and printed in Volume 87, Bulletin No. 17, is hereby corrected to read as follows:

368-01-BZ

CEQR#02-BSA-076M

APPLICANT - Friedman and Gotbaum, LLP, by Irving J. Gotbaum, Esq., for New York Service Center for Chinese Study Fellows, Inc., owner; Market Corner Realty, LLC, Contract Vendee.

SUBJECT - Application November 26, 2001 - under Z.R. §72-21, to permit the addition of a small penthouse on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121.

PREMISES AFFECTED - 88/102 Ninth Avenue, east side, between West 16th and 17th Streets, Block 740, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Lori Cuisiner

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2001 acting on Applic. No. 103044180 reads:

“The change of use from an existing Use Group 3 community facility with sleeping accommodations to proposed Use Group 5 transient hotel does not comply with Zoning Resolution Section 33-121 because the proposed transient hotel will exceed the permitted commercial FAR for commercial uses in an R8 (C2-5) zoning district.”

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in The City Record and laid over to March 19, 2002 and then to April 16 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the addition of penthouse guest suites on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply

with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121; and

WHEREAS, the applicant represents that the subject lot is currently improved with a 11-story building containing 60,649 square feet of floor area (3.0 FAR), housing community facility uses, with a frontage of 184 feet on the eastern side of Ninth Avenue and a 100-foot depth along the northern side of West 16th Street and the southern side of West 17th Street; and

WHEREAS, evidence in the record indicates that the building contains 108 “hotel or dormitory room units,” each of which is approximately 257 square feet, and was utilized by a not-for-profit entity to house its guests and the building; and

WHEREAS, the Zoning Lot lies entirely within an R8 (C2-5) zoning district (general residence district with a commercial overlay permitting local retail and services); and

WHEREAS, within an R8 (C2-5) zoning district, residential buildings may achieve a density of 6.02 FAR or a total maximum permitted floor area of 110,768, - 36,800 square feet of which may be utilized as commercial space; and

WHEREAS, the applicant states that the proposed hotel will consist of the existing 11-story structure with additional 5,029 square for penthouse guest suites, and 13,080 square feet for an eating and drinking establishment on the first story; and

WHEREAS, the applicant contends that in order to be financially feasible, the Hotel must be developed as “boutique” hotel which will provide 120 rooms and penthouse guest suites; and

WHEREAS, the proposed sub-cellar will accommodate the Hotel’s laundry room, service areas, staff locker rooms and toilets, and mechanical equipment rooms; and

WHEREAS, the application will also provide for accessory parking garage with a 24-car capacity which will be accessed by way of an auto ramp located on a separate zoning lot directly east of the Site along West 16th Street; and

WHEREAS, the applicant states that the Existing Building’s cellar will provide a kitchen for the restaurant proposed for the first story, as well as storage areas and bathrooms; and

WHEREAS, the lobby leads into a former ballroom with a double-height ceiling that is proposed as commercial space to be occupied by Use Group 5 through Use Group 9 uses; and

WHEREAS, the applicant further states that the Hotel’s mezzanine, which can be accessed by two stairways in the cellar-level commercial space (or by the elevator banks) will accommodate the executive offices, the Hotel staff locker rooms (including toilets, showers and lounge area or lunch room), a mechanical room and public toilets; and

MINUTES

WHEREAS, the applicant proposes to include new construction in the hotel's first floor that is currently non-required open space; and

WHEREAS, the Hotel will consist of a lobby and lounge in the southern section, and a restaurant (plus kitchen) at the northern section; and

WHEREAS, the applicant notes that the proposed typical floor plan is largely dictated by the Existing Building's 35' by 152' configuration (on the second through eleventh floors) and the center elevator core, which occupies approximately 160 square feet of space on each floor; and

WHEREAS, the above configuration allows twelve guests rooms per floor along the western half of the Hotel's floor plate on floor two through eleven; and

WHEREAS, the applicant contends that the penthouse guest suites are an important component of this boutique hotel scheme because the building's configuration limits each room on all other floors to 225 square feet and the penthouse guest suites will draw a premium according to the applicant's feasibility study; and

WHEREAS, the applicant states that building out the existing plaza to include the restaurant/bar and lobby will enable the Hotel to provide services to its guests in a manner customary to boutique hotels in New York City; and

WHEREAS, the applicant describes the area as characterized by a mix of R8 and R8B zoned residential building types and sizes, including numerous multiple dwellings ranging from three to eight-stories (many of which are tenement "walk-ups"), loft buildings and community facilities, which are predominately located to the north, east and west of the Site; and

WHEREAS, the record indicates that the R8 zoned blocks have a C2-5 overlay running the depth of 100 feet on the west side of Ninth Avenue and north of the site and on the east side of Ninth Avenue, the 100-foot deep block-front is zoned R8B (C2-6A) between West 17th and 18th Streets and R7-B(C2-6A) between West 18th and 21st Streets; and

WHEREAS, the applicant claims that as such, ground floor retail establishments proliferate along the Avenue north of West 16th Street; and

WHEREAS, the applicant states that the area to the Hotel's east is zoned R8B (general residence district) and to the south and southwest is zoned M1-5 (loft areas located mainly within Manhattan CBD); and

WHEREAS, the Port Authority Commerce Building comprises the entire block opposite the Hotel across West 16th Street and across Ninth Avenue and west of the Hotel are located several parking garages, a community center and warehouse buildings; and

WHEREAS, the applicant represents that the Existing Building at the Site is impractical and presents a unique condition leading to a hardship due to its narrow and inefficient 35 foot by 152 foot floor plates on the second through eleventh floors; and

WHEREAS, the applicant contends that the community facility as-of-right alternative, a dormitory, would be impractical because each room could house only one student and universities generally prefer to house at least two persons per dormitory room and, moreover, its location away from existing Manhattan universities also renders it impractical; and

WHEREAS, the applicant further contends that the residential as-of-right alternative, an apartment building, would also be impractical because of the narrowness of the building, the single loaded corridors and the central elevator core which would allow for only shallow apartments; and

WHEREAS, the applicant claims that the mixed-use as-of-right alternative would also be impractical because of the extremely small apartment units and the minimum number of as-of-right hotel rooms which could be produced, thus, the Site cannot be developed within relief from the Zoning Resolution's bulk requirements; and

WHEREAS, the applicant states that although the site's lot itself measures 100 feet in depth by 184 feet in width, the Site is improved with an inefficiently shaped building that measures approximately 35 feet in depth and 152 feet in width; and

WHEREAS, according to the applicant, approximately 14'7" of the building's width comprises a north-south corridor, elevator banks, storage and mechanical rooms and two sets of stairwells; and

WHEREAS, the applicant claims that the existing configuration for this north-south floor area cannot be effectively changed and the stairwells are required as a second means of egress, thus, the open plaza area must be partially developed with Hotel's proposed eating and drinking facilities flanking a new smaller open space that leads to the new Hotel lobby; and

WHEREAS, the applicant states that the floor plans for the Hotel has been designed to overcome the difficulties and impracticalities imposed by the Existing Building by having all hotel guest rooms provide adequate square footage per person to allow a safe, healthy and uncrowded environment; and

WHEREAS, the applicant claims that the square footage required for the stairway, elevators and mechanical shafts the guest room floor approximates 39% of each floor's total square footage, and their existing location, as well as the building's narrow floor plate, negates the possibility of an internal reconfiguration; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the obsolescence due to its narrow and inefficient 35 foot by 152 foot floor plates at the second through eleventh floors, presents a practical difficulty and unnecessary hardship for the existing community facility use, which does not comply with rear yard requirements; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a complying bulk would not yield a reasonable return; and

MINUTES

WHEREAS, the applicant states that for all intents and purposes, the community facility is currently set up and operates as a “hotel” for Chinese students and visitors; and

WHEREAS, the applicant claims that the proposed Hotel site is located in the thriving Chelsea neighborhood, which is characterized by a mix of building types and sizes and uses, including mid- and low-rise buildings and residential, commercial and manufacturing uses; and

WHEREAS, the applicant further claims that the minimal square footage increase resulting from new construction at the Site will have no negative impact on the neighborhood; and

WHEREAS, the applicant states that the “porthole” design will be replicated on the new construction, thus creating a harmonious relationship with the existing building; and

WHEREAS, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board find that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Determination under 6 NYCRR Part 617 and §6-

07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the addition of penthouse guest suites on the roof, and an eating and drinking establishment on the first story level of a proposed transient hotel, which does not comply with the zoning requirements for floor area ratio and is contrary to Z.R. §33-121, 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 5, 2002”-(10) sheets; and on further condition;

THAT the Certificate of Occupancy be obtained within two years;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 16, 2002.

***The resolution has been corrected to reflect the changes in the square footage. Corrected in Bulletin No. 22, Vol. 87, dated May 30, 2002.**

Pasquale Pacifico, Executive Director.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 23-24

June 13, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	444-446
CALENDAR of July 16, 2002	
Morning	447
Afternoon	448

CONTENTS

MINUTES of Regular Meetings,
Tuesday, June 4, 2002

Morning Calendar449

Affecting Calendar Numbers:

636-53-BZ	700 Post Avenue, Staten Island
635-57-BZ	115 East 69 th Street, Manhattan
840-86-BZ	125 East 38 th Street, Manhattan
193-01-BZ	3034 Coney Island Avenue, Brooklyn
257-01-BZ	2504 Avenue X, Brooklyn
363-01-BZ thru 365-01-BZ	3304/3306/3308 Rombouts Avenue, Bronx
438-29-BZ	406-418 Remsen Avenue, Brooklyn
618-55-BZ	3902 Avenue U, Brooklyn
1558-61-BZ	100 Central Park South, a/k/a 1439 Avenue of Americas, Manhattan
1250-65-BZ	55 East 87 th Street, Manhattan
68-91-BZ	223-15/25 Union Turnpike, a/k/a 79-10 Springfield Boulevard, Queens
64-96-BZ	148-20 Cross Island Parkway, Queens
75-97-BZ	2795 Richmond Avenue, Staten Island
175-97-BZ	55 West Houston Street, a/k/a 158-160 Wooster Street, Manhattan
80-02-A	155 Oceanside Avenue, Queens
299-01-A	270 West 43 rd Street, Manhattan
333-01-A thru 358-01-A	50 to 92 Tennyson Drive and 14 to 17 Dream Lane, Staten Island
139-02-A	1511 Third Avenue, Manhattan
140-02-A	67-35 73 rd Place, Queens

Afternoon Calendar455

Affecting Calendar Numbers:

208-00-BZ	2739-2747 86 th Street, Brooklyn
261-01-BZ	105 West 24 th Street, a/k/a 735/57 Avenue of American, Manhattan
383-01-BZ	146-01 17 th Avenue, Queens
17-02-BZ	445/455 Fifth Avenue, Brooklyn
36-02-BZ	117 West 72 nd Street, Manhattan
125-01-BZ thru 128-01-BZ	125/131/135/141 Classon Avenue, Brooklyn
229-01-A thru 232-01-A	125/131/135/141 Classon Avenue, Brooklyn
136-01-BZ	11-11 44 th Drive, Queens
143-01-BZ	348 East 9 th Street, Manhattan
149-01-BZ	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
150-01-A	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
201-01-BZ	2591/2613 Atlantic Avenue, a/k/a 53/59 Georgia Avenue, Brooklyn
215-01-BZ	85 Union Avenue, Brooklyn
304-01-BZ	1720 Avenue "J", Brooklyn
322-01-BZ	402 Avenue "U", Brooklyn
366-01-BZ	500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, Brooklyn
401-01-BZ	1555 East 28 th Street, Brooklyn
27-02-BZ	287 Hudson Street, Manhattan
70-02-BZ	1456 East 26 th Street, Brooklyn
81-02-BZ	100 Lawrence Avenue, a/k/a 98/102 Lawrence Avenue, Brooklyn
92-02-BZ	841/49 Ninth Avenue and 401/09 West 55 th Street, Manhattan

DOCKET

New Case Filed Up to June 4, 2002

160-02-A B.S.I 24-01 89th Street, east side, 532.67' north of Astoria Boulevard, Block 1101, Lot 8, Borough of Queens. Applic.#401265536. Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

161-02-BZ B.BK. 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn. Applic.#301318376. Proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

COMMUNITY BOARD #15BK

162-02-BZ B.BK. 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn. Alt.#301064531 Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and side and rear yards, is contrary Z.R.§23-46, §23-461 and §23-141.

COMMUNITY BOARD #14BK

163-02-BZ B.BK. 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S and "T", Block 7300, Lot 72, Borough of Brooklyn. Alt.#301337998. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, lot coverage and wall height, is contrary Z.R.§23-47, §23-461 and §23-141 and §23-461.

COMMUNITY BOARD #15BK

164-02-BZ B.BX. 1913 Hobart Avenue, west side, bounded by St. Theresa Avenue to the south and Wilkinson Avenue to the north, Block 4234, Lot 58, Borough of The Bronx. Alt.#200592037. The legalization of an enlargement to an existing two family dwelling, which does not comply with the zoning requirements for side yards, is contrary to Z.R. § 23-48(b), §23-48 and §23-461(a).

COMMUNITY BOARD #10BX

165-02-BZ B.BK. 147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn. Applic. #301341625. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

166-02-A B.BK. 147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn. Applic.#301341625. Proposed five story, five family residential building, which does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

167-02-BZ B.BK. 151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn. Applic. #301341876. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

168-02-A B.BK. 151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn. Applic. #301341876. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

169-02-BZ B.BK. 153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn. Applic. #301341643. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

170-02-A B.BK. 153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn. Applic. #301341643. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26

DOCKET

of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

171-02-BZ B.BK. 155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn. Applic. #301341607. Proposed five story, five family residential building, Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

172-02-A B.BK. 155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn. Applic. #301341607. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

173-02-BZ B.BK. 157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn. Applic. #301341616. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #2BK

174-02-A B.BK. 157 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn. Applic. #301341616. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

175-02-BZ B.BK. 159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn. Applic. #301341652. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

176-02-A B.BK. 159 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn. Applic. #301341652. Proposed five story, five family residential building, which does not provide the required thirty foot rear yard and the required light and air, is contrary to Article 3, Section 26

of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

177-02-A B.Q. 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401446388. Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

178-02-BZ B.BK. 57 Eagle Street, a/k/a 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn. Applic. #300463228. The legalization of two contiguous building on one zoning lot, from a laundry facility to residential use, Use Group 2. Located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

179-02-BZ B.Q. 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens. Applic. #401400140. Proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district, requires a special permit from the Board as per Z.R. §32-15.

COMMUNITY BOARD #8Q

180-02-BZ B.Q. 39-17 Bell Boulevard, between 39th and 40th Avenues, Block 6241, Lot 9, Borough Queens. Applic. #401456287. Proposed rear yard addition at the second floor level of an existing two story vacant building (proposed restaurant), which creates non-compliance with respect to the height and rear yard requirements, is contrary to Z.R. §§33-23 and 33-26.

COMMUNITY BOARD #11Q

181-02-BZ B.BX. 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx. N.B. #200726438. Proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #12BX

182-02-BZ B.S.I. 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island. N.B. #500512331. Proposed construction of a new automotive service station, with an accessory convenience store, Use

DOCKET

Group 16b, located in a C1-2 within an R3-2 and R3-2 zoning district is contrary to §32-25.

COMMUNITY BOARD #2SI

183-02-BZ B.BX 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx. Applic. #200713656. The reestablishment of a special permit, previously granted by the Board, under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

COMMUNITY BOARD #7BX

184-02-A B.Q. 24 Gotham Walk, west side, 135' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401454387. Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JULY 16, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 16, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.
SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach

Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

JULY 16, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 16, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

JULY 16, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 16, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

265-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sandro E. Falla, owner.

SUBJECT - Application August 28, 2001 - under Z.R. §72-21, to permit the legalization of an enlargement to an existing one family dwelling which does not comply with the zoning requirements for lot size, side, front and rear yards, F.A.R. and O.S.R., which is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.

PREMISES AFFECTED - 102-06 Russell Street, south side, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens.

COMMUNITY BOARD #10Q

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

74-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1383 East 23rd Street, 80' north of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #13BK

107-02-BZ

APPLICANT - Philip L. Rampulla, for Bartholomeo Castellano, owner.

SUBJECT - Application April 3, 2002 - under Z.R. §73-52, to permit the proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #2SI

110-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 4, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

SPECIAL ORDER CALENDAR

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

APPEARANCES -

For Applicant: David L. Businelli.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired January 8, 2000; and

WHEREAS, a public hearing was held on this application on March 26, 2002, after due notice by publication in *The City Record*, laid over to April 16, 2002 and then to June 4, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional five (5) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the resolution pursuant to Z.R. §11-411, said resolution having been adopted June 15, 1954, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the resolution for five years from January 8, 2000 expiring January 8, 2005, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received April 18, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT there shall be no parking on the sidewalk;
THAT the premises shall be kept clean of debris and

graffiti;

THAT all lighting shall be pointed away from residential dwellings;

THAT landscaping shall be maintained in accordance with BSA approved plans;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (ALT. No. 500414795)

Adopted by the Board of Standards and Appeals, June 4, 2002.

635-57-BZ

APPLICANT - DeCampo, Diamond & Ash by Francis R. Angelino, Esq., for Landmark East 69th Street Associates I, L.P.

SUBJECT - Application January 25, 2002 - reopening for an extension of term of variance which expired January 26, 2002.

PREMISES AFFECTED - 115 East 69th Street, north side 185' east of Park Avenue, Block 1404, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Francis Angelino.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired January 26, 2002; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, laid over to June 4, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

MINUTES

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the resolution pursuant to Z.R. §11-411, said resolution having been adopted March 3, 1958 as amended through February 7, 1984, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the resolution for ten years from January 26, 2002 expiring January 26, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received February 12, 2002”-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (ALT. No. 101488061)

Adopted by the Board of Standards and Appeals, June 4, 2002.

840-86-BZ

APPLICANT - Martyn & Don Weston, for 125 East 38th Street, LLC, owner; Picard International, lessee.

SUBJECT - Application February 7, 2002 - reopening for an extension of term of variance which expired March 3, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 125 East 38th Street, north west corner of Lexington Avenue, Block 894, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Don Weston

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the

Rules of Practice and Procedure, a re-opening, an amendment to the resolution and extension of the term of the variance which expired on March 3, 2002; and

WHEREAS, a public hearing was held on this application on May 14, 2002, after due notice by publication in *The City Record*, laid over to June 4, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to reflect changes in the interior layout; and

WHEREAS, the applicant represents that the following modifications from the previously Board approved plans were made:

- 1) Office Space in the Basement was slightly rearranged,
- 2) The Office on the First Floor was converted to a conference room,
- 3) The Office space on the Second Floor was rearranged,
- 4) The living room and dining room on the Third Floor was converted to bed rooms,
- 5) The bedroom on the Fourth Floor was converted to a living and dining room; and

WHEREAS, the applicant states that no physical alterations are associated with this application.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on February 25, 1997 so that as amended this portion of the resolution shall read:

“to extend the term of the variance for ten years from March 3, 2002 expiring March 3, 2012 and to permit the following changes in the interior layout:

- 1) The rearrangement of Office Space in the Basement,
- 2) The conversion of the Office on the First Floor to a conference room,
- 2) The rearrangement of Office space on the Second Floor,
- 3) The conversion of the living room and dining room on the Third Floor into bed rooms,
- 4) The conversion of the bedroom on the Fourth Floor into a living and dining room; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received February 7, 2002”-(6) sheets; and on further condition

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief

MINUTES

granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(ALT. No. 1042/86)

Adopted by the Board of Standards and Appeals, June 4, 2002.

193-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 3044 Coney Island Avenue Associates.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, June 4, 2002.

257-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Kol Israel Cong by Albert Dweck, VP.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2504 Avenue X, southeast corner of Bedford Avenue, Bedford Avenue and East 26th Street, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Opposition: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, June 4, 2002.

363-01-BZ thru 365-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Harold Lane.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

3304 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 39 Tentative), Borough of The Bronx..

3306 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 40 Tentative), Borough of The Bronx..

3308 Rombouts Avenue, east side of Rombuts Avenue, 50' south of Givan Avenue, Block 5245, Lots 39 and 42 (Lot 41 Tentative), Borough of The Bronx..

COMMUNITY BOARD #2BX

APPEARANCES -

For Opposition: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, June 4, 2002.

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Opposition: Amit Itshiah.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 10:00 A.M., for continued hearing

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

MINUTES

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10:00 A.M., for continued hearing.

1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.

SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.

PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Peter Geis.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10:00 A.M., for decision, hearing closed.

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner's Corp., owner; Park 87th Corp., lessee.

SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.

PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10:00 A.M., for decision, hearing closed.

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10:00A.M., for continued hearing.

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to August 20, 2002, at 10:00 A.M., for decision, hearing closed.

75-97-BZ

APPLICANT - Rampulla Associates Architects, for Pergament Enterprise of S.I., owner; Lovely Lady Figure Salon, lessee.

SUBJECT - Application January 29, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 1, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 2795 Richmond Avenue, Richmond Avenue and Yukon Avenue, Block 2440, Lot 2, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Laid over to June 18,

MINUTES

2002, at 10:00 A.M., for continued hearing.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #M1-5A

APPEARANCES -

For Applicant: Francis Angelino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 10:00 A.M., for decision, hearing closed.

APPEALS CALENDAR

80-02-A

APPLICANT - Kevin Saumell, R.A., for Breezy Point Cooperative, Inc., owner; Megan Fitzpatrick, lessee.

SUBJECT - Application - March 20, 2002 -Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 22, 2002, acting on Application No. 401130628, reads:

“Request made to enlarge existing dwelling located on site partially within the bed of a mapped street and contrary to General City Law 35.”; and

WHEREAS, the applicant proposes an enlargement to

an existing one family dwelling, located partially within the bed of a mapped street; and

WHEREAS, by letter dated March 27, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated May 1, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by the letter dated April 15, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated February 22, 2002, acting on Application No. 401130628, is modified under the power vested in the Board by § 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received March 20, 2002”- (1) sheet; and that the proposal complies with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, June 4, 2002.

299-01-A

APPLICANT - Pillsbury Winthrop, LLP, for 42nd Street Development Project, Inc., owner; Dream Team Hotel Associates, LLC, lessee.

SUBJECT - Application October 26, 2001 - Proposed atrium located between the 9th floor to 16th Floor, is contrary to §27-521.05(c) of the Admin. Code, in that one of the required exits shall be only through an enclosed passageway or corridor conforming to the requirements of exits as per Subchapter 6 of the Admin. Building Code.

PREMISES AFFECTED - 270 West 43rd Street, bounded by 43rd Street, Eighth Avenue and 42nd Street, Block 1014, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Adrienne Bernard

MINUTES

For Administration: John Scrofani, Fire Department; Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative: 0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 11:00 A.M., for decision, hearing closed.

333-01-A thru 358-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for OTT LLC, owner.

SUBJECT - Application November 13, 2001 - proposed one family dwelling, located within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

- 50 Tennyson Drive, east side, 349.3' north of Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.
- 52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.
- 54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58, Borough of Staten Island.
- 56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.
- 58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.
- 60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.
- 62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.
- 64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.
- 66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.
- 68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.
- 70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.
- 72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.
- 74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68,

Borough of Staten Island.

76 Tennyson Drive, east side, 136.11 north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.

78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.

80 Tennyson Drive, east side, 102.21 north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.

82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.

84 Tennyson Drive, east side, 67.88 north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.

86 Tennyson Drive, east side, 50.54' north of Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

88 Tennyson Drive, east side, 33.07 north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.

90 Tennyson Drive, east side, 1.54' north of Nelson Avenue, Block 5212, Tentative Lot 76, Borough of Staten Island.

92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.

12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.

14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.

15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.

17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Administration: Adam Rothkrug.

For Opposition: Borough President Jim Molinaro, Sherry Diamond, Carol Zirngibl, Eileen Monreale, Linda Cohen, Carol Hefty, Kerry Sullivan, Robert Calandra, Carl Peter, Shirlee Marraccini, Anthony Marraccinc, Alice Ruch and Tom Bouglm.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11:00 A.M., for continued hearing.

MINUTES

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Laid over to June 18, 2002, at 11:00 A.M., for postponed hearing.

140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: John Resinger, Department of Buildings.

For Opposition: John Feijco.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, JUNE 4, 2002 2:00 PM

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

208-00-BZ

CEQR # 01-BSA-021K

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 on a site previously before the Board, to allow, in an R5 zoning district, the re-establishment of uses previously granted under an expired special permit which permitted use of automotive service station (Use Group 16), automotive storage (Use Group 16) and the preparation of automobiles for delivery (Use Group 16), granted under Calendar Number 572-84-BZ.

PREMISES AFFECTED - 2739-2747 86th Street, northwest 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: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 22, 2001 acting on Application No. 300922045 reads:

For denial to BSA.

“CONTINUED USE OF THE PREMISES AS AUTO REPAIR, AUTO STORAGE AND AUTO SALES (USE GROUP 16) BEYOND FEBRUARY 6, 1996 MUST BE REFERRED BACK TO THE BSA.”; and

WHEREAS, a public hearing was held on this application on February 6, 2001 after due notice by

MINUTES

publication in the *City Record*, and laid over to May 1, 2001, June 19, 2001, July 24, 2001, September 11, 2001, November 20, 2001, December 4, 2001, December 18, 2001, January 29, 2002, April 9, 2002, and May 7, 2002 and then laid over to June 4, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance under Z.R. 72-21, on a site previously before the Board, to allow, in an R5 zoning district, the re-establishment of uses previously granted under an expired special permit which permitted use of automotive service station (Use Group 16), automotive storage (Use Group 16) and the preparation of automobiles for delivery (Use Group 16), granted under Calendar Number 572-84-BZ; and

WHEREAS, the applicant represents that since 1957, under Calendar Number 618-56-BZ, the above lots have received variances allowing commercial uses; and

WHEREAS, the record indicates that since 1984, pursuant to Calendar # 572-84-BZ the subject site has housed two independent automobile related facilities, one on the westerly side and one on the easterly side; and

WHEREAS, the westerly portion of the lot is occupied with a one-story masonry "garage" building housing the sale of used cars, minor automobile repairs, with hand tools only (limited to used cars sales), and the preparation of automobiles for sale; and

WHEREAS, the easterly side of the property is occupied with a one-story metal shed used for the detailing of automobiles (hand wash only); and

WHEREAS, the application will retain above-referenced establishments with hours of operation of 7:30 a.m. to 6:00 p.m. Monday through Saturday closed Sunday for both facilities; and

WHEREAS, the applicant represents that the subject site is unique because among other factors, the accessory building has a limited floor area that can only be changed to uses within the same use group at a prohibitive cost; and

WHEREAS, further, the automotive related uses are open for the entire lot area and the small building cannot be reused in a complying manner; and

WHEREAS, the aforementioned history of development with automotive repairs and sales of used cars as well as the unique physical condition of the buildings makes occupation for a conforming R5 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the Board notes that this is a legalization; and

WHEREAS, the record indicates that within the vicinity of the subject premises similar uses are present; and

WHEREAS, the applicant provided assurances that the owner will maintain the property and uses to ensure that the light and privacy of adjoining and nearby residents is not disturbed; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, on a site previously before the Board, to allow, in an R5 zoning district, the re-establishment of uses previously granted under an expired special permit which permitted use of automotive service station (Use Group 16), automotive storage (Use Group 16) and the preparation of automobiles for delivery (Use Group 16), granted under Calendar Number 572-84-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received August 24, 2000"-(1) sheet and May 28, 2002 (1) sheet; and on further condition;

THAT there shall be no commercial parking or overnight storage on the detailing portion of the lot;

THAT there shall be no outdoor repairs done on the premises;

THAT there shall not be any auto body or collision work done on the premises;

THAT there shall not be any public auto repair shop on the premises and that minor auto repairs shall be limited to hand tools only and shall only be done for dealer preparation of used cars for sale;

THAT there shall be no banners or sandwich boards,

MINUTES

THAT the term of the variance shall be limited to ten (10) years;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy be obtained within one year of the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 4, 2002.

261-01-BZ

CEQR # 02-BSA-024M

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner.

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, a/k/a 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative: 0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 10, 2001 acting on NB Applic. No. 102500811 reads:

“1. The proposed Electric Utility Substation is not a permitted as-of-right use in a C6-4X district as set forth in Section 32-10 of the Zoning Resolution.

A Special Permit will be required from the Board of Standards and Appeals.”

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by

publication in *The City Record* and laid over to January 15, 2002 and then to January 30, 2002, March 27, 2002, May 7, 2002 and then to June 4, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§72-21 and 73-16, to permit the proposed change in use from a parking lot of approximately 135 cars to a Con Edison electrical utility substation, located in a C4-6X zoning district; and

WHEREAS, the applicant represents that the subject lot lies within a C4-6X zoning district and is currently improved with a commercial parking lot with 135 spaces and a total lot area of approximately 17,692 square feet, with 177 feet of frontage on Avenue of the Americas and 100 feet of frontage on 24th Street; and

WHEREAS, the applicant contends that the Proposed Substation would provide the permanent load relief necessary to provide continuous and reliable service to the surrounding residential and commercial area, as well as areas to the north and east that are currently served by other substations; and

WHEREAS, according to the applicant, as a result of re-zoning and an immediate need for an additional substation, it has attempted to purchase property located in the M1 district located near the site, where the Proposed Substation would be as-of-right; and

WHEREAS, the applicant claims that it has not been able to find an alternative property and that in order to provide sufficient service for the growing need for power in and around the area, it must do so by a specific deadline; and

WHEREAS, the record indicates that the applicant owns another property where the applicant's needs could be met as-of-right; and

WHEREAS, the applicant contends that the property which it owns on West 28th Street is not viable for a substation use; and

WHEREAS, the applicant represents that locating the Proposed Substation at 28th Street would result in a delay of at least one to two years in the required load relief, with an accompanying risk of service interruptions and increased use of temporary diesel generators; and

WHEREAS, the applicant claims that substation construction would substantially disrupt this site, which is the smallest workout facility in the applicant's service system; and

WHEREAS, the applicant further claims that this would result in an approximately \$30 million dollar increase in the cost of the substation, without benefit to the power distribution system; and

WHEREAS, finally, the applicant contends that the increased cable length required to locate the substation at

MINUTES

28th Street would result in diminished reliability because reliability varies inversely with the number of cables and splices in the network; and

WHEREAS, the Board has reviewed evidence in the record and finds that the applicant has failed to sufficiently support its claim that the delay and risk of service interruptions, disruption of the workout facility, extremely high cost, and the possibility of diminished reliability from increased cable length rise to the level of serious difficulties in the utilization of this site for a substation; and

WHEREAS, the Board also notes that a substation at the 28th Street location would only occupy a relatively small portion of the site; and

WHEREAS, the Board does not find credible the claims of the applicant rise to the level specified in the special permit, specifically the serious difficulties in locating such use in a nearby district where it is permitted as-of-right; and

WHEREAS, the applicant initially promoted the Project as essential to meet the needs of the Chelsea network but then stated that the majority of the plant's capacity would be used for load relief in the Midtown South area and other areas; and

WHEREAS, the finding that in the case of public transit or railroad electric substations, that the site for such use has a minimal frontage of 50 feet and a minimum lot area of 4,500 square feet is not applicable; and

WHEREAS, this district allows department stores, theaters and other commercial uses that serve a larger area but it does not allow the inclusion of home maintenance and repair services that would interrupt the desired continuous retail frontage; and

WHEREAS, the applicant claims that the location and design of the Proposed Substation would minimize the interruption of the continuity of retail frontage; and

WHEREAS, the Site is currently a parking lot, with no retail frontage, and the record indicates that building to the north of the Site has retail frontage; and

WHEREAS, after a site visit, a review of testimony and the record the Board is not convinced that the site for such use is so located in Residence Districts as to minimize the interruption of the continuity of retail frontage; and

WHEREAS, the proposed Substation would range from one to four stories and from approximately 64 feet to 67 feet along the street wall to 93 feet to 96 feet at the tower behind the street wall; and

WHEREAS, the proposed Substation would be a steel framed building with facades consisting of masonry, glass, decorative metal screen, and louvers; and

WHEREAS, the area adjacent to the proposed substation is characterized by continuous commercial uses on ground floor and residential uses; and

WHEREAS, the Board finds that even with the architectural and landscaping treatment of such use, the interruption of the continuity of retail frontage the with the rest of the area will not be minimal; and

WHEREAS, according to the applicant, the Proposed Substation, which would be similar in design to other existing substations in New York City, would conform with the performance standards contained in Z.R. §42-20 that are applicable in M1 districts and it would involve none of the undesirable hazards regulated thereby; and

WHEREAS, the Board believes that such use would conform to the performance standards applicable to M1 Districts; and

WHEREAS, the applicant claims that it has satisfied the findings required by Z.R. §73-16, as the Proposed Substation would also comply with the general findings of Z.R. §73-03, which requires that a special permit use shall conform to and comply with all of the applicable district regulations on use, bulk, supplementary use regulations, regulations applying along district boundaries, accessory signs, accessory off-street parking and off-street loading, and all other applicable provisions of the Zoning Resolution; and

WHEREAS, the applicant states that rather than proving the five findings set forth in §72-21, in a situation where a public utility proves that the proposed site is necessary to enable the company to provide safe and adequate service, and that no alternative sites are available that could be used with less disruption of the existing zoning, the Board must grant the variance; and

WHEREAS, also in a situation where the intrusion or burden on the community is minimal, the showing required by the utility is correspondingly reduced; and

WHEREAS, the Board finds that the applicant has failed to prove Public or Programmatic need under the variance portion of the application because they have failed to adequately demonstrate the inability to utilize their 28th Street location where the substation could be located as-of-right; and

WHEREAS, the Board finds that the applicant has failed to prove that no alternative sites are available that could be used with less disruption of the existing zoning or character of the community; and

WHEREAS, the Board also finds that the Proposed Substation is out of character with the neighborhood and the intrusion or burden on the community is not minimal; and

WHEREAS, the Board finds that the Proposed Substation application fails to meet the requirements of Z.R. §73-16 (a), (c) and (d), and it must be denied.

WHEREAS, the Board also finds that the application fails to meet the requirements as modified for a public utility of Z.R. §72-21, requiring it to demonstrate that it can provide safe and adequate service and that no alternative sites are available, and therefore it must be denied.

Therefore, it is Resolved that the decision of the Borough Commissioner must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, June 4, 2002.

MINUTES

383-01-BZ

CEQR # 02-BSA-087K

APPLICANT - The Agusta Group, for Thomas Morley, owner.

SUBJECT - Application - under Z.R. §72-21, to permit the proposed enlargement of a single-family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to front yard, side yard and front wall setback, contrary to Z.R. §§23-45, 23-461(a), 23-631.

PREMISES AFFECTED - 146-01 17th Avenue, corner of 46th Place and 17th Avenue, Block 4626, Lot 8, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 14, 2001, updated November 8, 2001 acting on Application No. 401229657, reads:

- “1) Proposed front yard of 6'-7" facing 46th Ave. (sic) does not meet the minimum 15 foot front yard requirement of an R2 zoning district (23-45).
- 2) Proposed side yard of 3'-5" does not meet the minimum 5 foot side yard requirement of an R2 zoning district (23-461)(a).
- 3) Proposed 6'-7" front yard setback facing 46th Ave. (sic) does not meet the minimum 15 foot front wall setback requirement in an R2 zoning district (23-631).”;

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, and laid over to June 4, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed enlargement of a single-family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to front yard, side yard and front wall setback, contrary to Z.R. §§23-45, 23-461(a), 23-631; and

WHEREAS, the record indicates that the subject

premises is an irregularly narrow corner lot consisting of two stories totaling 1,0245 square feet of floor area, yielding a home of only four rooms, including the kitchen; and

WHEREAS, the record indicates that the 25'-0" width of the lot yields a non-complying front yard of only 6'-7" facing 146th Place and that the proposed enlargement extending along 146th Place will therefore increase the degree of non-compliance of this front yard; and

WHEREAS, the applicant asserts that the narrowness of the lot also creates a front yard setback of only 6'-7" from the property line, rather than the 15 feet required, and results in side yards at the rear of the 23'-0" building that are only 3'-5" rather than the required 5'-0"; and

WHEREAS, the proposed enlargement seeks to enlarge the house with the addition of a dining room and a third bedroom, and will further increase the aforementioned non-compliances; and

WHEREAS, the applicant notes that a complying development would require two front yards and yield a house that is 5' wide; and

WHEREAS, the aforementioned unique physical conditions, the narrow and shallow lot, make its occupancy for a conforming R2 use impractical and create an unnecessary hardship and practical difficulty in developing the site in conformity with the current zoning; and

WHEREAS, the applicant represents and the Board agrees that given the applicable yard and setback requirements, no addition to the existing building is possible without a variance; and

WHEREAS, moreover, the application is for a bulk variance for a single family house and the Board has determined that no demonstration of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, the property is located in an R2 residential zone; and

WHEREAS, evidence in the record indicates that within the vicinity of the site there exist many larger single family houses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no

MINUTES

foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed enlargement of a single-family dwelling (Use Group 1) located in an R2 zoning district, which creates non-compliance with respect to front yard, side yard and front wall setback, contrary to Z.R. §§23-45, 23-461(a), 23-631, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 7, 2001"- (5) sheets; and *on further condition*;

THAT a new Certificate of Occupancy shall be obtained within 4 years;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT the above conditions shall appear on the Certificate of Occupancy;

Adopted by the Board of Standards and Appeals, June 4, 2002.

17-02-BZ

CEQR # 02-BSA-110K

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in portions of the second and third floors, in an existing two and three-story commercial building, situated a C4-3 zoning district.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated March 8, 2002 acting on ALT. Application No. 301136367 reads:

"The proposed use is a Physical Culture Establishment on the 2nd and third floors of this project requires a special permit from the BSA per Sec. 32-31 of the Zoning resolution."; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record* and laid over to June 4, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the proposed physical culture establishment, located in portions of the second and third floors, in an existing two and three-story commercial building, situated a C4-3 zoning district; and

WHEREAS, the applicant states that the total floor area of the physical culture establishment will be 20,521 square feet; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the applicant represents that sound attenuation measures, including insulated walls, a sound limiting system under locked control, and sound insulating measures for the rooftop air conditioner, will be installed; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

MINUTES

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the proposed physical culture establishment, located in portions of the second and third floors, in an existing two and three-story commercial building, situated a C4-3 zoning district, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received January 7, 2002"-(7) sheets, "March 14, 2002"-(1) sheet and "May 21, 2002"-(1) sheet; and *on further condition*;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT sound attenuation measures, including insulated walls, a sound limiting system under locked control, and sound insulating measures for the rooftop air conditioner, shall be installed;

THAT fire protection measures, including a fire alarm system, an auto-wet sprinkler system and a smoke detection system with all three systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from the date of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 4, 2002.

**36-02-BZ
CEQR # 02-BSA-123M**

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT - Application January 22, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, located on the second floor, in an existing vacant five-story commercial building, situated a C4-6A zoning district.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated December 28, 2001 acting on Application No. 103066389 reads:

"The proposed occupancy, Physical Culture Establishment requires a special permit from BSA as per Sec. 32-31 of Z.R. pursuant to Section 73-36."; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record* and laid over to June 4, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed physical culture establishment, located on the second floor, in an existing vacant five-story commercial building, situated a C4-6A zoning district; and

WHEREAS, by a resolution dated April 2, 2002, Community Board #7 approved this application; and

WHEREAS, the applicant represents that the proposed physical culture establishment will have a total floor area of 3,900 square feet; and

MINUTES

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, and weight reduction; and

WHEREAS, the applicant states that the facility will be operated as a personalized training center with one on one individual training between the trainer and the patron, and that occupancy will be limited, most likely fewer than 15 persons at any one time; and

WHEREAS, the applicant indicates that massages will all be performed by licensed massage therapists; and

WHEREAS, pursuant to the Fire Department's recommendations, an interior fire alarm system and smoke detection system connected to a Fire Department approved central station will be installed; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-36 to permit the proposed physical culture establishment, located on the second floor, in an existing vacant five-story commercial building, situated a C4-6A zoning district, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received January 22, 2002"- (5) sheets and "May 21, 2002"- (1) sheet; and *on further condition*;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures, including a fire alarm system and a smoke detection system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten (10) years from the date of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 4, 2002.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M., for continued hearing.

MINUTES

229-01-A thru 232-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M., for continued hearing.

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

ACTION OF THE BOARD - Laid over to June 11, 2002, at 2:00 P.M., for decision, hearing closed.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2:00 P.M., for defer decision, hearing closed.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair

For Opposition: Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

MINUTES

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair

For Opposition: Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.
SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

ACTION OF THE BOARD - Laid over to June 25, 2002, at 2:00 P.M., for decision, hearing closed.

215-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 185 Union Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 85 Union Avenue, southwest corner of Lorimer Street, Block 2245, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for continued hearing.

304-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Knesseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed community facility (Use Group 4) located in R2 zoning district, which creates non-compliance with respect to floor area ratio, open space ratio, front and side yards, perimeter wall height/sky exposure and parking, which is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Rabbi Kahn, Sheldon Lobel, Richard Bienenfeld, Edward Klein and others.

For Opposition: David Roth, Milton Pincus, Dr. Leon A. Petch, Herzl S. Eisenstadt and Nathan Weinman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2:00 P.M., for continued hearing.

MINUTES

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane, Sheldon Lobel, Micahel Wartzburg, Gary McDvmet and Jerry Jacobs.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for continued hearing.

401-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage and side and rear yards, located in an R3-2 zoning district, which is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue "P" and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

27-02-BZ

APPLICANT - Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp., owner.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the legalization of the second floor conversion from office, to residential use within the existing four story mixed use building, located in an M1-6 zoning district, is contrary to Z.R. §52-35.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board #2.

For Opposition: Stuart Klein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for decision, hearing closed.

70-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Pearl Shapiro, owner.

SUBJECT - Application February 26, 2002 - 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 creates non-compliance with respect to floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1456 East 26th Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

81-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Beth Jacob Day School, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a religious high school (Yeshiva), Use Group 3, located in an R5 Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, street wall, total height, side yards and loading, is contrary to Z.R. §113-11, §23-141(b), §23-622(d), §23-462(a) and §113-22(b).

PREMISES AFFECTED - 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for decision, hearing closed.

92-02-BZ

APPLICANT - Paul, Hastings, Janofsky & Walker, LLP, by Elise Wagner, Esq., and Jeremiah H. Candreva, Esq., for Alvin Ailey Dance Foundation, owner.

SUBJECT - Application March 28, 2002 - under Z.R. §72-21, to permit the proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6-2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, which is contrary to §96-102 and §33-341.

PREMISES AFFECTED - 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Elise Wagner and Sharon Luckma.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 4:50 P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 25

June 20, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006

HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006

BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET470

CALENDAR of July 23, 2002

Morning471

Afternoon474

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, June 11, 2002**

Morning Calendar474

Affecting Calendar Numbers:

1069-27-BZ	67-02-/6724 New Utrecht Avenue, Brooklyn
603-49-BZ/392-01-A	34-14 31 st Street, Queens
820-67-BZ	41 Barker Street, Staten Island
16-99-BZ	1116 East 26 th Street, Brooklyn
1045-64-BZ	300-330 East 33 rd Street (aka 575 First Avenue) Manhattan
93-97-BZ	136-21 Roosevelt Avenue, Queens
123-01-A	540/2 West 50 th Street, Manhattan
299-01-A	270 West 43 rd Street, Manhattan
300-01-A	3903/3911 Amboy Road, Staten Island
90-02-A	392 11 th Street, Brooklyn
113-02-A	777 Third Avenue, Manhattan
115-02-A thru 118-02-A	767 Third Avenue, 747 Third Avenue, 437 Madison Avenue, 320 West 13 th Street, Manhattan

Afternoon Calendar.....478

Affecting Calendar Numbers:

136-01-BZ	11-11 44 th Drive, Queens
246-01-BZ	35-11 Prince Street, Queens
377-01-BZ/378-01-A	56 Giffords Lande, staten Island
37-02-BZ	181 Falmouth Street, Brooklyn
84-02-BZ	245 East 17 th Street, Manhattan
198-01-BZ	105-45 Cross Bay Boulevard, Queens
235-01-BZ	2009 Mermaid Avenue a/k/a 2879 West 21 st Street a/k/a 2882 West 20 th Street, Brooklyn
281-01-BZ	35 West Tremont Avenue, a/k/a 31/43 West Tremont Avenue, Bronx
285-01-BZ	1045 38 th Street, Brooklyn
396-01-BZ	43A West 13 th Street, Manhattan
397-01-BZ	30-07 Newtown Avenue, Queens
2-02-BZ	3872 Third Avenue, a/k/a 532 East 172 nd Street, the Bronx

CORRECTIONS489

Affecting Calendar Numbers:

259-98-BZ	761/773 Kent Avenue, a/k/a 763 Kent Avenue, Brooklyn
203-01-BZ	5701 Broadway, Bronx
385-01-BZ	1449 39 th Street, a/k/a 1443/49 39 th Street, Brooklyn

DOCKETS

New Case Filed Up to June 11, 2002

185-02-BZ B.BK. 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn. Alt. Type I.#301038464. Proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

186-02-BZ B.BK. 143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #2B

187-02-A B.BK. 143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn. Proposed five story, five family residential building, which does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

188-02-BZ B.BK. 145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #2BK

189-02-A B.BK. 145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn. Proposed five story, five family residential building which does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

190-02-BZ B.BK. 149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn. Proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #2BK

191-02-A B.BK. 149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn. Proposed five story, five family residential building which does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

192-02-BZ B.Q. 108-36/50 Queens Boulevard, southeast corner of Windsor Place (71st Road), Block 3257, Lots 1 and 42, Borough of Queens. 401428317. Proposed reduction in the number of required parking spaces, for a proposed commercial/community facility, Use Groups 6 and 4, located in a C4-2 zoning district, requires a special permit from the Board as per Z.R. §73-44.

COMMUNITY BOARD #6Q

193-02-BZ B.BK. 488 Morgan Avenue, east side, between Richardson Street and Division Place, Block 2851, Lots 1 and 70, Borough of Brooklyn. Applic.#301356271. Proposed conversion of a five story building, located in an area zoned for manufacturing use, into a not-for-profit institution with sleeping accommodations, Use Group 3, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

194-02-BZ B.S.I. 1775 South Avenue, south side of Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island. Applic.#500522534. The legalization of an existing physical culture establishment, located in a C4-3 zoning district, requires a special permit from as per Z.R. §73-36.

COMMUNITY BOARD #2SI

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JULY 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, July 23, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

607-51-BZ

APPLICANT - Vassalotti Associates, Architects, for Phillips Petroleum

SUBJECT - Application May 14, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired July 14, 1999.

PREMISES AFFECTED - 161-01 Union Turnpike, northwest corner of 162nd Street and Union Turnpike, Block 6831, Lot 118, Borough of Queens.

COMMUNITY BOARD #8Q

833-52-BZ, Vol. III

APPLICANT - Walter T. Gorman, P.E., for Zohar, LLC, owner; Benchai Ventures, Inc., lessee.

SUBJECT - Application April 19, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 5916/30 Foster Avenue, southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

116-81-BZ

APPLICANT - Catapano Engineering, P.C., for 1579 Atlantic Avenue, owner.

SUBJECT - Application March 27, 2002 and updated May 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 14, 2001.

PREMISES AFFECTED - 1581 Atlantic Avenue aka 48/56 Troy Avenue, northwest corner of Troy Avenue, Block 1705, Lots 58 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

87-94-BZ

APPLICANT - Martyn & Don Weston Architects, for Czech Republic, owner.

SUBJECT - Application April 9, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 12, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side 250' west of 1st Avenue, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

137-96-BZ

APPLICANT - Fredrick A. Becker, Esq., for 6159 Broadway, LLC, owner; Kookoo's, lessee.

SUBJECT - Application March 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 9, 2000.

PREMISES AFFECTED - 6159 Broadway, west side of Broadway 175' south of 251st Street, Block 5814, Lot 1189, Borough of The Bronx.

COMMUNITY BOARD #8BX

JULY 23, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 23, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue,

MINUTES

between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

288-01-BZ

APPLICANT - Peter J. Mugavero, R.A., A.I.A., for Frank Casamento, owner; DBA CG & C Prime Meat, lessee.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed second story vertical addition, to an existing one-story masonry retail establishment, Use Group 6, located in an R5 zoning district, which is contrary to Z.R. §54-31.

PREMISES AFFECTED - 8008/10 18th Avenue, west side, 51'-9" south of 80th Street, Block 6284, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #11BK

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

13-02-BZ thru 16-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3B

62-02-BZ thru 64-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyn Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

MINUTES

125-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Marmon Enterprises, Inc., owner; Walbaums, lessee.

SUBJECT - Application April 19, 2002- under Z.R. §11-41, to permit the reestablishment of an expired variance previously granted by the Board under Cal. No. 550-71-BZ, which permitted a supermarket, located in an R2 zoning district.

PREMISES AFFECTED - 46-40 Francis Lewis Boulevard, northwest corner of 47th Avenue, Block 5555, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 11, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

SPECIAL ORDER CALENDAR

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman.

In favor: Frank Mormando

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10:00 A.M., for continued hearing.

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.

SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Alfonso Duarte.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10:00 A.M., for decision, hearing closed.

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute CarCarrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Willy Yuin.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10:00 A.M., for continued hearing.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner

SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10:00 A.M., for continued hearing.

1045-64-BZ

APPLICANT - Seymour W. Gage, P.E., for Kips Bay Tower Associates, owner; Rapid Park Industries, lessee.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 2001.

PREMISES AFFECTED - 300-330 East 33rd Street (aka 575 First Avenue) northwest corner of East 33rd Street and First Avenue, Block 936, Lots 7501 and 4280, Borough of Manhattan.

COMMUNITY BOARD #6M

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

ACTION OF THE BOARD -Laid over to July 23, 2002, 10:00 A.M., for decision, hearing closed.

MINUTES

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.

SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

For Applicant: Eric Palatnik and Raymond Chan

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 10:00 A.M., for continued hearing.

APPEALS CALENDAR

123-01-A

APPLICANT - The Agusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis, lessee.

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated February 22, 2001, acting on Application No. 102429301, reads:

“1 The change of use of the 1st floor into an Auto Repair Shop (U.G. 16 & 17) in an R8 zoning district from Office (U.G. 6) is contrary to section 52-332 of the Zoning Resolution.”; and

WHEREAS, this appeal is for an interpretation of Z.R. Section 52-332 and how it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair shop (Use Groups 16 and 17) and public garage (Use Group 8), with accessory offices and the parking of vehicles awaiting repairs; and

WHEREAS, the appellant's application at the Department of Buildings was for a new Certificate of Occupancy for the premises located at the subject premises

in an R8 district within the Special Clinton Hill District; and

WHEREAS, On May 31, 2000, based on an approval of a reconsideration for the second floor of the above premises, involving a change of use from an “Electrical Contractor's Establishment (Use Groups 16 & 17)” to a “Public Parking Garage” of twelve (12) motor vehicles (Use Group 8), and an Auto Repair Shop and Body and Fender Work (Use Group 16), responding to a Department of Consumer Affairs inquiry, the Department of Buildings issued a “Letter of No Objection”; and

WHEREAS, however, the appellant notes that the reconsideration for the use of the first floor for an “Auto Repair Shop and Body & Fender work (Use Groups 16 & 17)” with accessory parking was not approved; and

WHEREAS, the appellant also contends that basis for the above denial was that the use of the first floor in Certificate of Occupancy #81363, dated May 26, 1981 was erroneously listed both the “Electrical Contractor's establishment” on the second floor, as well as “offices” on the first floor as “Offices Use Group 6”; and

WHEREAS, the appellant contends and the Board agrees that the offices on the first floor were not the “primary” use, but were in fact accessory to the primary use, the “Electrical Contractor's Establishment” (Use Group 16); and

WHEREAS, the appellant represents that since the record indicates that the primary use is a Use Group 16, the first floor should be permitted to change, as-of-right, from an Electrical Contractor's Establishment (Use Group 16) to an Auto Repair Shop (Use Group 16 & 17) with accessory parking; and

WHEREAS, the record indicates that when Certificate of Occupancy #81363 was issued, the site was zoned M1-5 but is now designated as R8; and

WHEREAS, the applicant represents that his proposed change in use is allowed under Section 96-10 which states that “Except as otherwise provided in this Chapter, any existing commercial and manufacturing uses may be changed, subject to underlying district regulations, pursuant to the change of non-conforming use provisions of sections 52-31, 52-33, 52-34, 52-35 and 52-36”; and

WHEREAS, the record indicates that the proposed changes are in conformance with the above sections; and

WHEREAS, the applicant submitted adequate evidence supporting his contention that the office use on the first floor was accessory to the Electrical Contractor's Establishment from the time the building was zoned M1-5 to its present R8 designation; and

WHEREAS, it is not disputed that the 2nd floor use designation was Use Group 16 and that the issuance of Certificate of Occupancy #87363 was based on erroneously stated use in the Alt. Application filed; and

WHEREAS, therefore, the Board finds that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

MINUTES

Resolved, that the decision of the Manhattan Borough Commissioner, dated February 22, 2001, acting on

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 11, 2002.

299-01-A

APPLICANT - Pillsbury Winthrop, LLP, for 42nd Street Development Project, Inc., owner; Dream Team Hotel Associates, LLC, lessee.

SUBJECT - Application October 26, 2001 - Proposed atrium located between the 9th floor to 16th Floor, is contrary to §27-521.05(c) of the Admin. Code, in that one of the required exits shall be only through an enclosed passageway or corridor conforming to the requirements of exits as per Subchapter 6 of the Admin. Building Code.

PREMISES AFFECTED - 270 West 43rd Street, bounded by 43rd Street, Eighth Avenue and 42nd Street, Block 1014, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: A. Bernard

For Administration: John Scrofani, Fire Department

ACTION OF BOARD: - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Manhattan Borough Commissioner dated October 25, 2001, acting on New Building Application # 102677550 reads:

“Objection for amendment dated December 18, 2000. The proposed atrium located between the 9th floor to 16th Floor is contrary to Section 27-521.05(c) of the Administrative Code in that one of the required Exits shall be only through an enclosed passageway or corridor conforming to the requirements of Exits as per Subchapter 6 of the Administrative Building Code.”; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, the subject zoning lot is located within a C6-7 (special Mid-town zoning district, having a total lot area of approximately 17,573 square feet, to be improved

Application No. 102429301, is reversed the appeal is granted, limited to the decision noted, on condition; with a 46-story building which will be utilized as a hotel (Use Group 5); and

WHEREAS, this application seeks an appeal from a decision of the Department of Buildings (“D.O.B.”) denying a request for permission to allow hotel guestrooms to open directly onto the subject atrium with the atrium providing the only means of egress for these rooms; and

WHEREAS, §27-521.05 (c) of the Building Code requires access to one of the required vertical exits only through an enclosed passageway or corridor; and

WHEREAS, the Board agrees with the applicant that the intent of the above code provision is to ensure that a safe egress path is available in the event that a fire occurs in the atrium; and

WHEREAS, the applicant represents that the atrium is required to provide a smoke control system providing 6 air changes per hour and that the allowable travel distance to an exit is 200 feet; and

WHEREAS, the applicant notes that the instant proposal will provide a smoke control system with exhaust fans capable of 36 air changes per hour over the entire volume of the atrium; and

WHEREAS, evidence in the record indicates that the applicant will provide the following fire protection and life safety measures for the proposed use: a) the atrium will be fully protected by quick response sprinklers, providing greater safety than standard sprinklers; b) the atrium will be separated from the remainder of the building by 2-hour fire resistance related construction, including a 2-hour fire resistance rated separation from the guestrooms; c) a smoke control system with an exhaust rate of 180,000 cfm ensuring a tenable environment is maintained for egress through the atrium; d) make-up air will be provided consisting of outside air at approximately 75% of the exhaust rate, ensuring that the atrium will be negative with respect to adjoining spaces and further limit the potential for smoke migration from the atrium; e) smoke control system components with an emergency standby power provided by an emergency generator; and

WHEREAS, the smoke control system will be activated by: a) projected beam smoke detectors; b) ceiling mounted smoke detectors in the low ceiling spaces in the atrium, including at the ceiling of each of the walkways; c) atrium corridors are provided with sprinklers not to exceed fifteen (15') feet on center and smoke detectors not to exceed thirty (30') feet on center; d) sprinkler waterflow in the atrium sprinkler zone and Fire Department manual controls; and

WHEREAS, by a submission dated May 6, 2002 the Department of Buildings has indicated that it takes no position with regard to the relief sought by the appellant in the form of a variance from the relevant Administrative Building Code requirements; and

WHEREAS, there is sufficient evidence in the record

MINUTES

to warrant this approval under certain conditions.

Therefore, it is resolved that the decision of the Manhattan Borough Commissioner dated October 25, 2001, acting on New Building Application # 102677550, is modified and the appeal is granted *on condition*; that the building substantially conform to drawings filed with the application marked "Received May 28, 2002"-(9) sheets and that all other applicable laws, rules, and regulations be complied with and *on further condition*; that the fire prevention and detection systems that shall be provided within the subject building have received either Board of Standards and Appeals approval or MEA approval and that the applicant provide the following such prevention and detection systems:

- a) the atrium shall be fully protected by quick response sprinklers, providing greater safety than standard sprinklers;
- b) the atrium shall be separated from the remainder of the building by 2-hour fire resistance related construction, including a 2-hour fire resistance rated separation from the guestrooms;
- c) a smoke control system with an exhaust rate of 180,000 cfm ensuring a tenable environment shall be maintained for egress through the atrium;
- d) make-up air shall be provided consisting of outside air at approximately 75% of the exhaust rate, ensuring that the atrium shall be negative with respect to adjoining spaces and further limit the potential for smoke migration from the atrium;
- e) smoke control system components with an emergency standby power shall be provided by an emergency generator, and on further condition;

THAT the smoke control system shall be activated by:

a) projected beam smoke detectors; b) ceiling mounted smoke detectors in the low ceiling spaces in the atrium, including at the ceiling of each of the walkways; c) atrium corridors are provided with sprinklers not to exceed fifteen (15') feet on center and smoke detectors not to exceed thirty (30') feet on center; d) sprinkler waterflow in the atrium sprinkler zone and Fire Department manual controls;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT the above conditions shall appear on the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, June

11, 2002.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 11:00 A.M., for continued hearing.

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Moshe M. Friedman

ACTION OF THE BOARD - Laid over to July 16, 2002, at 11:00 A.M., for continued hearing.

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Francis R. Angelino and Melissa Moparassi

In Opposition: John Scrofani, Fire Department and Scatt Mason, Department of Buildings

ACTION OF THE BOARD - Laid over to July 23, 2002, at 11:00 A.M., for continued hearing.

MINUTES

REGULAR MEETING
TUESDAY AFTERNOON, JUNE 11, 2002
2:00 P.M.

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.

747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Francis R. Angelino, Melissa Moparassi

In Opposition: John Scrofani, Fire Department, Scatt Mason, Department of Buildings

ACTION OF THE BOARD - Laid over to July 23, 2002, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit, in an M1-4 zoning district, the proposed increase in floor area for a wholesale office with accessory storage (Use Group 10) and the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §§ 43-26 (rear yard) and 43-12 (floor area) and is contrary to Z.R. §33-26 & 33-27.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik

ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated March 12, 2001 acting on Application No. 400838894 reads:

OBJECTION: REAR YARD IS CONTRARY TO Z.R. 43-26

OBJECTION: FLOOR AREA IS CONTRARY TO Z.R. 43-12"; and

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in the City Record, and laid over to February 12, 2002, March 26, 2002, May 7, 2002, June 4, 2002, and then to June 11, 2002 for decision; and

WHEREAS, Community Board #2, Queens, recommends approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-4 zoning district, the proposed increase in floor area for a wholesale office with accessory storage (Use Group 10) and to legalize the existing encroachment

MINUTES

into the rear yard, which is contrary to Z.R. §§ 43-26 (rear yard) and 43-12 (floor area); and

WHEREAS, the subject site is located approximately 90 feet from 11th Street and fronts on 44th Drive; and

WHEREAS, the applicant proposes that the storage space at the first floor level will be occupied with a business that sells wireless communication products, internal parking accommodating 8 vehicles, and loading berths; and

WHEREAS, the proposal contains office space for approximately 200 employees on the second and third floors; and

WHEREAS, the applicant represents that the site is burdened by numerous structural problems, including grating over subway vents in the pavement in front of the building requiring strengthening to sustain commercial vehicles, the use of two different foundations which increases the likelihood of differential settlement, an unbraced single pile, ground floor slab supported on ground classified by the Building Code as being "Nominally Unstable Bearing Material," web joists supporting the second floor are inadequate to support office loads, the existence of shrinkage cracks at the second floor, wall panels requiring substantial tying to the floor and roof construction, and the need for a soft joint for the interior walls; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, the site's history with a Use Group 16 use and the existence of the structural problems, present a practical difficulty in developing the site with a complying development; and

WHEREAS, the applicant has submitted a revised feasibility study demonstrating that developing the premises with a complying bulk would not yield a reasonable return; and

WHEREAS, the applicant asserts that the proposed (Use Group 10) use wholesale office with accessory storage is less offensive than the existing (Use Group 16), warehouse use; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §Z.R.72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no

foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-4 zoning district, the proposed increase in floor area for a wholesale office with accessory storage (Use Group 10) and the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §§ 43-26 (rear yard) and 43-12 (floor area), and is contrary to Z.R. §33-26 & 33-27, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 5, 2002"-(8) sheets; and on further condition;

THAT the Certificate of Occupancy for the accessory parking facility shall note that the parking provided is reserved for employees and customers of the subject facility;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 11, 2002.

246-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Q.P. Development Corp., owner; Pure Power gym, lessee.

SUBJECT - Application August 2, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment situated partially within an M1-1 and partially within a C2-2 zoning district.

PREMISES AFFECTED - 35-11 Prince Street, east side 105.57' south of 35th Street, Block 4958, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES-

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department

ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated July 13, 2001, acting on Alt. 1.
Application No. 401213156 reads:

“Proposed Physical Culture Establishment (Use
Group 9) to be located within an M1-1 and C2-2
zoning district indicated on zoning map 10-A is
permitted only by special permit issued by the
Board of Standards and Appeals pursuant to
Section 32-31 ZR and 42-31 ZR and is hereby
denied”; and

WHEREAS, a public hearing was held on this
application on April 16, 2002 after due notice by
publication in The City Record and laid over to May 21,
2002 and then to June 11, 2002 for decision; and

WHEREAS, the site and surrounding area had a site
and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice-Chair
Satish Babbar, Commissioner Mitchell Korbey and
Commissioner Peter Caliendo; and

WHEREAS, the Community Board #7 unanimously
approved this application on September 10, 2001; and

WHEREAS, this is an application under Z.R. § 73-36
to permit the legalization of an existing physical culture
establishment situated partially within an M1-1 and
partially within a C2-2 zoning district; and

WHEREAS, the applicant also seeks to reconfigure
the locker areas at the rear of the premises in order to
provide additional locker spaces, toilets and shower
facilities while relocating the manager’s office and tanning
rooms; and

WHEREAS, the applicant represents that the
premises is located in a one story masonry building with
55’7” of frontage on Prince Street, and a depth of 162’1”;
and

WHEREAS, the applicant states that the total floor
area of the physical culture establishment will be 8,962
square feet; and

WHEREAS, the applicant represents that the interior
space is specifically arranged to allow for the location of
athletic equipment and that it contains facilities for classes,
instruction and programs for physical improvement, body
building, weight reduction, and aerobics; and

WHEREAS, the applicant states that the first floor
level is occupied with approximately 5,800 square feet
designated for exercise machines and a weight training
area, a reception area, a small refreshment station, a
manager’s office, a tanning room, mens and women’s
locker rooms, and approximately 722 square feet devoted
to aerobic classes and instruction; and

WHEREAS, the applicant represents that accessory
parking in the cellar is provided for 16 cars with an
entrance from and exit to 35th Avenue; and

WHEREAS, the record indicates that the facility has
been operating since June 1, 1998; and

WHEREAS, the applicant has agreed to post a sign
within the PCE stating that no children under the age of
eighteen (18) shall be permitted; and

WHEREAS, by letter dated October 31, 2001, The
Queens Borough President recommended approval of this
application; and

WHEREAS, the applicant has agreed to comply with
the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed
use will not contain any potential hazards that impact on
the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has
performed a background check on the corporate owner and
operator of the establishment and the principals of the
owner and operator of such facility and issued a report
which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the
evidence in the record supports the findings required to be
made under Z.R. §§ 73-36, 42-31 and 32-10; and

WHEREAS, the Board has conducted an
environmental review of the proposed action and has
carefully considered all relevant areas of environmental
concern; and

WHEREAS, the evidence demonstrates no
foreseeable significant environmental impacts that would
require the preparation of an Environmental Impact
Statement; and

WHEREAS, therefore, the Board has determined that
the proposed action will not result in any significant
environmental effects.

Resolved that the Board of Standards and Appeals
issues a Negative Declaration under 6 NYCRR Part 617
and §6-07(b) of the Rules of Procedure for City
Environmental quality Review and makes the required
findings under Z.R. §73-36 to permit the legalization of an
existing physical culture establishment situated partially
within an M1-1 and partially within a C2-2 zoning district,
on condition that all work shall substantially conform to
drawings as they apply to the objections above-noted, filed
with this application marked “Received March 4, 2002”-
(11) sheets; and on further condition;

THAT a sign shall be posted within the PCE stating
that no children under the age of eighteen (18) shall be
permitted; and

THAT there shall be no change in ownership or
operating control of the physical culture establishment
without prior application to and approval from the Board;

THAT accessory parking in the cellar shall be
provided and maintained for 16 cars with an entrance from
35th Avenue with clearly visible signs to be posted,
identifying spaces designated for PCE members only; and

THAT fire protection measures, including a wet
sprinkler and smoke detection system connected to a Fire

MINUTES

Department-approved central station, shall be maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from June 1, 1998;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 11, 2002.

377-01-BZ

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For the Applicant: Gerald J. Caliendo, R.A., for The City of New York D.D.C.

For Administration: John Scrofani, Fire Department.

ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 13, 2002 and updated November 2, 2001, acting on ALT II Application No. 500490300 reads:

1. Bulk: Existing building is non-complying. Proposed floor area will increase the degree of non-compliance for Floor Area Ratio (FAR) and is therefore not permitted as per section 54-31 of the New York City zoning resolution.

2. Zoning: Existing building is non-complying. Proposed front yards will increase the degree of non-compliance for yard requirements as per section 54-31 of the New York City zoning resolution.

3. Proposed entry platform/terrace is projecting into the bed of a mapped street and is not permitted as per section 35 of the general city law.”; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in The City Record and laid over to June 11, 2002 for decision; and

WHEREAS, Community Board #3 in Staten Island recommends approval of the application; and

WHEREAS, the Board notes that this application was heard with a companion Administrative Appeal, filed under Calendar No. 378-01-A; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31; and

WHEREAS, the existing building is non-complying and the instant application seeks an enlargement in floor area, from the existing 3,557 square feet to 3,615 square feet, that will exceed the permitted floor area by 105 square feet; and

WHEREAS, the subject proposal will consist of a two-story glass enclosed vestibule that will also require relief from front yard requirements because the existing front yards are 5 feet on Margaret Street and 7 feet on Giffords Lane and the proposed obstruction, new glass enclosed element in the front yard is not permitted; and

WHEREAS, the proposal also received an objection for its entry platform, objection #3; and

WHEREAS, the applicant represents that the existing non-complying building, constructed in 1947, is burdened with a configuration that by today’s standards and code is inefficient for providing access to the building for people with disabilities; and

WHEREAS, the record indicates that the entry vestibule along with the entry platform and proposed ramp will provide access to people with disabilities; and

WHEREAS, the Board finds that the combination of the building’s non-complying history and its obligation to comply with federal mandates create a practical difficulty and undue hardship in meeting the programmatic needs of the New York Public Library; and

MINUTES

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the Board notes that a public library is an as-of-right use in the subject R3-1 zoning district and the proposed entry platform will add a public amenity and improve access to the existing public building; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Negative Declaration, under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. 72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 3, 2001"-(9) sheets; and on further condition;

THAT the premises shall remain graffiti free at all times;

THAT an automatic wet sprinkler system, fire alarm system and smoke detection system shall be maintained throughout the entire building with all three systems connected to a Fire Department central station;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 11, 2002.

378-01-A

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York - D.D.C., owner; New York Public Library, lessee.

SUBJECT - Application December 3, 2001 - Proposed entry platform/terrace, which projects into the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.

For Administration: John Scrofani, Fire Department.

ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:.....0

THE RESOLUTION -

WHEREAS, The decision of the Borough Commissioner, dated August 13, 2001 and updated November 2, 2001, acting on Alt II. Applic. No. 500490300, reads in pertinent part:

"3. Proposed entry platform/terrace is projecting into The bed of a mapped street and is not permitted as per section 35 of the general city law."; and

WHEREAS, the applicant proposes an enlargement to an existing community facility use (library), located partially within the bed of a mapped street; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this application; and

WHEREAS, the Board notes that this application was heard with a companion Variance case, filed under 377-01-BZ; and

WHEREAS, by the letter dated January 9, 2002, the Department of Transportation has reviewed the above project and has no objections; and

MINUTES

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated August 13, 2001 and updated November 2, 2001, acting on Alt II. Applic. No. 500490300, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, June 11, 2002.

37-02-BZ

APPLICANT - Harold Weinberg, P.E., for Estate of Herbert Weinberg, Harold Weinberg, owner; Miriam Weinberg Eberman, contract vendee.

SUBJECT - Application April 11, 2002 - under Z.R. §73-622, to permit, in an R3-1 zoning district, the enlargement to an existing two-family dwelling which creates non-compliance with regard to Floor Area Ratio and the Rear Yard, and is contrary to Z.R §§ 23-141, 23-47 and 54-31. PREMISES AFFECTED - 181 Falmouth Street, east side, 100'-0" north of Oriental Boulevard, Block 8749, Lot 292, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 22, 2002, acting on Application No. 301279097 reads, in pertinent part:

“THE PROPOSED ENLARGEMENT OF THE TWO FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT: (1) INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS

CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION.

(2) INCREASES THE DEGREE OF NON-COMPLIANCE WITH THE REAR YARD WHICH IS BELOW 30' AND IS CONTRARY TO SECTIONS 23-47 AND 54-31 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in The City Record, and laid over to June 11, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-1 zoning district, the enlargement to an existing two-family dwelling which creates non-compliance with regard to Floor Area Ratio and the Rear Yard, and is contrary to Z.R §§ 23-141, 23-47 and 54-31; and

WHEREAS, the proposed enlargement will increase the FAR from .62 to .87, and decrease the Rear Yard from the required 30' to 28'1”; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the applicant represents that a sprinkler system off the domestic water supply will be installed in the basement; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special to allow, in an R3-1 zoning district, the enlargement to an existing two-family dwelling which creates non-compliance with regard to Floor Area Ratio and the Rear Yard, and is contrary to Z.R §§ 23-141, 23-47 and 54-31, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received April 16, 2002” -(11) sheets, “April 17, 2002”- (1) sheet and “May 22, 2002” -(1) sheet; and on further condition;

THAT a sprinkler system off the domestic water supply shall be installed in the basement;

MINUTES

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 11, 2002.

84-02-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for East End Temple Congregation El Emet, owner.

SUBJECT - Application March 25, 2002 - under Z.R. §72-21, to permit the proposed expansion at the first and second floor levels, of an existing synagogue (Use Group 4), located in both R7B and R9A zoning districts, which does not comply with zoning requirements for rear yard and lot coverage, and is contrary to Z.R. §§24-12 and 24-33.

PREMISES AFFECTED - 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Harold Zipser, Steve Sinacori and George Schefferlecher.

For Administration: John Scrofani, Fire Department.

ACTION OF BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 25, 2002 acting on Application No. 103093171 reads:

“The new proposed infill and extension to the building are contrary to rear yard requirements as per zoning section ZR 24-33 ‘Permitted obstruction in required rear yard or rear yard equivalents’ above a height of 23'-0" to the proposed height of 31'-6" and are contrary to the lot coverage requirements as per zoning resolution ZR 24-12 “Height and application of lot coverage” above a height of 23'-0" to the proposed height of 31'-6".”; and

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in The City Record and laid over to June 11, 2002 for decision; and

WHEREAS, Community Board No. 6 in Manhattan recommended approval of the application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed expansion at the first and second floor levels, of an existing synagogue (Use Group 4), located in both R7B and R9A zoning districts, which does not comply with zoning requirements for rear yard and lot coverage, and is contrary to Z.R. §§24-12 and 24-33; and

WHEREAS, the applicant seeks a waiver of rear yard and lot coverage requirements to allow a 785.65 square foot addition to the existing building, of which 330.02 square feet is non-complying; and

WHEREAS, the applicant indicates that there will also be an as-of-right basement expansion; and

WHEREAS, the record indicates that the Zoning Lot is located on the north side of East 17th Street between 2nd and 3rd Avenues, and is split lengthwise between R7B and R9A zoning districts; and

WHEREAS, the applicant states that approximately 48% (1536 square feet) of the Zoning Lot is zoned R7B while the remaining 52% (1632 square feet) of the Zoning Lot is located within 100 feet of the corner and is zoned R9A; and

WHEREAS, the applicant represents that the Zoning Lot is improved with an 11,185.4 square foot, four-story building to be occupied as a temple and house of worship; and

WHEREAS, the applicant further represents that the existing building is located in the Stuyvesant Square Historic District and is an individually designated landmark; and

WHEREAS, therefore, all proposed work shall proceed as per the Landmarks Preservation Commission’s Certificate of Appropriateness # 02-4252; and

WHEREAS, the applicant states that the Congregation is composed of approximately 200 families; and

MINUTES

WHEREAS, the applicant further states that without the variance, the proposed synagogue could only seat 133 members, thereby failing to meet the Congregation's programmatic needs;

WHEREAS, the applicant represents that the variance will permit a first and second floor expansion allowing the creation of a 22 foot 10 inch floor to ceiling sanctuary with a second story mezzanine providing an additional 48 seats; thereby meeting the Congregation's minimum seating requirements; and

WHEREAS, the applicant indicates that the obstruction into the rear yard and additional lot coverage is necessary to achieve a building with a height of just over 31 feet, which would create the rear yard obstruction but would be just high enough to enable worshipers seated on the second floor mezzanine to allow for a line of sight and to participate in the services taking place in the sanctuary; and

WHEREAS, the applicant states that the variance will provide for the restoration of the existing Landmark building's facade and the maintenance of the building's stoop and primary entrance in the original configuration; and

WHEREAS, the applicant represents that as a result of maintaining the existing facade, the entrance leading to the sanctuary will be approximately 6 feet 1 inch above curb level; and

WHEREAS, therefore, the proposed double height of the sanctuary with its mezzanine must be elevated to a height which violates the zoning envelope; and

WHEREAS, the applicant asserts that if the first floor entrance were lowered, and the landmark facade was altered, the variance would not be necessary; and

WHEREAS, the applicant states that the requirements of the Landmarks Preservation Commission creates a practical difficulty and unnecessary hardship for the Congregation in creating an adequate sanctuary space meeting its programmatic needs; and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the applicant represents that the proposed synagogue will be compatible in size, bulk and use with its surrounding community, which is composed primarily of community facilities and residential structures of similar or greater height; and

WHEREAS, the applicant states that the impact of the expansion will be minimal as the proposed rear yard

obstruction will be between two permitted, legal portions of the Building which are at least equal in height to the proposed obstruction; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. 72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed expansion at the first and second floor levels, of an existing synagogue (Use Group 4), located in both R7B and R9A zoning districts, which does not comply with zoning requirements for rear yard and lot coverage, and is contrary to Z.R. §§24-12 and 24-33, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 29, 2002"-(11) sheets and "Received June 5, 2002"-(1) sheet; and on further condition;

THAT an automatic wet sprinkler system connected to a Fire Department approved Central Station shall be installed throughout the entire building;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 11, 2002.

MINUTES

198-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.
SUBJECT - Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Victoria Gooden

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for decision, hearing closed.

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Mothiur Rahman.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for decision.

285-01-BZ

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, is contrary to Z.R. §42-00, §52-22 and §52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative.....0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for decision., hearing closed.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

MINUTES

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M., for continued hearing.

397-01-BZ

APPLICANT - Sullivan, Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Assoc., Inc., lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, Use Group 6, located in an R-6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffery Chester.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:.....0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

2-02-BZ

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §42-13, §43-232 and §43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Irving E. Minkin, Peter Gluck, Elissa Levy.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative.....0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 2:00 P.M., for decision, hearing closed.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES-

For Applicant: Howard Homstein, Barbara hair

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M., for continued hearing.

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For the Applicant: Irvine Minkin, Rabbi David Niederman

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2:00 P.M., for continued hearing.

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Irvine Minkin, Rabbi David Niederman

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2:00 P.M., for continued hearing.

MINUTES

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For the Applicant: Irvine Minkin, Rabbi David Niederman
For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2:00 P.M., for continued hearing.

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - For the Applicant: Eric Palatnik
For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M., for continued hearing.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Eric Palatnik, Anthony Seaglione, Daniel Lane

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

395-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted floor area ratio, and to waive the additional parking requirement due to the increase in floor area ratio, which is contrary to Z.R. §43-12 and §44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES-

For the Applicant: Lyra J. Altman

For Administration: John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to July 9, 2002, at 2:00 P.M., for continued hearing.

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, for postponed hearing.

Pasquale Pacifico, Executive Director

Adjourned: 5:00 P.M.

MINUTES

*CORRECTION

This resolution adopted on October 16, 2001, under Calendar No. 259-98-BZ and printed in Volume 86, Bulletin Nos. 35-44, is hereby corrected to read as follows:

259-98-BZ

CEQR # 99-BSA-021K

APPLICANT - Agusta & Ross, for Kent Plaza Realty Corporation, owner.

SUBJECT - Application August 21, 1998 - under Z.R. §72-21, to permit the proposed erection of two multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 761/773 Kent Avenue, a/k/a 763 Kent Avenue, south side, between Little Nassau Street and Flushing Avenue, Block 1884, Lots 33 and 36 (Tentative Lot 36), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 19, 1998 acting on N.B. Application No. 300766883, reads:

1. Proposed use not permitted in M1-1 zone as per section ZR 42-00.
2. Proposed Residential Development contrary to Z.R. section 42-10. There are no applicable bulk yard or parking regulations"; and

WHEREAS, a public hearing was held on this application on June 5, 2001, after due notice by publication in *The City Record*, laid over to July 17, 2001, August 7, 2001, and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit within an M1-1 zoning district, the proposed erection of two multiple dwellings (Use Group 2) which is contrary to Z.R. §42-00; and

WHEREAS, the record indicates that the subject zoning lot is a sloped, through corner zoning lot that fronts upon and is bounded by three City Streets, approximately

172.4 feet upon Kent Avenue, approximately 50 feet upon Little Nassau Street, and approximately 50.75 feet upon Flushing Avenue; and

WHEREAS, the applicant represents that the subject zoning lot is burdened with a structurally defective and functionally obsolete one story brick industrial structure saddled with rubble filled cellars and remaining rubble foundations from several turn of the (19th) Century rowhouses that had occupied the site; and

WHEREAS, record indicates that the site is burdened with bulges in the walls from roof to floor, shifting foundation and courses, water damaged roofs and walls, cracked columns, and inoperable windows; and

WHEREAS, the applicant's experts represent that it would be more costly to repair the subject premises than it would be to demolish and replace the building; and

WHEREAS, the applicant further represents that the premises is vacant except for the month-to-month caretaker, who does not reside in, nor regularly use the premises; and

WHEREAS, the Board finds that the existing building presents unique physical conditions which create practical difficulties and unnecessary hardships in building a conforming use; and

WHEREAS, as indicated above, the applicant has detailed a continual difficulty in leasing the building for conforming users; and

WHEREAS, the Board finds that the aforementioned unique conditions create an unnecessary hardship in developing the site with a conforming development; and

WHEREAS, the record indicates that the investment required to convert the building into a more modern and viable commercial or industrial space would exceed any expected return from rental incomes; and

WHEREAS, the Board finds that the evidence in the record, including a feasibility study demonstrate that a strictly as-of-right-development would not yield a reasonable return; and

WHEREAS, the record indicates that the instant proposal is similar to other residential developments within the vicinity of the subject premises, and that the erection of the subject developments would add to the growing residential character block front; and

WHEREAS, while the surrounding area once contained a heavy concentration of industrial uses, the area is now better classified as mixed-use, with much of the industrial space underutilized; and

WHEREAS, in response to Board concerns over parking in the area, the applicant has completed a survey and has shown that there is ample on-street available on both Kent Avenue and Little Nassau Street; and

WHEREAS, by providing indoor recreation space, the proposal is consistent with a key goal of the Quality Housing program; and

WHEREAS, therefore, the Board finds, that the proposal as modified, will not alter the essential character

MINUTES

of the surrounding neighborhood, nor impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this variance is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit within an M1-1 zoning district, the proposed erection of two multiple dwellings (Use Group 2) which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, August 1, 2001"-(16) sheets and on further condition;

THAT all floors are to have an automatic wet sprinkler system as required under LL 10/99 connected to a Fire Department approved Central Station;

THAT the above referenced conditions appear on the new Certificate of Occupancy;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, October 16, 2001.

***The resolution has been corrected in that the portion of the plans which read: "August 1, 2001"-(18) sheets now reads: "'August 1, 2001"-(16) sheets". Corrected in Bulletin No. 25, Vol. 87, dated June 30, 2002.**

*CORRECTION

This resolution adopted on December 11, 2001, under Calendar No. 203-01-BZ and printed in Volume 86, Bulletin No. 50, is hereby corrected to read as follows:

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, installation of underground gasoline storage tanks, a new overhead canopy with five pump islands and installation of associated signage, in a C2-3 within an R6 zoning district, which is permitted by special permit as per Z.R. §32-31.

PREMISES AFFECTED - 5701 Broadway, northwest corner of 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 22, 2001 acting on Applic. No. 200651482 reads:

"Proposed construction of a new automotive service station with accessory retail convenience store within a C2-3 zoning district requires a special permit from the NYC Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on November 20, 2001 after due notice by publication in The City Record, and laid over to December 11, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-211, to permit the proposed construction of an automotive service station, Use Group 16, with an accessory convenience store, installation of underground gasoline storage tanks, a new overhead canopy with five pump islands and installation of associated signage, in a C2-3 within an R6 zoning district, which is permitted by special permit as per Z.R. §32-31; and

MINUTES

WHEREAS, in 1950, under Calendar Number 189-50- BZ, the Board permitted the use of an automotive service station with gasoline sales (Use Group 16) in a commercial district for a term of ten years; and

WHEREAS, in 1958, under Calendar Number 702-57- BZ, the premises was granted a variance to permit in a business use district the extension of an existing gasoline station for the reconstruction and maintenance of the accessory building for the station, car wash and sale of cars ; and

WHEREAS, variance was granted to also include motor vehicle repair and for parking and storage for more than five vehicles and no term was included; and

WHEREAS, the Board granted extensions of time to complete work and obtain permits on April 30, 1963, May 28, 1963, and May 28, 1964; and

WHEREAS, the site is improved with an existing 1889 square foot masonry building with three repair bays with one pump island and four 4,000 gallon underground storage tanks; and

WHEREAS, the applicant seeks to authorize the construction of an automotive service station with an accessory convenience store, installation of underground gasoline storage tank, construction of a new overhead canopy with 5 pumps and installation of associated signage in a C2-3 within an R6 zoning district; and

WHEREAS, the applicant seeks to demolish the existing building and to replace the existing 1,889 square foot service station with a new 2,900 square foot automotive service station with an accessory convenience store, install one 10,000 gallon underground tank and new overhead canopy with five pump islands; and

WHEREAS, the proposed convenience store will contain 1,461 square feet of sales area; and

WHEREAS, the proposed total illuminated signage is 100 square feet and the proposed total non-illuminated signage is 93 square feet; and

WHEREAS, this application does not conflict with the requirements of Z.R. §73-211; and

WHEREAS, Z.R. §73-211(a) requires that the site has a minimum area of 7,500 square feet; and

WHEREAS, the premises meets this requirement because it is 14,500 square feet; and

WHEREAS, Z.R. §73-211(b) requires that the site not be located on an arterial highway or a major street have a maximum area of 15,000 square feet; and

WHEREAS, since the premises is located on the corner of two major streets, Broadway and West 234th Street, this condition does not apply; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-211 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-211, and grants a variation in the application of the Zoning Resolution, limited to the objection cited, for a special permit under Z.R. §73-211 to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, installation of underground gasoline storage tanks, a new overhead canopy with five pump islands and installation of associated signage, in a C2-3 within an R6 zoning district, which is permitted by special permit as per Z.R. §32-31 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August 21, 2001"-(7) sheets; and on further condition;

THAT the term of the special permit shall be limited to ten years expiring on December 11, 2011;

THAT there will be a five foot high chain link fence that screens the perimeter of the site;

THAT the fences and gates shall be of legal and uniform height;

THAT there will be no lubrication, repair or washing of cars at the Premises;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT in accordance with BSA approved plans, a landscaped buffer shall be provided and maintained along the side and rear property lines which is to be a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year round dense screen at least six feet high within three years;

THAT street trees shall be provided and maintained along the sidewalk, and in accordance with BSA approved plans;

THAT the site is so designed to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available at the pumps;

THAT entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the automotive service station will cause a minimum of obstruction on streets or sidewalks;

THAT the above conditions shall appear on the Certificate of Occupancy;

MINUTES

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, December 11, 2001.

***The resolution has been corrected in that the portion of the plans which read: "...new proposed structure 2,833 square feet" now reads: "...new proposed structure 2,900 square feet". Corrected in Bulletin No. 25, Vol. 87, dated June 30, 2002.**

*CORRECTION

This resolution adopted on May 14, 2002, under Calendar No. 385-01-BZ and printed in Volume 87, Bulletin No. 21, is hereby corrected to read as follows:

385-01-BZ

CEQR # 02-BSA-090K

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application December 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26.

PREMISES AFFECTED - 1449 39th Street, a/k/a 1443/49 39th Street, north side, 290' west of the intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 27, 2001 acting on Applic. No. 301190397, reads;

“Proposed Yeshiva (school) and Extension in an

M1-2 Zone is Contrary to:

ZR § 42-00 Use Regulations

ZR § 43-24 Side Yards

ZR § 43-26 Rear Yard

and requires a Variance from the New York City

Board of Standards and Appeals as per ZR § 72-

21”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in *The City Record*, and laid over to May 14, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor

MINUTES

and a partial fourth floor, with a play area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26; and

WHEREAS, Community Board # 12 has approved this application; and

WHEREAS, the applicant represents that the subject premises is occupied by a two-story plus cellar brick school building on a lot of approximately 9,120 square feet, with 95.79 feet of frontage on 39th Street and a depth of 92.21 feet; and

WHEREAS, the record indicates that the applicant currently operates a Yeshiva (Religious School) that provides both religious and secular education to hundreds of girls of the Orthodox Jewish Chasidic community; and

WHEREAS, the applicant proposes to legalize the existing school at the first and second floor levels, and to extend the building one and a half stories to include a third floor and a partial fourth floor, with a play area on the roof level; and

WHEREAS, the school will have approximately 650 students, grades Nursery through 12th grade; and

WHEREAS, the applicant contends that the burgeoning population of in the Borough Park area has led to an increased need for classroom space in the school; and

WHEREAS, the applicant represents that the school is needed in order to provide Religious Education, along with secular studies, for Orthodox Jewish children, and without this variance, the school would not be able to have the classroom space it needs; and

WHEREAS, evidence in the record indicates that the existing structure was built in 1925 for use as a two-story factory building, and in 1993 the building was converted into a Business School; and

WHEREAS, the applicant represents that the original building was built almost on the entire lot, without a rear yard, and that this configuration causes a practical difficulty in extending the building, as the current structure necessitates the use of the existing walls as much as possible; and

WHEREAS, the applicant further represents that it is necessary for the school to be located in close proximity to the community which it serves; and

WHEREAS, the applicant claims the combination of the configuration of the existing structure, and the need for the school to meet the growing need for girls education creates practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization

and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant notes that the building exists and falls within the floor area requirements for a community facility and thus would have little impact upon adjacent properties of the surrounding community; and

WHEREAS, the applicant represents that the proposed play area on the roof will be enclosed by a fence, and utilized from 10 a.m. to 2 p.m. weekdays and shall be closed on the weekends; and

WHEREAS, the applicant further represents that the fence at the rear lot line shall be filed in with noise abatement material;

WHEREAS, the applicant states that almost all the teachers and staff members live in the immediate area and walk to work, and as none of them drive to school, no parking is needed for the staff; and

WHEREAS, the New York City Department of Transportation ("DOT") recommends that one crossing guard be posted at each of the intersections of 14th Avenue with 38th Street and 39th Street;

WHEREAS, in its recommendation dated February 21, 2002, Community Board #12 stated that "this is a much needed facility in this district and will only enhance the neighborhood."; and

WHEREAS, 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the legalization of an existing Yeshiva (Religious School), at the first and second floor levels and to extend the building one and a half stories, to include a third floor and a partial fourth floor, with a play

MINUTES

area at the roof level, which creates non-compliance with regard to use regulations, and side and rear yards, and which is contrary to §42-00, §43-24 and §43-26, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received December 12, 2001"- (3) sheets; "March 4, 2002"- (3) sheets; "April 29, 2002"- (1) sheet; and *on further condition*;

THAT the applicant shall obtain the New York City Department of Transportation's ("DOT") written approval of accident mitigation measures developed by the applicant's environmental consultant;

THAT a "No Standing 7am-7pm School Days - except School Buses" sign shall be erected in front of the school as indicated on BSA approved plans;

THAT there shall be no parking of buses on the sidewalk;

THAT one crossing guard be posted at the intersection of 14th Avenue and 39th Street;

THAT the rooftop play area shall only be used from 10 a.m. to 2 p.m. weekdays and shall be closed on the weekends;

THAT the fence at the rear lot line shall be filed in with noise abatement material;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the above conditions be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 14, 2002.

***The resolution has been corrected in that the portion of the plans which read: "THAT one crossing guard be posted at each of the intersections of 14th Avenue with 38th Street and 39th Street;" now reads: "THAT one crossing guard be posted at the intersection of 14th Avenue and 39th Street;". Corrected in Bulletin No. 25, Vol. 87, dated June 30, 2002.**

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 26

June 27, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	498
CALENDAR of August 6, 2002	
Morning	499
Afternoon	500
CALENDAR of August 13, 2002	
Morning	501
Afternoon	502

CONTENTS

MINUTES of Regular Meetings,
Tuesday, June 18, 2002

Morning Calendar503

Affecting Calendar Numbers:

91-60-BZ thru 93-60-BZ	30/40/60 East 9 th Street, Manhattan
1558-61-BZ	100 Central Park South, a/k/a 1439 Avenue of Americas, Manhattan
914-62-BZ	205-04 Northern Boulevard, Queens
1250-65-BZ	55 East 87 th Street, Manhattan
53-91-BZ	23-27/27A Steinway Street, Queens
174-92-BZ	23-29/29A Steinway Street, Queens
175-92-BZ	23-31/31A Steinway Street, Queens
176-92-BZ	23-33/33A Steinway Street, Queens
177-92-BZ	23-35/35A Steinway Street, Queens
75-97-BZ	2795 Richmond Avenue, Staten Island
175-97-BZ	55 West Houston Street, a/k/a 158-160 Wooster Street, Manhattan
245-32-BZ	123-05 101 st Avenue, Queens
118-53-BZ	106-57/61 160 th Street, Queens
545-56-BZ	2001-2007 Williamsbridge Road, a/k/a 1131-39 Neil Avenue, Bronx
1043-80-BZ	1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn
45-90-BZ	260 Hamilton Avenue, Brooklyn
271-90-BZ	68-01/05 Queens Boulevard, Queens
180-95-BZ	256 West Street, 416-424 Washington Street, Manhattan
293-01-A	53 East 77 th Street, Manhattan
389-01-A	79 Industrial Loop, Staten Island
59-02-A & 160-02-A	23-81 and 24-01 89 th Street, Queens
72-02-A	325 West 30 th Street, Manhattan
165-01-A thru 189-01-A	46/40/38/34/32/28/26/20/22/16/14/8/6/3 Beard Street and 30/28/26/24/22/20/18/14/12/8/6 Monahan Avenue, Staten Island
47-02-A & 49-02-A	3667 & 3669 Richmond Avenue, Staten Island
93-02-A	465 Seabreeze Walk, Queens
94-02-A & 95-02-A	10 Lincoln Walk and 28 Pelham Walk, Queens
139-02-A	1511 Third Avenue, Manhattan

CONTENT

Afternoon Calendar515

Affecting Calendar Numbers:

149-01-BZ	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
150-01-A	88/90 Jane Street, a/k/a 357-359 West 12 th Street, Manhattan
401-01-BZ	1555 East 28 th Street, Brooklyn
2-02-BZ	3872 Third Avenue, a/k/a 532 East 172 nd Street, Bronx
20-02-BZ	303 Park Avenue, Manhattan
67-02-BZ	143-22 Franklin Avenue and 143-25 Ash Avenue, Queens
70-02-BZ	1456 East 26 th Street, Brooklyn
36-01-BZ	328 Spring Street, a/k/a 489-495 Washington Street, Manhattan
254-01-BZ	26-06 213 th Street, a/k/a 212-24 26 th Avenue, Queens
256-01-BZ	219-06 Hempstead Avenue, a/k/a 103-01/09 219 th Street, Queens
325-01-BZ	1375 East 27 th Street, Brooklyn
387-01-BZ	3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, Bronx
388-01-BZ	2071 Clove Road, Staten Island
393-01-BZ	3295 Amboy Road, Staten Island
18-02-BZ	8610/24 Flatlands Avenue, a/k/a 902/12 East 87 th Street, Brooklyn
19-02-BZ	7001 Amboy Road, Staten Island
30-02-BZ	502 Park Avenue, Manhattan
46-02-BZ	205 State Street, a/k/a 58 Boerum Place, Brooklyn
61-02-BZ	71-83 Beaver Street and 35-47 Belvidere Street, Brooklyn

DOCKET

New Case Filed Up to June 18, 2002

195-02-BZ B.BK. 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21, Borough of Brooklyn. Applic. #301172503. The reestablishment of an expired variance previously granted by the Board under Cal. #231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, is contrary to Z.R. §22-10.

COMMUNITY BOARD #5Q

196-02-BZ B.BK. 1826/32 Coney Island Avenue, west side, 46' north of Avenue "O", Borough of Brooklyn. Applic. #301020712. Proposed construction of a fourth floor addition, for use as sleeping accommodations (domiciliary care facility) of 16 beds, to the existing three story community facility, Use Group 3, located in a C8-2 (OP) zoning district, is contrary to Z.R. §32-13.

COMMUNITY BOARD #12BK

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

AUGUST 6, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 6, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

906-50-BZ, Vol. II

APPLICANT - Vassalotti Associates Architects, LLP, for Martin Siegel, owner; Exxon Mobile, lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 8101/8111 Third Avenue, southea

st corner of 81st Street and Third Avenue, Block 5997, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #10BK

827-55-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America, Inc., lessee.

SUBJECT - Application April 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 31, 2001.

PREMISES AFFECTED - 245-20 139th Avenue aka 245-22/32 S. Conduit Avenue and 139-02/10 246th Street, southwest corner of 246th Street, Block 13514, Lot 23, Rosedale, Borough of Queens.

COMMUNITY BOARD #13Q

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue aka 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

AUGUST 6, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 6, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

32-02-BZ

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

CALENDAR

42-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Philip Folino, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 4601 Amboy Road, northwest corner of Waimer Place, Block 5585, Lot 99, Borough of Staten Island.

COMMUNITY BOARD #3S.I

44-02-BZ

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

148-02-BZ

APPLICANT - The Agusta Group, for Mr. Vito Petito, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21, to permit the legalization of an existing inground swimming pool, which was constructed in the front yard of a corner zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8,

Borough of Brooklyn.

COMMUNITY BOARD #11BK

153-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT - Application May 10, 2002 - under Z.R. §72-21, to permit the proposed three-story school building, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

Pasquale Pacifico, Executive Director

AUGUST 13, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

280-01-BZ

APPLICANT - Howard A. Zipser, Esq. of Stadtmauer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan TransS & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

CALENDAR

AUGUST 13, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.

OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1SI

177-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative Inc., owner; Marie Lynch, lessee.

SUBJECT - Application May 23, 2002 - Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

184-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Frank E. Farrell, lessee.

SUBJECT - Application June 3, 2002 - Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 24 Gotham Walk, west side, 135' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

AUGUST 13, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 13, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a CI-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

CALENDAR

79-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

88-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael Provino, owner; BP Amoco, plc, lessee.

SUBJECT - Application March 27, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R5 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 18, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

SPECIAL ORDER CALENDAR

91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501,7503, 1101, 1103, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 7, 2001; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted June 7, 1960, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for ten years from June 7, 2001 expiring June 7, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received October 22, 2001" -(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on*

further condition

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT a recapture sign shall be provided and maintained in the lobby and in the garage;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. Nos. 102502506 / 102509233 / 102975808)

Adopted by the Board of Standards and Appeals, June 18, 2002.

1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.

SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.

PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired March 13, 2002; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of

MINUTES

the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted March 13, 1962, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from March 18, 2002 expiring March 18, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received April 17, 2002”-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 103086839)

Adopted by the Board of Standards and Appeals, June 18, 2002.

914-62-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 205-04 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by publication in *The City Record*, laid over to May 21, 2002 and then laid over to June 18, 2002 for decision; and

WHEREAS, The Board received complaints alleging non-compliance with a variance granted for the subject

premises under BSA Cal. No. 914-62-BZ; and

WHEREAS, specifically, the complaints allege that the site is being used for the illegal storage and sale of vehicles; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the alleged violations had been cured, the applicant submitted photographs illustrating that the site is in compliance with the conditions set forth in the Board’s resolution and that there are no cars with “For Sale” sign on the site; and

WHEREAS, the record also contains a signed Affidavit from the site operator stating “that at no time will the subject property be used to market the sale of vehicles nor will it be used for the storage of commercial vehicles.”

WHEREAS, the applicant also represented that vacuuming of automobiles, is limited to the hours 9:00 A.M. to 9:00 P.M.

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board’s prior grant and the application to rescind the variance is withdrawn from the Compliance Calendar.

Adopted by the Board of Standards and Appeals, June 18, 2002.

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner’s Corp., owner; Park 87th Corp., lessee.

SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.

PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired March 22, 1991; and

WHEREAS, a public hearing was held on this application on March 19, 2002, after due notice by publication in *The City Record*, laid over to April 23, 2002, June 4, 2002 and then to June 18, 2002 for decision; and

MINUTES

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted March 22, 1966, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from March 22, 2001 expiring March 22, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received January 31, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT a copy of the with the recapture clause shall be sent to the Attorney General within one (1) year from the date of this grant;

THAT a copy of the updated offering plan approved by the Attorney General shall be provided to the BSA Executive Director within two (2) years from the date of this grant;

THAT the above conditions shall be noted on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 102947590)

Adopted by the Board of Standards and Appeals, June 18, 2002.

53-91-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

174-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

175-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

MINUTES

176-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

177-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

75-97-BZ

APPLICANT - Rampulla Associates Architects, for Pergament Enterprise of S.I., owner; Lovely Lady Figure Salon, lessee.

SUBJECT - Application January 29, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 1, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 2795 Richmond Avenue, Richmond Avenue and Yukon Avenue, Block 2440, Lot 2, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an amendment to the resolution and extension of the term of the variance which expired on September 1, 2001; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in The City Record, laid over to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten years; and

WHEREAS, the applicant also seeks to amend the resolution to reflect changes in the interior layout.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 5, 1998 so that as amended this portion of the resolution shall read: "to extend the term of the variance for ten years from September 1, 2001 expiring September 1, 2011; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received April 16, 2002"-(2) sheets; and on further condition

THAT there shall be no change in use, ownership or lessee without Board approval;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure

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. No. 500515864)

Adopted by the Board of Standards and Appeals, June 18, 2002.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, a/k/a 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #M1-5A

APPEARANCES -

For Applicant: Francis Angelino.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of Occupancy extended

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on April 21, 2002; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on April 21, 1998 as amended through February 1, 2001, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That substantial construction be completed and a new Certificate of Occupancy shall be obtained within forty-eight (48) months from April 21, 2002; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, June 18, 2002.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Michael Raso and Robert M. Blakeman.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10:00 A.M., for decision, hearing closed.

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10:00 A.M., for continued hearing.

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

MINUTES

For Applicant: John Ronan.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10 A.M., for continued hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10:00 A.M., for continued hearing.

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10:00 A.M., for decision, hearing closed.

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10:00 A.M., for decision, hearing closed.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deirdre Carson and Doris Diether.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10:00 A.M., for continued hearing.

APPEALS CALENDAR

293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - An appeal challenging the Department of Buildings' decision dated September 20, 2001, which permitted the renovation of parts of subject building under the old code, when the cost of renovation exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code.

PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Lawrence Bartelemucci.

For Opposition: John Reisinger, Department Buildings and Jay Segal.

ACTION OF THE BOARD - Appeal Denied

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 4, 2002 acting on Alt. Application # 101834927, permitting the renovation of parts of the subject building under the old code; and

WHEREAS, the Board must determine if the cost of renovation exceeds sixty percent of the value of the

MINUTES

building as per §27-115 of the NYC Administrative Code and

WHEREAS, the appellant contends that the Department of Buildings incorrectly permitted the computation of construction costs according to old code standards; and

WHEREAS, the appellant is a 15-story and penthouse apartment building, with retail uses on the ground floor Madison Avenue frontage, occupying the entire block front on the easterly side of Madison Avenue between 77th and 78th Streets; and

WHEREAS, the Building that is the subject of this appeal is a 5-story, non-fireproof structure located on the parcel immediately to the east of Appellant's property on 77th Street; and

WHEREAS, the record indicates that at one time, both the Appellant's building and the subject building were under the same ownership and that except for a 3'6" portion of land on the easterly side of 53 East 77th Street, both buildings were on the same zoning lot; and

WHEREAS, in 1956, when the Appellant's building was constructed, the Department of Buildings required that the owners record a declaration containing a restrictive covenant providing that for as long as the 15-story building remains, the 5-story building is not to be increased in volume, height or area; and

WHEREAS, the record indicates in or about 1998, the subject building was leased with the intention of converting a portion of the building into a restaurant, and that in March 1998 a work permit application was filed requesting an extension at the rear of the building; and

WHEREAS, in response to the above application the Department of Buildings, in November 1998 informed the work permit applicant that any extension would require that the Appellant amend its Certificate of Occupancy converting some rooms to non-residential use; and

WHEREAS, the Appellant contends that when it did not agree to permit the change in the Certificate of Occupancy, the subject building decided to enlarge its space by digging downward; and

WHEREAS, by letter dated October 26, 1999, the Appellant objected to the Department of Buildings that the aforementioned enlargement violated the terms of the restrictive covenant by increasing the volume of the building, and that some renovations were being performed according to the old building code, which the Appellant contends had to be performed under the current "new" code; and

WHEREAS, the Appellant represents that on March 10, 2000, the engineer for the subject building wrote to the Department of Buildings and included an appraisal of the property supporting its position regarding the value of the building; and

WHEREAS, by letter dated May 4, 2000, the Appellant disputed the appraisal of the subject building and stated that method for arriving at the value of the building

did not comply with the requirements of the Administrative Code Section 27-119; and

WHEREAS, subsequently, work on the subject building commenced and the Department of Buildings issued a temporary Certificate of Occupancy for the structure; and

WHEREAS, by letter dated April 12, 2001, the Appellant claimed that the sixty percent threshold was exceeded and therefore the entire building must comply with the new code; and

WHEREAS, the Appellant contends that because of its close proximity to the subject building, it is aggrieved if the subject building cannot comply with new code requirements, including but not limited to, fire safety issues, egress, noise, odors and other nuisances associated with uses at the subject building; and

WHEREAS, Section 27-115 states, "if the cost of making alterations in any twelve-month period shall exceed sixty percent of the value of the building, the entire building shall be made to comply with the requirements of this code, except as provided in Section 27-120 of this article."; and

WHEREAS, Section 27-119 states that for the purposes of Article 4 (which includes Section 27-115) the cost of making alterations shall be determined by adding the estimated cost of making the proposed alterations as of the time the permit application to the actual cost of all alterations made in the preceding twelve months; and

WHEREAS, the record indicates that the value of the building shall be determined at the option of the applicant on the basis of one and one-quarter times the current assessed valuation of the building, as adjusted by the current state equalization rate, or on the basis of the current replacement cost of the building, provided that satisfactory evidence of the current replacement cost is submitted to the commissioner; and

WHEREAS, the Department of Buildings represents it received and issued permits for eight job applications for renovations at the subject building requesting "Old Code" review for some of the applications; and

WHEREAS, the record indicates that a temporary Certificate of Occupancy (No. 1018334927-T) was issued for the subject building on August 21, 2001 and that by letter dated September 20, 2001, the Department of Buildings explained to the Appellant that the bid submitted was satisfactory evidence of the value of the building because it provided cost estimates that could be utilized to ascertain a replacement cost for the building, with certain figures from the bid adjusted downward or eliminated entirely; and

WHEREAS, the Department of Buildings has determined that the current replacement cost of the building is \$3,542,795 based on the GDM Projects June 12, 2000 estimate and that the total estimate as set forth in the Bid was \$7,240,695 broken down into categories with itemized costs; and

MINUTES

WHEREAS, the Deputy Commissioner subtracted costs for certain categories that were not relevant, and used the PW-3 application form estimates where appropriate; and

WHEREAS, the Appellant asserts that the cost estimate for job No. 101721601 was the \$2,500,000 as stated in the PW-1 application form; and

WHEREAS, the Board agrees with the Department of Buildings explanation that the above figure was incorrect and should not be relied upon; and

WHEREAS, according to Department of Buildings review of relevant documents, the total cost of the subject buildings alteration was \$1,760,600 and the current replacement cost of the building is \$3,542,795; and

WHEREAS, since \$1,760,600 is 49 percent of \$3,542,795, the Department of Building contends that Section 27-116 of the Building Code is applicable to the subject Alterations and not Section 27-115; and

WHEREAS, the Appellant argues that if presented with information on the cost of renovations, which was significantly inconsistent with the permit application, the Department of Buildings had the obligation to carefully examine those numbers; and

WHEREAS, the Board finds that the Department of Buildings followed past practice in using the cost of the alterations as set forth in the PW-1s and PW-3s and properly exercised its discretion to subtract figures it considered irrelevant; and

WHEREAS, the Appellant has failed to provide evidence that the PW-1's and PW-3's submitted to the Department of Buildings contained false information; and

WHEREAS, the Appellant also argues that the subject building violates the 1938 building code egress requirement; and

WHEREAS, the Board notes that the record indicates that because the subject building was erected in 1900, the provisions of the 1938 Building code are not applicable, and that the stairwell and the fire escape, which are pre-existing conditions that are not subject to subsequent Building Code provisions, provide lawful egress from the Building at floors other than the basement and cellar; and

WHEREAS, the Appellant has failed to demonstrate that the cost of making alterations in any twelve-month period exceeds sixty percent of the value of the building and that therefore the requirements of Section 27-115 of Title 27 of the Administrative Code were not triggered; and

WHEREAS, therefore, the Board finds that the Department of Buildings acted reasonably, correctly and within its establish practice in denying the appellant's request.

Resolved, that the decision of the Manhattan Borough Commissioner, dated February 4, 2002 acting on Alt. Application # 101834927, permitting the renovation of parts of the subject building under the old code, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, June

18, 2002.

389-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector LLP, for D'Amico Imburgia Realty Corp., owner.

SUBJECT - Application December 17, 2001 - Proposed construction of two story commercial building, not fronting on a legally mapped is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Industrial Loop, east side, 550.14' north of Arthur Kill Road, Block 7206, Lot 253, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

APPEARANCES -

For Applicant: Jose Martinez.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 12, 2002 and on May 17, 2002 acting NB. Application Nos. 401265554 and 401265536 reads:

"1- Proposed structure in the bed of mapped street is contrary to Sect. 35 G.C.L."; and

WHEREAS, the applicant proposes to subdivide the lot and build 2 two-family detached houses and;

WHEREAS, the Department of Buildings originally only issued the above objection for Calendar Number 59-02-A; and

WHEREAS, upon review of the site plan, the Board has determined that the proposed house filed under N.B.

MINUTES

Application No. 401265536 will be also located in the bed of a mapped street and required that an objection be issued for this house requiring the filing of a separate application under Calendar No. 160-02-A; and

WHEREAS, the filing of these applications will allow the Board to rule on both homes and grant any relief necessary in connection with this site; and

WHEREAS, as noted above both homes occupy the same site, and Application No. 401265536 was subject to the same review as Application No. 401265554, the Board will accept the prior determinations made by the Departments of Transportation, Environmental Protection and Fire and will apply them to both applications; and

WHEREAS, by the letter dated March 12, 2002, Department of the Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 29, 2002, the Department of Environmental Protection (D.E.P.) has indicated that Drainage Plan No. Qpd- 28 (34)-3 for this area calls for a future 12” dia. combined sewer to be installed in 24th Avenue between 89th Street and 90th Place; requiring the applicant to post a bond and amend the Drainage Plan to the satisfaction of D.E.P., and

WHEREAS, in response to the DEP letter the applicant has agreed to post a bond and amend the Drainage Plan to the satisfaction of the D.E.P.; and

WHEREAS, by letter dated June 6, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated February 12, 2002, and on May 17, 2002 acting on N.B. Application No. 401265554 and 401265536 is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that prior to the issuance of a building permit , the drainage plan is amended to the satisfaction of the D.E.P and that construction shall substantially conform to the drawing filed with the application marked, “Received February 14, 2002”-(1) sheet; “May 20, 2002” -(1) sheet and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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 18, 2002.

160-02-A

APPLICANT - Jose Martinez, for Carlos Aguirre, owner.
SUBJECT - Application May 20, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 24-01 89th Street, east side, 532.67' north of Astoria Boulevard, Block 1101, Lot 8, Borough of Queens.

APPEARANCES -

For Applicant: Jose Martinez.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated February 12, 2002 and on May 17, 2002 acting NB. Application Nos. 401265554 and 401265536 reads:

“1- Proposed structure in the bed of mapped street is contrary to Sect. 35 G.C.L.”; and

WHEREAS, the applicant proposes to subdivide the lot and build 2 two-family detached houses; and

WHEREAS, the Department of Buildings originally only issued the above objection for Calendar Number 59-02-A; and

WHEREAS, upon review of the site plan, the Board has determined that the proposed house filed under N.B. Application No. 401265536 would also be located in the bed of a mapped street and required that an objection be issued for this house requiring the filing of a separate application under Calendar No. 160-02-A; and

WHEREAS, the filing of these applications allows the Board to rule on both homes and grant any relief necessary in connection with this site; and

WHEREAS, as noted above, both homes occupy the same site, and Application No. 401265536 was subject to the same review as Application No. 401265554, the Board will accept the prior determinations made by the Departments of Transportation, Environmental Protection and Fire and will apply them to both applications; and

WHEREAS, by the letter dated March 12, 2002, Department of the Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 29, 2002, the Department of Environmental Protection (D.E.P.) has indicated that Drainage Plan No. Qpd- 28 (34)-3 for this area calls for a future 12” dia. combined sewer to be installed in 24th Avenue between 89th Street and 90th Place; requiring the applicant to post a bond and amend the Drainage Plan to the satisfaction of D.E.P.; and

WHEREAS, in response to the DEP letter the

MINUTES

applicant has agreed to post a bond and amend the Drainage Plan to the satisfaction of the D.E.P.; and

WHEREAS, by letter dated June 6, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated February 12, 2002 and on May 17, 2002 acting on N.B. Application No. 401265554 and 401265536 is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that prior to the issuance of a building permit, the drainage plan is amended to the satisfaction of the D.E.P and that construction shall substantially conform to the drawing filed with the application marked, "Received February 14, 2002"-(1) sheet; "May 20, 2002"-(1) sheet and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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 18, 2002.

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Appeal Denied

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 4, 2002 acting on Application No. 102343322, denying an alteration of the existing Certificate of Occupancy to permit the as built conditions; and

WHEREAS, this is an appeal challenging a decision of the Department of Buildings (DOB), disapproving the appellant's application to amend the Certificate of Occupancy to legalize the conversion of the basement level of a multiple dwelling from one class A apartment to three rooming units; and

WHEREAS, the Department of Buildings disapproval was based on Section D26-33.07 of the Housing Maintenance Code ("HMC") which prohibits the creation of rooming units in a dwelling where the rooming units were neither classified or recorded as such prior to May 15, 1954, nor converted to such use prior to April 30, 1956; and

WHEREAS, the record indicates that the Certificate of Occupancy issued in 1938 identifies the subject premises as a residential building and allows only one apartment at the cellar level; and

WHEREAS, the appellant's representation and plans indicate that the basement is currently comprised of three rooming units with each unit containing cooking facilities, but sharing a single bathroom; and

WHEREAS, the appellant neither claims or offers evidence that the premises were classified and recorded as such prior to 1954 nor that the premises were converted from a single apartment to three rooming units prior to 1956; and

WHEREAS, the appellant contends that the construction costs associated with complying with the Housing Maintenance Code create a practical difficulty; and

WHEREAS, the appellant has not presented evidence of a practical difficulty or unnecessary hardship in the carrying out of the strict letter of the law, to warrant granting this appeal varying Housing Maintenance Code §27-2077 and New York City Charter §666(7); or that granting this appeal would be consistent with the spirit and intent of the Housing Maintenance Code to establish minimum housing standards; and

WHEREAS, the Board finds that the Department of Buildings acted reasonably and correctly in denying the appellant's request.

Resolved, that the decision of the Manhattan Borough Commissioner, dated February 4, 2002 acting on Application No. 102343322, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals June 18, 2002.

MINUTES

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 23, 2002, at 11:00 A.M., for decision, hearing closed.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for postponed hearing.

MINUTES

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for continued hearing.

Michael T. Sillerman, Julia Marx and Paul Boaroman.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 12:50 P.M.

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Miro C. Stracar and Arthur Lighthall.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 11 A.M., for continued hearing.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: S. Scott Mason, Department of Buildings;

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 18, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

149-01-BZ

CEQR # 01-BSA-134M

APPLICANT - Fischbein Badillo Wagner Harding, for
Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-
21, to permit in an R-6 zoning district the proposed
inclusion of the first and cellar floor areas of an existing
six-story building for residential use creating non-
compliance with the Floor Area Ratio, the Open Space
Ratio, zoning rooms, and bedroom windows contrary to
Z.R. §§ 23-14, 23-223, 23-553 and 23-861.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359
West 12th Street, between Washington and Greenwich
Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated April 16, 2001 acting on Applic. No.
102849777 reads:

- “1) Proposed conversion of community facility
to residential floor area exceeds residential
floor area ratio per Z.R. 23-142.
- 2) Proposed conversion of community facility
to residential at first floor decreases open
space ratio contrary to Z.R. 23-142.
- 3) Proposed conversion of first floor to
residential creates non-compliance for
zoning rooms per 23-223.
- 4) Proposed conversion of first floor to
residential increases non-compliance of rear
yard equivalent per Z.R. 23-533 and light and
air requirements of MDL.
- 5) Proposed bedroom windows require min. 30’
to any wall per zoning section 23-861.
Proposed bedrooms do not comply at first

floor level.”; and

WHEREAS, a public hearing was held on this
application on June 26, 2001 after due notice by
publication in *The City Record* and laid over to August 7,
2001, October 16, 2001, November 13, 2001, December
18, 2001, January 29, 2002, March 19, 2002, April 9, 2002,
April 23, 2002, and June 4, 2002 and then to June 18, 2002
for decision; and

WHEREAS, the premises and surrounding area had a
site and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice Chair
Satish Babbar R.A., Commissioner Mitchell Korbey and
Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21
to permit in an R6 district the proposed inclusion of the first
and cellar floor areas of an existing six-story building for
residential use creating non-compliance with the Floor
Area Ratio, the Open Space Ratio, zoning rooms, and
bedroom windows contrary to Z.R. §§ 23-14, 23-223, 23-
553 and 23-861; and

WHEREAS, the Board notes that this case was heard
with a companion Appeals case under Calendar Number
150-01-A, objection numbers 4 and 5; and

WHEREAS, the subject site is a through lot 160 feet
deep with frontage of approximately 43 feet on Jane and
approximately 44 feet on West 12th Streets, located in the
Greenwich Village Historic District containing 6
community facility condominiums on the 1st and cellar
floors and 22 residential condominiums on the second
through 5th floors; and

WHEREAS, the current Certificate of Occupancy
issued in 1985 restricts occupancy of the 6 subject units to
community facility uses; and

WHEREAS, the total floor area of the existing
building including the cellar is 31,625 square feet, of which
20,587 square feet is residential floor area on the second
through fifth floors with the existing building covering the
entire lot; and

WHEREAS, the subject application proposes to add
the 1st and cellar floor areas (11,038 square feet to the total
residential floor area of the building causing the total
residential floor area ratio to exceed the permitted floor
area under Section 23-142; and

WHEREAS, the Board notes that the subject R6
zoning district permits Use Groups 1-4; and

WHEREAS, the applicant represents that, 15 years ago, the
community facility space on the cellar and first floor, met
the needs of the sole practitioner, but that today, group
practice is the trend and medical offices are typically larger
with several doctors sharing common areas and services; and

WHEREAS, therefore, the record suggests that the
existing community facility space is awkwardly laid out, it
is deep but not wide, partially divided in the center by an
inner courtyard and pool with four entrances from Jane and
West 12th Streets; and

MINUTES

WHEREAS, the applicant has sufficiently documented extensive marketing efforts to secure conforming tenants; and

WHEREAS, the record collectively demonstrates that the cost to upgrade the space for modern medical offices is not justified; and

WHEREAS, therefore, these unique conditions demonstrate that the development of this site with a complying development creates a practical difficulty; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, in response to community concerns, the applicant voluntarily offered to restrict, for a term of ten (10) years, the occupancy of one subsidized unit to a qualified senior citizen, at a subsidized rate; and

WHEREAS, the Board notes that the applicant will provide documentation of the housing terms and occupancy prior to obtaining a Certificate of Occupancy; and

WHEREAS, the total floor area of the existing building including the cellar will not be enlarged; and

WHEREAS, as previously noted, the subject variance will result in occupiable and habitable of the cellar and 1st floors which is a permitted use in the R6 district; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or future development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 to permit in an R-6 zoning district the proposed inclusion of the first and cellar floor areas of an existing six-story building for residential use creating non-compliance with the Floor Area Ratio, the Open Space Ratio, zoning rooms, and bedroom windows contrary to Z.R. §§ 23-14, 23-223,

23-553 and 23-861, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “June 5, 2001”- (2) sheets and “May 30, 2002”, - (1) sheet”; and *on further condition*;

THAT substantial construction be completed in accordance with Z.R. §72-23;

THAT an automatic wet sprinkler and smoke detection system be provided and maintained for all units;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including required light, ventilation, and egress from the cellar and first floor under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, June 18, 2002.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC / William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2001 acting on Applic. No. 102849777 reads:

“1) Proposed conversion of community facility

MINUTES

to residential floor area exceeds residential floor area ratio per Z.R. 23-142.

- 2) Proposed conversion of community facility to residential at first floor decreases open space ratio contrary to Z.R. 23-142.
- 3) Proposed conversion of first floor to residential creates non-compliance for zoning rooms per 23-223.
- 4) Proposed conversion of first floor to residential increases non-compliance of rear yard equivalent per Z.R. 23-533 and light and air requirements of MDL.
- 5) Proposed bedroom windows require min. 30' to any wall per zoning section 23-861. Proposed bedrooms do not comply at first floor level.”; and

WHEREAS, a public hearing was held on this application on June 26, 2001 after due notice by publication in *The City Record* and laid over to August 7, 2001, October 16, 2001, November 13, 2001, December 18, 2001, January 29, 2002, March 19, 2002, April 9, 2002, April 23, 2002, and June 4, 2002 and then to June 18, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit in an R6 district the proposed inclusion of the first and cellar floor areas of an existing six-story building for residential use creating non-compliance with the Floor Area Ratio, the Open Space Ratio, zoning rooms, and bedroom windows contrary to Z.R. §§ 23-14, 23-223, 23-553 and 23-861; and

WHEREAS, the Board notes that this case was heard with a companion zoning case under Calender Number 149-01-BZ, objection numbers 1, 2 and 3; and

WHEREAS, this is an appeal from a determination of the Department of Buildings because the proposed development does not provide the light and air requirements of Multiple Dwelling Law nor provide a 30 foot rear yard or a complying court yard; and

WHEREAS, the applicant seeks an appeal pursuant to Section 310 of the Multiple Dwelling Law (“MDL”) and requests a variation from Section 26 of the Multiple Dwelling Law requiring a rear yard equivalent; and

WHEREAS, the record indicates that the change of use to residential is as-of-right except that the change in use will result in an increase in the residential floor area exceeding what is permitted in the subject district; and

WHEREAS, in 1985, the existing building was erected entirely covering the existing through lot and providing no rear yard; and

WHEREAS, the record indicates that the variance will not enlarge the existing building, will not change the

exterior, and there will be no change in the floor area; and
WHEREAS, presently, the cellar and first floor are occupied by community facility uses and this appeal and variance will allow residential uses to occupy the cellar and first floor levels: and

WHEREAS, the applicant represents that a rear yard equivalent is not required for a through lot with a depth street to street of less than 110 feet and that in the instant application, the depth of the subject through lot street to street is 180 feet; and

WHEREAS, the Board notes that the subject building was erected as-of-right in 1985 and covers the entire lot; and

WHEREAS, the Board determines that there is no reasonable manner of providing a rear yard equivalent; and

WHEREAS, based on a review of the record in this matter the Board finds that a waiver of the applicable sections of the Building Code and the Multiple Dwelling Law is warranted.

Therefore, it is resolved that the decision of the Manhattan Borough Commissioner, dated April 16, 2001 acting on Applic. No. 102849777 objection #s 4 and 5 are modified and the appeal is granted.

Adopted by the Board of Standards and Appeals June 18, 2002.

401-01-BZ
CEQR # 02-BSA-099K

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage and side and rear yard requirements , which is contrary to Z.R. §§ 23-141, 23-461 and 23-47

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue “P” and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2001, acting on Alt. 1. Application No. 301276438 reads, in pertinent part:

“1) Proposed plans are contrary to ZR:23-141 in

MINUTES

that the floor area ratio exceeds the .5 permitted. The open space ratio is less than 150 required, and the lot coverage exceeds the 35% permitted.

- 2) Proposed plans are contrary to ZR:23-461 in that the proposed yards are less than the minimum 5 feet required on one side.
- 3) Proposed plans are contrary to ZR:23-47 in that the proposed rear yard is less than 30 feet.”; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, and laid over to June 4, 2002 and then to June 18, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage and side and rear yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the proposed enlargement will increase the FAR to 1.16, decrease the open space ratio to 54.6 percent, decrease the rear yard from the required 30' to 20', decrease one side yard from the required 5' to 3', and increase the lot coverage from 35 percent to 45.3 percent; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to permit, in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage and side and rear yard requirements, which is contrary to Z.R. §§ 23-141, 23-461 and 23-47, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked

“Received December 24, 2001”-(6) sheets, “March 19, 2002”-(4) sheets, and “May 21, 2002”-(1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT an automatic-wet sprinkler system off the domestic water shall be installed and maintained in the cellar;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 18, 2002.

**2-02-BZ
CEQR # 02-BSA-104X**

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §§42-13, 43-232 and 43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2001 acting on N.B. Applic. No. 200102463, reads;

“1) Proposed school in an M1-4 District requires

MINUTES

a special permit from the Board of Standards and Appeals, pursuant to Section 73-19 Zoning Resolution.

- 2) The portion of the proposed building within 30 feet of the rear lot lines coinciding with the rear lot lines of lots in the adjoining residence district is contrary to Section 43-302, Zoning Resolution.
- 3) The portion of the proposed building above the first floor within the required rear yard is contrary to Section 43-23, Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in *The City Record*, and laid over to June 11, 2002 and then to June 18, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §§42-13, 43-232 and 43-302; and

WHEREAS, by letter dated May 21, 2002, Community Board #3 has approved this application; and

WHEREAS, evidence in the record indicates that the subject site is located on the east side of Third Avenue, extending 350 feet from the southeast corner of East 172nd Street and Third Avenue, and has a total lot area of 44,525 square feet; and

WHEREAS, the site is located within an M1-4 zoning district and the easterly lot line of the site coincides with the district boundaries of an adjoining R6 zoning district; and

WHEREAS, the applicant states that while the site has been vacant since 1983, it was used almost exclusively for residential uses for the preponderance of the last century with only intermittent commercial uses after some of the residences were demolished; and

WHEREAS, according to the applicant, the school will encompass grades 5-12 with a total population of 800 students; and

WHEREAS, the applicant represents that the school will operate from 7:30 AM -5:15 PM, 200 days a year and will employ a total staff of 79 people; and

WHEREAS, the applicant states that the entire rear lot line of the site coincides with a zoning district boundary of an adjoining R6 zoning district while the entire side lot line of the site coincides with a C1-2 overlay district; and

WHEREAS, evidence in the record indicates that the site is burdened with rock outcrops along the rear lot line; and

WHEREAS, the applicant represents that a waiver of

the rear yard requirements is necessary in order to meet the programmatic needs of the school, allowing open recreation areas of a dequate size adjacent to Third Avenue, as the area adjacent to the rear lot line is unsuitable due to the rock outcrops and the adjacent high multiple dwellings with shallow yards; and

WHEREAS, the applicant further represents that the variance will allow the construction of prismatic buildings of sufficient area to accommodate the number of students anticipated; and

WHEREAS, the applicant states that the dual zoning district adjacencies, the rock outcrops along the rear lot line, and the adjacent multiple dwellings with shallow yards create a practical difficulty and unnecessary hardship in constructing a complying building that meets the programmatic needs of the school; and

WHEREAS, in addition, where a non-profit community facility’s programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant represents that there currently exist other schools in the neighborhood, including one fronting on Third Avenue, one block north of the Premises; and

WHEREAS, evidence in the record indicates that the block on which the proposed school will be located is fully developed except for the subject site; and

WHEREAS, the applicant represents that the gym/auditorium has been designed and located to enable the community to easily access it during hours when the school is in operation and that it is anticipated that the space will be utilized as a meeting space, performance area or workshop for summer programs; and

WHEREAS, the applicant states that approximately 90% of students will arrive and depart from the school via public transportation or on foot; and

WHEREAS, the school will provide 16 parking spaces on the site which, in conjunction with available curbside parking, the applicant contends is sufficient for the 60% of the staff who will drive or car pool; and

WHEREAS, the applicant further represents that approximately 30% of the staff will use public transportation or walk to school while the remaining 10% will use taxis or car services; 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

MINUTES

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the applicant has demonstrated difficulty in obtaining land for the development of a school within the neighborhood to be served by the proposed school, and with an adequate size within districts where the school is permitted as-of-right, sufficient to meet the programmatic needs of the school; and

WHEREAS, therefore, Board finds that the requirements of §73-19 (a) are met; and

WHEREAS, the evidence in the record indicates that the proposed school is located within 400 feet of an R6 zoning district, where the school is permitted as-of-right, thus the requirements of §73-19 (b) are met; and

WHEREAS, the Board finds that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district is achieved through the use of sound attenuating exterior wall and window construction, as well as substantial open areas along both street frontages, thus satisfying the requirements of §73-19 (c); and

WHEREAS, the applicant represents that an area has been designated for students to be dropped off and picked up by parents; and

WHEREAS, by letter dated June 5, 2002, the New York City Department of Transportation ("DOT"), has conducted a child and traffic safety review of the proposed school and has no objection the subject school at the proposed location provided the following conditions are met:

1. There shall be no school buses involved in dropping/picking up students at the school.
2. Parents' drop-off/pick-up area shall be in front of the school on Third Avenue.
3. A school crossing guard shall be stationed at the intersection of Third Avenue and East 172nd Street; and

WHEREAS, the DOT shall prepare safe routes for the school map and provide pavement markings and signs for the four intersections around the school when the school is built; and

WHEREAS, based on DOT's review, the Board finds that the movement of traffic through the streets on which the school will be located can be controlled so as to protect children going to and from the school, and thus the requirements of §73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-19; and

WHEREAS, the Board has conducted an

environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the Board finds that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived from the granting of this special permit and that the application minimizes any adverse effects on privacy, quiet, light and air in the neighborhood; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §§42-13, 43-232 and 43-302; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 27, 2002" - (11) sheets; and *on further condition*;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the number of students shall not exceed 800;

THAT there shall be no school buses involved in dropping/picking up students at the school;

THAT a parents' drop-off/pick-up area shall be maintained in front of the school on Third Avenue.

THAT a school crossing guard shall be stationed at the intersection of Third Avenue and East 172nd Street;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief

MINUTES

granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 18, 2002.

20-02-BZ

CEQR # 02-BSA-113M

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 4, 2002 acting on Application No. 103046375 reads:

“Proposed physical culture establishment is not permitted as of right under Z.R. 32-10. Proposed design layout is contrary to Z.R. 32-18. Physical Culture Establishments require approval by the Board of Standards and Appeals as per ZR 32-31.”

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in *The City Record* and laid over to June 18, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No.

160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31; and

WHEREAS, the applicant seeks to legalize the expansion of the facility from the 15,368 square feet granted in the 1997 under BSA Calendar No. 160-95-BZ, to 24,496 square feet; and

WHEREAS, the applicant represents that no significant increase in occupancy is expected as the result of the expansion, but instead there will be a more comfortable and better equipped facility for the members; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the applicant represents that the hours of operation will be Monday-Thursday 6:00 A.M.-11:00 P.M., Friday 6:00 A.M.-9:00 P.M. and Saturday and Sunday 9:00 A.M.-7:00 P.M.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36, and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use

MINUTES

building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received May 29, 2002"-(5) sheets; and on further condition;

THAT the hours of operation shall be Monday-Thursday 6:00 A.M.-11:00 P.M., Friday 6:00 A.M.-9:00 P.M. and Saturday and Sunday 9:00 A.M.-7:00 P.M.;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the term of this special permit shall coincide with the term of the original grant under BSA Calendar #160-95-BZ, to expire on February 27, 2006;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 18, 2002.

67-02-BZ

CEQR # 02-BSA-143Q

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R. §73-452, to permit in an R3-2 zoning district, the legalization of off-street parking spaces, accessory to an existing community facility.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Howard Weiss.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 6, 2002, acting on Application No. 401395904 reads, in pertinent part:

"Proposed accessory off-site parking lot for community facility (Korean American Presbyterian Church, 143-17 Franklin Avenue, Queens, NY, 11355) in an R3-2 Zoning District is not permitted as per Sec. 25-53 of the New York City Zoning Resolution, obtain a special permit from the Board of Standards and Appeals as per Sec. 73-452."; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record*, and laid over to June 18, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-452 to permit, in an R3-2 zoning district, the legalization of off-street parking spaces, accessory to an existing community facility; and

WHEREAS, the applicant represents that the special permit would allow the Church to address parking demands that result from the needs of its large congregation, which includes families who travel to the Church from outside the immediate area; and

WHEREAS, the proposed accessory off-street parking will provide spaces for eighteen (18) vehicles; and

WHEREAS, the proposed location of the accessory off-street parking is immediately across the street from the Church on Franklin Avenue, on Lots 9 and 53, within Block 5184; and

WHEREAS, the applicant states that the Church provides for the religious educational and social needs of more than 3,500 congregants; and

WHEREAS, the applicant states that although off-street parking spaces are currently available to the Church, the amount falls far short of the Church's needs; and

WHEREAS, pursuant to Z.R. §73-452, the Board may permit off-street parking spaces accessory to a community facility use provided that (1) the use is located in an R1, R2, R3 or R4 district, (2) the spaces shall be not further than 600 feet from the nearest boundary of the zoning lot containing such use, and (3) provided further that the following special findings are made:

(a) that where such spaces are located in an R1

MINUTES

or R2 District, the community facility use to which they are accessory is a use permitted as-of-right in such district;

- (b) that there is no way to arrange such spaces on the same zoning lot as such use;
- (c) that such spaces are so located as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage; and
- (d) either that such spaces are located on an adjoining zoning lot or a zoning lot directly across the street from such use; and

WHEREAS, the Church is within an R3-2 district, and the parking spaces are an approximate 300 feet from the Church's zoning lot; and

WHEREAS, §73-452 (a) does not apply as the subject premises is located in an R3-2 zoning district; and

WHEREAS, the Board finds that the requirement of §73-452 (b) is met as the applicant has sufficiently demonstrated that the additional parking spaces cannot be provided on the Church lot because it is already built out to its fullest extent; and

WHEREAS, the accessory parking is located on two tax lots that function together as a through lot; and

WHEREAS, the applicant states that the features and design of the proposed parking spaces and aisle take into account the existing street circulation patterns, recognize the neighboring uses and will minimize traffic impact upon Franklin Avenue and Ash Avenue; and

WHEREAS, in order to lessen the impact on surrounding residential uses, the applicant proposes to impose a one-way flow for ingress and egress, so that vehicles will enter from Franklin Avenue and exit onto Ash Avenue, and thus do not concentrate traffic on a single street; and

WHEREAS, the Board has visited the site, reviewed the provided traffic flow information and determined that the flow of traffic through residential street frontages is minimized as vehicles traveling toward the parking spaces must drive along Bowne Street and its commercial frontage, and then along a portion of Franklin Street containing only one residential building, while vehicles exiting the parking spaces will have to turn left from the lot, and therefore are expected to proceed to Parsons Boulevard, a highly traveled thoroughfare; and

WHEREAS, furthermore, the applicant states that the proposed parking spaces do not increase the vehicular traffic on the surrounding streets, but instead alleviate the traffic congestion by decreasing the extent to which automobiles circulate through the community in search of parking; and

WHEREAS, therefore, the Board finds that the requirements of §73-452(c) are met; and

WHEREAS, the Board finds that the requirements of §73-452(d) are met as the accessory off-street parking spaces are located immediately across the street from the

Church on Franklin Avenue; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-452; and

WHEREAS, the Board notes that there is a mix of community facility and residential uses surrounding the subject parking spaces; and

WHEREAS, the applicant represents that to the immediate south of the parking spaces are two community facilities and to the immediate north there are two dwellings (Block 5184, Lots 10 and 50); and

WHEREAS, in order to buffer the parking spaces from these dwellings, the applicant proposes to erect a continuous line of evergreen plantings along the entirety of the lot lines shared with Lots 10 and 50; and

WHEREAS, the applicant states that at least twenty-eight plantings will be installed at a minimum height of four feet; and

WHEREAS, the Board finds that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived from the granting of this special permit and that the application minimizes any adverse effects on privacy, quiet, light and air in the neighborhood; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement. *Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every required findings under Z.R. §§73-03 and 73-452 and *grants* a special permit to allow, in an R3-2 zoning district, the legalization of off-street parking spaces, accessory to an existing community facility, on *condition* that all work shall substantially conform to the drawing as it applies to the objection above-noted, filed with this application marked "Received February 21, 2002" -(1) sheet; and *on further condition*;

THAT all landscaping shall be provided and maintained according to the above referenced Board approved plan;

THAT the capacity of the parking lot shall be limited to the eighteen (18) spaces as indicated on the above referenced Board approved plan;

THAT there shall be no valet parking on the premises;

THAT the above conditions shall appear on the

MINUTES

Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within one (1) year of this grant.

Adopted by the Board of Standards and Appeals, June 18, 2002.

70-02-BZ

CEQR # 02-BSA-145K

APPLICANT - Sheldon Lobel, P.C., for Joseph and Pearl Shapiro, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, and side and rear yard requirements, which is contrary to Z.R. §§ 23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1456 East 26th Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 11, 2002, acting on Alt. Application No. 301284054 reads, in pertinent part:

- "1) Proposed plans are contrary to Z.R. 23-141 in that the Floor Area Ratio exceeds the .5 permitted and the Open Space Ratio is less than 150.0 required.
- 2) Proposed plans are contrary to Z.R. 23-461 in that the proposed yards are less than the minimum 5 feet required on one side and combined side yards of 13 feet.
- 3) Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than 30 feet."; and

WHEREAS, a public hearing was held on this application on June 4, 2002 after due notice by publication in *The City Record*, and laid over to June 18, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space Ratio, and side and rear yard requirements, which is contrary to Z.R. §§ 23-141, 23-461 and 23-47; and

WHEREAS, the proposed enlargement will increase the FAR to 1.03, decrease the Open Space Ratio to 53 percent, decrease the rear yard from the required 30' to 20' and extend the existing, non-complying side yards; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to permit, in an R2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, and side and rear yard requirements, which is contrary to Z.R. §§ 23-141, 23-461 and 23-47, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received February 26, 2002"-(7) sheets and "April 29, 2002"-(5) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

(ALT. Application No. 301284054)

Adopted by the Board of Standards and Appeals, June 18, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a.k.a. 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

THE VOTE REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2:00 P.M., for continued hearing.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Patrick Jones.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2:00 P.M., for continued hearing.

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2:00 P.M., for continued hearing.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2:00 P.M., for continued hearing.

387-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

MINUTES

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2:00 P.M., for continued hearing.

393-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, requires a special permit from the Board as per Z.R. §32-10.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for decision, hearing closed.

18-02-BZ

APPLICANT - Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT - Application January 7, 2002 - under Z.R. §§11-412 & 11-413, to permit the proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross, Adam Digerdams, Frank Spinner and Hiram Rothkrug.

For Opposition: Mark Fertig.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2:00 P.M. for continued hearing.

19-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for decision, hearing closed.

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid

MINUTES

zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2:00 P.M., for deferred decision.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a twenty-two story dormitory building (Use Group 3) to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Raymond Levin.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

61-02-BZ

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2:00 P.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 3:55 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 27-28

July 18, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, JR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	530
CALENDAR of August 13, 2002	
Morning	531
Afternoon	532

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, July 9, 2002**

Morning Calendar533

Affecting Calendar Numbers:

245-32-BZ 123-05 101st Avenue, Queens
603-49-BZ/392-01-A 34-14 31st Street, Queens
1263-80-BZ 436 Tenth Avenue, a/k/a 432/438 10th Avenue, Manhattan
150-95-BZ 4-10 East 98th Street, Manhattan
1069-27-BZ Vol. II 6702/6724 New Utrecht Avenue, Brooklyn
74-49-BZ 515 7th Avenue and 144-158 West 38th Street, Manhattan
674-52-BZ 21-04 21st Avenue, Queens
889-55-BZ 69-15 164th Street, Queens
62-83-BZ 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Brooklyn
32-91-BZ 838/846 Fulton Street, a/k/a 489/93 Vanderbilt Avenue, Brooklyn
173-94-BZ 165-10 144th Road, Queens
180-95-BZ 256 West Street/416-424 Washington Street, Manhattan
51-99-BZ 1192 East 22nd Street, Brooklyn
54-02-A & 55-02-A 100 Gary Street, Staten Island
141-02-A 46-17 Overbrook Street, Queens

Afternoon Calendar 538

Affecting Calendar Numbers:

217-00-BZ 530 West 50th Street, Manhattan
198-01-BZ 105-45 Cross Bay Boulevard, Queens
201-01-BZ 2591/2613 Atlantic Avenue, a/k/a 53/59 Georgia Avenue, Brooklyn 1045 38th
285-01-BZ Street, Brooklyn
304-01-BZ 1720 Avenue "J", Brooklyn
81-02-BZ 100 Lawrence Avenue, a/k/a 98/102 Lawrence Avenue, Brooklyn 841/49
92-02-BZ Ninth Avenue and 401/09 West 55th Street, Manhattan 6055 Strickland
281-99-BZ Avenue, Brooklyn
215-01-BZ 85 Union Avenue, Brooklyn
234-01-BZ 80 North 5th Street, Brooklyn
244-01-BZ 325 South First Street, a/k/a 398/404 Rodney Street, Brooklyn 756 Myrtle
303-01-BZ Avenue, Brooklyn
321-01-BZ 25 Paidge Avenue, Brooklyn
360-01-BZ 2228 Gerritsen Avenue, Brooklyn
366-01-BZ 500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, Brooklyn
369-01-BZ 303 Seigel Street, Brooklyn
373-01-BZ 372 Avenue "U", Brooklyn
395-01-BZ 36-27 Vernon Boulevard, Queens
404-01-BZ 1182 East 28th Street, Brooklyn
27-02-BZ 287 Hudson Street, Manhattan
57-02-BZ 194 North 14th Street, Brooklyn
58-02-A 194 North 14th Street, Brooklyn
104-02-BZ 23-40 120th Street, a/k/a 23-16 120th Street, Queens

DOCKET

New Case Filed Up to July 9, 2002

197-02-BZ B.BK. 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn. Applic. #300627908. The legalization of an existing physical culture establishment, in a two story commercial building, located in a C2-2 within an R3-2 zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #18BK

198-02-BZ B.M. 55 Wall Street, south side, between Hanover and William Streets, Block 27, Lot 1, Borough of Manhattan. Applic. #103161739. Application to permit an existing physical culture establishment, Use Group 9, accessory to an existing hotel, to be open to the public, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #1M

199-02-BZ B.M. 210/220 East 19th Street, bounded by Second and Third Avenues, Block 899, Lots 46 through 49 and 51. Borough of Manhattan. Applic. #103154532. Proposed construction of a nine story residence for the elderly, Use Group 2, with 71 units, in an R7-2 zoning district, which does not comply with the zoning requirements for floor area ratio, height, setback and side yard regulations, is contrary to Z.R. §23-144, §23-633 and §23-462.

COMMUNITY BOARD #6M

200-02-BZ B. M. 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan. N.B. #103080336. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted by the Board under Cal. No. 493-41-BZ and Z.R. §22-00.

COMMUNITY BOARD #11M

201-02-BZ B.S.I. 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 and 20, Borough of Staten Island. N.B. #500496643. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B, that is located in a C1-1 zone overlay within an R3-1 zoning district, is contrary to a previous variance granted by the Board under Cal. No.855-25-BZ and Z.R. §32-25.

COMMUNITY BOARD #3SI

202-02-BZ B.Q. 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens. N.B. #401395414. Proposed construction of an accessory drive-thru facility in conjunction with an eating and drinking establishment, Use Group 6, requires a special permit from the Board as per Z.R. §32-10.

COMMUNITY BOARD #12BK

203-02-BZ B.Q. 110-18 Northern Boulevard, between 110th and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12 and 13, (Tentative Lot 1), Borough of Queens. N.B. #401444772. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, that is located in a C1-2 within an R5 zoning district, is contrary to §32-31.

COMMUNITY BOARD #3Q

204-02-BZ B.Q. 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens. Applic. #401398233. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, that is located in an R3-2 zoning district, is contrary to a previous variance granted by the Board under Cal. No.703-56-BZ and Z.R. §22-00.

COMMUNITY BOARD #13Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

AUGUST 13, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

280-01-BZ

APPLICANT - Howard A. Zipser, Esq. of Stadtmauer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan TransS & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

AUGUST 13, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.

OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1

177-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative Inc., owner; Marie Lynch, lessee.

SUBJECT - Application May 23, 2002 - Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

184-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Frank E. Farrell, lessee.

SUBJECT - Application June 3, 2002 - Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 24 Gotham Walk, west side, 135' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

CALENDAR

AUGUST 13, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 13, 2002, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaturrun Estates, LLC, owner.

SUBJECT- Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT- Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

79-02-BZ

APPLICANT- Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT- Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

88-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael Provino, owner; BP Amoco, plc, lessee.

SUBJECT- Application March 27, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R5 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED- 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 9, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 4, 2002, were approved as printed in the Bulletin of June 13, 2002, Volume 87, No. 23-24.

SPECIAL ORDER CALENDAR

245-32-BZ

APPLICANT- Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on August 7, 2001, after due notice by publication in *The City Record*, postponed to September 25, 2001, October 30, 2001, and December 4, 2002, and then laid over for continued hearing to February 5, 2002, March 19, 2002, April 9, 2002, May 14, 2002 and then to July 9, 2002 for decision; and

WHEREAS, the applicant seeks to amend the

resolution to legalize the addition of a second floor office and to permit the change of use on the first floor from gasoline station to automobile repair.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on September 16, 1932 so that as amended this portion of the resolution shall read:

“to permit the legalization of the addition of a second floor office and to permit the change of use on the first floor from gas station to automobile repair; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received January 11, 2001”-(5) sheets and “May 28, 2002”-(3) sheets; and on further condition:

THAT the term of this variance shall be limited to ten (10) years from the date of this resolution;

THAT the hours of operation shall be limited to Monday-Saturday, 9:00 A.M. - 6:00 P.M.;

THAT there shall be no outdoor lifts;

THAT there shall be no outdoor repairs;

THAT the premises shall remain graffiti free;

THAT there shall be no portable freestanding signage;

THAT all barbed wire shall not hang over the fence facing the public sidewalk;

THAT the total signage shall not exceed 150 square feet and the total illuminated signage shall not exceed 50 square feet;

THAT landscaping shall be maintained in accordance with BSA-approved plans;

THAT there shall be no parking on the sidewalks;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 401040850)

Adopted by the Board of Standards and Appeals, July 9, 2002.

603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC,

MINUTES

owner.

SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Alfonse Duarte.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 14, 2001, acting on ALT.1 Application No. 401203130, reads:

"1. Proposed Office U.G. 6B part of first floor and 2nd floors is contrary to Section 22-00 Z.R. and BSA Cal. #603-49-BZ. The Building is located in R5 zone.

2. Proposed commercial office in existing frame (IID) structure is contrary to 27-297 and Table 4-1 A.C."; and

WHEREAS, the applicant has requested an amendment to the resolution to legalize the conversion of the one-family dwelling unit existing on a portion of the first floor and to convert the entire second floor to offices (Use Group 6B); and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record* and laid over to June 11, 2002 and then to July 9, 2002 for decision; and

WHEREAS, the Board notes that this case was heard with a companion Appeals case filed under Calendar Number 392-01-A, objection #2; and

WHEREAS, in 1950, the Board approved the use of a one-story building housing an automotive repair establishment with an office and a parts department on portion of the first floor, for use in conjunction with commercial uses with a residential use in the remaining part of the first floor and on the second floor; and

WHEREAS, the record indicates that the office use has existed since 1985 without causing adverse impacts to the surrounding community; and

WHEREAS, therefore, the Board finds that the proposed changes will not result in any significant changes to the prior approval.

Resolved, that the Board of Standards and Appeals

reopens and amends the resolution pursuant to §11-413 of the *Zoning Resolution*, said resolution having been adopted on June 13, 1950, so that as amended this portion of the resolution shall read:

"To legalize the conversion of the one-family dwelling unit existing on a portion of the first floor and convert the entire second floor to offices (Use Group 6B); *on condition* that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked "Received, December 18, 2001"- (3) sheets and "March 15, 2002"- (1) sheet;

THAT the premises shall remain graffiti free;

THAT there shall be no parking of cars on the sidewalk;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 103086839)

Adopted by the Board of Standards and Appeals, July 9, 2002.

392-01-A

APPLICANT- Alfonse Duarte P.E., for J & J Realty, LLC, owner.

SUBJECT - Application December 18, 2001 - The legalization of the conversion of the residential use to commercial use (office), in an existing frame (IID) structure, is contrary to § 27-297 and Table 4-1 of the NYC Administrative Code.

PREMISES AFFECTED - 34-14 31st Street, west side, 90.11' south of 34th Avenue, Block 607, Lot 34, Borough of Queens.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 14, 2001, acting on ALT.1 Application No. 401203130, reads:

"1. Proposed Office U.G. 6B part of first floor and 2nd floors is contrary to Section 22-00 Z.R. and BSA Cal. #603-49-BZ. The Building is located in R5 zone.

MINUTES

2. Proposed commercial office in existing frame (IID) structure is contrary to 27-297 and Table 4-1 A.C."; and

WHEREAS, the Board notes that this case was heard with a companion Special Order Calendar case filed under Calendar Number 603-49-BZ, addressing objection #1; and

WHEREAS, this appeal challenges the Department of Buildings determination disapproving an alteration and change of occupancy from residential to commercial of an existing wood frame building located within a Fire District; and

WHEREAS, the Department of Buildings disapproved the application because the pre-1968 Administrative Code classified the subject premises as a residential Class 4 wood frame structure and the appellant's proposed use is contrary to Sections 27-297 and Tables 4-1 of the Building Code; and

WHEREAS, table 4-1 (Area and Height Limitations for Unsprinklered Buildings and Spaces) prohibit Group E (Business) occupancies in Class IID and IIE combustible construction structures if such structure is located within a Fire District; and

WHEREAS, the subject premises is a wood frame building classified within combustible construction class IID or IIE; and

WHEREAS, the record indicates, that the applicant will provide portable fire extinguishers and sand buckets placed throughout the premises; and

WHEREAS, the applicant represents that the usual causes of fires in frame buildings have been eliminated due to the conversion from residential to commercial use, i.e. careless activity associated with residential uses and that the site has been operating pursuant to yearly permits under the purview of the Fire Department; and

WHEREAS, after consulting with representatives from the Fire Department, the Board finds that appellant's fire safety measure are adequate to warrant approval of this application; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions. Resolved, that the decision of the Queens Borough Commissioner, December 14, 2001, acting on ALT.1 Application No. 401203130, objection #2, is reversed the appeal is granted, limited to the decision noted, on condition that the construction shall substantially conform to drawing filed with the application marked `Received, December 18, 2001' -(3) sheets and `March 15, 2002' - (1) sheet; and

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed

DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 103086839)

Adopted by the Board of Standards and Appeals, July 9, 2002.

1263-80-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America Inc., lessee.

SUBJECT - Application March 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 12, 2001.

PREMISES AFFECTED - 436 Tenth Avenue aka 432/438 10th Avenue and 461/469 West 34th Street, northeast corner of Tenth Avenue and West 34th Street, Block 732, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired May 12, 2001; and

WHEREAS, a public hearing was held on this application on May 14, 2002, after due notice by publication in *The City Record*, laid over to July 9, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §§73-211 and 73-212, said resolution having been adopted May 12, 1981, so that as amended this portion of

MINUTES

the resolution shall read:

“to permit the extension of the term of the variance for an automotive service station for ten (10) years from May 12, 2001 expiring May 12, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received March 5, 2002”-(3) sheets and “June 18, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the hours of operation for the automobile vacuums shall be from 9:00 A.M. to 9:00 P.M., Monday through Sunday;

THAT there shall be no parking of automobiles on the sidewalk;

THAT all landscaping shall be maintained in accordance with BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” DOB. No. 103086839)

Adopted by the Board of Standards and Appeals, July 9, 2002.

150-95-BZ

APPLICANT - Paul Selver, Esq., for St. Bernard’s School, Inc., owner.

SUBJECT - Application November 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4-10 East 98th Street, aka south side of 98th Street, 125' east, Block 1603, Lot 63, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Paul Selver.

For Administration: Capt. Michael Maloney and John

Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5
Negative:0

Adopted by the Board of Standards and Appeals, July 9, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman and Frank Mormando.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim,

MINUTES

owner.

SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.

PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

889-55-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 69-15 164th Street, Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane and Paul Sheridan

For Opposition: Roger Mendis, Elizabeth Martin and other.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

32-91-BZ

APPLICANT - Walter T. Gorman for Fulvan Realty Corp., owner; Fulton Auto Repair Inc., lessee.

SUBJECT - Application December 28, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 838/846 Fulton Street, a/k/a 489/93 Vanderbilt Avenue, Block 2010, Lot 25, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to July 23, 2002, at 10 A.M., for decision, hearing closed.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deirdre Carson.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to July 23, 2002, at 10 A.M., for decision, hearing closed.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.
PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to July 23, 2002, at 10 A.M., for decision, hearing closed.

54-02-A & 55-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.
SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.
106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 10 A.M., for continued hearing.

141-02-A

APPLICANT - The Agusta Group for Raymond & Katherine Koon, owner.
SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is

contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Sal Forman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:20 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 9, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

217-00-BZ

CEQR # 01-BSA-027M

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.
SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

MINUTES

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 12, 2000, acting on Application No. 120604040, reads;

“1. The proposed enlargement in an R8 zoning district in special Clinton exceeds the allowable floor area as per Section 96-101 Z.R.”; and

WHEREAS, a public hearing was held on this application on October 18, 2001, after due notice by publication in *The City Record* and laid over to December 11, 2001, January 29, 2002, March 26, 2002, May 7, 2002 and then to July 9, 2002 for decision; and

WHEREAS, the Board has denied the applicant’s request to withdraw the application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R8 zoning district, within the Special Clinton District, the proposed construction of four additional stories to the rear of a two-story residential structure exceeding the allowable floor area ratio contrary to Z.R. §96-101; and

WHEREAS, the subject lot is located on West 50th Street between Tenth and Eleventh Avenue on a rectangular shaped parcel containing 2,500 square feet of lot area with 25’ of frontage on West 50th and a depth of 100’ housing two buildings, a five-story front building and a two-story rear building; and

WHEREAS, the instant proposal seeks to raise the story-height of the rear building to create new housing; and

WHEREAS, the applicant represents that the site is unique because the “history of development” of the site indicates that the lot is developed with a pre-existing non-conforming commercial office use and residential structure; and

WHEREAS, the applicant contends that his lot is burdened with obsolete, inferior and sub-standard existing apartment layouts yielding apartments with tiny bedrooms without windows and a shared bathroom; and

WHEREAS, the record indicates that the subject lot is rectangular and the applicant has failed to demonstrate the existence of inherent physical conditions that are unique to

the subject lot; and

WHEREAS, the Board has determined that the building’s design inefficiency does not create a unique physical condition leading to a hardship in conforming with existing zoning; and

WHEREAS, the applicant has failed to demonstrate that the design of the building cannot be reconfigured to a conforming development that would yield a reasonable return; and

WHEREAS, based on the subject lot’s regular (rectangular) shape, the vast number of mixed uses that could occupy the site and the applicant’s failure to document substantial marketing efforts to secure additional tenants, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21(a); and

WHEREAS, the record indicates that even with only a partial occupancy of the subject building, the owner may earn a reasonable return; and

WHEREAS, despite numerous requests from the Board, the applicant has failed to document substantial efforts to market the vacant portions of the building to a conforming tenant; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21(b); and

WHEREAS, since the application fails to meet the requirements of Z.R. §§72-21 (a), (b) it must be denied.

Resolved, that the decision of the Borough Commissioner dated September 12, 2000, acting on Application No. 120604040, must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, July 9, 2002

198-01-BZ

CEQR #01-BSA-144Q

APPLICANT- Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT- Application May 25, 2001 - under Z.R. §72-21, to permit in an R4 zoning district, the enlargement to an existing legal non-conforming eating and drinking establishment, Use Group 6, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on

MINUTES

condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 1, 2001, acting on Application No. 401102294, reads:

“ Proposed enlargement of existing non-conforming eating and drinking establishment occupancy F-4/U.G.=6 in R-4 district (map 18A) contrary to ZR 22-00 & ZR 52-00"; and

WHEREAS, Community Board #10, Queens, unanimously recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on January 29, 2002 after due notice by publication in *The City Record*, laid over to March 5, 2002, March 26, 2002, May 7, 2002, June 11, 2002, and then to July 9, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the enlargement to an existing legal non-conforming eating and drinking establishment, Use Group 6, which is contrary to Z.R. §§22-00 and 52-00; and

WHEREAS, the subject site is located on the East side of Cross Bay Boulevard in the Ozone Park section of Queens, improved with a one-story diner containing approximately 15,082 square feet with an additional 1,634 square feet at the cellar level; and

WHEREAS, the applicant represents that the subject structure sits on a parcel that is irregularly shaped, houses an existing legal non-conforming use and fronts on a heavily trafficked roadway (Cross Bay Boulevard); and

WHEREAS, further, the parcel is irregular because it extends 114 feet along its Western Perimeter (the Cross Bay Boulevard side) and only 103 feet along its Eastern perimeter (95th Street), the northern perimeter forms an “L” shaped border and the southern perimeter runs straight at a length of 150 feet; and

WHEREAS, the applicant asserts that the subject parcel is unsuitable for residential use because it is surrounded mostly by commercial and community facility uses; and

WHEREAS, the record indicates that the Ozone Park section of Queens is characterized by mixture of residential, manufacturing and commercial uses; and

WHEREAS, the aforementioned unique physical condition, the irregular “L” shaped parcel and its history of development as a legal non-conforming use makes its occupancy for a conforming R-4 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the record indicates that the proposed enlargement will enable the existing eating and drinking establishment to maintain its viability; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the Board notes that the subject diner is a legal non-conforming use; and

WHEREAS, the record indicates that within the vicinity of the subject premises a mixture of commercial, community facility and residential uses are present; and

WHEREAS, in response to community concerns regarding adverse impact to the surrounding residential uses, the Board will require that a 6' high solid masonry wall be erected on 95th Street, that buffering be provided by a 6' high solid metal panel or plastic panel fence, that to improve security, additional light sanctions be provide along 95th Street; and

WHEREAS, therefore, the Board finds that this action, as modified, will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and *Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an R4 zoning district, the enlargement to an existing legal non-conforming eating and drinking establishment, Use Group 6, which is contrary to Z.R. §§22-00 and 52-00, on condition that all work shall substantially conform to drawings as they apply to the

MINUTES

objections above noted, filed with this application marked "Received March 14, 2002"-(6) sheets and "April 23, 2002"-(1) sheet; and on further condition;

THAT a 6' high solid masonry wall be erected on 95th Street;

THAT a 6' high solid metal panel or plastic panel fence be provided and maintained;

THAT additional light sanctions be provide along 95th Street;

THAT all lighting shall be pointed down and away from adjoining residential uses;

THAT fire protection measures, including an automatic-wet sprinkler system in the cellar r, shall be provided and maintained in accordance with the BSA-approved plans;

THAT all automobile parking shall be in accordance with BSA-approved plans;

THAT landscaping shall be maintained in accordance with BSA-approved plans;

THAT there shall be no entering or exiting of cars on 95th Street;

THAT substantial construction will be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 9, 2002.

201-01-BZ

CEQR #01-BSA-146K

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.
SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure within a C4-1 zoning district, to be used as an automobile laundry, lubrication and detailing establishment and accessory automobile supply store, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decisions of the Borough Commissioner, dated October 18, 2000, updated February 26, 2001 and May 1, 2002, and acting on Application No. 301084289, reads:

"1) Proposed automobile laundry, lubrication and detailing, auto supply store is not a permitted use as per ZR 32-00.

2) The temporary C. of O. 215572 under BSA Cal # 1280-65-BZ expired by limitations. Required to re-file with BSA."; and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in *The City Record* and laid over to February 12, 2002, March 19, 2002, May 7, 2002, June 4, 2002 and then to July 9, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed enlargement of an existing structure within a C4-1 zoning district, to be used as an automobile laundry, lubrication and detailing establishment and accessory automobile supply store, previously granted under Cal. Nos. 789-49-BZ and more recently under 1280-65-BZ, which expired February 1, 1987; and

WHEREAS, on December 19, 1950, under Calendar Number 789-45-BZ, the Board authorized the erection of a gasoline service station, lubritorium, auto laundry, motor vehicle repair shop and office; and

WHEREAS, on April 13, 1966, under Calendar Number 1280-65-BZ, the Board authorized the erection of an additional one-story enlargement to the service building on the premises, and on February 1, 1977, automotive service station use was discontinued and the term of the variance was extended for ten (10) years; and

WHEREAS, the applicant represents that there has been no discontinuance as a lubritorium, auto laundry, motor vehicle repair shop and office, since the original variance was granted; and

WHEREAS, the applicant seeks to completely renovate the existing structure so that the repair bays at the front of the structure will be removed, motor vehicle

MINUTES

repairs will be discontinued, with the exception of oil changes, the auto laundry will be relocated within the structure, an accessory retail store will be added, and the existing 1204.5 sq. ft. portion of the structure which rests at the southeastern corner of the structure will be removed; and

WHEREAS, the applicant represents that the subject site is irregularly shaped and conditions have not substantially changed since the original variance was granted in 1950; and

WHEREAS, the Board finds that the unique physical conditions which are the result of the site's irregular shape, continuous history of automotive uses and existing automotive repair shop present a practical difficulty and unnecessary hardship for conforming with the strict application of the Zoning Resolution; and

WHEREAS, the Board finds that evidence in the record, including a feasibility study sufficiently demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant represents that an automotive service station has occupied the premises since the original variance was granted in 1950; and

WHEREAS, the applicant represents that the subject premises is located in a C4-1 zoning district and is surrounded by commercial uses; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, as requested by the Board, the applicant has installed a 12" high curb topped with a wrought iron fence, located on the property line to discourage the queuing of cars on the sidewalk; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every

one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution to permit the proposed enlargement of an existing structure within a C4-1 zoning district, to be used as an automobile laundry, lubrication and detailing establishment and accessory automobile supply store, which is contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 5, 2002"-(2) sheets, "April 23, 2002"-(1) sheet, and "April 25, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years expiring on April 16, 2012;

THAT the hours of operation shall be from 7 a.m. to 7 p.m. (Monday-Sunday);

THAT there shall be no automobile detailing at any time;

THAT all signage shall be provided in accordance with BSA-approved plans;

THAT the fence along Atlantic Avenue shall be maintained in accordance with BSA-approved plans;

THAT there shall be no cars blocking traffic on Atlantic Avenue;

THAT there shall be no cars entering from Georgia Avenue except for lubrication;

THAT there shall be no loitering on the premises;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 9, 2002.

285-01-BZ
CEQR #02-BSA-032K

APPLICANT - Harold Weinberg, P.E., Consulting Engineer, P.C., for Yeshiva Yalde Torah by Sinai Halberstam, owner.

MINUTES

SUBJECT - Application October 5, 2001 - under Z.R. §73-19, to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, which is contrary to §§42-00, 52-22 and 52-41.

PREMISES AFFECTED - 1045 38th Street, north side, 294'-2½," west of 10th Avenue, Block 5289, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 13, 2001 acting on Application No. 300822359 reads;

1. The proposed use of subject premises as a day care center (school) in Use Group 3 in an M1-2 Zoning District is contrary to Section 42-00 of the Zoning Resolution (ZR).
2. The proposed structural alteration to a non-conforming use is contrary to Section 52-22 ZR.
3. The proposed additional floor area to a non-conforming use is contrary to Section 52-41 ZR."; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in *The City Record*, and laid over to May 21, 2002, June 11, 2002 and then to July 9, 2002 for decision; and

WHEREAS, Community Board #12 in Brooklyn has recommended approval of the subject application;

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-19 to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, which is contrary to §§42-00, 52-22 and 52-41; and

WHEREAS, evidence in the record indicates that the subject site is located on the north side of 38th Street,

between Fort Hamilton Parkway and 10th Avenue, and has a total lot area of 19,705.34 square feet; and

WHEREAS, the school provides educational and therapeutic services to children with handicapped conditions, and will operate from 9:00 A.M. to 2:00 P.M.; and

WHEREAS, the applicant represents that the children attending the day care will be primarily from the Borough Park area, bounded by 38th Street, 18th Avenue, 60th Street and 12th Avenue; and

WHEREAS, the applicant states that in the area of Borough Park, there is no available vacant land or existing buildings that can be modified for the purposes of the school; and

WHEREAS, the applicant has demonstrated difficulty in obtaining land for the development of a school within the neighborhood to be served by the proposed school, and with an adequate size within districts where the school is permitted as-of-right, sufficient to meet the programmatic needs of the school; and

WHEREAS, therefore, Board finds that the requirements of §73-19 (a) are met; and

WHEREAS, evidence in the record and assurances made by the applicant indicate that the proposed school is located within 400 feet of an R6 zoning district, where the school is permitted as-of-right, thus the requirements of §73-19 (b) are met; and

WHEREAS, the record also indicates that the subject premises is surrounded by a mix of commercial and residential uses, and although auto body repair shops exist within a 400 foot proximity, the Board has determined that there are not any air quality effects or impacts on the proposed day care from these uses; and

WHEREAS, the applicant represents that the walls of the subject premises will be constructed of solid masonry units, and the walls will be furred out to give an appropriate finish, thus reducing the transmission of sound emanating from and entering the school; and

WHEREAS, the Board finds that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district is achieved through the use of sound attenuating exterior wall and window construction, as well as substantial open areas along both street frontages, thus satisfying the requirements of §73-19 (c); and

WHEREAS, the applicant represents that students will arrive and leave school by vans provided by the New York City Department of Transportation ("DOT"); and

WHEREAS, the DOT has blocked off six parking spaces in front of the school with a sign stating "NO PARKING IN FRONT OF SCHOOL ON SCHOOL DAYS FROM 8:00 A.M. TO 4:00 P.M." in order to provide space for the vans to deliver and pick up students; and

WHEREAS, based on DOT's review, the Board finds

MINUTES

that the movement of traffic through the streets on which the school will be located can be controlled so as to protect children going to and from the school, and thus the requirements of §73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-19; and

WHEREAS, the applicant represents that deliveries will occur once a day, between the hours of 9:00 -11:00 A.M., and refuse pick-ups will be done by the Department of Sanitation on Mondays and Fridays; and

WHEREAS, at the request of the Board, the applicant has provided a lease agreement between the owners of the subject property and the City of New York for use of an accessory parking lot located at Block 5289, Lot 999; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the Board finds that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived from the granting of this special permit and that the application minimizes any adverse effects on privacy, quiet, light and air in the neighborhood; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 73-19 to permit the legalization of the first floor of the subject premises as a day care center, Use Group 3, and the enlargement of the second floor for said use, located in an M1-2 zoning district, which is contrary to §§42-00, 52-22 and 52-41; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 11, 2002" - (6) sheets and "Received June 24, 2002"- (2) sheets; and *on further condition*;

THAT, fire protection measures, including an

automatic wet sprinkler system, a smoke detection system, and an interior fire alarm system all connected to a Fire Department-approved central station shall be provided and maintained in the entire building;

THAT accessory parking shall be provided at Block 5289, Lot 999 and it shall be noted in the Certificate of Occupancy for Block 5289, Lot 999 that parking is reserved for the day care center;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 9, 2002.

304-01-BZ

CEQR #02-BSA-043K

APPLICANT - Sheldon Lobel, P.C., for Kneseth Bais Yaakov by Rabbi Kahn, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R2 zoning district, which does not comply with zoning requirements for floor area ratio, open space ratio, front and side yards, perimeter wall height, sky exposure plane and parking, and is contrary to Z.R. §§24-11, 24-3, 24-35, 24-521 and 25-18.

PREMISES AFFECTED - 1720 Avenue "J", southwest corner of East 18th Street, Block 6719, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman and Rabbi Kahn.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated October 15, 2001 acting on N.B. Application No. 301230139 reads:

1. Floor Area Ratio (FAR) exceeds that permitted by Section 24-11
2. Open Space Ratio (OSR) is deficient from that required by Section 24-11
3. Proposed yard (front and side) is contrary to Section 24-34 and Section 24-35
4. Proposed building height not to exceed 25 ft. as per Section 24-521
5. Proposed building not to penetrate sky exposure plane as per Section 24-251
6. Provide parking requirements as per Section 25-18"; and

WHEREAS, a public hearing was held on this application on April 9, 2002 after due notice by publication in *The City Record* and laid over to June 4, 2002 and then to July 9, 2002 for decision; and

WHEREAS, Community Board # 14 in Brooklyn has recommended approval of the application based on the stipulation agreed to by the applicant to set the proposed building back five (5) feet from the Avenue J property line; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R2 zoning district, which does not comply with zoning requirements for floor area ratio, open space ratio, front and side yards, perimeter wall height, sky exposure plane and parking, and is contrary to Z.R. §§24-11, 24-3, 24-35, 24-521 and 25-18; and

WHEREAS, the subject site is a single lot, situated within an R2 zoning district, located on the southwest corner of East 18th Street and Avenue J, and currently improved with a two-story plus attic dwelling; and

WHEREAS, the proposal seeks to replace the existing dwelling with a three-story plus cellar synagogue; and

WHEREAS, the applicant represents that the proposed cellar, which features a multi-purpose room and kitchen, will be used to host events for the members of the congregation and will not be used for catering events for the general public; and

WHEREAS, the proposed first and second floors are intended to comprise the main sanctuary where the adults will pray, while the third floor will be occupied by youth rooms and offices; and

WHEREAS, the applicant states that the congregation, consisting of approximately 250 families, is currently located at a site which can only accommodate 150 people

seated; and

WHEREAS, the applicant represents and the Board finds that the existing facility does not have adequate space to accommodate the growing population of the Congregation, and that the Congregation is composed of approximately 200 families, and therefore does not meet the programmatic needs of the synagogue; and

WHEREAS, the applicant further states that without the variance, a smaller facility would leave inadequate room for the inevitable growth of the congregation;

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, at the request of the Board and in response to community concerns, the applicant has substantially reduced the bulk of the proposal from an initial FAR of 2.75 to a proposed FAR of 2.0, resulting in a structure that has greater setbacks and less physical impact on the community; and

WHEREAS, the Board notes that a synagogue is an as-of-right use in an R2 zoning district; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21, to permit the proposed construction of a community facility (synagogue), Use Group 4, located in an R2 zoning district,

MINUTES

which does not comply with zoning requirements for floor area ratio, open space ratio, front and side yards, perimeter wall height, sky exposure plane and parking, and is contrary to Z.R. §§24-11, 24-3, 24-35, 24-521 and 25-18, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 18, 2002"- (12) sheets; and *on further condition*;

THAT it shall be noted in the Certificate of Occupancy that there shall be no commercial catering on the premises;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 9, 2002.

81-02-BZ

CEQR #02-BSA-154K

APPLICANT - Moshe M. Friedman, P.E., for Beth Jacob Day School, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a four-story school, Use Group 3, located in an R5 Special Ocean Parkway zoning district, which is contrary to §§113-11, 23-141(b), 23-622(d), 23-462(a) and 113-22(b).

PREMISES AFFECTED - 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough

Commissioner dated March 14, 2002 acting on N.B. Application No. 301124290, reads;

"Proposed School is contrary to
ZR Sec 113-11 & 23-141(b) Floor Area
ZR Sec 113-11 & 23-141(b) Open Space & Lot Coverage
ZR Sec 113-11 & 23-622(d) Street Wall
ZR Sec 113-11 & 23-622(d) Total Height
ZR Sec 113-22(b) Loading
and requires a Variance from the Board of Standards and Appeals, as per Sec 72-21"; and

WHEREAS, a public hearing was held on this application on June 4, 2002 after due notice by publication in *The City Record*, and laid over to July 9, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §§72-21 to permit the proposed construction of a four-story school, Use Group 3, located in an R5 Special Ocean Parkway zoning district, which is contrary to §§113-11, 23-141(b), 23-622(d), 23-462(a) and 113-22(b); and

WHEREAS, by letter dated May 15, 2002, Community Board #14 has recommended approval of this application; and

WHEREAS, the subject site is 5,000 square foot parcel of land, situated in an R5 zoning district within the Special Ocean Parkway District, with 50 feet of frontage on Lawrence Avenue; and

WHEREAS, the property is currently improved with a one-story, non-conforming manufacturing building which the applicant proposes to demolish and develop with a four-story and cellar high school; and

WHEREAS, the applicant represents that the proposed school will provide religious and secular education to high school students within the Borough Park and Midwood communities; and

WHEREAS, the proposed high school (grades 9 through 12) is currently operating within the existing elementary school building located directly in the rear of the proposed site at 98 Parkville Avenue; and

WHEREAS, the proposed hours of operation will be 8:45 AM to 4:45 PM Monday through Thursday and 8:45 AM to 1:30 PM on Friday; and

WHEREAS, the applicant states that the programmatic needs of the high school require more classroom space in order to accommodate the burgeoning population of the surrounding community; and

WHEREAS, in order to meet these programmatic needs, a new structure for the high school must be constructed within close proximity to the elementary school, as both schools will utilize the same administrative

MINUTES

and support staff; and

WHEREAS, the applicant represents the strains of the resources in the current elementary school building create a practical difficulty and unnecessary hardship that requires the construction of a new structure and a waiver of the floor area, open space and lot coverage, street wall, total height and rear yard requirements to meet the programmatic need of the school;

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant states that the proposed high school will be used in conjunction with the adjacent elementary school and that there will be a rear door connecting the building to the rear of the adjacent lot in order to allow the students to enter from one building directly to another; and

WHEREAS, the applicant represents that the proposed school does not anticipate an increase in either the student body or the number of teachers, which is currently 260 and 46 respectively at existing school located at the 85 Parkville Avenue location; and

WHEREAS, the number of teachers will remain the same since the elementary and high school will share the same administration, which will remain at the 85 Parkville Avenue location; and

WHEREAS, the applicant represents that most deliveries will continue to be made to the elementary school building located at their present site, 85 Parkville Avenue and the applicant expects only sporadic deliveries at the new location, 100 Lawrence Avenue; and

WHEREAS, refuse picks-ups by the New York City Department of Sanitation is on Mondays and Thursdays; and

WHEREAS, the Board finds that the removal of the current non-conforming Use Group 17 manufacturing building and the replacement with a new conforming use will have minimal impact on the community; and

WHEREAS, therefore, the Board has determined that the proposed action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that

this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the Board finds that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived from the granting of this special permit and that the application minimizes any adverse effects on privacy, quiet, light and air in the neighborhood; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the Board has determined that the proposed action will not result in any significant environmental effects; and

WHEREAS, the applicant represents that school buses are not used at the existing school and will not be used at the proposed school; and

WHEREAS, similar to the current student body, the proposed students will arrive and depart from school by car pools, walking, van service, or mass transit and student drop-offs will be at the existing "No Parking" zones on Seton Place (East 3rd Street) or on Parkville Avenue; and

WHEREAS, based on this information, the Board finds that there will not be any traffic safety issues associated with the proposal; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§72-21 to permit the proposed construction of a four-story school, Use Group 3, located in an R5 Special Ocean Parkway zoning district, which is contrary to §§113-11, 23-141(b), 23-622(d), 23-462(a) and 113-22(b); *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 29, 2002"- (12) sheets; and *on further condition*;

THAT fire protection measures shall be provided and

MINUTES

maintained in accordance with the BSA-approved plans;

THAT the DOT shall place signs in front of the new high school building stating that there is to be no parking from 8:00 AM to 5:00 PM on school days;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 9, 2002.

92-02-BZ

CEQR #02-BSA-163M

APPLICANT - Paul, Hastings, Janofsky & Walker, LLP, by Elise Wagner, Esq., and Jeremiah H. Candreva, Esq., for Alvin Ailey Dance Foundation, owner.

SUBJECT - Application March 28, 2002 - under Z.R. §72-21, to permit the proposed construction of new building for the Alvin Ailey Dance Foundation, Use Group 4, located in an R8 (C1-5)/C6-2 zoning district and the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height and is contrary to Z.R. §§96-102 and 33-341.

PREMISES AFFECTED - 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Elise Wagner.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 27, 2002 acting on N.B. Application No. 103084877 reads:

“1. Proposed building does not comply with

section 96-102 of the Zoning resolution in that the lot coverage ratio exceeds 70% on the portion of the lot with 100’ of Ninth Avenue and exceeds 60% on the portion of the lot beyond 100’ of Ninth Avenue.

2. Proposed building does not comply with section 33-341 of the Zoning Resolution in that the building penetrates the initial setback distance and the sky exposure plane.”; and

WHEREAS, a public hearing was held on this application on June 4, 2002 after due notice by publication in *The City Record* and laid over to July 9, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of new building for the Alvin Ailey Dance Foundation, Use Group 4, located in an R8 (C1-5)/C6-2 zoning district and the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height and is contrary to Z.R. §§96-102 and 33-341; and

WHEREAS, the proposed building will be located on a site owned by the applicant on the northwest corner of Ninth Avenue and West 55th Street in Manhattan; and

WHEREAS, subject site is located in two zoning districts, as the portion within 100 feet of Ninth Avenue is located within an R8 (C1-5) and the portion which is more than 100 feet of Ninth Avenue is located within a C6-2 zoning district.

WHEREAS, the subject site is situated within the Preservation Area of the Special Clinton District and has 80 feet of frontage on the west side of Ninth Avenue and 150 feet of frontage on the north side of West 55th Street, with a total lot area of 14,076 square feet; and

WHEREAS, the Alvin Ailey Dance Foundation is a not-for-profit corporation proposing to develop a new headquarters building to accommodate its varied program of dance performance and education; and

WHEREAS, the proposed building will be occupied by Alvin Ailey’s dance companies, The Ailey School and the Ailey Arts in Education and Community Outreach Programs, and will include (1) up to 14 new dance studios including two studios which will convert to a 5,000 square foot “blackbox” theater with seating for approximately 300 people for use by Alvin Ailey and others in the dance community as a performance space, (2) support facilities such as a costume room, dressing rooms and warm-up areas, (3) student and faculty areas and (4) administrative office space; and

WHEREAS, the proposed building is seven stories

MINUTES

above grade and two below grade, with 59,123 of floor area, and an entrance on West 55th Street; and

WHEREAS, the applicant represents that Alvin Ailey is currently located on two floors within a former industrial building located at 211 West 61st Street which is inadequate to meet the minimum dance studio size requirements of the organization; and

WHEREAS, the applicant represents that the subject site contains several unique conditions including an irregular trapezoidal shape, changes in grade and split lot zoning designation leading to a practical difficulty and unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, the subject site has a trapezoidal shape, as the street frontage along Ninth Avenue is shorter than the site's depth at midblock, which creates difficulties in accommodating the dance studios; and

WHEREAS, the subject site's grade increases from 44 feet at the western end of the site on West 55th Street to 53 feet at the northern end of the site on Ninth Avenue, which interferes with the floor heights needed for the dance studios; and

WHEREAS, the lot coverage regulations require the as-of-right building to occupy only 70% of the R8 (C1-5) portion of the lot and only 60% of the C6-2 portion of the lot, and the height and setback regulations require a setback at 85 feet in height; and

WHEREAS, the applicant states that the zoning requirements create smaller and less efficient floor plates, particularly at the top of the building, and hinder the ability to meet the minimum dimensions necessary for the proposed dance studios; and

WHEREAS, therefore, the Board finds that the applicant has met the requirements of Z.R. §72-21(a); and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the surrounding neighborhood is composed of a variety of building types containing mixed use, residential, commercial, industrial and community facility uses; and

WHEREAS, the applicant represents that the proposed building is designed to harmonize with both the varied architecture of the Clinton area and the buildings immediately adjacent to the subject site, as it is taller on the Ninth Avenue frontage and shorter on the midblock

portion; and

WHEREAS, the applicant further represents that the proposed use is consistent with the range of uses in the neighborhood, namely the various performing arts and educational facilities; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of new building for the Alvin Ailey Dance Foundation, Use Group 4, located in an R8 (C1-5)/C6-2 zoning district and the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height and is contrary to Z.R. §§96-102 and 33-341, *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 28, 2002"- (16) sheets; and *on further condition*;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 9, 2002.

281-99-BZ

MINUTES

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strictland Avenue, west side of Strictland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal, Andy Roberto, Jack Freeman, Linda Kenney and others.

For Opposition: Roberta Sherman, Carol Abrams and other.
For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

215-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 185 Union Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 85 Union Avenue, southwest corner of Lorimer Street, Block 2245, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M., for continued hearing.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane, Jagcon Kim and Sheldon Lobel.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M., for continued hearing.

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

MINUTES

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Michael Vitielb.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

360-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Jerry Jacobs.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6,

2002, at 2 P.M., for continued hearing.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner. SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue "U", between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

395-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted floor area ratio, and to

MINUTES

waive the additional parking requirement due to the increase in floor area ratio, which is contrary to Z.R. §43-12 and §44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES-

For the Applicant: Lyra J. Altman

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M., for decision, hearing closed.

404-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maurice Wachsmann, owner.

SUBJECT- Application May 7, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family dwelling, Use Group 1, located in an R2 zoning district, which does comply with the zoning requirements for floor area ratio, open space ratio and rear yard, and is contrary to Z.R. §23-141 and §23-46.

PREMISES AFFECTED - 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

27-02-BZ

APPLICANT - Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp., owner.

SUBJECT- Application January 15, 2002 - under Z.R. §72-21, to permit the legalization of the second floor conversion from office, to residential use within the existing four story mixed use building, located in an M1-6 zoning district, is contrary to Z.R. §52-35.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Hirshman, Doris Diether, Community Board #2 and Deborah Riegel.

For Opposition: Stuart Klein.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

57-02-BZ

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §72-21, to permit the proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED- 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein and Allison Farina.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

58-02-A

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application - February 14, 2002 - Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law. PREMISES AFFECTED- 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein and Allison Farina.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

MINUTES

104-02-BZ

APPLICANT - Joseph P. Morsellino, for Flushing Bay Realty Corp., owner; Helms Brothers, contract vendee.

SUBJECT - Application April 9, 2002 - under Z.R. §72-21, to permit the proposed use of the property for the storage of new automobiles, prior to delivery to customers, located in a C3 zoning district, which is contrary Z.R. §32-10.

PREMISES AFFECTED - 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

For Opposition: Frank Cappola.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 7:00 P.M.

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 29

July 25, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET556-557

CALENDAR of September 10, 2002

Morning558

Afternoon559

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, July 16, 2002**

Morning Calendar560

Affecting Calendar Numbers:

45-90-BZ	260 Hamilton Avenue, Brooklyn
200-24-BZ	3030 Jerome Avenue, a/k/a 3103 Villa Avenue, Bronx
16-36-BZ	1885 Westchester Avenue, Bronx
915-46-BZ	40-08 30 th Avenue, Queens
657-49-BZ	92-02/08 Rockaway Beach Boulevard, Queens
118-53-BZ	106-57/61 160 th Street, Queens
355-54-BZ	33-29/43 9 th Street, a/k/a 33-64 10 th Street, Queens
545-56-BZ	2001-2007 Williamsbridge Road, a/k/a 1131-39 Neil Avenue, Bronx
641-59-BZ	760 Castle Hill Avenue, Bronx
271-90-BZ	68-01/05 Queens Boulevard, Queens
16-99-BZ	1116 East 26 th Street, Brooklyn
300-01-A	3903/3911 Amboy Road, Staten Island
89-02-A	244-10 Merrick Boulevard, a/k/a 244-16 Merrick Boulevard, Queens
90-02-A	392 11 th Street, Brooklyn
94-02-A & 95-02-A	10 Lincoln Walk, Queens

Afternoon Calendar.....564

Affecting Calendar Numbers:

235-01-BZ	2009 Mermaid Avenue, a/k/a 2879 West 21 st Street, Brooklyn
393-01-BZ	3295 Amboy Road, Staten Island
397-01-BZ	30-07 Newtown Avenue, Queens
19-02-BZ	7001 Amboy Road, Staten Island
250-01-BZ	101-03 Astoria Boulevard, a./k/a 27-31 Kearney Street, Queens
265-01-BZ	102-06 Russell Street, Queens
281-01-BZ	35 West Tremont Avenue, a/k/a 31/43 West Tremont Avenue, Bronx
367-01-BZ	226 East 53 rd Street, Manhattan
374-01-BZ & 375-01-BZ	836 Kent Avenue, Brooklyn
387-01-BZ	3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, Bronx
405-01-BZ	1275 36 th Street, a/k/a 123 Clara Street, Brooklyn
30-02-BZ	502 Park Avenue, Manhattan
71-02-BZ	204/210 Lafayette Street, a/k/a Crosby Street, Manhattan
74-02-BZ	1383 East 23 rd Street, Brooklyn
107-02-BZ	298 Naughton Avenue, Staten Island
110-02-BZ	1880 East 22 nd Street, Brooklyn

DOCKET

New Case Filed Up to July 16, 2002

205-02-BZ B.Q. 108-18 171st Place, westside, 175' south of 108th Avenue, Block 10254, Lot 15, Borough of Queens. Applic. #401372554. Proposed construction of a two story, one family dwelling, that does not provide the required side yards, is contrary to Z.R. §23-41.

COMMUNITY BOARD #12Q

206-02-BZ B.Q. 166-03 21st Road, northeast corner of 166th Street, Block 5760, Lot 1, Borough of Queens. Alt.1 #401451479. Proposed enlargement of the second floor level from an attic, to a second floor, which will encroach upon one of the front yards, is contrary to Z.R. §23-45.

COMMUNITY BOARD #7Q

207-02-BZ B.BK. 2723 Avenue "P", northwest corner of Avenue "P" and East 28th Street, Block 7688, Lot 1, Borough of Brooklyn. Alt. #301361381. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, is contrary to Z.R. §23-141(b).

COMMUNITY BOARD #15BK

208-02-BZ B.S.I. 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island. N.B. #500072155. Proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

COMMUNITY BOARD #2SI

209-02-BZ B.BX. 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx. Applic. #200370641. The legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, requires a special permit from the Board as per Z.R. §32-31.

COMMUNITY BOARD #1BX

210-02-BZ B.Q. 78-01 Myrtle Avenue, northeast corner of 78th Street, Block 3827, Lot 50, Borough of Queens. Applic. #401397010. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for floor area, lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §35-32, §23-141, §23-22 and §35-40.

COMMUNITY BOARD #5Q

211-02-BZ B.Q. 78-03 Myrtle Avenue, between 78th and 79th Streets, (20' east of 78th Street), Block 3827, Lot 49, Borough of Queens. Applic. #401397877. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for floor area, lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §35-32, §23-141, §23-22 and §35-40.

COMMUNITY BOARD #5Q

212-02-BZ B.Q. 78-05 Myrtle Avenue, between 78th and 79th Streets, (39.15' east of 78th Street), Block 3827, Lot 48, Borough of Queens. Applic. #401397886. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §23-141, §23-22 and §35-40.

COMMUNITY BOARD #5Q

213-02-BZ B.Q. 78-07 Myrtle Avenue, between 78th and 79th Streets, (58.30' east of 78th Street), Block 3827, Lot 47, Borough of Queens. Applic. #401397895. Proposed mixed use building, Use Groups 2 and 6, which does not comply with the zoning requirements for lot coverage, open space and lot area per dwelling unit, is contrary to Z.R. §23-141, §23-22 and §35-40.

COMMUNITY BOARD #5Q

DOCKET

214-02-BZ B.BK. 55 Berry Street,
site fronts both North 11th and Berry Streets, Block
2297, Lot 5, Borough of Brooklyn. N.B.
#301293570. Proposed conversion of a light
manufacturing building, to residential use, Use Group
2, located in an M1-2 zoning district, is contrary to
§42-00.

COMMUNITY BOARD 1BK

**DESIGNATIONS: D-Department of Buildings;
B.BK.-Department of Buildings, Brooklyn; B.M.-
Department of Buildings, Manhattan; B.Q.-
Department of Buildings, Queens; B.S.I.-
Department of Buildings, Staten Island; B.BX.-
Department of Building, The Bronx; H.D.-Health
Department; F.D.-Fire Department.**

CALENDAR

SEPTEMBER 10, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 10, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

135-67-BZ

APPLICANT - Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee.
SUBJECT - Application May 31, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 22, 1998.
PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #18BK

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

199-97-BZ

APPLICANT - Sheldon Lobel, P.C., for Jancor Inc., owner.
SUBJECT - Application June 26, 2002 - reopening for an extension of time to complete construction which expired May 27, 2002.
PREMISES AFFECTED - 130-138 Horace Harding Expressway, south side of the Horace Harding Expressway, 140' west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

47-99-BZ

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.
SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.
PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.
COMMUNITY BOARD #2S.I.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V' Yalda Early Childhood Center, owner.
SUBJECT - Application July 19, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.
COMMUNITY BOARD #12BK

SEPTEMBER 10, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 10, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

68-02-BZ

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.
SUBJECT - Application February 22, 2002 - under Z.R. §72-21, to permit the proposed four story community facility (substance abuse treatment center), Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.
COMMUNITY BOARD #9Q

CALENDAR

69-02-A

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.

SUBJECT - Application February 22, 2002 - Proposed community facility, (substance abuse treatment center), located within the bed of a mapped street, is Section 35 of the General City Law.

PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #9Q

103-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc., owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21, to permit the proposed enlargement of an existing two story and cellar community facility, Use Group 4, by the addition of a second story within the existing envelope in the rear yard, located in an R6 zoning district, is contrary to Z.R. §24-36.

PREMISES AFFECTED - 1516 East 24th Street, 105' south of Avenue "O", between Avenue "O" and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #14

108-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

109-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Cyrus Rubin, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R6 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 2460 East Tremont Avenue, corner of Saint Peters Avenue, Block 3999, Lot 32, Borough of The Bronx.

COMMUNITY BOARD #10BX

143-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Vivian Stok, owner.

SUBJECT - Application May 3, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area and side and rear yards is contrary to §23-141 §23-461 and §23-47.

PREMISES AFFECTED - 3468 Bedford Avenue, 350' north of Avenue "N", between Avenues "M and N", Block 7660, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

158-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy for Girls (The Bais Yaakov of Long Island), owner.

SUBJECT - Application May 15, 2002 - under Z.R. §72-21, to permit the proposed enlargement to an existing community facility (yeshiva), Use Group 3, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, side, front and rear yards, also height and setback, is contrary to Z.R. §24-11, §24-35, §24-34, §24-382 and §24-521.

PREMISES AFFECTED - 444 Beach 6th Street, between Jarvis and Meehan Avenues, Block 15591, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 16, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 11, 2002, were approved as printed in the Bulletin of June 20, 2002, Volume 87, No. 25.

SPECIAL ORDER CALENDAR

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:.....0

Absent: Vice-Chair Babbar.....1

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on December 4, 2001, after due notice by publication in *The City Record*, laid over for continued hearing to January 15, 2002, February 26, 2002, March 26, 2002, May 7, 2002, June 18, 2002 and then to July 16, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the enlargement of the existing building by increasing the floor area for the convenience store on the first floor and increasing the storage and office space on the second floor.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on February 25, 1992, amended through January 14, 1997 so that as amended this portion of the resolution shall read:

“resolution to permit the enlargement of the existing building by increasing the floor area for the convenience store on the first floor and increasing the storage and office space on the second floor; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received June 4, 2002”-(8) sheets and “June 13, 2002”-(1) sheet; and on further condition

THAT the second floor shall only be used for storage and accessory use for the employees;

THAT there shall be no public access to the second floor;

THAT there shall be no conversion of the second floor to commercial use in the future;

THAT there shall be no parking on the sidewalk;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 301192091)

Adopted by the Board of Standards and Appeals, July 16, 2002.

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

MINUTES

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 10 A.M., for continued hearing.

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

A b s t a i n : C o m m i s s i o n e r Miele.....1

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road

MINUTES

a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner

SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for decision, hearing closed.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Abstain: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 3, 2001 acting NB. Application No. 500484772 reads:

“A1- Proposed construction of paved parking area and related facilities within the bed of a mapped street is contrary to Section 35 of the General City Law.”; and

WHEREAS, the applicant proposes construction of a paved parking area and related facility for a one-story retail building, located within the bed of a mapped street; and

WHEREAS, by letter dated January 31, 2002, the Department of City Planning has reviewed the above project

MINUTES

and has no objections; and

WHEREAS, by the letter dated June 11, 2002, Department of the Transportation has reviewed the above project and has no objections, provided "RIGHT TURN ONLY" regulatory traffic sign be installed on the curb cut along Amboy Road; and

WHEREAS, by letter dated January 15, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 11, 2002, the Department of Environmental Protection has reviewed the above project and has no objections, provided there remains a 15'4" clearance from the sewer on the site and an easement is constructed along the existing 8" diameter sanitary sewer; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated October 3, 2001 acting NB. Application No. 5004847728, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received March 1, 2002"- (1) sheet; and on further condition

THAT a no "RIGHT TURN ONLY" regulatory traffic sign be installed on the curb cut along Amboy Road; and

THAT a 15'4" clearance from the sewer shall be maintained on the site and an easement shall be constructed along the existing 8" diameter sanitary sewer in compliance with DEP requests; and

THAT the above conditions shall appear on the Certificate of Occupancy; and

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 16, 2002.

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject

lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11 A.M., for continued hearing.

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, southside, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 11 A.M., for continued hearing.

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Miro C. Stracar, Arthur Lighthall and Edward Carr.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department; Lisa Orrantia, Department of Buildings.

MINUTES

ACTION OF THE BOARD - Laid over to August 13, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:00 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 16, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

235-01-BZ

CEQR #02-BSA-004K

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar and Commissioner Caliendo.....2

Negative: Chairman Chin and Commissioner Korbey.....2

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2001 acting on Application No. 301162328 reads:

“PROPOSED FUNERAL ESTABLISHMENT, USE GROUP 7, IN A C1-2/R5 DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS & APPEALS.”

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record* and laid over to February 5, 2002 and March 19, 2002 and then to May 7, 2002 for decision when it was re-opened and laid over for continued hearing to June 11, 2002 and then to July 16, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit, under Z.R. §73-27 to permit, in a C1-2 and R5 zoning district, the proposed construction of a one-story funeral establishment (Use Group 7); and

WHEREAS, by letter dated October 25, 2001, Community Board #13 has recommended the denial of this application with a vote of 33-1, with one recused; and

WHEREAS, the subject premises consist of corner lot with a total area of 26,503 square feet on a vacant parcel consisting of eleven tax lots and a portion of one addition tax lot (lot #38); and

WHEREAS, this application entails the proposed amalgamation of these separate tax lots into a single tax lot (lot #42); and

WHEREAS, the proposed funeral establishment would have a total floor area of 5,316 sq. ft., with a first floor containing four chapels, the largest of which would be approximately 800 square feet, as well as offices, an embalming room and storage; and

WHEREAS, the applicant states that a total of 35 off-street parking spaces would be provided; and

WHEREAS, as per §73-27 (a), the Board may permit funeral establishments in a C1 or C4 district provided that there are serious difficulties in locating such use where it is allowed as-of-right where it could serve the needs of its prospective clientele; and

WHEREAS, the applicant claims that Coney Island is a geographically segregated area, with limited availability of zones in which the proposed funeral establishment would be a permitted use, and that Mermaid Avenue is the principal commercial strip, with the street frontage predominantly zoned C1-2; and

WHEREAS, through numerous submissions made to the Board, several community-based organizations and individual residents have provided documentation of vacant

MINUTES

parcels of land within nearby districts where the funeral establishment could be located as-of-right; and

WHEREAS, the applicant contends that none of the aforementioned parcels of land are attainable or viable for the proposed use; and

WHEREAS, however, based upon evidence in the record, repeated neighborhood visits, and testimony during hearings, the Board remains unconvinced that there are serious difficulties in locating such use in a nearby district where it is permitted as-of-right; and

WHEREAS, therefore, the Board finds that the applicant's proposal does not meet requirements of §73-27 (a); and

WHEREAS, as per §73-03 (a), the Board may grant a Special Permit provided that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived by the community by the grant of such special permit; and

WHEREAS, evidence in the record indicates that the neighborhood is dominated by a mixture of locally-oriented commercial uses and low-density residential uses; and

WHEREAS, to the immediate rear of the subject site, there exists a number of one and two-family residential dwellings; and

WHEREAS, the record indicates that a large number of the affected property and elected representatives owners have animatedly and exhaustively expressed their opposition to the subject proposal; and

WHEREAS, a number of the affected property owners have conveyed that they have made major investments in the residential revitalization of the Coney Island area, and that the proposed funeral establishment would incline the current nearby residents to relocate and would discourage further residential and commercial developments in the area; and

WHEREAS, the Board can reasonably conclude from evidence in the record, testimony from affected property owners, and overwhelming opposition from Community Board #13, that the use of this particular site for a funeral establishment is a disadvantage to the community at large and cannot be outweighed by the advantages to be derived by the community from the grant of this special permit; and

WHEREAS, the Board finds that the proposed funeral establishment application fails to meet the requirements of §73-27 (a) and §73-03 (a) and thus it must be denied.

Therefore, it is resolved that the decision of the Borough Commissioner must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, July 16, 2002.

393-01-BZ

CEQR #02-BSA-095R

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee. SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within a C2-1 and partially within an (R3-2)(SRD) zoning district.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 15, 2001, acting on Application No. 500496377 reads:

“A PHYSICAL CULTURE ESTABLISHMENT IS CONTRARY TO SECTION 73-36 OF THE ZONING RESOLUTION. THEREFORE, A SPECIAL PERMIT IS REQUIRED FROM THE NYC BOARD OF STANDARDS AND APPEALS.”; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in *The City Record* and then to July 16, 2002 for decision; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within a C2-1/R3-2 and partially within an (R3-2)(SRD) zoning district; and

WHEREAS, the subject site is a mid-block zoning lot, with approximately 155.05' of frontage along Amboy Road by 400' in depth totaling approximately 61,600 square feet; and

MINUTES

WHEREAS, the subject retail/commercial center also contains a one-story and cellar building of 13,500 square feet currently occupied by several commercial tenants; and

WHEREAS, the applicant represents that the subject lot contains an on-site accessory parking lot for 100 cars; and

WHEREAS, the applicant has provided documentation indicating that massages will be preformed by licensed massage therapists; and

WHEREAS, the record indicates that the subject physical culture establishment occupies 725.75 square feet on the first floor containing the entrance, a reception area, the cellar area contains approximately 8,366 square feet (which the applicant notes is exempt from zoning computations), containing men's and women's locker rooms, facilities for aerobic, cardio-vascular and weight training and a child care area; and

WHEREAS, the record indicates that the facility is equipped with an automatic wet sprinkler system and Fire Alarm system with both systems connected to a Fire Department approved central station and the use provides access to people with disabilities; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the Board finds that the instant application is consistent with New York City's Waterfront Revitalization program; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within a C2-1 and partially within an (R3-2)(SRD) zoning district, *on*

condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received April 9, 2002"-(2) sheets and "July 8, 2002"-(2) sheets; and *on further condition*;

THAT the term of this special permit shall be limited to nine (9) years from the date of this grant;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures, including a wet sprinkler and smoke detection system connected to a Fire Department-approved central station, shall be maintained in accordance with the BSA-approved plans;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 16, 2002.

397-01-BZ

CEQR #02-BSA-98Q

APPLICANT - Sullivan, Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Assoc., Inc., lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §72-21, to permit in an R6 zoning district, the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, (Use Group 6) which is contrary to Z.R. § 22-10.

PREMISES AFFECTED - 30-07 Newtown Avenue, between 30th and 31st Streets, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated December 12, 2001, acting on Alt. Application No. 401124591 reads:

“1.–BSA APPROVAL REQUIRED TO CHANGE CURRENT USE FROM WHICH WAS APPROVED UNDER BZ 334-66.”; and

WHEREAS, a public hearing was held on this application on March 15, 2002 after due notice by publication in *The City Record* and laid over to April 9, 2002, May 14, 2002, June 11, 2002 and then to July 16, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit in an R6 zoning district, the legalization of the conversion of an accessory auto supply storage facility (Use Group 16), into an eating and drinking establishment, (Use Group 6) which is contrary to Z.R. § 22-10 ; and

WHEREAS, the subject lot is 2,430 square feet in area, with approximately a 35’ frontage along Newtown Avenue, improved with a one story and mezzanine masonry building containing a total floor area of 2,698 square feet; and

WHEREAS, the current Certificate of Occupancy issued in 1967 lists occupancy of the cellar for “storage of auto supplies, the first floor for storage, display and sales of auto supplies” and the Mezzanine for the storage of automobile supplies; and

WHEREAS, the applicant represents, that, although the subject site is zoned residential, the surrounding area is substantially commercial with some residential mixed in, because 31st Street is a major thoroughfare with a major north south commercial strip running through it ; and

WHEREAS, immediately west of the property a two-story structure housing a retail use on the ground floor and an office use on the second floor, occupies the corner of Newton Avenue and 31st Street; and

WHEREAS, immediately east of the subject property sits a large eating and drinking establishment; and

WHEREAS, the Board notes that in 1966, based on the irregular shape of the lot and “limitations” imposed by bulk regulations and the commercial nature of the surrounding area, the subject building was granted a variance allowing the construction of a one-story masonry building to be used for the display and sales of auto supplies ; and

WHEREAS, the applicant represents that due to

changes to the area, the current owner, leased the entire property to an upscale lounge/restaurant establishment; and WHEREAS, the applicant also represents that although the plan examiner for the Department of Buildings raised the former Board action as an objection, the Borough Commissioner approved the plans and issued a work permit; and

WHEREAS, therefore, the aforementioned conditions and its history of development as a commercial space for more than 25 years creates an undue hardship in the development of this site with a conforming residential development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, as noted above the properties surrounding the subject building on Newton Avenue are substantially commercial; and

WHEREAS, the Board notes that this is a legalization; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or future development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, therefore, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 to permit in an R6 zoning district, the legalization of the conversion of an accessory auto supply storage facility, into an eating and drinking establishment, (Use Group 6) which is contrary to Z.R. § 22-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “July 2, 2002- (1) sheet and “July 12, 2002”, - (1) sheet”; and *on further condition*;

THAT the hours of operation shall be limited to 9:00 A.M. to 3:00 A.M.; and

THAT there shall be no loitering or queuing of patrons

MINUTES

outside the premises;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant:

THAT substantial construction be completed in accordance with Z.R. §72-23;

THAT in response to Fire Department concerns, the applicant shall provide and maintain:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including required light, ventilation, and egress from the cellar and first floor under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT a new Certificate of Occupancy be obtained within two (2) years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals July 16, 2002.

19-02-BZ

CEQR #02-BSA-112R

APPLICANT - Hiram A. Rothkrug, EPDSO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Abstain: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2002, acting on Application No. 500507515 reads:

“A PHYSICAL CULTURE ESTABLISHMENT IS CONTRARY TO SECTION 73-36 OF THE ZONING RESOLUTION. THEREFORE, A SPECIAL PERMIT IS REQUIRED FROM THE NYC BOARD OF STANDARDS AND APPEALS.”; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in *The City Record* and laid over to July 16, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within an M1-1(SRD) zoning district; and

WHEREAS, the subject zoning lot contains approximately 402' of frontage along Amboy Road by 276' in depth totaling approximately 145,753 square feet; and

WHEREAS, the subject retail/commercial center also contains a one-story building of 55,000 square feet currently occupied by several commercial tenants; and

WHEREAS, the applicant represents that the subject lot contains an on-site accessory parking lot for 180 cars; and

WHEREAS, the applicant has provided documentation indicating that massages will be preformed by licensed massage therapists; and

WHEREAS, the record indicates that the subject physical culture establishment occupies 12,415 square feet on the first floor containing the entrance, a reception area, the cellar area contains approximately 8,366 square feet (which the applicant notes is exempt from zoning computations), containing men's and women's locker rooms, facilities for aerobic, cardio-vascular and weight training, a child care area and medical and training offices; and

WHEREAS, the record indicates that the facility is equipped with an automatic wet sprinkler system and Fire Alarm system with both systems connected to a Fire Department approved central station and the use provides access to people with disabilities; and

WHEREAS, the record indicates that the facility is

MINUTES

managed by ten full and part-time employees, operating Monday to Friday 5:00 A.M. to 11:00 P.M., Saturday 8:00 A.M. to 8:00 P.M., Sunday 8:00 A.M. to 6:00 P.M. and has existed since 199; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the Board finds that the instant application is consistent with New York City's Waterfront Revitalization program; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-03 and 73-36 to permit the legalization of an existing physical culture establishment located within a portion of a commercial building, that is part of a retail/commercial center, situated within an M1-1(SRD) zoning district; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received January 7, 2002"-(1) sheet, "February 25, 2002"-(3) sheets, and "July 8, 2002"-(1) sheet; and *on further condition*;

THAT the term of this special permit shall be limited to eight (8) years from the date of this grant; and

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT fire protection measures, including a wet sprinkler and smoke detection system connected to a Fire Department-approved central station, shall be maintained in accordance with the BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 16, 2002.

250-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Kearney Realty Corp., owner.

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Grace Lawrence.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

265-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sandro E. Falla, owner.

MINUTES

SUBJECT - Application August 28, 2001 - under Z.R. §72-21, to permit the legalization of an enlargement to an existing one family dwelling which does not comply with the zoning requirements for lot size, side, front and rear yards, F.A.R. and O.S.R., which is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.

PREMISES AFFECTED - 102-06 Russell Street, south side, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrender Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for deferred decision.

367-01-BZ

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Ellen Hay.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for postponed hearing.

387-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be

MINUTES

used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik and Sol Seidman.

For Opposition: Chester P. Lustgarten.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-

36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M., for decision, hearing closed.

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Raymond Levin, Richard Gluckman and Jack Freeman.

For Opposition: Doris Diether, Community Board #2; Lora Tenenbaum, Walter Chatham, Elizabeth Thompson, Barry Mallin, Greg Peter, Joshua Simons, David Fawler, Gene Thompson, Andreas Agas, Emily Hellstrom and others.

MINUTES

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

74-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1383 East 23rd Street, 80' north of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Lyra Altman, Warren Meister, Ben Lifshitz and Phyllis Lifshitz.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

107-02-BZ

APPLICANT - Philip L. Rampulla, for Bartholomeo Castellano, owner.

SUBJECT - Application April 3, 2002 - under Z.R. §73-52, to permit the proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Leonard Rampulla.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

110-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, floor area, and side and rear yards, is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:25 P.M.

MINUTES

BLANK PAGE]

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 30

August 1, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	579
CALENDAR of September 24, 2002	
Morning	580
Afternoon	581

CONTENTS

MINUTES of Regular Meetings,
Tuesday, July 23, 2002

Morning Calendar582

Affecting Calendar Numbers:

1045-64-BZ	300-330 East 33 rd Street (aka 575 First Avenue), Manhattan
32-91-BZ	838/846 Fulton Street, Brooklyn
180-95-BZ	256 West Street, Manhattan
51-99-BZ	1192 East 22 nd Street, Brooklyn
607-51-BZ	161-01 Union Turnpike, Queens
833-52-BZ	5916/30 Foster Avenue, Brooklyn
542-69-BZ	3326 Decatur Avenue, The Bronx
116-81-BZ	1581 Atlantic Avenue, Brooklyn
87-94-BZ	321-325 East 73 rd Street, Manhattan
137-96-BZ	6159 Broadway, The Bronx
93-97-BZ	136-21 Roosevelt Avenue, Queens
165-01-A thru	
189-01-A	Beard Street, Staten Island
113-02-A	777 Third Avenue, Manhattan
115-02-A thru	
118-02-A	Third Avenue, Madison Avenue, Manhattan

Afternoon Calendar588

Affecting Calendar Numbers:

395-01-BZ		36-27 Vernon Boulevard, Queens
30-02-BZ	502 Park Avenue, Manhattan	
125-01-BZ		
thru 128-01-BZ/	Classon Avenue, Brooklyn	
229-01-A		
thru 232-01-A	Classon Avenue, Brooklyn	
193-01-BZ		3034 Coney Island Avenue, Brooklyn
215-01-BZ		85 Union Avenue, Brooklyn
244-01-BZ		325 South First Street, aka 398/404 Rodney Street, Brooklyn
257-01-BZ		2504 Avenue K, Brooklyn
263-01-BZ		85/101 North Third Street, Brooklyn
288-01-BZ		8008/1018 th Avenue, Brooklyn
297-01-BZ		201 East 23 rd Street, Manhattan
305-01-BZ		
thru 320-01-BZ	Terrace Court, Queens	
363-01-BZ		
thru 365-01-BZ	Rombouts Avenue, The Bronx	
396-01-BZ		43A West 13 th Street, Manhattan
13-02-BZ		
thru 16-02-BZ	Walworth, Brooklyn	
18-02-BZ	8610/24 Flatlands Avenue, Brooklyn	
29-02-BZ	271-17 76 th Avenue, Queens	
62-02-BZ		
thru 64-02-BZ	Walworth Street, Brooklyn	
78-02-BZ	104-72 48 th Avenue, Queens	
125-02-BZ	46-40 Francis Lewis Boulevard, Queens	

**MINUTES of Special Hearing,
Wednesday, July 24, 2002**

Morning Calendar596

Affecting Calendar Numbers:

253-01-BZ	848 Washington Street, Manhattan
32-92-BZ	72-06 Parsons Boulevard, Queens

**MINUTES of Dismissal Hearing,
Wednesday, July 24, 2002**

Morning Calendar596

Affecting Calendar Numbers:

150-54-BZ	3957 Laconia Avenue, The Bronx
25-95-BZ	2881 Nostrand Avenue, Brooklyn
240-01-BZ	110/20 Church Street, Manhattan
292-01-BZ	69-71 MacDougal Street, Manhattan
323-01-BZ	565 85 th Street, Brooklyn
26-02-BZ	1680 Richmond Avenue, Staten Island
41-02-BZ	124 McClean Avenue, Staten Island

CONTENT

DOCKET

New Case Filed Up to July 23, 2002

215-02-BZ B.Q. 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of Queens. Applic. #401407535. The legalization of an existing construction materials testing facility, Use Group 17, located in an R-4 zoning district, is contrary to Z.R. §22-10.
COMMUNITY BOARD #12Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

SEPTEMBER 24, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 24, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

52-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT - Application June 11, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 14, 2000.

PREMISES AFFECTED - 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of The Bronx.

COMMUNITY BOARD #12BX

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

834-60-BZ

APPLICANT - Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application March 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired March 2, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, northside of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

201-98-A thru 203-98-A

APPLICANT - Klein & O'Brien, LLP, for Marina Development Association, L.P., owner.

SUBJECT - Application June 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired April 18, 2001.

PREMISES AFFECTED - 4302, 4310, 4312, 4314, 4322 West Shore Avenue, south west corner of Bay 43rd Street, and West Shore Avenue, Block 6944, Lot 480, Borough of Brooklyn.

505, 507, 515, 517, 525, 527, 535, 537, 545, 547, 555 and 557 Bay 43rd Street, Hunters Avenue and West Shore Avenue, Block 6944, Lot 321, Borough of Brooklyn.

403-11, 415, 17, 21, 23, 31, 33, 37, 39, 43, 53, 55, 59, 61, 65, 67, 75, 77, 81, 83 Bay 43rd Street, Hunter Avenue and Shore Parkway, Block 6944, Lot 80, Borough of Brooklyn.

COMMUNITY BOARD #13BK

186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganesian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

SEPTEMBER 24, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 24, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the

CALENDAR

following matters:

ZONING CALENDAR

240-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.
SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, within portions of the first and second floors, of an existing mixed use 21 story building, requires a special permit.
PREMISES AFFECTED - 110/20 Church Street, aka 54 Murray Street, aka 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.
COMMUNITY BOARD #1M

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.
SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.
PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.
COMMUNITY BOARD #5M

43-02-BZ

APPLICANT - Sheldon Lobel, P.C., for George Pantelides, owner.
SUBJECT - Application February 1, 2002 - under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard which is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A.
PREMISES AFFECTED - 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan.
COMMUNITY BOARD #8M

105-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Moe D. Karash, owner; BP Amoco, plc., lessee.
SUBJECT - Application April 3, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C2-4 within an R6 zoning district.

PREMISES AFFECTED - 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx.

COMMUNITY BOARD #7BX

111-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, Napa Realty Corp., owner; BP Amoco, plc, lessee.
SUBJECT - Application April 5, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-1 zoning district.
PREMISES AFFECTED - 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard (Expressway), Block 2735, Lot 20, Borough of The Bronx.
COMMUNITY BOARD #2BX

144-02-BZ & 145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.
SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within an R3-2 zoning district.
PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.
113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.
COMMUNITY BOARD #12Q

180-02-BZ

APPLICANT - David Stadtmauer/Stadtmauer Bailkin, LLP, for Cascarino's Realty Corp., owner; Cascarino's, lessee.
SUBJECT - Application May 24, 2002 - under Z.R. §72-21, to permit the proposed rear yard addition at the second floor level of an existing two story vacant building (proposed restaurant), which creates non-compliance with respect to the height and rear yard requirements, is contrary to Z.R. §§33-23 and 33-26.
PREMISES AFFECTED - 39-17 Bell Boulevard, between 39th and 40th Avenues, Block 6241, Lot 9, Borough of Queens.

CALENDAR

COMMUNITY BOARD #11Q

Director

Pasquale Pacifico, Executive

196-02-BZ

APPLICANT - SFS Associates by Peter Hirshman, for Dynamic Youth Community, Inc., owner.

SUBJECT - Application June 17, 2002 - under Z.R. §72-21, to permit the proposed construction of a fourth floor addition, for use as sleeping accommodations (domiciliary care facility) of 16 beds, to the existing three story community facility, Use Group 3, located in a C8-2 (OP) zoning district, which is contrary to Z.R. §32-13.

PREMISES AFFECTED - 1826/32 Coney Island Avenue, west side, 46' north of Avenue "O", Borough of Brooklyn.

COMMUNITY BOARD #12BK

198-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for SK 55 Wall LLC, owner; The Regent Wall Street, lessee.

SUBJECT - Application June 20, 2002 - under Z.R. §73-36, to permit an existing physical culture establishment, Use Group 9, accessory to an existing hotel, to be open to the public, which requires a special permit.

PREMISES AFFECTED - 55 Wall Street, south side, between Hanover and William Streets, Block 27, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

205-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Khanam Jan Nabati, owner.

SUBJECT - Application July 5, 2002 - under Z.R. § 72-21, to permit

the proposed construction of a two story, one family dwelling, that does not provide the required side yards, which is contrary to Z.R. §23-41.

PREMISES AFFECTED - 108-18 171st Place, westside, 175' south of 108th Avenue, Block 10254, Lot 15, Borough of Queens.

COMMUNITY BOARD #12Q

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 23, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, June 18, 2002, were approved as printed in the Bulletin of June 27, 2002, Volume 87, No. 26.

SPECIAL ORDER CALENDAR

1045-64-BZ

APPLICANT- Seymour W. Gage, P.E., for Kips Bay Tower Associates, owner; Rapid Park Industries, lessee.
SUBJECT- Application December 5, 2001 - reopening for a waiver of the Rules of Practice and Procedure and for an extension of term of variance which expired June 21, 2001.
PREMISES AFFECTED - 300-330 East 33rd Street (aka 575 First Avenue) northwest corner of East 33rd Street and First Avenue, Block 936, Lots 7501 and 4280, Borough of Manhattan.

COMMUNITY BOARD #6M

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an extension of the term of the variance which expired June

21, 2001; and

WHEREAS, a public hearing was held on this application on June 11, 2002, after due notice by publication in The City Record, laid over to July 23, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance, said resolution having been adopted June 21, 1966, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten years from June 21, 2001 expiring June 21, 2011, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received May 2, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT a recapture sign shall be provided and maintained in the lobby and in the garage;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (ALT. No. 915/80)

Adopted by the Board of Standards and Appeals, July 23, 2002.

32-91-BZ

APPLICANT- Walter T. Gorman for Fulvan Realty Corp., owner; Fulton Auto Repair Inc., lessee.

SUBJECT - Application December 28, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 838/846 Fulton Street, a/k/a 489/93 Vanderbilt Avenue, Block 2010, Lot 25, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested reopening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in The City Record, laid over for continued hearing to July 9, 2002 and then to July 23, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the erection of a new canopy, the elongation of the island on the Fulton Street side of the property, the addition of one (1) new multi-product dispenser, the conversion of the existing sales area to a new accessory convenience store and the extension of the service building to accommodate a new bay.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 19, 1992, pursuant to "72-01 and 72-22, so that as amended this portion of the resolution shall read:

"To permit the erection of a new canopy, the elongation of the island on the Fulton Street side of the property, the addition of one (1) new multi-product dispenser, the conversion of the existing sales area to a new accessory convenience store and the extension of the service building to accommodate a new bay; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received April 3, 2002"-(1) sheet and "June 3, 2002" -(5) sheets; and on further condition;

THAT all landscaping shall be provided and maintained in accordance with BSA-approved plans;

THAT there shall be no parking on the sidewalk;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 301275386)

Adopted by the Board of Standards and Appeals, July 23, 2002.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Doris Diether.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening, and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 29, 2002 after due notice by publication in The City Record, laid over for continued hearing to March 26, 2002, May 21, 2002, June 18, 2002, July 9, 2002 and then to July 23, 2002 for decision; and

WHEREAS, on November 14, 2000, the Board permitted in an M1-5 zoning district, within the Special Tribeca Mixed Use District, the residential use of an existing five story building, with a recessed 6th story addition to the existing structure, the erection of a 14-story residential building connected to the existing building by a one-story structure and a below ground parking garage; and

WHEREAS, the applicant seeks to amend the resolution to permit the elimination of a separate arcade-like entrance to the proposed tower on Washington Street, modify the residential entrance at Washington Street; reduce the size of the corridor connecting the West and Washington Street parts of the project; eliminate the entrance to the corridor from West Street; and

WHEREAS, the applicant represents that the subject proposal is needed to provide greater security and that the proposed layout reduces pedestrian traffic on Washington Street, thereby minimizing the entrance of patrons from within the corridor

WHEREAS, in response to Board concerns that the

MINUTES

proposed amendment might eliminate the thru-block lobby previously granted, the applicant will widen the width of the corridor between the lobbies of the two portions of the building to 12 feet, install more capacious doors into the residential lobbies at each end of the corridor and provide a skylight over the corridor.

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 14, 2000, so that as amended this portion of the resolution shall read:

"To permit the elimination of a separate arcade-like entrance to the proposed tower on Washington Street, modify the residential entrance at Washington Street; reduce the size of the corridor connecting the West and Washington Street parts of the project; eliminate the entrance to the corridor from West Street; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 12, 2002"-(1) sheet and "May 15, 2002"-(3) sheets; and on further condition

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 101130955)

Adopted by the Board of Standards and Appeals, July 23, 2002.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.
SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and resolution amended.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on; and

WHEREAS, a public hearing was held on this application on February 12, 2002, after due notice by publication in The City Record, laid over to March 5, 2002, March 26, 2002, May 14, 2002, July 9, 2002, and then to July 23, 2002 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on September 14, 1999, pursuant to '73-622, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That a new Certificate of Occupancy shall be obtained within twenty-four months from September 14, 2001; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, July 23, 2002.

607-51-BZ

APPLICANT - Vassalotti Associates, Architects, for Phillips Petroleum

SUBJECT - Application May 14, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired July 14, 1999.

PREMISES AFFECTED - 161-01 Union Turnpike, northwest corner of 162nd Street and Union Turnpike, Block 6831, Lot 118, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

MINUTES

ACTION OF THE BOARD - Laidover to August 13, 2002, at 10 A.M., for decision, hearing closed.

833-52-BZ, Vol. III

APPLICANT - Walter T. Gorman, P.E., for Zohar, LLC, owner; Benchai Ventures, Inc., lessee.

SUBJECT - Application April 19, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 5916/30 Foster Avenue, southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Laidover to August 10, 2002, at 10 A.M., for continued hearing.

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES - None.

ACTION OF THE BOARD - Laidover to September 24, 2002, at 10 A.M., for postponed hearing.

116-81-BZ

APPLICANT - Catapano Engineering, P.C., for 1579 Atlantic Avenue, owner.

SUBJECT - Application March 27, 2002 and updated May 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 14, 2001.

PREMISES AFFECTED - 1581 Atlantic Avenue aka 48/56 Troy Avenue, northwest corner of Troy Avenue, Block 1705, Lots 58 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laidover to September 24, 2002, at 10 A.M., for continued hearing.

87-94-BZ

APPLICANT - Martyn & Don Weston Architects, for Czech Republic, owner.

SUBJECT - Application April 9, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 12, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side 250' west of 1st Avenue, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Don Weston.

ACTION OF THE BOARD - Laidover to August 13, 2002, at 10 A.M., for continued hearing.

137-96-BZ

APPLICANT - Fredrick A. Becker, Esq., for 6159 Broadway, LLC, owner; Kookoo's, lessee.

SUBJECT - Application March 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 9, 2000.

PREMISES AFFECTED - 6159 Broadway, west side of Broadway 175' south of 251st Street,, Block 5814, Lot 1189, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Fredrick A. Becker, Kathy Samechansky and M. Meckers.

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department; Robin Stevenson, Joseph E. Gordon of Councilman Koppell and Barbara O'Neill Velez.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 10 A.M., for continued hearing.

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.

SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

For Applicant: Eric Palatnik.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

MINUTES

Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 10 A.M., for decision, hearing closed.

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis

Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decisions of the Staten Island Borough Commissioner, dated March 30, 2001 acting on Alt. Application Nos. 500424338, 365, 374, 392, 409, 427, 436, 463, 454, 472, 481, 515, and 524, and Nos. 500468692, 500408150169, 178, 187, 196, 203, 212, 230, 249, 267, and 276 reads:

"PROPOSED CONSTRUCTION IN THE BED OF A FINALLY MAPPED STREET OS CONTRARY TO

MINUTES

ARTICLE III SECTION 35 OF THE GENERAL CITY LAW, AND MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, in response to Board and community concerns over the density of the development and the need to provide street access more consistent with R3-2 zoning, the applicant revised the plans and scaled back the development; and

WHEREAS, originally, the applicant filed an appeal under Calendar Numbers 165-01-A through 189-01-A, by letter dated July 11, 2002, the applicant has formally withdrawn Calendar Numbers 168-01-A, 170-01-A, 173-01-A, 175-01-A, 177-01-A, 180-01-A, 182-01-A, 184-01-A, 187-01-A, and 188-01-A; and

WHEREAS, the subject property is located in an R3-2 zoning district, consisting of several irregularly-shaped zoning lots that will be combined into a single zoning lot totaling 310,941 square feet; and

WHEREAS, a portion of the site is presently developed with one-family dwellings that the applicant proposes to demolish and replace with a new residential development containing a total of 61 two-family detached homes, of which 15 will be located partially within the beds of finally mapped streets; and

WHEREAS, the record indicates that portions of the development are located within the beds of Lewiston Street, Beard Street, Bogota Street and Monahan Avenue which are finally mapped streets, are in private ownership, and which are neither paved nor improved; and

WHEREAS, the instant proposal will provide a private street system, which will follow the general pattern of the existing street system; and

WHEREAS, however, the applicant contends that the economic viability of the development requires shifting the streets to permit development on both sides, and a reduction of the width of the proposed streets from the mapped width of 60'; and

WHEREAS, the applicant notes that the proposed 38 foot width is the minimum required under the recently enacted Private Road Text Amendment, and is in excess of the minimum width required by the Fire Department; and

WHEREAS, the subject proposal will provide access to the property via Beard Street and Monahan Avenue, which are finally mapped streets and presently being used; and

WHEREAS, by the letter dated July 10, 2001, Department of the Transportation has reviewed the above project and has no objections; and

WHEREAS, the proposal will provide an additional "Fire Dept. only" access from a private curb cut on Rockland Avenue, through a thirty foot wide sewer easement connecting to an existing water main on Rockland Avenue which will be graded and have gravel installed with access restricted by a padlocked chain; and

WHEREAS, by letters dated , June 25, 2001 and on December 4, 2001 the Fire Department has reviewed above project and has no objections; and

WHEREAS, by letters dated, July 23, 2001 and on November 30, 2001 the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated December 20, 2001 the Department of City Planning has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decisions of the Staten Island Borough Commissioner, dated March 30, 2001 acting on Alt. Application Nos. 500424338, 365, 374, 392, 409, 427, 436, 463, 454, 472, 481, 515, and 524, and Nos. 500468692, 500408150169, 178, 187, 196, 203, 212, 230, 249, 267, and 276 are modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decisions noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 16, 2002"-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 23, 2002

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT- Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department.

MINUTES

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11 A.M., for continued hearing.

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT- Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.

747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 23, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo

Absent: Commissioner Miele.

ZONING CALENDAR

395-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted Floor Area Ratio, and to waive the additional parking requirement due to the increase in floor area, which is contrary to Z.R. §§43-12 and 44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES-

For the Applicant: Lyra J. Altman

For Administration: Captain Mike Maloney and John Scrofani, Fire Department

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 16, 2001, acting on Application No. 401281082, reads:

"1. Floor Area Ratio is contrary to Section 43-12 Zoning Resolution.

2. Proposed number of parking spaces is less than required by Section 44-21 Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in The City Record, laid over to July 9, 2002 and then to July 23, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted Floor Area Ratio, and to waive the additional parking requirement due to the increase in floor area, which is contrary to Z.R. §§43-12 and 44-21; and

WHEREAS, by letter dated March 6, 2002, the Queens Borough President has recommended approval of this application; and

WHEREAS, the subject site is located between 36th and 37th Avenues on Vernon Boulevard, and improved with a two-story building, Use Group 17B, currently utilized for the warehousing and fabrication of supplies for the entertainment industry; and

MINUTES

WHEREAS, the applicant seeks the addition of a mezzanine to the existing building, and represents that there shall be no changes to the exterior portion of the building; and

WHEREAS, the applicant represents that the premises contains an oddly shaped building with extremely high ceiling heights that are unusable for the current purposes; and

WHEREAS, according to the applicant, supplies are only able to be stored to a certain height before they become unreachable and the shelves become unstable; and

WHEREAS, the applicant represents that the addition of a mezzanine level would permit the owner of the building to use the existing space more efficiently without any alteration to the exterior of the building; and

WHEREAS, the existing building contains two loading docks and internal parking for nine (9) automobiles, and the record indicates that there exists ample parking on the street and traffic remains relatively light; and

WHEREAS, the aforementioned unique physical conditions, namely, the irregular shaped building and the extremely high ceiling heights, create an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the record indicates that the proposed addition of a mezzanine level will enable the existing facility to maintain its viability; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the Board notes that the existing use, Use Group 17B is a use permitted as-of-right in the M1-1 zoning district; and

WHEREAS, the record indicates that the lots on the subject block and surrounding blocks are mainly occupied by manufacturing uses; and

WHEREAS, therefore, the Board finds that this action, as modified, will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the

preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an M1-1 zoning district, the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted Floor Area Ratio, and to waive the additional parking requirement due to the increase in floor area, which is contrary to Z.R. §§43-12 and 44-21, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 17, 2001"-(5) sheets and "April 2, 2002"-(3) sheets; and on further condition;

THAT, fire protection measures, including sprinklers on and below the mezzanine level, shall be provided and maintained in accordance with the BSA-approved plans;

THAT substantial construction will be completed in accordance with Z.R. §72-23;

THAT the premises shall be kept graffiti-free;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 23, 2002.

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

MINUTES

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 15, 2002 acting on ALT. Application No. 103006658 reads:

“Physical culture establishment is a use not permitted as of right in C5 district. It is contrary to ZR 32-10 ZR.”

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in The City Record and laid over to June 18, 2002, July 16, 2002 and then to July 23, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the legalization of an expansion of an existing physical culture establishment, located in portions of the basement, first floor, second floor mezzanine and second floor, in an existing 32-story commercial structure, primarily occupied by a residential units, situated in both a C5-2.5 and a C5-5(Mid) zoning district; and

WHEREAS, by letter dated March 19, 2002 Community Board #8 recommends approval of this application; and

WHEREAS, the subject premises is located within the Special Midtown District; and

WHEREAS, the subject premises has previously been granted a special permit from the BSA under Calendar No. 35-94-BZ; and

WHEREAS, the applicant seeks to legalize the

expansion of the facility from the 14,129 square feet granted in the 1994 BSA special permit, to 19,566 square feet; and

WHEREAS, the applicant represents that no significant increase in occupancy is expected as the result of the expansion, but instead there will be a more comfortable and better equipped facility for the members; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36, 81-00 and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the legalization of an expansion of an existing physical culture establishment, located in portions of the basement, first floor, second floor mezzanine and second floor, in an existing 32-story commercial office structure, primarily occupied by a residential units, situated in both a C5-2.5 and a C5-5(Mid) zoning district, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received January 17, 2002"-(6) sheets and "July 17, 2002"-(1) sheet; and on further condition;

MINUTES

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures, including an automatic wet-sprinkler system throughout the cellar level, a fire alarm system throughout the building, a smoke detection system throughout the subject premises, a smoke detection system in ducts throughout the premises with all the aforementioned systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the term of this special permit shall be limited to ten years from the date of this grant, to expire on July 23, 2012;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the hours of operation shall be limited to Monday through Thursday 6 A.M.-11 P.M., Friday 6 A.M.-9 P.M., and Saturday and Sunday 9 A.M.-7 P.M.;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 23, 2002.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

229-01-A thru 232-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002- under Z.R. §72-21, to permit the proposed use of the second and third

MINUTES

floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

215-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for 185 Union Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 85 Union Avenue, southwest corner of Lorimer Street, Block 2245, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahallane.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor arearatio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: Michael T. Sucher, Herman Lepson, Seymour Zas, Sidney Semel, Marcus Kaplan, Alan Pachs and Mr. Gohesman.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Howard Hornstein, Barbara hair and Jack Freeman

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

288-01-BZ

APPLICANT - Peter J. Mugavero, R.A., A.I.A., for Frank Casamento, owner; DBA CG & C Prime Meat, lessee.

MINUTES

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed second story vertical addition, to an existing one-story masonry retail establishment, Use Group 6, located in an R5 zoning district, which is contrary to Z.R. §54-31.

PREMISES AFFECTED - 8008/10 18th Avenue, west side, 51'-9" south of 80th Street, Block 6284, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Al Cali and Irene Casamento.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES-

For the Applicant: Eric Palatnik

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and

MINUTES

65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Janice Cahalane, Tom Cusanelli and Hank Fabian.

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D' Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance

on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker and Doris Diether.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

13-02-BZ thru 16-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

18-02-BZ

APPLICANT - Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT - Application January 7, 2002 - under Z.R. §§ 11-412 & 11-413, to permit the proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

MINUTES

APPEARANCES -

For Applicant: Mitchell Ross.

For Opposition: Mark Fertig.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M. for continued hearing.

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, for postponed hearing.

62-02-BZ thru 64-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September

24, 2002, at 2 P.M., for continued hearing.

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyne Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, southside, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

125-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Marmon Enterprises, Inc., owner; Walbaums, lessee.

SUBJECT - Application April 19, 2002- under Z.R. §11-41, to permit the reestablishment of an expired variance previously granted by the Board under Cal.No. 550-71-BZ, which permitted a supermarket, located in an R2 zoning district.

PREMISES AFFECTED - 46-40 Francis Lewis Boulevard, northwest corner of 47th Avenue, Block 5555, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:10 P.M.

MINUTES

SPECIAL HEARING
WEDNESDAY MORNING, JULY 24, 2002
9:30 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

253-01-BZ

APPLICANT- Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.

SUBJECT- Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Stuart Beckerman, Doris Diether and Ernest Gygsi.

ACTION OF THE BOARD - Laid over to October 30, 2002, at 11:00 A.M., for continued hearing.

COMPLIANCE HEARING
WEDNESDAY MORNING, JULY 24, 2002
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

32-92-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: John Xikis.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 72-06 Parsons Boulevard, Queens.

COMMUNITY BOARD #8Q

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24, 2002.

DISMISSAL HEARING
WEDNESDAY MORNING, JULY 24, 2002
10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

150-54-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Laconia Land Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 3957 Laconia Avenue, northwest corner of East 224th Street, Block 4871, Lot 1, The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

ACTION OF THE BOARD - Application dismiss.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, July 24, 2002.

MINUTES

25-95-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Joseph Packman.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2881 Nostrand Avenue, Block 7691, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application dismiss.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, July 24, 2002.

240-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Lionshead 110 Development, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24, 2002.

292-01-BZ

APPLICANT - New York City Board of Standards and

Appeals.

OWNER OF PREMISES: Peter Mosconi.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 69-71 MacDougal Street, Block 526, Lots 33 and 35, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24, 2002.

323-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: George Dilis

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 565 85th Street, northwest corner of 85th Street and Fort Hamilton Parkway, Block 6027, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Opposition: Howard Weiss.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele5

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24, 2002.

26-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Exxon/Mobil Corporation.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1680 Richmond Avenue, Richmond Avenue and Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

MINUTES

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD -

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele5

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24,
2002.

41-02-BZ

APPLICANT - New York City Board of Standards and
Appeals.

OWNER OF PREMISES: Salvatore Calcagno.

SUBJECT - to dismiss the application for lack of
prosecution.

PREMISES AFFECTED - 124 McClean Avenue, southside
of McClean Avenue, west of Railroad Avenue, Block 3115,
Lot 1, Borough of Staten Island

COMMUNITY BOARD #2S.I.

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele5

Negative:.....0

Adopted by the Board of Standards and Appeals, July 24,
2002.

Pasquale Pacifico, Executive Director.

Adjourned: : P.M.

MINUTES

[BLANK PAGE]

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 31

August 15, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET603

CALENDAR of October 1, 2002

Morning604

Afternoon605-606

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, August 6, 2002**

Morning Calendar607

Affecting Calendar Numbers:

674-52-BZ	21-04 21 st Avenue, Queens
118-53-BZ	106-57/61 160 th Street, Queens
889-55-BZ	69-15 164 th Street, Queens
545-56-BZ	2001-2007 Williamsbridge Road, a/k/a 1131-39 Neill Avenue, Bronx
820-67-BZ	41 Barker Street, Staten Island
837-85-A	166-18 73 rd Avenue and 73-02 167 th Street, Queens
16-99-BZ	1116 East 26 th Street, Brooklyn
1069-27-BZ, Vol. III	6702/6724 New Utrecht Avenue, Brooklyn
16-36-BZ	1885 Westchester Avenue, Bronx
74-49-BZ	515 7 th Avenue and 144-158 West 38 th Street, Manhattan
657-49-BZ	92-02/08 Rockaway Beach Boulevard, Queens
906-50-BZ, Vol. II	8101/8111 Third Avenue, Brooklyn
355-54-BZ	33-29/43 9 th Street, a/k/a 33-64 10 th Street, Queens
618-55-BZ	3902 Avenue U, Brooklyn
827-55-BZ	245-20 139 th Avenue, a/k/a 245-22/32 S. Conduit Avenue and 139-02/10 246 th Street, Queens
274-59-BZ, Vol. II	3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, Bronx
393-59-BZ	2805 Edson Avenue, a/k/a 1945 Bartow Avenue, Bronx
1043-80-BZ	1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn
793-88-BZ	164/76 Willis Avenue, a/k/a 401 East 135 th Street, Bronx
271-90-BZ	68-01/05 Queens Boulevard, Queens
68-91-BZ	223-15/25 Union Turnpike, a/k/a 79-10 Springfield Boulevard, Queens
37-96-BZ	1601 Bronxdale Avenue, Bronx
333-01-A thru 358-01-A	50/52/54/56/58/60/62/64/66/68/70/72/74/76/78/80/84/86/88/90 Tennyson Drive, and 12/14/15/17 Dream Lane, Staten Island
47-02-A & 48-02-A	3667/3669 Richmond Avenue, Staten Island
93-02-A	465 Seabreeze Walk, Queens
139-02-A	1511 Third Avenue, Manhattan
140-02-A	67-35 73 rd Place, Queens

CONTENTS

Afternoon Calendar.....616

Affecting Calendar Numbers:

215-01-BZ	85 Union Avenue, Brooklyn
250-01-BZ	101-03 Astoria Boulevard, a/k/a 27-31 Kearney Street, Queens
367-01-BZ	226 East 53 rd Street, Manhattan
387-01-BZ	3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, Bronx
110-02-BZ	1880 East 22 nd Street, Brooklyn
143-01-BZ	348 East 9 th Street, Manhattan
217-01-BZ	505 East 188 th Street, Bronx
234-01-BZ	80 North 5 th Street, Brooklyn
244-01-BZ	325 South First Street, a/k/a 398/404 Rodney Street, Brooklyn
254-01-BZ	26-06 213 th Street, a/k/a 212-24 26 th Avenue, Queens
324-01-BZ	1077 Bay Street, Staten Island
366-01-BZ	500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, Brooklyn
369-01-BZ	303 Seigel Street, Brooklyn
373-01-BZ	372 Avenue "U", Brooklyn
388-01-BZ	2071 Clove Road, Staten Island
32-02-BZ	176/82 Johnson Street, a/k/a 92/102 Prince Street, Brooklyn
42-02-BZ	4601 Amboy Road, Staten Island
44-02-BZ	1125 Gilmore Court, Brooklyn
46-02-BZ	205 State Street, a/k/a 58 Boerum Place, Brooklyn
60-02-BZ	3849 Bedford Avenue, Brooklyn
61-02-BZ	71-83 Beaver Street and 35-47 Belvidere Street, Brooklyn
104-02-BZ	23-40 120 th Street, a/k/a 23-16 120 th Street, Queens
148-02-BZ	72 Highlawn Avenue, Brooklyn
153-02-BZ	275/77 Third Avenue, Brooklyn

Special Hearing

Affecting Calendar Number:.....627

189-00-BZ	East Houston Street, Manhattan
-----------	--------------------------------

DOCKET

New Case Filed Up to August 6, 2002

216-02-A B.Q. 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens. Alt I #401451406. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

221-02-A B.Q. 107-78 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens. Applic. #401466622. Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

217-02-A B.S.I. 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island. N.B. #500526807. Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

218-02-BZ B.BK. 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn. Applic. #301303104. Proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, is contrary to Z.R. §32-00.

COMMUNITY BOARD #7BK

219-02-A B.Q. 107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 43, Borough of Queens. Applic. #401466604. Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

220-02-A B.Q. 107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens. Applic. #401466613. Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

CALENDAR

OCTOBER 1, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 1, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

109-34-BZ

APPLICANT- Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.

SUBJECT - Application August 6, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Aenue aka 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

234-56-BZ

APPLICANT - Richard Bowers, Stadtmauer Bailkin, for Haymeli Enterprises, Inc., owner; 10th Avenue Auto Services, Corp., lessee.

SUBJECT - Application July 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED- 10-02 Clintonville Street, corner of 10th Avenue, Block 4515, Lot 29, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

459-73-BZ

APPLICANT - Sheldon Lobel, P.C, for Joseph Angelone, owner; The Great Atlantic Pacific Tea Co., lessee.

SUBJECT - Application July 18, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expires July 25, 2002.

PREMISES AFFECTED - 2424/2448 Flatbush Avenue, southern corner of Avenue T and Flatbush Avenue, Block 8542, Lots 41 and 46, Borough of Brooklyn.

COMMUNITY BOARD #18BK

540-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLC, for 148 Jamaica Avenue Company, LLC, owner.

SUBJECT - Application June 19, 2002 - reopening for an extension of term of variance which expired June 23, 2002.

PREMISES AFFECTED - 32-11/21 Newtown Avenue, aka 28-36/58 33rd Street, north west corner of Newtown Avenue and 53rd Street, Block 619, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT- Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED- 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

OCTOBER 1, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 1, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

228-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Onofrio and Joanne Rocco, lessee.

SUBJECT - Application August 12, 2002 - proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Article 3, Sections 35 and 36 of the General City Law.

PREMISES AFFECTED - 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens.

CALENDAR

COMMUNITY BOARD #14Q

OCTOBER 1, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 1, 2002, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

292-01-BZ

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.

SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit the legalization of a new dining room at the rear of the structure, and a storage room in the cellar, which is part of an existing and drinking establishment, Use Group 6, located in an R7-2 zoning district, is contrary to Z.R. §52-22.

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 1/2" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance

previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

87-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit the proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

106-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Beth Jacob of Boro Park, Inc., owner.

SUBJECT - Application April 3, 2002 - under Z.R. §72-21, to permit the proposed expansion of an existing childcare facility and yeshiva, Use Groups 3 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §24-11, §24-12, §24-36 and §25-31.

PREMISES AFFECTED - 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7,

CALENDAR

Borough of Manhattan.

COMMUNITY BOARD #3M

Pasquale Pacifico, Executive Director

124-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for St. John's University, owner.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed combination of three existing accessory group parking facilities, into a single facility with roof top parking, and secondly the construction of a new accessory garage with rooftop parking, for an existing university campus, located in an R4 zoning district, which is contrary to §25-11 and §25-13.

PREMISES AFFECTED - 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens.

COMMUNITY BOARD #8Q

157-02-BZ

APPLICANT - Dennis D. Dell' Angelo, R.A., for Jeffrey M. Eisenberger, owner.

SUBJECT - Application May 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-14, §23-46 and §23-47.

PREMISES AFFECTED - 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

163-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Edmond and Terri Harary, owners.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, lot coverage and wall height, is contrary Z.R. §23-47, §23-461 and §23-141 and §23-461.

PREMISES AFFECTED - 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S" and "T", Block 7300, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

MINUTES

**REGULAR MEETING
TUESDAY MORNING, AUGUST 6, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 9, 2002, were approved as printed in the Bulletin of July 18, 2002, Volume 87, No. 27-28.

SPECIAL ORDER CALENDAR

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim, owner.

SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.

PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired December 13, 2000; and

WHEREAS, a public hearing was held on this application on May 14, 2002, after due notice by publication in *The City Record*, laid over to July 9, 2002, and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of

the variance for a gasoline service station for an additional ten (10) years; and

WHEREAS, by letter dated June 18, 2002, the applicant acknowledges that the subject premises is not in compliance with the said resolution in regard to the provision and maintenance of the sidewalk, the masonry wall in the rear, and the landscaping;

WHEREAS, furthermore, the applicant has indicated that the current tenant of the property has refused to bring the premises into compliance, and that the necessary repairs are not forthcoming.

Therefore it is resolved that the decision of the Borough Superintendent must be sustained and this application is denied.

(DOB No. 401290928)

Adopted by the Board of Standards and Appeals, August 6, 2002.

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening, an amendment to the resolution and extension of the term of the variance which expired on December 7, 2001; and

WHEREAS, a public hearing was held on this application April 23, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002, July 16, 2002 and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a retail building in an R4 district for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to reflect changes in the layout of the premises.

Resolved, that the Board of Standards and Appeals

MINUTES

reopens and amends the resolution pursuant to §11-411, said resolution having been adopted on June 19, 1953, as amended through February 2, 1982, so that as amended this portion of the resolution shall read:

‘To extend the term of the variance for ten years from December 7, 2001 expiring December 7, 2011; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received February 12, 2002”-(3) sheets; and on further condition

THAT there shall be a permanent sign posted outside, at the rear of the building, alerting the Fire Department that in order to gain access, you must pass through two (2) steel plate doors, approximately 10 feet apart;

THAT the rear access foyer is not to be used for storage of any kind;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401302194)

Adopted by the Board of Standards and Appeals, August 6, 2002.

889-55-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 69-15 164th Street, Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by

publication in *The City Record*, laid over to July 9, 2002 and then laid over to August 6, 2002 for decision; and

WHEREAS, on December 3, 1957 as amended through October 25, 1994, expiring May 1, 2003, the Board permitted in a residence use district the erection and maintenance of a gasoline service station, lubratorium, minor auto repairs, car washing, office and sales, storage room, parking and storage of motor vehicles; and

WHEREAS, the above approval was granted on condition that the existing fence on the eastern lot line shall be extended to 10’ high with 100% screening throughout; that landscaping shall be provided and maintained in accordance with BSA approved plans; that there shall be no automobile repairs in the open portion of the lot; that there shall be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic; that bumpers shall be provided in accordance with BSA approved plans; that the premises shall remain graffiti-free; that there shall be no movable signs on the premises; and

WHEREAS, The Board received complaints alleging non-compliance with a Variance granted for the subject premises under BSA Cal. No. 889-55-BZ; and

WHEREAS, Specifically, the complaints allege that the site was unpaved, the sidewalk needed repair, that vehicles were being parked on residential sidewalks, that bumpers had not been provided, that landscaping had not been maintained, that banners, bumpers, movable signs and other signage were displayed, that automotive repairs were being performed with machine tools and outdoors; and

WHEREAS, on December 4, 2001, the Board informed the owner of the premises of the above allegations and requested documentation by December 15, 2001, that allegations were not true or that the property conformed to the Board’s grant; and

WHEREAS, the owner’s response to the Board’s request was, that the operator of the property was responsible for the condition of the premises; and

WHEREAS, on February 2002, Board staff made a site visit which revealed that many of the above allegations were true and the operator was informed that at the very least, the property needed to be paved, bumpers provided that parking need to be limited to the 18 spots previously granted, that all work needed to be done indoors, and that signage not previously approved had to be removed; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, the Board notes that on April 24, 2002, the subject property was not in compliance with the Board’s grant as some of the issues raised in the December 4, 2001 letter had not been resolved; and

WHEREAS, both the owner and the operator appeared before the Board and the operator expressed regret for the condition of the property and requested an opportunity to bring the premises into compliance with the 1994 grant; and

MINUTES

WHEREAS, the Board gave the operator sixty (60) days to provide signage calculations, provide an affidavit that no autobody work would be conducted on the premises, pictures of the site showing that the sign advertising autobody work is removed and that sidewalk cracks have been repaired; and

WHEREAS, the Board notes that the subject variance is subject to Board renewal in May 2003; and

WHEREAS, in response to Board requests for documentation that the alleged violations had been cured, the operator submitted photographs illustrating that the site is in compliance with the conditions set forth in the Board's resolution; and

WHEREAS, the record also contains a signed Affidavit from the site operator stating that he is aware that autobody repair and painting is not permitted at the premises and that he will not conduct autobody repair or painting in the future; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and this application to rescind the variance is withdrawn from the Compliance Calendar.

Adopted by the Board of Standards and Appeals August 6, 2002.

August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station with accessory uses for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to permit the elimination of the swing gates on the southwest corner of the site and on the north side of the property, the use of a countertop rather than a partition to separate the attendant's booth from the sales area and the maintenance of a vending machine and vacuum along the north side of the site.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §§ 11-411 and 11-412, said resolution having been adopted on October 29, 1957, as amended through July 18, 1995, so that as amended this portion of the resolution shall read:

"to extend the term of the variance for ten years from October 29, 2002 expiring October 29, 2012 and to permit the elimination of the swing gates on the southwest corner of the site and on the north side of the property, the use of a countertop rather than a partition to separate the attendant's booth from the sales area and the maintenance of a vending machine and vacuum along the north side of the site; *on condition*

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received March 19, 2002"- (3) sheets; *and on further condition*

THAT the hours of operation for the automobile vacuums shall be limited to 9AM-7PM;

THAT there shall be no change in use, ownership or lessee without Board approval;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (NB. No. 638/56)

Adopted by the Board of Standards and Appeals, August 6, 2002.

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening, an amendment to the resolution and extension of the term of the variance which expired on October 29, 2002; and

WHEREAS, a public hearing was held on this application June 18, 2002, after due notice by publication in *The City Record*, laid over to July 16, 2002 and then to

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres.

MINUTES

Absolute Car Carrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance permitting a motor vehicle repair shop, which expired November 8, 2001; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in *The City Record*, laid over to June 11, 2002, and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years; and

WHEREAS, Community Board #1 in Staten Island has recommended approval of this application.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extend* the term of the variance, said resolution having been adopted October 31, 1967 so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten (10) years from November 8, 2001 expiring November 8, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received March 15, 2002"-(2) sheets and "July 30, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT there shall be no outdoor repair work;

THAT there shall be no outdoor storage;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(ALT. No. 457/85)

Adopted by the Board of Standards and Appeals, August 6, 2002.

837-85-A

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

SUBJECT - Application December 13, 2000 - reopening for an extension of the term of variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73rd Avenue and 73-02 167th Street, southwest corner of 73rd Avenue and 167th Street, Block 6974, Lot 19, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired December 17, 2000; and

WHEREAS, a public hearing was held on this application on February 27, 2001, after due notice by publication in *The City Record*, laid over to April 17, 2001, May 22, 2001, July 10, 2001, December 4, 2001, February 26, 2002, May 21, 2002 and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years for the use of the first floor of a one-story and cellar wood frame building for medical offices.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §§73-211 and 73-212, said resolution having been

MINUTES

adopted December 17, 1985, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten (10) years from December 17, 2000 expiring December 17, 2010, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 5, 2002"-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (ALT. No. 457/85)

Adopted by the Board of Standards and Appeals, August 6, 2002.

16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen, owner

SUBJECT - Application September 10, 2001 - reopening for an extension of time to complete construction which expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on August 10, 2001; and

WHEREAS, a public hearing was held on this application on February 12, 2002, after due notice by publication in *The City Record*, laid over to March 19, 2002, April 9, 2002, May 7, 2002, June 11, 2002, July 16,

2002, and then to August 6, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on August 10, 1999, pursuant to §73-622, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That a new Certificate of Occupancy shall be obtained within twenty-four (24) months from August 10, 2001; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, August 6, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman and Frank Mormando.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1,

MINUTES

Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for decision, hearing closed.

906-50-BZ, Vol. II

APPLICANT - Vassalotti Associates Architects, LLP, for Martin Siegel, owner; ExxonMobile, lessee.

SUBJECT - Application March 19, 2002 - request for a

waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 8101/8111 Third Avenue, southeast corner of 81st Street and Third Avenue, Block 5997, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for decision, hearing closed.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for continued hearing.

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

827-55-BZ

MINUTES

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America, Inc., lessee.
SUBJECT - Application April 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 31, 2001.

PREMISES AFFECTED - 245-20 139th Avenue aka 245-22/32 S. Conduit Avenue and 139-02/10 246th Street, southwest corner of 246th Street, Block 13514, Lot 23, Rosedale, Borough of Queens.

COMMUNITY BOARD #13

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for decision, hearing closed.

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Lawrence Dalfino.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for continued hearing.

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue aka 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10 A.M., for continued hearing.

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Manuel B. Vidal, Jr.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for continued hearing.

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

MINUTES

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for continued hearing.

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 10 A.M., for decision, hearing closed.

37-96-BZ

APPLICANT- Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

333-01-A thru 358-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for OTT LLC, owner.

SUBJECT - Application November 13, 2001 - proposed one family dwelling, located within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of

Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.

54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58, Borough of Staten Island.

56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.

58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.

60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.

62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.

64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.

66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.

68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.

70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.

72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.

74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68, Borough of Staten Island.

76 Tennyson Drive, east side, 136.11 north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.

78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.

80 Tennyson Drive, east side, 102.21 north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.

82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.

84 Tennyson Drive, east side, 67.88 north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.

86 Tennyson Drive, east side, 50.54' north of

MINUTES

Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

88 Tennyson Drive, east side, 33.07 north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.

90 Tennyson Drive, east side, 1.54' north of Nelson Avenue, Block 5212, Tentative Lot 76, Borough of Staten Island.

92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.

12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.

14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.

15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.

17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11 A.M., for continued hearing.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 11 A.M., for postponed hearing.

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point

Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 11 A.M., for decision, hearing closed.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 11 A.M., for continued hearing.

140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple

MINUTES

Dwelling Law and the Zoning Resolution.
PREMISES AFFECTED - 67-35 73rd Place, east side,
96.37' south of 67th Road, Block 3771, Lot 8, Borough of
Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: John Resinger, Department of Buildings and
John Feijoo.

ACTION OF THE BOARD - Laid over to October 8,
2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:20 A.M.

REGULAR MEETING TUESDAY AFTERNOON, AUGUST 6, 2002 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

ZONING CALENDAR

215-01-BZ

CEQR #01-BSA-158K

APPLICANT - Fredrick A. Becker, Esq., for 185 Union
Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-
21, to permit the proposed construction of a four story plus
cellar multiple dwelling, Use Group 2, located in an M3-1
zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 85 Union Avenue, southwest

corner of Lorimer Street, Block 2245, Lot 24, Borough of
Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker.

For Administration: Capt. Michael Maloney and John
Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough
Commissioner, dated May 24, 2001 acting on NB
Application No. 301161604 reads:

“Proposed multiple dwelling (U.G 2) in subject
M3-1 zoning district is contrary to Z.R. 42-10.
Must be referred to BSA.

There are no applicable bulk, parking or yard
regulations.”

WHEREAS, a public hearing was held on this
application on June 4, 2002 after due notice by publication
in *The City Record* and laid over to July 9, 2002, July 23,
2002 and then to August 6, 2002 for decision; and

WHEREAS, Community Board #1 in Brooklyn has
approved this application; and

WHEREAS, the site and surrounding area had a site and
neighborhood examination by a committee of the Board
consisting of Chairman James Chin, Vice-Chairman Babbar,
Commissioner Mitchell Korbey and Commissioner Peter
Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to
permit the proposed construction of a four story plus cellar
multiple dwelling, Use Group 2, located in an M3-1 zoning
district, which is contrary to Z.R. §42-10; and

WHEREAS, the subject property is located within an
M3-1 zoning district and is improved with one story
structure that is currently occupied by automobile repair
use; and

WHEREAS, the applicant proposes to replace the
existing structure with a four story multiple dwelling that
will contain one unit on each floor, each of which will
contain four bedrooms; and

WHEREAS, the subject site is an irregularly shaped
corner parcel of land located at the intersection of Lorimer
Street and Union Avenue in Brooklyn; and

WHEREAS, the site is of a triangular shape with 77 feet
of frontage on Lorimer Street, 116 feet and 4 3/8 inches of
frontage on Union Avenue and a total lot area of 3358.7
square feet; and

WHEREAS, the applicant represents that the existing

MINUTES

and potential as-of-right use is constrained by the small and irregular lot size; and

WHEREAS, the applicant further represents that the small size of the lot creates a practical difficulty in developing the site with a new as-of-right building due to the limited floor area and awkward layout that can be constructed; and

WHEREAS, the record shows that several larger and more functional commercial and manufacturing buildings exist in the area which the Board finds hinders the manufacturing and commercial marketability of the subject premises;

WHEREAS, the Board finds that the aforementioned unique physical conditions which are the result of the site's functional obsolescence, irregular shape and small size, present a practical difficulty and unnecessary hardship for a conforming use; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that subject premises is surrounded with a mixture of residential uses despite the manufacturing zoning classification; and

WHEREAS, the applicant states that the majority of the structures located on the north side of the Lorimer Street block front between Union Avenue / Harrison Avenue and Marcy Avenue opposite the subject premises are occupied by residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 to permit the proposed construction of a four story plus cellar multiple dwelling, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-10, *on condition* that

all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 13, 2001"-(9) sheets, "February 13, 2002" -(1) sheet and "April 29, 2002" -(1) sheet and on further condition;

THAT the subject building shall comply with all R6 Quality Housing regulations other than the exceptions for exemptions granted by the Board;

THAT the Certificate of Occupancy be obtained within two years;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws, including Local Law 10/99 under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 6, 2002.

250-01-BZ CEQR #02-BSA-016Q

APPLICANT - Sheldon Lobel, P.C., for Kearney Realty Corp., owner.

SUBJECT- Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane and Ellen Hay.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

MINUTES

Affirmative:.....0
Negative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele...5

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated July 17, 2001, acting on Application
No. 401269550 reads;

“Commercial use not permitted in residential
district as per 22-00 as per N.Y.C. zoning
resolution. Respectfully request reconsideration
to objection #1”; and

WHEREAS, a public hearing was held on this
application on January 8, 2002, after due notice by
publication in *The City Record* and laid over to February
12, 2002, March 26, 2002, May 14, 2002, and July 16,
2002 and then to August 6, 2002 for decision; and

WHEREAS, the premises and surrounding area had a
site and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice Chair
Satish Babbar R.A., Commissioner Mitchell Korbey and
Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21,
to permit, in an R3-2 zoning district, the construction of a
one-story building, for use as retail stores (Use Group 6)
which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is a vacant lot on the
northern side of Astoria Boulevard and the northeasterly
side of Kearney Street; and

WHEREAS, the instant proposal seeks to erect a one-
story 15’ high commercial building covering approximately
68% of the lot containing approximately 4,297 square feet
of floor area, which will be divided into three commercial
units with each unit having separate front and rear
entrances; and

WHEREAS, the record indicates that the subject block
is within a residential district, and that the applicant’s claim
for uniqueness is the representation that there is little
demand for residential development due to Astoria
Boulevard being an eight lane thoroughfare; and

WHEREAS, the record indicates that the subject site
is only slightly irregular and, that the two side lot lines are
parallel; and

WHEREAS, the Board finds no merit in the applicant’s
contention that the site’s slight irregularity contributes to
uniqueness leading to a practical difficulty in constructing
a conforming development; and

WHEREAS, the applicant also contends that the
subject parcel is unique and residential development
presents a hardship because there are no buildings along
Astoria Boulevard that are exclusively used for residential
purposes; and

WHEREAS, however, the Board finds this contention
without merit and notes that the site itself is bounded by

residential uses and that the applicant has failed to
demonstrate that the surrounding area lacks residential
character; and

WHEREAS, therefore, based on the applicant’s failure
to show that the site is unique and that such uniqueness leads
to a practical difficulty in constructing a conforming
development, the Board finds that the applicant has failed to
meet the requirements of Z.R. §72-21 (a); and

WHEREAS, despite numerous requests from the Board,
the applicant has failed to document a sustained and
reasonably concerted effort to market the subject site for
sale or lease to a conforming community facility or
residential user; and

WHEREAS, the applicant contends that new housing
development would not yield a reasonable return and
provides some documentation supporting this claim; and

WHEREAS, however, the Board finds that the
applicant’s analysis of the neighborhood housing market,
particularly area rent levels, does not adequately
demonstrate that the site could not be built with conforming
residential uses yielding a reasonable return; and

WHEREAS, the Board finds that the applicant’s own
financial analysis of a conforming community facility
building would generate a reasonable return; and

WHEREAS, based upon evidence in the record and
testimony provided, the Board finds that the applicant has
not presented adequate documentation demonstrating that a
conforming tenant or user would not provide reasonable
return to the property owner; and

WHEREAS, therefore, the Board finds that the
applicant has failed to meet the requirements of Z.R. §72-
21(b); and

WHEREAS, the applicant represents that some
buildings within the instant residential district contain
commercial uses; and

WHEREAS, however, the Board finds that because the
subject site is presently vacant and because of the existence
of some buildings that are used for commercial purposes,
does not mean that the conversion of this vacant site will not
alter the character of the surrounding area; and

WHEREAS, the applicant contends that the proposed
commercial development would not depart from the
character of the community because the area contains few
residential developments, particularly along Astoria
Boulevard; and

WHEREAS, however, the Board finds that the applicant
has failed to document that the surrounding neighborhood is
not residential in character; and

WHEREAS, the Board further notes that the site is
bounded on two sides by one or two-family homes and that
Kearny Street is overwhelmingly characterized by low-
density residential uses; and

WHEREAS, the Board finds that the applicant has failed
to show that the proposed commercial development would

MINUTES

not negatively impact the one and two-family homes that immediately border the site; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of §72-21 (c);

WHEREAS, since the application fails to meet the requirements of Z.R. §§72-21(a), (b) and (c) it must be denied.

Resolved, the decision of the Borough Commissioner, dated July 17, 2001, acting on Application No. 401269550 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, August 6, 2002.

367-01-BZ

CEQR #02-BSA-075M

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated February 22, 2002 acting on Application No. 102963615 reads:

“THE EXTENSION OF THE NON-CONFORMING USE (USE GROUP 6) ON THE EASTERN PORTION OF THE FIRST FLOOR OF THE BUILDING LOCATED IN THE R8B ZONING DISTRICT IS CONTRARY TO SECTION 22-00 AND 52-41 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in *The City Record* and laid over to June 11, 2002 and then to July 16, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R-8B (TA) zoning district, the legalization of the change in occupancy of a portion of the eastern portion of the first floor presently being used as an eating and drinking establishment, in an existing six-story mixed use building which is contrary to Z.R. § 32-15; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application; and

WHEREAS, the applicant represents that the current owner purchased the property at a foreclosure sale in 1995 and that neither the closing documents nor the Certificate of Occupancy made reference to the property being subject to Board jurisdiction regarding a commercial occupancy of the ground floor in the eastern portion of the building; and

WHEREAS, the applicant asserts that by letter dated June 22, 1999, the owners received notice from the Board that the property was subject to a variance under Calendar Number 604-83-BZ, which term had expired; and

WHEREAS, the subject site is located in an R8B zoning district in the TA Special District along the south side of East 53rd Street between Second and Third Avenues ; and

WHEREAS, the record indicates that both the north and south sides of East 53rd Street contain numerous commercial uses that predate the 1961 zoning resolution; and

WHEREAS, the applicant has demonstrated that the subject ground floor space in the eastern portion of the building has been in continuous commercial use pursuant to a Board variance since February 18, 1969, when under Calendar Number 832-68-BZ, the Board permitted a change of use from a residential apartment to a commercial store; and

WHEREAS, the variance granted on February 18, 1969 expired in 1974 and then on January 17, 1984, under Calendar Number 604-83-BZ, the Board permitted the maintenance of a store on the easterly side of the first floor, thus increasing the degree of the non-conforming use; and

WHEREAS, the Board notes that the applicant never abandoned the prior variance; and

WHEREAS, additionally, the applicant represents that a conforming residential use is not desirable or viable at the subject premises due to the history of development with street-level commercial uses along East 53rd Street; and

WHEREAS, the record indicates that the sites history of development with a commercial variance since 1969, creates an undue hardship, if the Board were to require conversion of the subject space from commercial back to residential use; and

WHEREAS, the evidence in the record, including a

MINUTES

feasibility study and financial analysis demonstrate that reverting to a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies; and

WHEREAS, the present commercial use has been in existence without causing any adverse impacts to the surrounding area for many years, and the applicant represents that its continued use will have no adverse effect on the neighborhood; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit, in an R-8B (TA) zoning district, the legalization of the change in occupancy of a portion of the eastern portion of the first floor presently being used as an eating and drinking establishment, in an existing six-story mixed use building which is contrary to Z.R. §32-15 "Received March 18, 2002"-(2) sheets and "July 9, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)

and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 6, 2002.

387-01-BZ CEQR #02-BSA-092X

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 20, 2001, updated June 21, 2002, acting on Application No. 200685044 reads:

"The Proposed outdoor storage of automobiles, Use group 16, in a C2-2/R4 is not permitted, contrary to section 32-00 of The Zoning Resolution.;" and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record* and laid over to June 18, 2002, July 16, 2002 and then to August 6, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board

MINUTES

consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, within an R-4 zoning district C2-2 overlay, the outdoor storage of automobiles on the subject lot, which will be improved with a building housing a car dealership which is contrary to Z.R. § 32-00; and

WHEREAS, Community Board 12, the Bronx, recommends approval of this application; and

WHEREAS, the record indicates that a car dealership (Use Group 9), an accessory outdoor parking lot and the indoor storage of vehicles are permitted as-of-right on the subject lot; and

WHEREAS, however, the outdoor storage of cars, (Use Group 16) requires a variance; and

WHEREAS, applicant represents that the only distinction between the as-of-right use and the proposed use is the ownership status of the cars, because parking sold cars is permitted, while unsold cars require a variance; and

WHEREAS, the subject site sits on the southerly side of Boston Road bounded by Bruner and Ely Avenues with 198' of frontage on Boston Road containing 23,545 square feet; and

WHEREAS, the Board notes the existence of a 22' x 13 two sided sign providing 286 square feet of advertising space standing 42' above grade; and

WHEREAS, the record indicates that the present lessee is operating a car dealership from a temporary trailer on the site; and

WHEREAS, prior to its current use the site housed a nursery, a Use Group 17 use, only permitted in M1, M2 and M3 zoning districts; and

WHEREAS, the applicant's proposal includes the erection of a one-story with mezzanine 23 feet tall building containing 5,793 square feet; and

WHEREAS, the applicant represents that Boston Road is a main thoroughfare with many car dealerships within its immediate vicinity; and

WHEREAS, the applicant contends that the above-mentioned competitors use outdoor displays to attract customers; and

WHEREAS, the record indicates that the site is through lot at the end of the block, fronts on three streets and is burden by irregular dimensions, and irregular angles running West on a 73 degree angle and north on a 106 degree angle along Boston Road; and

WHEREAS, further, the side lot lines do not meet and the site has a rear lot line of 35' creating land that is uneven sloping sharply up and down from the roadbed; and

WHEREAS, the site's history of development as a Use Group 17 nursery, its location on a major thoroughfare surrounded by competing automobile dealerships and its irregular topography, are conditions which the applicant

asserts are unique to this property; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study and a financial analysis sufficiently demonstrate that a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of automobile dealerships and that outdoor parking is permitted as-of-right; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, within an R-4 zoning district C2-2 overlay, the outdoor storage of automobiles on the subject lot, which will be improved with a building housing a car dealership, which is contrary to Z.R. §32-00, on condition that the lot be paved, striped and maintained in accordance with the drawings as they apply to the objections above noted, filed with this application marked "Received December 17, 2001"-(5) sheets and "July 30, 2002" -(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant;

THAT the maximum number of automobiles permitted on the lot shall be thirty-one (31);

THAT an automatic wet sprinkler system shall be installed throughout the entire building;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the new Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained

MINUTES

within two years from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 6 2002.

**110-02-BZ
CEQR #02-BSA-178K**

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Floor Area and Side and Rear Yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2001, acting on Alt. 1. Application No. 301237249 reads, in pertinent part:

- "1) Proposed FAR and Floor Area are contrary to Section 23-141b.
- 2) Proposed side yard is contrary to Section 23-461a.
- 3) Proposed rear yard is contrary to Section 23-47."; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in *The City Record*, and laid over to August 6, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Floor Area, and Side and Rear Yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the proposed enlargement will increase the FAR to .823, shorten the Rear Yard from the required 30 feet to 22 feet, and decrease the side yard from the required 5 feet to 4 feet, one and one quarter inches; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to permit, in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Floor Area and Side and Rear Yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 2, 2002"-(8) sheets and "July 22, 2002"-(1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT an automatic-wet sprinkler system off the domestic water shall be installed and maintained in the cellar;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

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;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, August 6, 2002.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

217-01-BZ

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: David Flores-Rivera.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for decision, hearing closed.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Opposition: Pat Jones.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

MINUTES

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Patrick Jones, Robert Klein and others.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Eric Palatnik and Daniel Lane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Jerry Jacobs.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st

MINUTES

and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

32-02-BZ

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

42-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Philip Folino, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 4601 Amboy Road, northwest corner of Waimier Place, Block 5585, Lot 99, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Dennis D. Dell' Angelo, Lydia A. Langell, Richard D. Langell and Ann DeLase.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

44-02-BZ

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a twenty-two

MINUTES

story dormitory building (Use Group 3) to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Raymond Levin.

For Opposition: John Tripp, William Harris, Ken Diamondstone, Julia H. Stanta, Frances Yauch and Irma Kennedy.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Abstain: Commissioner Korbey.....1

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

61-02-BZ

APPLICANT- Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1

zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for decision, hearing closed.

104-02-BZ

APPLICANT - Joseph P. Morsellino, for Flushing Bay Realty Corp., owner; Helms Brothers, contract vendee.

SUBJECT - Application April 9, 2002 - under Z.R. §72-21, to permit the proposed use of the property for the storage of new automobiles, prior to delivery to customers, located in a C3 zoning district, which is contrary Z.R. §32-10.

PREMISES AFFECTED - 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

148-02-BZ

APPLICANT - The Agusta Group, for Mr. Vito Petito, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21, to permit the legalization of an existing inground swimming pool, which was constructed in the front yard of a corner zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #11BK

MINUTES

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

153-02-BZ

APPLICANT- Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT- Application May 10, 2002 - under Z.R. §72-21, to permit the proposed three-story school building, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Francis R. Angellino, Susan Campbell, Joan Radigan and Deborah Frantera.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 7:30 P.M.

SPECIAL HEARING

WEDNESDAY MORNING, AUGUST 7, 2002

11:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

189-00-BZ

Applicant - New York City Board of Standards and Appeals. Law Offices of Howard Goldman LLC, for Houston Street Properties LLC, owner.

SUBJECT- On remand from the New York County Supreme Court for a detailed justification of the BSA grant in this matter.

PREMISES AFFECTED - 215 East Houston Street, MANHATTAN

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Laid over to September 18, 2002, at 10 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

MINUTES

BLANK PAGE]

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 32-34

August 22, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	632
CALENDAR of October 8, 2002	
Morning	633
Afternoon	633-634

CONTENTS

MINUTES of Regular Meetings,
Tuesday, August 13, 2002

Morning Calendar635

Affecting Calendar Numbers:

607-51-BZ	161-01 Union Turnpike, Queens
93-97-BZ	136-21 Roosevelt Avenue, Queens
438-29-BZ	4076-418 Remsen Avenue, Brooklyn
624-68-BZ	188-01/17 Northern Boulevard, Queens
87-94-BZ	321-325 East 73 rd Street, Manhattan
25-95-BZ	2881 Nostrand Avenue, Brooklyn
280-01-BZ	663/673 Second Avenue, Manhattan
93-02-A	465 Seabreeze Walk, Queens
94-02-A/95-02-A	10 Lincoln Walk & 28 Pelham Walk, Queens
54-02-A/55-02-A	100 & 106 Gary Street, Staten Island
90-02-A	392 11 th Street, Brooklyn
139-02-A	1511 Third Avenue, Manhattan
154-02-A/155-02-A	26 & 28 Pitney Avenue
159-02-A	33 White Plains Avenue, Staten Island
177-02-A	13 Fulton Walk, Queens
184-02-A	24 Gotham Walk, Queens

CONTENT

Afternoon Calendar640

Affecting Calendar Numbers:

288-01-BZ	8008/10 18 th Avenue, Brooklyn
18-02-BZ	8610/24 Flatlands Avenue, Brooklyn
27-02-BZ	287 Hudson Street, Manhattan
46-02-BZ	205 State Street, Brooklyn
104-02-BZ	23-40 120 th Street, Queens
107-02-BZ	298 Naughton Avenue, Staten Island
125-02-BZ	46-40 Francis Lewis Boulevard, Queens
153-02-BZ	275/77 Third Avenue, Brooklyn
281-99-BZ	6055 Strickland Avenue, Brooklyn
256-01-BZ	219-06 Hempstead Avenue, aka 103-01 219 th Street, Queens
281-01-BZ	35 West Tremont Avenue, The Bronx
303-01-BZ	756 Myrtle Avenue, Brooklyn
322-01-BZ	402 Avenue U, Brooklyn
360-01-BZ	2228 Gerrisen Avenue, Brooklyn
374-01-BZ	
/375-01-BZ	836 Kent Avenue, Brooklyn
404-01-BZ	1182 East 28 th Street, Brooklyn
39-02-BZ	142-66/82 Rockaway Boulevard, Queens
49-02-BZ	189-19 Pineville Lane, Queens
74-02-BZ	1383 East 23 rd Street, Brooklyn
79-02-BZ	1024 Dean Street, Brooklyn
88-02-BZ	3641 Boston Road, The Bronx

CORRECTIONS655

Affecting Calendar Numbers:

376-01-A	10-03 141 st Street, Queens
20-02-BZ	303 Park Avenue South, Manhattan

DOCKET

New Case Filed Up to August 13, 2002

222-02-BZ B.BK. 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn. Applic.#301377169. Proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, is contrary to Z.R.§23-141b, §23-22 and §25-23.

COMMUNITY BOARD #15BK

223-02-BZ B.M. 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan. Applic.#102820066. The legalization of of an existing rental apartment in the cellar of a six story building, located in an R8B zoning district, which increases the degree of non-compliance with respect to floor area ratio and open space ratio, is contrary to Z.R. §23-142 and §54-31.

COMMUNITY BOARD #7M

224-02-A B.M. 320 West 84th Street, between Riverside Drive and West End Avenue, Block 1245, Lot 86, Borough of Manhattan. App #102820066. The legalization of an existing rental apartment in the cellar of a six story building, which does not comply with §§34.6 and 216 of the Multiple Dwelling Law and §§27-2082 and 27-2085 of the Housing Maintenance Code.

225-02-BZ B.BK. 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40, Borough of Brooklyn. N.B.#Applic.301281752. The legalization of an existing retail drugstore, Use Group 6, in which a small portion is located in the residential portion of the split lot, is contrary to Z.R. §76-131.

COMMUNITY BOARD #6BK

226-02-BZ B.M. 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan. Applic.#103185964. Proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

COMMUNITY BOARD #6M

227-02-BZ B.BX. 527 East 233rd Street aka 4201 Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx. Applic.#200739503. Proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

COMMUNITY BOARD #12BX

228-02-A B.Q. 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens. Applic.#401506884. Proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, is contrary to Article 3, Sections 35 and 36 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

OCTOBER 8, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 8, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1237-66-BZ

APPLICANT - SheldonLobel,P.C., for BP Products, N.A., owner.

SUBJECT - Application August 15, 2002 - reopening for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland Park East and East 233rd Street, Block 3363, Lots 18 and 23, THE BRONX.

COMMUNITY BOARD #12BX

237-72-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilt's Petroleum, owner.

SUBJECT - Application June 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 262-10/262-12 Hillside Avenue, southwest corner of 263rd Street, Block 8792, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #1BX

OCTOBER 8, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 8, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

216-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Thomas Concannon, lessee.

SUBJECT - Application July 25, 2002 - proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

OCTOBER 8, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 8, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

41-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Salvatore Calcagno, owner.

SUBJECT- Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of

CALENDAR

Staten Island.

COMMUNITY BOARD #2S.I.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

227-02-BZ

APPLICANT - Stanley K. Schlein, Esq., for Beatrice Clemente, owner; 4201 Webster Corp., lessee.

SUBJECT - Application August 9, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 527 East 233rd Street aka 4201 Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx.

COMMUNITY BOARD #12BX

76-02-BZ/77-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Gary Angiuli, owner.

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, accessory to an existing auto sales establishment, Use Group 16, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 265 Stobe Avenue, southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough of Staten Island.

277 Stobe Avenue, northeast corner of Boundary Avenue, Block 3664, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

Pasquale Pacifico, Executive Director

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

MINUTES

**REGULAR MEETING
TUESDAY MORNING, AUGUST 13, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 16, 2002, were approved as printed in the Bulletin of July 25, 2002, Volume 87, No. 29.

SPECIAL ORDER CALENDAR

607-51-BZ

APPLICANT - Vassalotti Associates, Architects, for Phillips Petroleum

SUBJECT - Application May 14, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired July 14, 1999.

PREMISES AFFECTED - 161-01 Union Turnpike, northwest corner of 162nd Street and Union Turnpike, Block 6831, Lot 118, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on July 14, 1999; and

WHEREAS, a public hearing was held on this application on July 23, 2002, after due notice by publication in The City Record, and laid over to August 13, 2002 for decision.

Resolved, that the Board of Standards and Appeals

reopens and amends the resolution, permitting a gasoline service station with accessory uses, adopted on March 4, 1952, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twelve (12) months from the date of this grant and on further condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, August 13, 2002.

93-97-BZ

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.

SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD -Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested are-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 11, 2002 after due notice by publication in The City Record, laid over for continued hearing to July 23, 2002 and then to August 13, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution, permitting construction of a mixed use building with commercial and community facility uses, to reflect minor changes in the previously approved plans; and

MINUTES

WHEREAS, the proposed alterations include an increase in the height of the 12th Floor from 12' to 16', the elimination of the elevator to the sub-cellar and its replacement with a handicapped lift, the increase in the building height from 143' to 152'6", the increase in the first floor height from 13'6" to 14'2", the increase in the height of the second floor parking from 11' to 12', the increase in the height of the cellar level to 13'10", the increase in the sub-cellar height to 12', the elimination of the atrium, the relocation of four elevators from the eastern and western side of the building to the southern side of the building, and the relocation of the car lift from the western side of the building to the eastern side, and relocation of the loading dock from the eastern side of the building to the western side.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on December 19, 2000, pursuant to Z.R. §§72-01 and 72-22, so that as amended this portion of the resolution shall read:

"To permit an increase in the height of the 12th Floor from 12' to 16', the elimination of the elevator to the sub-cellar and its replacement with a handicapped lift, the increase in the building height from 143' to 152'6", the increase in the first floor height from 13'6" to 14'2", the increase in the height of the second floor parking from 11' to 12', the increase in the height of the cellar level to 13'10", the increase in the sub-cellar height to 12', the elimination of the atrium, the relocation of four elevators from the eastern and western side of the building to the southern side of the building, and the relocation of the car lift from the western side of the building to the eastern side, and relocation of the loading dock from the eastern side of the building to the western side; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received July 16, 2002"-(19) sheets; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 301275386)

Adopted by the Board of Standards and Appeals, August 13, 2002.

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Amit Itshiah and Lorin Lewis.

For Opposition: Gary N. Rawlins and Jeannette Rauslins.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

624-68-BZ

APPLICANT-Rothkrug Rothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #CB11

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 10 A.M., for continued hearing.

87-94-BZ

APPLICANT - Martyn & Don Weston Architects, for Czech Republic, owner.

SUBJECT - Application April 9, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 12, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side 250' west of 1st Avenue, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Don Weston.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to September

MINUTES

10, 2002, at 10 A.M., for decision, hearing closed.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph Packman, owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired June 11, 2001.
PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand Avenue and Marine Parkway, Block 7691, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 10 A.M., for continued hearing.

280-01-BZ

APPLICANT - Howard A. Zipser, Esq of Stadtmauer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan Transport Authority, S & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

APPEARANCES -

For Applicant: Howard Hornstein and Costas Kondylis.

For Opposition: Hugh McGlincy and Keelan Noble.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for decision, hearing closed.

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated March 22, 2002 acting on ALT 1. Application No. 401425800, reads:

"1. Proposal to enlarge the existing first floor , construct a new second floor addition and install a new septic system in connection with a home which lies within an R4 zoning district but which does not front on a mapped street (Seabreeze Walk) and simultaneously lies within the bed of a street that is mapped (Rockaway Point Blvd.) is contrary to Article 3, Sections 36(2) and 35 of the General City Law respectively and contrary to Section 27-291 of the Building Code and must , therefore, be referred back to the Board of standards and Appeals for approval."; and

WHEREAS, by the letter dated May 7, 2002, the Department of Transportation has reviewed the above project and has no objections provided that the septic system does encroach into the City owned portion of Rockaway Point Boulevard; and

WHEREAS, in response to the Department of Transportation's request the applicant has rearranged the septic system so that no portion encroaches into the City owned portion of Rockaway Point Boulevard; and

WHEREAS, by letter dated May 20, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 19, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated March 22, 2002, acting on ALT 1. Application No. 401425800, is modified under the power vested in the Board by § 35 & § 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 5 , 2002"-(1) sheet; and that the proposal

MINUTES

comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, August 13, 2002

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Miro C. Stracar and Arthur Lighthall.

For Administration: John Scrofani, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated March 27, 2002, acting on Application Nos. 401298582 & 401238148, reads:

“(1) THE SITE AND BUILDING ARE NOT FRONTING ON AN OFFICIAL MAPPED STREET AND ARE CONTRARY TO ARTICLE 3, SECTION 36 OF THE GENERAL CITY LAW, ADDITIONALLY, THE BUILDING IS CONTRARY TO SECTION 27-291 OF THE NEW YORK CITY BUILDING CODE SINCE IT DOES NOT HAVE AT LEAST 8% OF THE TOTAL PERIMETER OF THE BUILDING FRONTING

DIRECTLY UPON LEGALLY MAPPED STREET OR FRONTAGE SPACE.

2) PROPOSED REAR YARD IS CONTRARY TO THE ZONING RESOLUTION 23-47”; and

WHEREAS, by the letter dated May 6, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the record indicates that the subject house is part of an existing development, located entirely within the boundaries of the Zoning Lot 400, Block 16355, and is entirely under the ownership of the Breezy Point Cooperative; and

WHEREAS, the applicant contends and the Board agrees that the only zoning limitations applicable for the subject lot are the Maximum Floor Area Ratio, Maximum Lot Coverage, Minimum Open Space and Permissible Lot area per Dwelling Density, which the Board finds, the proposed alteration complies with; and

WHEREAS, the instant application seeks to enlarge the existing structure by erecting a cellar and a second story; and

WHEREAS, the record indicates that the existing first floor setback remains as originally accepted between individual houses within the development and that the Breezy Point Cooperative, Inc.; and

WHEREAS, the aforementioned cooperative limits any enlargement within 6 feet from the existing building wall located at the particular walk; and

WHEREAS, the Board notes that the history of development in Breezy Point indicates that voluminous applications have received Article 3, Section 36 of the General City Law objections without rear yard objections; and

WHEREAS, the Board notes that unlike a proposed development, the subject appeal is for an existing home; and

WHEREAS, Z.R. §23-47 governs minimum required rear yards in R1, R2, R3, and R4 zoning districts; and

WHEREAS, the record indicates that since all houses in the Breezy Point Cooperative Development are within the same large zoning lot and the subject building does not abut a zoning lot line, the Board finds, that the appellant cannot and need not comply with Z.R. § 23-47 because a rear yard must be measured for a zoning lot line; and

WHEREAS, the Board notes there are unique circumstances concerning the history of development and the existing conditions within the Breezy Point Cooperative that merit the relief granted with regard to '23-47; and

WHEREAS, therefore, the Board finds, that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated March 27, 2002, acting on

MINUTES

Application Nos. 401298582 & 401238148, objections #1, is modified under the power vested in the Board by §36 of the General City Law, Objection #2 is reversed, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received April 2, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

54-02-A & 55-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.

SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.

106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10 A.M., for continued hearing.

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC

Building Code, Subchapter 12, Article 6, Section 27-746. PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Laid over to September 10, 2002, at 11 A.M., for continued hearing.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: S. Scott Mason, Department of Buildings and Julia Marx.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 11 A.M., for continued hearing.

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Joseph Raia

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11 A.M., for continued hearing.

MINUTES

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.
OWNER OF PREMISES: Sucuri Palevic.
SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.
PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.
COMMUNITY BOARD #1S.I.
APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11 A.M., for postponed hearing.

177-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative Inc., owner; Marie Lynch, lessee.
SUBJECT - Application May 23, 2002 - Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

APPEARANCES -
For Applicant: Gary Lenhart and Arthur C. Lighthall.
For Administration: John Scrofani, Fire Department.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 11 A.M., for decision, hearing closed.

184-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Frank E. Farrell, lessee.
SUBJECT - Application June 3, 2002 - Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 24 Gotham Walk, west side, 135'

north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

APPEARANCES -
For Applicant: John Ronan.
For Administration: John Scrofani, Fire Department.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 11 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:10 P.M.

REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 13, 2002
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

288-01-BZ

APPLICANT - Peter J. Mugavero, R.A., A.I.A., for Frank Casamento, owner; DBA CG & C Prime Meat, lessee.
SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit, in an R5 zoning district, the proposed second story vertical addition to an existing one-story masonry retail establishment, Use Group 6, which is contrary to Z.R. §53-31.

PREMISES AFFECTED - 8008/10 18th Avenue, west side, 51'-9" south of 80th Street, Block 6284, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -
For Applicant: Alfio J. Cali.
For Administration: Captain Mike Maloney and John Scrofani, Fire Department.
ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -
Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated November 16, 2001, acting on ALT.
I Application No. 301266243 reads:

"Proposed second floor extension is an increase to the
existing non-conforming commercial use in a
Residence District. Z.R. 54-31."; and

WHEREAS, a public hearing was held on this
application on July 23, 2002 after due notice by publication
in The City Record, laid over to August 13, 2002 for
decision; and

WHEREAS, the premises and surrounding area had a
site and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Commissioner
Mitchell Korbey and Commissioner Joel Miele Sr., P.E.;
and

WHEREAS, this is an application under Z.R. §72-21,
to permit, in an R5 zoning district, the proposed second
story vertical addition to an existing one-story masonry
retail establishment, Use Group 6, which is contrary to Z.R.
§53-31; and

WHEREAS, the subject lot is 4,773.75 square feet in
area and is developed with a one-story brick building,
4,520.43 square feet in area; and

WHEREAS, the applicant represents that the existing
building has been at this site for over eighty years, and the
current owner purchased this property in 1980 to develop
a specialty food store; and

WHEREAS, the applicant seeks the enlargement of the
existing retail store by constructing a second story, which
will include the relocated kitchen from the first floor, staff
offices, staff preparation area and staff locker rooms with
toilet facilities; and

WHEREAS, the applicant states that the current
building has a retail area, kitchen area and meat department,
all of which are too small to meet the demands of the
burgeoning population and customer base in the area; and

WHEREAS, the applicant further represents that the
owner had unsuccessfully searched for a larger site within
the neighborhood to relocate, and has determined that an
enlargement to the existing building is necessary to ensure
the survival of the business; and

WHEREAS, based upon evidence in the record and
testimony provided, the Board finds that the proposed
addition of a second story will enable the existing facility
to maintain its economic viability and retail
competitiveness; and

WHEREAS, the applicant has submitted a feasibility
study demonstrating that developing the premises with a
conforming use would not yield the owner a reasonable
return; and

WHEREAS, the record indicates that the subject
premises is located on a highly commercial street, despite
its R5 zoning designation; and

WHEREAS, the applicant indicates that the proposed
vertical enlargement will be designed to blend in
aesthetically with neighboring buildings; and

WHEREAS, the record indicates that there will not be
an increase in the number of persons, staff or patrons,
occupying the building and therefore there will be no
additional traffic or pedestrian traffic created; and

WHEREAS, therefore, the Board finds that this action,
as modified, will not alter the essential character of the
surrounding neighborhood nor impair the use or
development of adjacent properties, nor will it be
detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the
owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to
afford the owner relief; and

WHEREAS, the Board has determined that the
evidence in the record supports the findings required to be
made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental
review of the proposed action and has carefully considered
all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable
significant environmental impacts that would require the
preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals
issues a Negative Declaration under 6 NYCRR Part 617
and §6-07(b) of the Rules of Procedure for City
Environmental Quality Review and makes each and every
one of the required findings under Z.R. §72-21, to permit,
in an R5 zoning district, the proposed second story vertical
addition to an existing one-story masonry retail
establishment, Use Group 6, which is contrary to Z.R.
§53-31, on condition that all work shall substantially
conform to drawings as they apply to the objections above
noted, filed with this application marked "Received April
25, 2002"-(5) sheets and "July 30, 2002"-(2) sheets; and on
further condition;

THAT any change in use shall be referred back to the
Board;

THAT substantial construction will be completed in
accordance with Z.R. §72-23;

THAT the above conditions shall appear in the
Certificate of Occupancy;

THAT this approval is limited to the relief granted by
the Board in response to specifically cited and filed
DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved
only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure
compliance with all other applicable provisions of the

MINUTES

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

18-02-BZ

APPLICANT- Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT- Application January 7, 2002 - under Z.R. §§ 11-412 & 11-413 to permit in an R5 zoning district, the proposed change to automotive laundry, Use Group 16, from the previously approved Gasoline Service Station, lubritorium and automobile repair facility which is contrary to a variance previously granted under Calendar Number 652-54-BZ (Vol. II).

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated May 1, 2000 acting on ALT. Application No. 401042732 reads:

"Proposed automobile laundry (car wash) use group 16 not permitted as-of-right in a R5 zoning district."; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in the City Record, and laid over to, 2002 and then to August 13, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner

Mitchell Korbey and Commissioner Joel Miele Sr., P.E.; and

WHEREAS, this is an application under Z.R. §11-412 and 11-413, on a site previously before the Board, to permit in an R5 zoning district, the proposed change to automotive laundry, Use Group 16, from the previously approved Gasoline Service Station, lubritorium and automobile repair facility which is contrary to a variance previously granted under Calendar Number 652-54-BZ (Vol. II); and

WHEREAS, in 1957, under Calendar Number 652-54-BZ (Vol. II, the Board permitted for a term of 15, years, in a former residence and business use district, that is presently zoned R5, the erection and maintenance of a gasoline service station, lubritorium, and minor automotive repair facility; and

WHEREAS, the subject site previously housed twelve (12) gasoline storage tanks which received prior Board and Fire Department approval and Certificate of Occupancy # 163580 from the Department of Buildings; and

WHEREAS, the record indicates that the twelve (12) 550-gallon gasoline tanks were removed from the site on June 8, 1989 in accordance with Federal and State guidelines; and

WHEREAS, the applicant represents that prior to the instant proposal the site had undergone substantial excavation and ground disturbance, and that since the subject carwash will be erected within the footprint of the existing automobile repair building and tank field, it would not require or cause any new ground disturbance to occur; and

WHEREAS, the Board's environmental analysis has revealed no foreseeable significant environmental impacts; and

WHEREAS, therefore, the Board finds that the past excavations and ground disturbance has eliminated the potential for the recovery of archaeological significant remains; and

WHEREAS, the record indicates that the only change to the operations of the site from its original approval was that, pursuant to federal regulations, the operator removed all in-ground gasoline storage tanks; and

WHEREAS, the record indicates that the automotive service/repair/lubritorium has been continuous since 1957; and

WHEREAS, the record indicates that the subject premises is a large rectangular parcel located on the southeasterly corner of Flatlands Avenue and East 87th Street, with its primary access and orientation on Flatlands Avenue a 100' wide busy commercial thoroughfare, containing two-way traffic and six lanes; and

WHEREAS, the application seeks to alter and modernize the subject premises and change the primary use to auto laundry, detailing and lubritorium with accessory

MINUTES

sales (Use Groups 16B & 16E); and

WHEREAS, the proposal will also provide Queuing/Reservoir space for twenty (20) vehicles per washing lane (10 spaces on approach and 10 spaces in the drying area) which the applicant notes is double the standard provided in section 32-25 of the zoning resolution, which the Board finds should ease congestion at the site; and

WHEREAS, the proposal will also provide accessory parking for five vehicles, located adjacent to the accessory sales portion of the altered premises; and

WHEREAS, the record indicates that the instant proposal does not increase the size of the subject zoning lot and that all activity is contained on the zoning lot originally approved by the Board; and

WHEREAS, the applicant represents and the Board agrees, that pursuant to Z.R.§52-332, in Residence Districts, a non-conforming use listed in Use Group 16 may be changed to another U.G. 16 use; and

WHEREAS, the record indicates that the proposed change from the previously approved automotive service establishment with accessory sales and lubrication (Use Group 16 E and B) use will not impair the essential character or future use of development of the area because the essential character of the area within the vicinity of Flatlands Avenue is more commercial than residential; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §§11-412 and 11-413 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§11-412 and 11-413 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit in an R5 zoning district, the proposed change to automotive laundry, Use Group 16, from the previously approved Gasoline Service Station, lubrication and automobile repair facility which is contrary to a variance previously granted under Calendar Number 652-54-BZ (Vol. II); on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August

13, 2002" -(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant, expiring on August 13, 2012;

THAT there shall be no cars parking on or obstructing the sidewalk;

THAT the hours of operation shall be limited to Monday-Thursday 7:00 A.M.- 8:00 P.M., Friday-Saturday 7:00 A.M.- 9:00 P.M., and Sunday 9:00 A.M.- 6:00 P.M.;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT the premises shall be kept graffiti-free;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT substantial construction will be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

27-02-BZ

CEQR#02-BSA-115M

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Hirshman and Doris Diether, Community Board #2.

For Opposition: Stuart Klein.

ACTION OF THE BOARD -Application dismissed for lack of prosecution.

MINUTES

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, August 13, 2002.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit, in a C5-4 zoning district, within the Special Downtown Brooklyn District the proposed erection of a twenty-story, 365 bed, dormitory building (Use Group 3) which is contrary to the setback and lot coverage requirements of Z.R. §§101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:.....0

Not Voting: Commissioner Korbey1

THE RESOLUTION -

WHEREAS, the decision of the Borough

Commissioner, dated February 5, 2002, acting on Application No. 301246729, reads:

“The proposed dormitory building (Use Group 3) to be located within a C5-4 Zoning District within the Special Downtown Brooklyn District violates a variance from the NYC Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on April 9, 2002 after due notice by publication in The City Record, laid over to June 18, 2002, August 6, 2002 and then to August 13, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A. and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a variance under Z.R. §72-21, to permit, in a C5-4 zoning district, within the Special Downtown Brooklyn District the proposed erection of a twenty-story, 365 bed, dormitory building (Use Group 3) which is contrary to the setback and lot coverage requirements of Z.R. §§101-133; and

WHEREAS, the subject site is currently used as a surface parking lot housing a small parking attendant's shed at the northern edge of lot 1, but the record indicates that prior to 1977, the Eastern (Lot 1) portion of the site housed community facility uses; and

WHEREAS, as originally proposed, the instant application contains two lots which total approximately 24,290 square feet with frontages of approximately 220' 8.5" along State Street and 100' 2.25" along Boerum Place; and

WHEREAS, in addition to the variance requested, the applicant must obtain a special permit from the City Planning Commission pursuant to Z.R. §74-52 to allow public parking garage in high density central areas; and

WHEREAS, the applicant represents that the subject community facility, founded in 1901, for the purpose of furthering the study of law, is situated in close proximity to Brooklyn Borough Hall, and county and federal buildings; and

WHEREAS, the applicant further represents that since its foundation the school has grown from 18 students to its current enrollment of over 1,500 students; and

WHEREAS, presently, the school operates seven small residence halls housing approximately 140 students, or nine percent of its students, which the applicant notes results in the inability for many students to live in close proximity to the classroom buildings, libraries and administrative offices of the school; and

WHEREAS, the record indicates that as a result of a recent rezoning approved in July 2002 by the City Planning Commission and the City Council, the subject lots are zoned C5-4, within the Special Downtown Brooklyn District; and

MINUTES

WHEREAS, as a result of the aforementioned rezoning the instant application encompasses portions of three blocks and increases the amount of floor area available on the site; and

WHEREAS, at its ground level and lower floors, the proposed structure will be built to the State Street and Boerum Place street lines and will provide a 30' rear yard adjacent to the residences fronting on Schermerhorn Street; and

WHEREAS, at the sixth floor, a 15-foot setback will be provided along portions of the State Street frontage, and at the seventh floor, a 15-foot setback will be provided along other portions of the State Street frontage and an approximately 42 to 47 foot setback along the building's entire Boerum Place frontage; and

WHEREAS, the proposal will also contain a 215-car public parking garage located in three below-grade levels with vehicular access via a ramp leading from Boerum Place, along the northern property line of the site, with pedestrian access via a State Street entrance; and

WHEREAS, in addition to containing a parking garage, the below-grade levels will provide space for storage and building services, the first floor will contain a lobby, common areas, security offices, a student lounge and mail rooms with some dormitory rooms while the upper floors will house additional dormitory rooms and common areas, with a dining room, kitchen; and

WHEREAS, under current C5-4 district regulations, Sections 101-13, 101-132 and 101-133 require that above a height of 150 feet, no level of the building may occupy more than 40 percent of the lot area of the zoning lot and that at each level above 150 feet, the building must be setback a minimum of 15 feet from Boerum Place and 20 feet from State Street; and

WHEREAS, in addition to the aforementioned minimum setback distances, each level may occupy 2,000 square feet within 40 feet of Boerum Place and 2,250 square feet within 50 feet of State Street; and

WHEREAS, the record indicates that pursuant to Section 101-133, the instant proposal exceeds by 4,086 square feet, the restriction on square footage permitted in buildings within 50 feet of a narrow street; and

WHEREAS, the instant proposal does not meet the 15-foot minimum setback from State Street because above 85 feet, the building will contain bay windows which will only be setback 13 feet from State Street; and

WHEREAS, a 20-foot minimum setback is required above 150 feet from State Street and the subject proposal only provides 13 feet from State Street, and the tower portion of the building will only provide a setback of approximately 15 feet from State Street; and

WHEREAS, lot coverage regulations permit a 40% maximum tower lot coverage on floors above 150 feet and the instant proposal provides for a 41% lot coverage; and

WHEREAS, the Board finds that the site's history of development with a community facility use, the narrowness, size and configuration of the lot create practical difficulties with strict compliance of the zoning resolution and meeting the programmatic needs of the subject school; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the Board notes that the applicant, has reduced the original proposal by removing two stories and reducing the floor height by approximately 60 feet; and

WHEREAS, the site is located in area characterized by a mixture of parking, residential and office and other community facility uses; and

WHEREAS, the record indicates that within the vicinity of the site there are 12- and 14-story residential and institutional buildings along Boerum Place, and office and institutional buildings along Livingston Street that are between 18- and 31-stories; and

WHEREAS, further, the record indicates that the subject proposal will not adversely affect the goals of the Special Downtown Brooklyn District, as the subject structure will house a residential use; and

WHEREAS, the Board finds that the proposed application, as modified will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals adopts the Department of City Planning's Negative Declaration issued on March 20, 2002 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C5-4 zoning district, within the Special Downtown Brooklyn District the proposed erection of a twenty-story, 365 bed, dormitory building (Use Group 3) which is contrary to the setback and

MINUTES

lot coverage requirements of Z.R. §§101-133, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 8, 2002"- (16) sheets and "Received August 9, 2002 "- (1) sheet; and on further condition;

THAT an Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT a fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT a smoke detection system connected to a Fire Department approved Central Station be installed throughout all non- residential and non- parking areas in the entire building;

THAT a rate of rise heat detection system connected to a Fire Department approved Central Station shall be installed and maintained in all parking areas of the building;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT any change in use or ownership shall require BSA approval;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including all fire safety and egress requirements, under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

104-02-BZ

APPLICANT - Joseph P. Morsellino, for Flushing Bay Realty Corp., owner; Helms Brothers, contract vendee.

SUBJECT- Application April 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a new car preparation building, Use Group 16B, at an existing automobile storage facility in a C3 zoning district, which is contrary to Z.R. §32-10.

PREMISES AFFECTED- 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated April 4, 2002 acting on Application No. 401420020 reads:

"The proposed change of use from Use Group 16C to Use Groups 16B and 16C is contrary to Zoning Resolution Section 32-10. The zoning lot is presently zoned C3."; and

WHEREAS, a public hearing was held on this application on July 9, 2002 after due notice by publication in The City Record and laid over August 6, 2002 and then to August 13, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a new car preparation building, Use Group 16B, at an existing automobile storage facility in a C3 zoning district, which is contrary to Z.R. §32-10; and

WHEREAS, Community Board #7 of Queens recommends approval of this application; and

WHEREAS, the Queens Borough President has recommended approval of this application, on condition that landscaping buffers are provided;

WHEREAS, the record indicates that the subject property is a large parcel of land, with a total lot area of 110, 869 and currently developed with a automobile storage facility; and

WHEREAS, the applicant proposes to continue use of the property for the storage of automobiles, but as storage for new automobiles awaiting delivery to the customer; and

WHEREAS, this proposal also seeks the construction of a one-story building to be used for preparation of the new cars for delivery; and

WHEREAS, the subject site was rezoned in 1996 from M1 to C3; and

WHEREAS, the applicant represents that the site was developed with a car storage facility prior to the rezoning, and has since become a pre-existing, non-conforming use; and

WHEREAS, the Board finds that as a result of unique conditions inherent to the subject zoning lot, namely the

MINUTES

history of development and subsurface soil conditions that require piles, there exist practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, the evidence in the record, including a feasibility study demonstrates that developing the site with a conforming use can be extremely costly and would not yield a reasonable return; and

WHEREAS, the proposed building will have a lot coverage of only 9% and will be located adjacent to the adjoining zoning lot, designated as M1-1, currently occupied by a fuel company depot with oil tank storage; and

WHEREAS, the applicant notes that approximately 30-35 cars will be delivered for preparation weekly and approximately the same number leave the premises weekly for delivery to the customer; and

WHEREAS, the proposed hours of operation are Monday thru Friday 8:00 A.M. - 5:00 P.M.; and

WHEREAS, the applicant represents that the automobile storage use has existed on the site for many years and the new structure will not have any street impact or adverse affects on the neighborhood; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed construction of a new car preparation building, Use Group 16B, at an existing automobile storage facility in a C3 zoning district, which is contrary to Z.R. §32-10, on condition that the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 17, 2002"-(1) sheet and "July 25, 2002" -(2) sheets; and on further condition;

THAT all lighting shall be directed away from residential housing;

THAT the hours of operation shall be limited to Monday-Friday 8:00 A.M.- 5:00 P.M.;

THAT the site shall be buffered with landscaping in accordance with the aforementioned Board-approved plans;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

107-02-BZ

APPLICANT - Philip L. Rampulla, for Bartholomeo Castellano, owner.

SUBJECT - Application April 3, 2002 - under Z.R. §73-52, to permit the proposed addition of two accessory off-street parking spaces, to be located in the residential portion of the subject lot, for a Use Group 6 retail store, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 298 Naughton Avenue, corner of Hylan Boulevard, Block 3656, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 29, 2002, acting on Application No. 500529680, reads:

“The proposed location of two accessory off-street parking spaces in the R3-2 portion of the zoning lot for a Use Group 6 retail store is contrary to Section 22-00 of the New York City Zoning Resolution”; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in The City Record, laid over to August 13, 2002 for

MINUTES

decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-52, to permit, in an R3-2 zoning district, the proposed addition of two accessory off- street parking space for a Use Group 6 retail store, which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is a corner lot occupying 14,757 of lot area containing 126.86 feet of frontage on Hylan Boulevard and 169 feet of frontage on Naughton Avenue within a C1-2 and an R3-2 zoning district; and

WHEREAS, the C1-2 Zoning District boundary line extends 150 feet south from and parallel to the Hylan Boulevard lot line placing the majority of the site within the C1-2 Zoning District; and

WHEREAS, the record indicates that conforming plans and applications were filed with and approved by the Department of Buildings to erect a one-story 5,479 square feet retail store(Use Group 6) with accessory parking for 18 cars; and

WHEREAS, the instant proposal seeks two (2) additional parking spaces, to be located in the residential portion of the lot, requiring the instant special permit application because pursuant to Z.R. §73-52, a special permit is required when a zoning lot is divided by a boundary between two different zoning districts in which different uses are permitted; and

WHEREAS, the applicant represents that by providing two (2) additional parking spaces within the residential portion of the lot, the applicant can meet the parking requirement of one space for every 300 square feet allowing for the construction of 600 square feet at the mezzanine level ; and

WHEREAS, the proposed mezzanine level will house an accessory office space use (Use Group 6); and

WHEREAS, the Board notes that the addition of the mezzanine level does not exceed the maximum Floor Area Ratio of 1.0; and

WHEREAS, the record indicates that out of 14,757 square feet of lot area only 2,999.25 is zoned R3-2, and that small portion is burdened with a trapezoid shape totalling 16 feet 10 inches of frontage on Naughton Avenue, leading to the applicant's representation that, without the requested extension, it would not be economically feasible to use or develop the subject residential portion of the zoning lot for a permitted use; and

WHEREAS, the record suggests that in order to develop the residential portion of the lot with a permitted use (single family house) Z.R. §23-32 would require 3,800

square feet of lot area and a minimum lot width of 40 feet, making the subject lot deficient in width and lot area; and

WHEREAS, the site was previously occupied by a building housing a retail store and offices with an accessory parking lot, which was subsequently demolished and the lot made vacant; and

WHEREAS, the instant proposal will provide a five foot wide planting strip along the west property line, which will include four feet high densely planted evergreen shrubs in front of a six foot high opaque fence, which the Board finds to be an adequate buffer to ensure the quiet enjoyment of the residential neighbors; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§ 73-03 and 73-52; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. 73-03 and §73-52, to permit, in an R3-2 zoning district, the proposed addition of two accessory off- street parking space for a Use Group 6 retail store, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received April 3, 2002" -(1) sheet; and on further condition;

THAT all signage shall be provided in accordance with BSA-approved plans;

THAT there shall be no loitering on the premises;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT substantial construction shall be completed in accordance with Z.R. §73-70;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved

MINUTES

only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals August 13, 2002.

125-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Marmon Enterprises, Inc., owner; Walbaums, lessee.

SUBJECT - Application April 19, 2002- under Z.R. §11-41, to permit the reestablishment of an expired variance previously granted by the Board under Cal.No.550-71-BZ, which permitted a supermarket, located in an R2 zoning district.

PREMISES AFFECTED - 46-40 Francis Lewis Boulevard, northwest corner of 47th Avenue, Block 5555, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD -

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated March 21, 2002 acting on Application No. 401387290 reads:

“ THE TERM OF THE VARIANCE UNDER BOARD OF STANDARDS AND APPEALS CALENDAR No. 550-71-BZ, BUL. #44, VOL. II HAS EXPIRED AND IS REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS FOR FURTHER ACTION. "; and

WHEREAS, Community Board No. 11, Queens, has recommended conditional approval of this application; and WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in the City Record, and laid over to August 13, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §11-411, in an R2 zoning district, on a site previously before the Board, to re-establish the use of the subject premises as a supermarket (Use Group 6) previously granted under Calendar Number 550-71-BZ; and

WHEREAS, on May 15, 1962, under Calendar Number 311-61- BZ, the Board permitted for a term of twenty- five (25) years, a supermarket at the subject premises ; and

WHEREAS, on October 12, 1971, under Calendar Number 550-71- BZ, the Board permitted an enlargement of the aforementioned supermarket pursuant to Z.R. §11-412; and

WHEREAS, the applicant asserts that the 1971 resolution did not reference a term and that the Department of Buildings issued a Certificate of Occupancy without a term limitation; and

WHEREAS, the record indicates that the supermarket use has been continuous since 1962; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved, that the Board of Standards and Appeals issues a negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish use of the subject premises as a supermarket (Use Group 6) previously granted under Calendar Number 550-71-BZ on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 19, 2002" -(5) sheets; and on further condition;

THAT the term of the variance shall be limited to fifteen (15) years from the date of this grant expiring on August 13, 2017;

THAT any change in use, ownership or lessee shall require Board approval;

THAT the premises shall remain graffiti-free at all times;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT all landscaping, fencing and screening shall be provided in accordance with BSA-approved plans;

MINUTES

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT photographic evidence as to the installation and maintenance of landscaping shall be submitted to the Board no later than October 1, 2002;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 17, 2002 acting on N.B. Application No. 301065638, reads;

“School (U.G. 3) is not a permitted, as-of-right, use in a M1-2 District and, as such, must be referred to the Board of Standards and Appeals for approval, as per section 42-00 of the Zoning Resolution”; and

WHEREAS, a public hearing was held on this application on August 6, 2002 after due notice by publication in The City Record, and laid over to August 13, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, Community Board # 6 in Brooklyn has recommended approval of this application; and

WHEREAS, the subject lot is a vacant 2,625 square foot parcel located on 3rd Avenue, between President and Carroll Streets, situated in an M1-2 zoning district; and

WHEREAS, the proposed school will be a handicap-accessible, 6,180 square foot, three-story building which will house two classrooms, an evaluation office, occupational and speech therapy rooms, business office, and elevator, kitchen facilities and toilets; and

WHEREAS, the proposed school's hours of operation will be 9:00 AM to 3:30 PM Monday through Friday;

WHEREAS, the record indicates that the subject lot is very small and shallow, measuring approximately only 37'5 1/4" fronting on Third Avenue, and extending only 69'10 33/4" in depth; and

WHEREAS, the applicant represents that the school is a non-profit school for very young children with developmental challenges, requiring additional space for occupational, physical and speech/language therapies as well as special education; and

WHEREAS, the record indicates that the school is presently located in a small, pre-school building located at 284 Third Avenue (across from the subject premises) and has school offices that are currently located at 279 Third Avenue; and

WHEREAS, the applicant states that the school has outgrown its present facilities, resulting in overcrowding and the rejection of potential students; and

WHEREAS, the applicant further represents that the construction of a new building, the consolidation of classroom and office space into one building and the ability to increase enrollment, is necessary in order to meet the programmatic needs of the school; and

153-02-BZ

APPLICANT- Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT- Application May 10, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Francis R. Angelino.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

MINUTES

WHEREAS, the record indicates that the applicant has unsuccessfully attempted to find other potential locations, where the school would be permitted as-of-right and which were of adequate size to fulfill the school's programmatic needs; and

WHEREAS, the Board finds that there are unique conditions, namely the small and shallow zoning lot and the programmatic needs of the school, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the Site to meet the programmatic needs of the school; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant states that the proposed building is designed to blend into the mix of institutional, residential and commercial buildings and uses in the neighborhood; and

WHEREAS, the record indicates that the block is made up of two and three-story buildings with storefronts on the ground level that are primarily used for retail purposes as well as two that are currently in use by the school and one that is in use as a social club; and

WHEREAS, the applicant represents most students arrive at the school in two small school buses contracted by the New York City Department of Transportation, and that a small number of students from the surrounding neighborhood are walked to and from school by parents/caregivers; and

WHEREAS, the applicant states that there will be adequate separation from noise, traffic, and other adverse effects of the manufacturing district; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the proposed building will contain an automatic wet sprinkler system to be installed in the cellar and an interior alarm system throughout the building with both systems to be connected to a Fire Department approved central station; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered

all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction and operation of a three-story school, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 26, 2002"-(8) sheets and "August 13, 2002"-(1) sheet; and on further condition;

THAT the maximum number of students shall be limited to 70;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 13, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots

MINUTES

1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for decision, hearing closed.

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for deferred decision.

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik and Chris Tartaglia.

For Opposition: Steven B. Eriquez and Francesca A. Renda.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §§23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

360-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and

MINUTES

15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro, Harbinder Singh and Rob Bronzino.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT- Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

404-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maurice Wachsmann, owner.

SUBJECT- Application May 7, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, and is contrary to Z.R. §23-141 and §23-46.

PREMISES AFFECTED - 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for decision, hearing closed.

39-02-BZ

APPLICANT- Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT- Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT- Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing

74-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT- Application March 12, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1383 East 23rd Street, 80' north

MINUTES

of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for decision, hearing closed.

10, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:30 P.M.

79-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

88-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael Provino, owner; BP Amoco, plc, lessee.

SUBJECT - Application March 27, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R5 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to September

CORRECTIONS

*CORRECTION

This resolution adopted on April 23, 2002, under Calendar No. 376-01-A and printed in Volume 87, Bulletin No. 18, is hereby corrected to read as follows:

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benshaul, owner.

SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: H. Irving Sigman.

ACTION OF THE BOARD - Appeal Granted.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 30, 2001 acting on Applic. No. 401376239, refused to apply the Special Provisions for Existing Narrow Zoning Lots for corner lots of Sect. 23-48 and denied a reduction of the side yard; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in *The City Record*, laid over to April 9, 2002 and then to April 23, 2002 for decision; and

WHEREAS, this is an appeal challenging a decision of the Department of Buildings (DOB), disapproving the appellant's application for a cellar and first story enlargement to an existing single family detached residence located on a corner lot in an R1-2 zoning district pursuant to Sect. 23-48; and

WHEREAS, on November 8, 2001 an application was filed to erect a cellar and one-story enlargement consisting of 264 square feet to an existing one family dwelling located on a corner lot with an eastern side yard of 18'-6" and the southern side yard is 4'-11"; and

WHEREAS, Zoning Resolution §23-461(a) requires that in an R1-2 zoning district a single detached residence provide two side yards with a minimum total width of 20', with one of the side yards measuring at least 8' in width; and

WHEREAS, the appellant's proposal would reduce the eastern side yard from its current width of 18'-6" to a width of 6'-9"; and

WHEREAS, the DOB contends that it disapproved the appellant's application because the proposed enlargement would create a new non-compliance within the minimum required side yard width pursuant to Zoning Resolution §23-461; and

WHEREAS, Zoning Resolution §23-48 allows for a reduction of the required side yards if the zoning lot consists of a tract of land which (a) has less than the prescribed minimum lot width of 60' and (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and

WHEREAS, the Board finds that the applicant's proposal falls within the minimum lot requirements of Zoning Resolution §23-32 and that §23-48's side yard reduction for existing narrow zoning lots does apply to this application because the appellant has established that the zoning lot is less than 60' wide; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated November 28, 2001 acting on Applic. No. 401376239, is modified and this appeal is granted on condition that the proposal comply with all applicable R1-2, zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on *further condition*;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals April 23, 2002.

***The resolution has been corrected to remove the part in the conditions related to approved plans. There were no plans approved. Corrected in Bulletin Nos. 32-33, Vol. 87, dated August 22, 2002.**

CORRECTIONS

CORRECTION

This resolution adopted on June 18, 2002, under Calendar No. 20-02-BZ and printed in Volume 87, Bulletin No. 26, is hereby corrected to read as follows:

20-02-BZ

CEQR # 02-BSA-113M

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 4, 2002 acting on Application No. 103046375 reads:

“Proposed physical culture establishment is not permitted as of right under Z.R. 32-10. Proposed design layout is contrary to Z.R. 32-18. Physical Culture Establishments require approval by the Board of Standards and Appeals as per ZR 32-31.”

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in The City Record and laid over to June 18, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-

4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31; and

WHEREAS, the applicant seeks to legalize the expansion of the facility from the 15,368 square feet granted in the 1997 under BSA Calendar No. 160-95-BZ, to 24,496 square feet; and

WHEREAS, the applicant represents that no significant increase in occupancy is expected as the result of the expansion, but instead there will be a more comfortable and better equipped facility for the members; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the applicant represents that the hours of operation will be Monday-Thursday 6:00 A.M.-11:00 P.M., Friday 6:00 A.M.-9:00 P.M. and Saturday and Sunday 9:00 A.M.-7:00 P.M.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36, and 32-10; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. § 73-36 to permit the expansion of an existing physical culture establishment, located in portions

of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received May 29, 2002"-(5) sheets; and on further condition;

THAT the hours of operation shall be Monday-Thursday 6:00 A.M.-11:00 P.M., Friday 6:00 A.M.-9:00 P.M. and Saturday and Sunday 9:00 A.M.-7:00 P.M.;

THAT all massages will all be performed by New York State licensed massage therapists;

CORRECTIONS

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on June 18, 2012;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 18, 2002

***The resolution has been corrected in that the part which read:** *"THAT the term of this special permit shall coincide with the term of the original grant under BSA Calendar #160-95-BZ, to expire on February 27, 2006;"*
now reads: *"THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on June 18, 2012;".* **Corrected in Bulletin Nos. 32-33, Vol. 87, dated August 22, 2002.**

MINUTES

NOTICE

**THE PUBLIC HEARING WHICH WAS
SCHEDULE FOR AUGUST 20, 2002 IS
CANCELLED.**

*Pasquale Pacifico
Executive Director*

BLANK PAGE

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 35-37

September 19, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET663-664

CALENDAR of October 22, 2002

Morning665

Afternoon666

CONTENTS

MINUTES of Regular Meetings,
Tuesday, September 10, 2002

Morning Calendar667

Affecting Calendar Numbers:

657-49-BZ	92-02/08 Rockaway Beach Boulevard, Queens
906-50-BZ, Vol. II	8101/8111 Third Avenue, Brooklyn
827-55-BZ	245-20 139 th Avenue, a/k/a 245-22/32 S. Conduit Avenue and 139-02/10 246 th Street, Queens
68-91-BZ	223-15/25 Union Turnpike, a/k/a 79-10 Springfield Boulevard, Queens
87-94-BZ	321-325 East 73 rd Street, Manhattan
64-96-BZ	148-20 Cross Island Parkway, Queens
73-02-BZ	6 Stanwix Street, a/k/a 59 Jefferson Street, Brooklyn
833-52-BZ, Vol. III	5916/30 Foster Avenue, Brooklyn
355-54-BZ	33-29/43 9 th Street, a/k/a 33-64 10 th Street, Queens
274-59-BZ, Vol. II	3356-3358 Eastchester Road, Bronx
135-67-BZ	2063/91 Ralph Avenue, Brooklyn
739-76-BZ	212-95 26 th Avenue, Queens
793-88-BZ	164/76 Willis Avenue, a/k/a 401 East 135 th Street, Bronx
271-90-BZ	68-01/05 Queens Boulevard, Queens
199-97-BZ	130-138 Horace Harding Expressway, Queens
47-99-BZ	3122 Victory Boulevard, Staten Island
295-01-BZ	1257-1263 38 th Street, Brooklyn
177-02-A	13 Fulton Walk, Queens
184-02-A	24 Gotham Walk, Queens
90-02-A	392 11 th Street, Brooklyn

CONTENTS

Afternoon Calendar.....675

Affecting Calendar Numbers:

256-01-BZ	219-09 Hempstead Avenue, a/k/a 103-01/09 219 th Street, Queens
396-01-BZ	43A West 13 th Street, Manhattan
404-01-BZ	1182 East 28 th Street, Brooklyn
52-02-BZ	194 North 14 th Street, Brooklyn
58-02-A	194 North 14 th Street, Brooklyn
61-02-BZ	71-83 Beaver Street and 35-47 Belvidere Street, Brooklyn
74-02-BZ	1383 East 23 rd Street, Brooklyn
88-02-BZ	3641 Boston Road, Bronx
36-01-BZ	328 Spring Street, a/k/a 489-495 Washington Street, Manhattan
125-01-BZ thru 128-01-BZ	125/131/135/141 Classon Avenue, Brooklyn
229-01-A thru 232-01-A	125/131/135/141 Classon Avenue, Brooklyn
193-01-BZ	3034 Coney Island Avenue, Brooklyn
257-01-BZ	2504 Avenue "K", Brooklyn
265-01-BZ	102-06 Russell Street, Queens
332-01-BZ	1511 Third Avenue, a/k/a 201 East 85 th Street, Manhattan
405-01-BZ	1275 36 th Street, a/k/a 123 Clara Street, Brooklyn
68-02-BZ	130-20 89 th Road, Queens
69-02-A	130-20 89 th Road, Queens
71-02-BZ	204/210 Lafayette Street, a/k/a 51 Crosby Street, Manhattan
78-02-BZ	104-72 48 th Avenue, Queens
103-02-BZ	1516 East 24 th Street, Brooklyn
108-02-BZ	4566 Broadway, Manhattan
109-02-BZ	2460 East Tremont Avenue, Bronx
143-02-BZ	3468 Bedford Avenue, Brooklyn
158-02-BZ	444 Beach 6 th Street, Queens

SPECIAL HEARINGS

Wednesday, September 18, 2002.....686

Affecting Calendar Numbers:

189-00-BZ	215 East Houston, Manhattan
-----------	-----------------------------

DOCKET

New Case Filed Up to September 10, 2002

229-02-BZ B.BK. 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn. Applic. #301384794. Proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R.§42-00.
COMMUNITY BOARD #3BK

230-02-BZ B.BK. 32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn. Applic. #301384794. Proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R.§42-00.
COMMUNITY BOARD #3BK

231-02-BZ B.BK. 42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn. Applic. #301384794. Proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK

232-02-BZ B.BK. 1168 East 23rd Street, east side, 203'-4" south of Avenue "L", Block 7622, Lot 74, Borough of Brooklyn. Alt.1#301340074. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and the minimum required side yard, is contrary to Z.R. §23-141(a) and §23-461(a).
COMMUNITY BOARD #14BK

233-02-A B.Q. 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens. Alt.1 #401472731. Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

234-02-BZ B.Q. 24-64 27th Street, corner of 27th Street and Hoyt Avenue, Block 852, Lot 60, Borough of Queens. Applic.#s 401123663 and 401126938. Proposed construction of a three-story, four family multiple dwelling with an accessory garage, located in an R5 zoning district, which does not comply with the zoning

requirements for floor area ratio, front yard, open space, height and/or setback is contrary to Z.R. §23-45, §23-12C and §23-631.

COMMUNITY BOARD #1BK

235-02-A B.Q. 164-47NadalPlace, between 110th Avenue and NadalPlace, Block 10193, Lot 90, Borough of Queens. N.B. #401293783. Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

236-02-BZ B.BK. 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn. Applic. #301349164. Proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, is contrary to Z.R.§23-141, §23-631, §23-45 and §23-461A.
COMMUNITY BOARD #15BK

237-02-BZ B.Q. 37-49 91st Street, east side, between Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens. Applic. #401402683. The legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14.
COMMUNITY BOARD #3Q

238-02-BZ B.BK. 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn. Applic. #301096757. The legalization of two residential units, in a building that is located within an area zoned for manufacturing use, is contrary to Z.R. §42-00.
COMMUNITY BOARD #8BK

239-02-BZ B.M. 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan. Applic. #102702522. The reestablishment of restaurant use, Use Group 6A, after a discontinuance of more than two year, located in an R7-2 zoning district, that is part of a designated historic district, is contrary to Z.R. §§22-10 and 52-61.

COMMUNITY BOARD #2M

DOCKET

COMMUNITY BOARD #4M

240-02-BZ B.BK. 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of Brooklyn. Alt. I #301271264. Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

COMMUNITY BOARD #15BK

241-02-BZ B.BK. 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn. Applic. #301377445. Proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6BK

242-02-BZ B.S.I. One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island. Applic. #500554376. Proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does the comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

COMMUNITY BOARD #3SI

243-02-A B.Q. 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens. Applic. #401515366. Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

244-02-BZ B.M. 365/67 West 34th Street, north side, 58.6' east of Ninth Avenue, Block 758, Lot 5, Borough of Manhattan. Applic. #103220220. Proposed physical culture establishment, on the second floor of a four story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit from the Board as per Z.R. §32-00.

245-02-BZ B.M. 373 West 34th Street, northwest corner of Ninth Avenue, Block 758, Lot 1, Borough of Manhattan. Applic. #103220211. Proposed physical culture establishment, on the second floor of a two story commercial building, to be located in two separate buildings with a convenience opening, requires a special permit from the Board as per Z.R. §32-00.

COMMUNITY BOARD #4M

246-02-A B.Q. 30½ Graham Place, south side, 13.01' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens. Alt. I #401415241. Proposed alteration and the addition of a second floor, to an existing one-story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

247-02-A B.Q. 30 Bayside Avenue, south side, 680' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens. Alt. I #401425347. Proposed alteration and the addition of a second floor to an existing one-story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

OCTOBER 22, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 22, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

219-02-A thru 221-02-A

APPLICANT - The Augusta Group, for BRK Properties, Inc., owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

PREMISES AFFECTED -

107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.

107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

107-78 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

COMMUNITY BOARD #12Q

235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

CALENDAR

OCTOBER 22, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 22, 2002, at 2:00 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

119-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph Kaufman, owner.

SUBJECT - Application April 17, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors above an existing one story manufacturing building, to be used for residential occupancy, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 94 North 13th Street, east side, between North 12th and 13th Streets, Block 2283, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

126-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Z. Zindel Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application April 19, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C8-3 and an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #7BX

199-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Cabrini Ctr for Nursing & Rehab & St. Cabrini Nursing Home, owner.

SUBJECT - Application June 21, 2002 - under Z.R. §72-21, to permit the proposed construction of a nine story residence for the elderly, Use Group 2, with 71 units, which does not comply with the zoning requirements for floor area ratio, height, setback and side yard regulations, and is contrary to Z.R. §23-144, §23-633 and §23-462, located in an R7-2 zoning district.

PREMISES AFFECTED - 210/220 East 19th Street, bounded by Second and Third Avenues, Block 899, Lots 46 through 49 and 51, Borough of Manhattan.

COMMUNITY BOARD #6M

207-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Harold Gelerter, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, is contrary to Z.R. §23-141(b).

PREMISES AFFECTED - 2723 Avenue "P", northwest corner of Avenue "P" and East 28th Street, Block 7688, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

225-02-BZ

APPLICANT - Sheldon Lobel, P.C., for AJC Partners, LLC, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §72-21, to permit the legalization of an existing retail drugstore, Use Group 6, in which a small portion is located in the residential portion of the split lot, is contrary to Z.R. §76-131.

PREMISES AFFECTED - 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #10BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 10, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

SPECIAL ORDER CALENDAR

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening and an extension of the term of the variance which expired May 20, 2000; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in *The City Record*, laid over to August 6, 2002, and then to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting the operation of an automobile repair shop and parking garage for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends the* term of the variance pursuant to §11-411, said resolution having been adopted December 20, 1949, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from May 20, 2000 expiring May 20, 2010, *on condition*

THAT the premises shall be maintained in substantial

compliance with the proposed drawings submitted with the application marked “Received April 8, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT all used car sales on the premises shall take place indoors and shall be limited to 3 cars at any time;

THAT there shall be no parking of automobiles on the sidewalk at anytime;

THAT there shall be no outdoor automobile repair work done on the premises;

THAT the premises shall remain graffiti-free at all times;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the expiration date of this variance shall be indicated on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(ALT. No. 230/49)

Adopted by the Board of Standards and Appeals, September 10, 2002.

906-50-BZ, Vol. II

APPLICANT - Vassalotti Associates Architects, LLP, for Martin Siegel, owner; ExxonMobile, lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 8101/8111 Third Avenue, southeast corner of 81st Street and Third Avenue, Block 5997, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo,

MINUTES

Commissioner Miele.....5
Negative:.....0
THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening and an extension of the term of the variance which expired December 11, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in *The City Record*, laid over to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance, permitting the operation of a gasoline service station with accessory uses, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends the* term of the variance pursuant to §11-411, said resolution having been adopted December 11, 1956, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the variance for ten years from December 11, 2001 expiring December 11, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 27, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall be maintained graffiti-free at all times;

THAT there shall be no coin-operated self-service car washes on the premises;

THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the expiration date of this variance shall be indicated on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(ALT. No. 602)

Adopted by the Board of Standards and Appeals, September 10, 2002.

827-55-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America, Inc., lessee.

SUBJECT - Application April 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 31, 2001.

PREMISES AFFECTED - 245-20 139th Avenue aka 245-22/32 S. Conduit Avenue and 139-02/10 246th Street, southwest corner of 246th Street, Block 13514, Lot 23, Rosedale, Borough of Queens.

COMMUNITY BOARD #13

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the term of the variance which expired January 31, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in *The City Record*, laid over to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit a change of use within the existing building from salesroom to accessory food store; and

WHEREAS, the applicant also seeks to extend the term of the variance, permitting the operation of a gasoline service station with accessory uses, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends the* term of the variance pursuant to §11-411, said resolution having been adopted January 31, 1956, so that as amended this portion of the resolution shall read: “to permit the change of use within the existing building from salesroom to accessory food store and to extend the term of the variance for ten years from January 31, 2001 expiring January 31, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 18, 2002”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall be maintained graffiti-free at all times;

THAT there shall be no parking of automobiles on the

MINUTES

sidewalk at any time;

THAT there shall be no coin-operated self-service car washes on the premises;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

THAT the expiration date of this variance shall be indicated on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401419924)

Adopted by the Board of Standards and Appeals, September 10, 2002.

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the term of the variance which expired May 19, 2002; and

WHEREAS, a public hearing was held on this

application on June 4, 2002, after due notice by publication in *The City Record*, laid over to August 6, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the legalization of the conversion of a portion of the automobile service building to an accessory convenience store and the installation of an aboveground anti-freeze tank; and

WHEREAS, the applicant also seeks to extend the term of the Special Permit, permitting the operation of a gasoline service station with accessory uses, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the Special Permit pursuant to §73-11, said resolution having been adopted May 19, 1992, so that as amended this portion of the resolution shall read: “to permit the legalization of the conversion of a portion of the automobile service building to an accessory convenience store and the installation of an aboveground anti-freeze tank, and to extend the term of the Special Permit for ten years from May 19, 2002 expiring May 19, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received February 5, 2002”-(2) sheets and “April 15, 2002”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall be maintained graffiti-free at all times;

THAT all automotive repair work shall be limited to Monday-Saturday 8:00 A.M. - 7:00 P.M. and closed on Sundays;

THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT there shall be no self-service coin-operated car wash machines on the premises;

THAT the hours of operation for the automobile vacuums shall be limited to 9:00 A.M. -7:00 P.M.;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the expiration date of this Special Permit shall be indicated on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

MINUTES

(DOB. No. 401393835 & 401393648)

Adopted by the Board of Standards and Appeals, September 10, 2002.

87-94-BZ

APPLICANT - Martyn & Don Weston Architects, for Czech Republic, owner.

SUBJECT - Application April 9, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 12, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 321-325 East 73rd Street, north side 250' west of 1st Avenue, Block 1448, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Don Weston.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and time to complete construction extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the time to complete construction which expired November 12, 2001; and

WHEREAS, a public hearing was held on this application on July 23, 2002, after due notice by publication in *The City Record*, laid over to August 13, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the applicant represents that changes from the prior BSA approval consist of bringing up an elevator to the roof level to allow passive use of the roof, and minor rearrangement of the floor plans to meet the programmatic needs of the Czech Republic.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution, said resolution having been adopted March 28, 1995, so that as amended this portion of the resolution shall read: "to permit the addition of elevator access to the roof level, and to extend the time to complete substantial construction for a period of 24-months from November 12, 2001 expiring November 12, 2003, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received April 9, 2002"-(6) sheets, "June 4, 2002" -(1) sheet, and "July 29, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further*

condition

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, September 10, 2002.

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended, and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment to the resolution and an extension of the term of the variance which expired December 11, 2001; and

WHEREAS, a public hearing was held on this application on March 26, 2002, after due notice by publication in *The City Record*, laid over to June 4, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the change of use from a gasoline service station to an automobile repair shop with accessory parking for more than 5 vehicles in an open area; and

WHEREAS, the applicant also seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and

MINUTES

reopens and amends the variance pursuant to §11-411, said resolution having been adopted March 28, 1995, so that as amended this portion of the resolution shall read: "to permit the change of use from a gasoline service station to an automobile repair shop with accessory parking for more than 5 vehicles in an open area, and to extend the term of the variance for ten years from December 11, 2001 expiring December 11, 2011 *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received January 2, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT the premises shall remain graffiti-free at all times;

THAT there shall be no parking of automobiles on the sidewalk;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (ALT I. 401288940)

Adopted by the Board of Standards and Appeals, September 10, 2002.

73-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Aron Adler.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeal, September 10, 2002.

833-52-BZ, Vol. III

APPLICANT - Walter T. Gorman, P.E., for Zohar, LLC, owner; Benchai Ventures, Inc., lessee.

SUBJECT - Application April 19, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 5916/30 Foster Avenue, southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10:00 A.M., for decision, hearing closed.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10:00 A.M., for continued hearing.

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10:00 A.M., for continued hearing.

MINUTES

135-67-BZ

APPLICANT - Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee.

SUBJECT - Application May 31, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 22, 1998.

PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for continued hearing.

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: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10:00 A.M., for decision, hearing closed.

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Manuel B. Vidal, Jr.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10:00 A.M., for continued hearing.

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10:00 A.M., for decision, hearing closed.

199-97-BZ

APPLICANT - Sheldon Lobel, P.C., for Jancor Inc., owner.

SUBJECT - Application June 26, 2002 - reopening for an extension of time to complete construction which expired May 27, 2002.

PREMISES AFFECTED - 130-138 Horace Harding Expressway, south side of the Horace Harding Expressway, 140' west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 1, 2002, at 10:00 A.M., for decision, hearing closed.

47-99-BZ

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.

SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

MINUTES

APPEARANCES -

For Applicant: Philip L. Rampulla and other.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10:00 A.M., for continued hearing.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V' Yalda Early Childhood Center, owner.

SUBJECT - Application July 19, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Geis.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10:00 A.M., for decision, hearing closed.

APPEALS CALENDAR

177-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative Inc., owner; Marie Lynch, lessee.

SUBJECT - Application May 23, 2002 - Proposed first floor enlargement, and the addition of a partial second story to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated April 29, 2002, acting on ALT 1. Application No. 401446388, reads:

“1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York , therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated June 12, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated April 29, 2002 acting on ALT 1. Application No. 401446388, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received May 23, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 10, 2002.

184-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Frank E. Farrell, lessee.

SUBJECT - Application June 3, 2002 - Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is

MINUTES

contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 24 Gotham Walk, west side, 135' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated May 6, 2002, acting on ALT 1. Application No. 401454387, reads:

“1- Proposal to enlarge the existing first floor, construct a new second floor addition and install a new septic system in connection with a home which lies within an R4 zoning district but which does not front on a mapped street (Gotham Walk) is contrary to Article 3, Section 36(2) of the General City Law and contrary to Section 27-291 of the Building Code and must, therefore, be referred back to the Board of Standards and Appeals for approval.”; and

WHEREAS, by the letter dated June 26, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated May 6, 2002 acting on ALT 1. Application No. 401454387, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received June 3, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 10, 2002.

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:07 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, SEPTEMBER 10, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

256-01-BZ

CEQR #02-BSA-020Q

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted in an R3-2/C1-2 zoning district, the use of the subject premises as a gasoline service station with motor vehicle repairs (Use Group 16B) previously granted under Calendar Number 634-54-BZ Vol. II, and to change the use of part of the facility from a gasoline service station to a motor vehicle repair shop.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

APPEARANCES - None.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated August 14, 2001 acting on ALT.1 Application No. 401061220 reads:

“Proposed changed change in use from a gasoline service station with accessory uses to a motor vehicle repair shop for a premises located within a C1-2 within an R3-2 zoning district as indicated on map # 15-D is contrary to 32:00 ZR and contrary to the variance granted by the Board of Standard and Appeals under Calendar Number 634-54-BZ Vol. II which expired on December 16, 1983 and is hereby denied.”; and

WHEREAS, Community Board No. 13, Queens, has recommended conditional approval of this application; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in the *City Record*, and laid over to August 13, 2002 and

then to September 10, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§11-411 and 11-413, on a site previously before the Board, to re-establish, in an R3-2/C1-2 zoning district, the use of the subject premises as a gasoline service station with motor vehicle repairs (Use Group 16B) previously granted under Calendar Number 634-54-BZ Vol. II, and to change the use of part of the facility from a gasoline service station to a motor vehicle repair establishment; and

WHEREAS, the subject lot is approximately 12,069 square feet located on Hempstead Avenue, a heavily trafficked thoroughfare; and

WHEREAS, the applicant represents that the area surrounding the site contains numerous gasoline service stations that have been abandoned and deteriorated to eyesores and unoccupied buildings; and

WHEREAS, in 1958, under Calendar Number 634-54-BZ Vol. II, the Board permitted the erection and maintenance of a gasoline service station with accessory uses, lubritorium, car wash (non-automatic), minor repairs, office, sales and storage of automobile accessories, and parking of cars awaiting service; and

WHEREAS, the most recent term of the grant expired on December 16, 1983; and

WHEREAS, the record indicates that the gasoline service station use has been continuous since 1958 until 1998 when the gasoline storage tanks and fuel dispensing pumps were removed; and

WHEREAS, the record indicates that subsequent to the elimination of the gasoline station service use, the property was sold and now operates as an automotive repair facility providing minor repairs, lubrication, inspection, and related automotive services including the sale of automotive accessories; and

WHEREAS, the Board notes that the old underground storage tanks were the cause of a release of petroleum hydrocarbons at the subsurface levels, which the applicant represents is being managed by the New York State D.E.C. and a soil remediation system has been in place on the property since 1998, with the stack for this system located in the rear of the parking area, as indicated in plans submitted with this application; and

WHEREAS, the applicant has provided assurances that the aforementioned soil remediation system will remain in place until the subsurface is cleaned and remediated to N.Y.S.D.E. C. standards; and

WHEREAS, the present owner had been a long-time tenant, which the applicant represents has been a good neighbor with ties to the community; and

WHEREAS, the record indicates that all overnight

MINUTES

storage of vehicles will be located within a fenced area on the side of the station; and

WHEREAS, further, the hours of operation will be limited to 8:30 A.M. to 6:30 P.M. daily; and

WHEREAS, the applicant represents that the instant proposal does not generate adverse noise heat or glare impacts upon the surrounding residential community because all lighting will be positioned down and away; and

WHEREAS, the applicant represents that signs will be limited to accessory, non-flashing business signs and that the continued use of the premises as an automobile repair with accessory parking has not and will not impair the essential character of the surrounding area nor impair its future use or development; and

WHEREAS, the Board notes that this is a legalization; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §§11-411 and 11-413 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals issues a negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§11-411 and 11-413 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, Z.R. §§11-411 and 11-413, on a site previously before the Board, to re-establish, in an R3-2/C1-2 zoning district, the use of the subject premises as a gasoline service station with motor vehicle repairs (Use Group 16B) previously granted under Calendar Number 634-54-BZ Vol. II, and to change the use of part of the facility from a gasoline service station to a motor vehicle repair shop on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August 21, 2001"-(5) sheets, "August 6, 2002"-(1) sheet, and "August 27, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring on September 10, 2012;

THAT there shall be no parking of automobiles on the sidewalk;

THAT the premises shall remain graffiti-free at all

times;

THAT there shall be no coin-operated self-service car washes on the premises;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with BSA-approved plans and shall be positioned down and away from the adjacent residential uses;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

THAT the expiration date of this variance shall be noted on the Certificate of Occupancy;

THAT a new certificate of occupancy be obtained within one (1) year of the date of this resolution.

Adopted by the Board of Standards and Appeals, September 10, 2002.

396-01-BZ

CEQR #02-BSA-097M

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Captain Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

MINUTES

Adopted by the Board of Standards and Appeals,
September 10, 2002.

404-01-BZ

CEQR #02-BSA-102K

APPLICANT - Sheldon Lobel, P.C., for Maurice Wachsmann, owner.

SUBJECT - Application May 7, 2002 - under Z.R. §73-622, to permit in an R2- zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§ 23-141, and 23-47. PREMISES AFFECTED - 1182 East 28th Street, 120' north of Avenue "L", Block 7627, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 29, 2002, acting on Application No. 301341581 reads, in pertinent part:

1. Proposed plans are contrary to ZR '23-141 in that they exceed the maximum permitted Floor Area Ratio exceeds the .5 permitted and do not provide the minimum required Open Space Ratio of 150.
2. Proposed plans are contrary to ZR 23-47 in that the rear yard is less than the 30' required"; and

WHEREAS, a public hearing was held on this application on July 9, 2002 after due notice by publication in *The City Record*, and laid over to August 13, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board

consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§ 23-141, and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the applicant represents that a sprinkler system off the domestic water supply will be installed in the cellar; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to allow, in an R2-zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§ 23-141, and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 8, 2002" -(8) sheets; and *on further condition*;

THAT a sprinkler system off the domestic water supply shall be installed in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals,

MINUTES

September 10, 2002.

Adopted by the Board of Standards and Appeals,
September 10, 2002.

57-02-BZ

CEQR #02-BSA-135K

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §72-21, to permit the proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals,
September 10, 2002.

58-02-A

APPLICANT - Klein & O'Brien, LLP, by Allison Farina, Esq., for Northside Studios, LLC by Moshe Reisman, owner.

SUBJECT - Application - February 14, 2002 - Proposed enlargement and conversion of an existing two-story brick manufacturing building, to a four-story residential building, with eleven dwelling units, requires a 30' rear yard as per Article 3, Section 26 of the Multiple Dwelling Law.

PREMISES AFFECTED - 194 North 14th Street, border by Wythe Avenue east side of Nassau Avenue and west side of Berry Street, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

61-02-BZ

CEQR #02-BSA-137K

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit proposed conversion of a portion of the second floor and the entirety of the third and fourth floors of an existing four-story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE ACTION OF BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 5, 2002 acting on Application No. 301227 reads:

“The proposal to convert the 2, 3 and 4th floors of the subject building from factory to residential use in a M1-1 zoning district is contrary to Section 42-00.”; and

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in *The City Record* and laid over to August 6, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit proposed conversion of a portion of the second floor and the entirety of the third and fourth floors of an existing four-story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the applicant represents that the subject property was built in 1872 as a brewery, but is now essentially vacant; and

MINUTES

WHEREAS, the site is situated on the southwest corner of the intersection of Beaver Street and Belvidere Street, located in an M1-1 district, improved with a four-story building and contains 10,652 square feet of lot area; and

WHEREAS, the applicant proposes to convert the a portion of the second floor and the entirety of the third and fourth floors to loft-type residential units; and

WHEREAS, the applicant represents that the building currently has three commercial tenants and the owner's use of the ground floor, and that upon conversion of the upper floors, the commercial tenancies shall be relocated to either the first floor or a portion of the second floor; and

WHEREAS, the record indicates that in order to meet the needs of the brewery, the interior of the building was separated into five sections and divided by heavy masonry walls; and

WHEREAS, the applicant represents that these five sections are not at the same floor level, as some vary by as little as 12" and others as much as 6'9" resulting in difficulty in using the total space on any one floor for any one use; and

WHEREAS, the applicant further represents that the sizes of the sections are too small for most manufacturing and commercial uses, as the three sections fronting on Beaver Street have only 2363, 2106 and 2112 square feet of open space and the space on Belvidere Street has only 1136 square feet of open space; and

WHEREAS, evidence in the record indicates that the building is further burdened with small spacing between structural columns and the presence of only one manually operated elevator, which the applicant claims to be located in an area inaccessible to most of the building sections; and

WHEREAS, therefore, the Board finds that these unique conditions, namely the separate sections of the building, the varying floor levels, the small column spacing, and the inefficiency of the elevator's location, create an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located adjacent to an R6 Zoning District on the east side of Belvidere Street, and on both Beaver and Belvidere Streets there exists numerous residential developments; and

WHEREAS, the applicant represents that the building will retain some of the commercial character of the M1-1 zoning district by having commercial uses on the first and second floors; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit proposed conversion of a portion of the second floor and the entirety of the third and fourth floors of an existing four-story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 24, 2002"-(3) sheets, "July 15, 2002"-(4) sheets, and "August 20, 2002"-(4) sheets; and on further condition;

THAT a automatic wet-pipe sprinkler system connected to a Fire Department approved Central Station will be installed throughout the building;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 10, 2002.

MINUTES

74-02-BZ

CEQR #02-BSA-148K

APPLICANT - Sheldon Lobel, P.C., for Ben and Phyllis Lifshitz, owner.

SUBJECT - Application March 12, 2002 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§23-141, and 23-47.

PREMISES AFFECTED - 1383 East 23rd Street, 80' north of Avenue "N", Block 7660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 5, 2002 updated July 30, 2002, acting on Application No. 301300624 reads, in pertinent part:

1. Proposed plans are contrary to Zoning Resolution 23-141 in that the floor area ratio exceeds the .5 permitted and the open space ratio is less than the 150 required.
2. Proposed plans are contrary to Zoning Resolution 23-47 in that the rear yard is less than the 30' required"; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in *The City Record*, and laid over to August 13, 2002 and then to September 10, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§ 23-141, and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the applicant represents that a sprinkler

system off the domestic water supply will be installed in the cellar; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Rear Yard, contrary to Z.R. §§23-141, and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 6, 2002" -(12) sheets; and *on further condition*;

THAT a sprinkler system off the domestic water supply shall be installed in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, September 10, 2002.

88-02-BZ

CEQR #02-BSA-161X

APPLICANT - Sheldon Lobel, P.C., for Michael Provino, owner; BP Amoco, plc, lessee.

SUBJECT - Application March 27, 2002 - under Z.R. §73-21, to permit in a C2-2/ R5 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

PREMISES AFFECTED - 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough

MINUTES

of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2002 acting on Application No. 200711989 reads:

- “1. Proposed construction of a new building 2,900 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-2 in R5 Zoning District and therefore requires BSA approval as per 32-31 Z.R.”; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in *The City Record*, and laid over to September 10, 2002 for decision; and

WHEREAS, Community Board No. 12 in the Bronx recommended approval of the application; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R5 zoning District, the proposed construction of an automotive service station with an accessory convenience store; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 19,500 square feet of area with approximately 100 feet of frontage along East 224th Street and 175 feet of frontage along Boston Road, presently improved with 2 single-story masonry buildings of approximately 900 and 1,350 square feet; and

WHEREAS, the instant proposal will demolish both existing buildings and replace the existing fence sales outlet with a new 2,900 square foot automotive service station and an accessory convenience store containing 1,392 square feet of sales area; and

WHEREAS, the applicant also proposes to install 98.67 square feet of illuminated signage and 77.92 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for nine vehicles; and

WHEREAS, the applicant represents that an 8' high chain link fence on the North Eastern property line will

provide screening to the adjoining lots within the C2-2/R5 zoning district, and a 20' retaining wall will provide screening for lots located on the North Western property line; and

WHEREAS, applicant further represents that there will be no lubrication, repair or washing of cars at the premises; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 19,500 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that Boston Road is a heavily traveled thoroughfare and that the subject block is immediately across the street from a C8-1 zoning district, where Automotive Service Stations are permitted as-of-right; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/ R5 zoning District, the proposed construction of an automotive service station with an accessory convenience store, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received June 21, 2002”-(6) sheets; and *on further condition*;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring September 10, 2012;

THAT construction shall be completed in accordance

MINUTES

with Z.R. §73-70; and

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, September 10, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a.k.a. 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Doris Diether, Community Board #2.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

125-01-BZ thru 128-01-BZ

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block

1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein and Hiram Rothkrug.

For Opposition: Mark Levin, Joe Rizzo and Harold Fleming.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department; Regina Meyer, City Planning.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2 P.M., for decision, hearing closed.

229-01-A thru 232-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein and Hiram Rothkrug.

For Opposition: Mark Levin, Joe Rizzo and Harold Fleming.

For Administration: Captain Mike Maloney and John Scrofani, Fire Department; Regina Meyer, City Planning.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

MINUTES

Commissioner Miele.....5
Negative:0
ACTION OF THE BOARD - Laid over to November 19, 2002, at 2 P.M., for decision, hearing closed.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department; Michael Sucher.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and

portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael Silverman, Michael Sillerman and Mr. Lindenbarry.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department; and Marvin Mitzner.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, aka 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

68-02-BZ

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.

SUBJECT - Application February 22, 2002 - under Z.R. §72-21, to permit the proposed four story community facility (substance abuse treatment center), Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Howard Weiss.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

MINUTES

THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 1,
2002, at 2 P.M., for decision, hearing closed.

69-02-A

APPLICANT - Davidoff & Malito LLP by Howard S.
Weiss, Esq., for Samaritan Foundation, Inc., owner.
SUBJECT - Application February 22, 2002 - Proposed
community facility, (substance abuse treatment center),
located within the bed of a mapped street, is Section 35 of
the General City Law.

PREMISES AFFECTED - 130-20 89th Road, south side,
150' east of the intersection of 89th Road and 130th Street,
Block 9357, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #9Q

For Applicant: Howard Weiss.

For Administration: Capt. Michael Maloney and John
Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 1,
2002, at 2 P.M., for decision, hearing closed.

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel &
Masyr, LLP, for Lafayette Crosby Development, LLC c/o
Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21,
to permit the proposed construction of a 15-story mixed-use
building, with residential uses on the upper floors, and retail
use below the second story, Use Groups 2 and 6, located in
an M1-5B zoning district, is contrary to Z.R. §42-00 and
§42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51
Crosby Street, between Spring and Broome Streets, Block
482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Raymond Levin and Jack Freeman.

For Opposition: Doris Diether, Community Board #2; Lora
Tenenbaum, Walter Chatham, Barry Mallin, William
Monhahan, Emily Hellstrom, Patrick Orban, Georgina Leaf,
Joanne Mariner and others.

For Administration: Capt. Michael Maloney and John
Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October

29, 2002, at 2 P.M., for continued hearing.

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector,
for Allstyne Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-
21, to permit the proposed construction of a three family
dwelling, Use Group 2, located in an R6B and R5 zoning
district, which does not comply with the zoning
requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side,
90' west of 108th Street, Block 1992, Lot 39, Borough of
Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: Capt. Michael Maloney and John
Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 1,
2002, at 2 P.M., for decision, hearing closed.

103-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc.,
owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21,
to permit the proposed enlargement of an existing two story
and cellar community facility, Use Group 4, by the addition
of a second story within the existing envelope in the rear
yard, located in an R6 zoning district, is contrary to
Z.R. §24-36.

PREMISES AFFECTED - 1516 East 24th Street, 105' south
of Avenue "O", between Avenue "O" and Kings Highway,
Block 6770, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Lyra Altman, Rabbi Katz, Melvin Gross and
other.

For Administration: Capt. Michael Maloney and John
Scrofani, Fire Department.

For Applicant: Howard Weiss.

For Administration: Capt. Michael Maloney and John
Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 1,

MINUTES

2002, at 2 P.M., for decision, hearing closed.

108-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik and Chris Tartaglia.

For Opposition: Joanne Hoffman and Jeffrey Lee.

For Applicant: Howard Weiss.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for decision, hearing closed.

109-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Cyrus Rubin, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R6 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 2460 East Tremont Avenue, corner of Saint Peters Avenue, Block 3999, Lot 32, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for decision, hearing closed.

143-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Vivian Stok, owner.

SUBJECT - Application May 3, 2002 - under Z.R. §73-622,

to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area and side and rear yards is contrary to §23-141 §23-461 and §23-47.

PREMISES AFFECTED - 3468 Bedford Avenue, 350' north of Avenue "N", between Avenues "M and N", Block 7660, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

For Applicant: Howard Weiss.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for decision, hearing closed.

158-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy for Girls (The Bais Yaakov of Long Island), owner.

SUBJECT - Application May 15, 2002 - under Z.R. §72-21, to permit the proposed enlargement to an existing community facility(yeshiva), Use Group 3, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, side, front and rear yards, also height and setback, is contrary to Z.R. §24-11, §24-35, §24-34, §24-382 and §24-521.

PREMISES AFFECTED - 444 Beach 6th Street, between Jarvis and Meehan Avenues, Block 15591, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik and David Shteierman.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 6:00 P.M.

MINUTES

**SPECIAL HEARING
WEDNESDAY MORNING, SEPTEMBER 18, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

189-00-BZ

Applicant - New York City Board of Standards and Appeals.

Law Offices of Howard Goldman LLC, for Houston Street Properties LLC, owner.

SUBJECT - On remand from the New York County Supreme Court for a detailed justification of the BSA grant in this matter.

PREMISES AFFECTED - 215 East Houston Street, Block 412, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Goldman, Michelle Lapin and Anne Locke.

For Opposition: Harvey Epstein, Margaret Hughes, Anita Romm, Susan Howard, Kyle Pedersen, Katie Taylor, Eva Hanmart, Mabel Tso, Kevin Mai, David Powell, Niev Duffy, Sandra Levine, Michael Rosen, LeeAnn Freilien, Marcia Hall, Fan Mae Eng, Steve Seltzer, Jean Rice, Holly Kaye, Michael Lalan, Nelson Mar, Cecil Scott.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo4
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:40 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 38-39

October 3, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	690
CALENDAR October 29 of, 2002	
Morning	691
Afternoon	692-693

CONTENTS

MINUTES of Regular Meetings,
Tuesday, September 24, 2002

Morning Calendar694

Affecting Calendar Numbers:

833-52-BZ	5916/30 Foster Avenue, Brooklyn
355-54-BZ	33-29/43 9 th Street, Queens
739-76-BZ	212-95 26 th Avenue, Queens
271-90-BZ	68-01/05 Queens Boulevard, Queens
280-01-BZ	663/673 Second Avenue, Manhattan
295-01-BZ	1257-1263 38 th Street, Brooklyn
50-02-BZ thru 53-02-BZ	69 th Street, Queens
1069-27-BZ	6702/6724 New Utrecht Avenue, Brooklyn
438-29-BZ	406-418 Remsen Avenue, Brooklyn
16-36-BZ	1885 Westchester Avenue, The Bronx
52-55-BZ	1255 East Gun Hill Road, The Bronx
618-55-BZ	3902 Avenue U, Brooklyn
838-55-BZ	1866-90 Westchester Avenue, The Bronx
393-59-BZ	2805 Edson Avenue, The Bronx
641-59-BZ	760 Castle Hill Avenue, The Bronx
834-60-BZ	140 Vanderbilt Avenue, Brooklyn
542-69-BZ	3326-32 Decatur Avenue, The Bronx
116-81-BZ	1581 Atlantic Avenue, Brooklyn
426-81-BZ	2329 Story Avenue, The Bronx
62-83-BZ	696 Pacific Street, Brooklyn
173-94-BZ	165-10 144 th Road, Queens
43-95-BZ	1098 East 56 th Street, Brooklyn
201-98-A thru 203-98-A	West Shore Avenue, Brooklyn
186-99-BZ	74-24 Rockaway Boulevard, Queens
89-02-A	244-10 Merrick Boulevard, Queens
113-02-A	777 Third Avenue, Manhattan
115-02-A thru 118-02-A	747, 767 Third Avenue, 437 Madison Avenue, 320 West 13 th Street, Manhattan
141-02-A	46-17 Overbrook Street, Queens
154-02-A & 155-02-A	26, 28 Pitney Avenue, Staten Island
159-02-A	33 White Street, Manhattan

CONTENT

Afternoon Calendar702

Affecting Calendar Numbers:

244-01-BZ	325 South First Street, Brooklyn
137-99-BZ	165/67 Norfolk Street, Brooklyn
42-02-BZ	4601 Amboy Road, Staten Island
254-01-BZ	26-06 213 th Street, Queens
366-01-BZ	500 Driggs Avenue, Brooklyn
388-01-BZ	2071 Clove Road, Staten Island
143-01-BZ	348 East 9 th Street, Manhattan
240-01-BZ	110/20 Church Street, Manhattan
263-01-BZ	85/101 North Third Street, Brooklyn
324-01-BZ	1077 Bay Street, Staten Island
363-01-BZ thru 365-01-BZ	Rombouts Avenue, The Bronx
369-01-BZ	303 Seigel Street, Brooklyn
13-02-BZ thru 16-02-BZ	Walworth Street, Brooklyn
28-02-BZ	80 Madison Avenue, Manhattan
32-02-BZ	176/82 Johnson Street, Brooklyn
43-02-BZ	116 East 73 rd Street, Manhattan
44-02-BZ	1125 Gilmore Court, Brooklyn
60-02-BZ	3849 Bedford Avenue, Brooklyn
62-02-BZ thru 64-02-BZ	Walworth Street, Brooklyn
105-02-BZ	205 West Fordham Road, The Bronx
111-02-BZ	925 Hunts Point Avenue, The Bronx
144-02-BZ & 145-02-A	113-40 Merrick Boulevard, Queens
180-02-BZ	39-17 Bell Boulevard, Queens
196-02-BZ	1826/32 Coney Island Avenue, Brooklyn
198-02-BZ	55 Wall Street, Manhattan
205-02-BZ	108-17 171 st Place, Queens

CORRECTIONS..... 709

Affecting Calendar Numbers:

138-88-BZ	1007 Brooklyn Avenue, Brooklyn
-----------	--------------------------------

DOCKET

New Case Filed Up to September 24, 2002

248-02-BZ B.M. 105/07 Chambers Street
(aka 160/70 Church Street and 89/91 Reade Street, Church
Street, between Chambers and Reade Streets, Block 145,
Lots 1001, 1002 and 1003, Borough of Manhattan. The
legalization of an existing physical culture establishment,
located in portions of the ground floor, cellar and sub-cellar
of a five story building, requires a special permit from the
Board as per Z.R. §32-00.

COMMUNITY BOARD #1M

249-02-BZ B.BX. 2501 Grand
Concourse, northwest corner of Fordham Road, Block
3167, Lot 1, Borough of The Bronx. Applic.#200675359.
Proposed physical culture establishment, to be located in
the cellar of an existing five story building, in an R8 and
R8/C1-3 zoning district, is contrary to §32-31.

COMMUNITY BOARD #7BX

250-02-BZ B.BK. 3845 Bedford
Avenue, east side, 340' south of Bedford Avenue and
Quentin Road, Block 6808, Block 74, Borough of
Brooklyn. Alt.1#301397398. Proposed enlargement of
an existing one family dwelling, Use Group 1, located in an
R3-2 zoning district, which does not comply with the
zoning requirements for floor area, open space, lot
coverage, side yards, minimum side yard and rear yard, is
contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

COMMUNITY BOARD #15BK

251-02-A B.Q. 11 Suffolk Walk,
east side, 76.09' north of Sixth Avenue, Block 16350, Lot
400, Borough of Queens. Alt. #401465758. Proposed
enlargement to an existing one family dwelling, not fronting
on a legally mapped street, located within the bed of
mapped street and also has a private disposal system within
the bed of a mapped street, is contrary to Sections 35 and
36, Article 3 of the General City Law.

252-02-A B.Q. 466 Seabreeze Walk,
east side, 4.31' south of Rockaway Point Boulevard, Block
16350, Lot 400, Borough of Queens. Alt.#401463493.
Proposed enlargement to an existing one family dwelling,
not fronting on a legally mapped street, located within the
bed of mapped street and also has a private disposal system
within the bed of a mapped street, is contrary to Sections 35
and 36, Article 3 of the General City Law.

253-02-A B.Q. 8 Marion Walk,
west side, 302.52' north of Breezy Point Boulevard, Block
16350, Lot 400, Borough of Queens. Alt.#401463475.
Proposed enlargement to an existing one family dwelling,
not fronting on a legally mapped street, with a private
disposal system in the bed of a private service road, is
contrary to Section 36, Article 3 of the General City Law
and the Department of Buildings policy, also the
interpretation of Z.R. §23-47 and it relates to rear yard
requirement.

254-02-BZ B.BK. 41/45 South Fifth Street,
bounded on the west by Kent Avenue, and on the east by
Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.
Alt.#301158039. The legalization of residential
occupancy, Use Group 2, in an existing three-story
building, and the proposed use, in the one story building,
Use Group 2, located in an M1-2 zoning district, is contrary
to Z.R. §42-00.

COMMUNITY BOARD #1BK

255-02-A B.Q. 21 Janet Lane,
north side, 162' east of Beach 203rd Street, Block 16350,
Lot 400, Borough of Queens. Alt.1#401457810.
Proposed alteration 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.

256-02-BZ B.BK. 160 Imlay Street,
bounded by Imlay, Verona and Commerce Streets, and
Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn.
Applic.#301396790. Proposed development of a vacant
six story manufacturing building, and the addition of three
floors, for residential use, Use Group 2, located in an M2-1
zoning district, is contrary to Z.R. §42-00 and §43-00.

COMMUNITY BOARD #6BK

DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department
of Buildings, Manhattan; B.Q.-Department of
Buildings, Queens; B.S.I.-Department of Buildings,
Staten Island; B.BX.-Department of Building, The
Bronx; H.D.-Health Department; F.D.-Fire
Department.

CALENDAR

OCTOBER 29, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 29, 2002, at 10:00A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

219-71-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

OCTOBER 29, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 29, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.

CALENDAR

45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

233-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.

SUBJECT - Application August 19, 2002 - Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens.

243-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.

SUBJECT - Application September 9, 2002 - Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

OCTOBER 29, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 29, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

12-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corporation, owner.

SUBJECT - Application January 4, 2002 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, and is contrary to Z.R. §32-25.

PREMISES AFFECTED - 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

121-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Harbor Associates, owner; Harbor Fitness Inc., lessee.

SUBJECT - Application April 17, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1 zoning which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #10BK

CALENDAR

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a sixstory office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

COMMUNITY BOARD #5M
-----**142-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #14BK
-----**151-02-BZ**

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M
-----**162-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Eli and Raizy Levitin, owner.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and side and rear yards, and is contrary Z.R. §23-46, §23-461 and §23-141.

PREMISES AFFECTED - 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #14BK
-----**197-02-BZ**

APPLICANT - Gary H. Silver Architect, P.C., for Nostrand Kings Management, owner; Theater Fitness Inc., DBA Empire Fitness, lessee.

SUBJECT - Application June 19, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, in a two story commercial building, located in a C2-2 within an R3-2 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #18BK
-----**200-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 24, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

833-52-BZ, Vol. III

APPLICANT - Walter T. Gorman, P.E., for Zohar, LLC, owner; Benchai Ventures, Inc., lessee.

SUBJECT - Application April 19, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 5916/30 Foster Avenue, southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for an amendment to the resolution and an extension of the term of the variance which expired on January 15, 2002; and

WHEREAS, a public hearing was held on this application July 23, 2002, after due notice by publication in The City Record, laid over to September 10, 2002 and then to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to permit the erection of a new canopy.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to '11-411, said resolution having been adopted on May 12, 1953, as amended through May 18, 1993, so that as amended this portion of the resolution shall read:

"To permit the erection of a new canopy, and to extend the term of the variance for ten years from January 15, 2002 expiring January 15, 2012; on condition

THAT the premises shall be maintained in substantial

compliance with Board approved plans marked "Received April 19, 2002"-(5) sheets; and on further condition;

THAT there shall be no sale of automobiles on the premises at any time;

THAT there shall be no parking on the sidewalk;

THAT the premises shall be maintained graffiti-free at all times;

THAT all signage shall comply to C-1 Zoning District regulations;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. Nos. 301317420 and 301317439)

Adopted by the Board of Standards and Appeals, September 24, 2002.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record, laid over for continued hearing to May 21, 2002, July 16, 2002, August 6, 2002, September 10, 2002 and then to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution, to enlarge the existing one and a half story building by constructing a partial second floor, and to legalize the change in use from iron works factory to an electrical lighting fixture warehouse.

MINUTES

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on December 19, 2000, pursuant to Z.R.§§11-412 and 11-413, so that as amended this portion of the resolution shall read:

"To permit the enlargement of the existing one and a half story building by constructing a partial second floor, and to legalize the change in use from iron works factory to an electrical lighting fixture warehouse; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received August 14, 2001"-(4) sheets, "July 11, 2002"-(1) sheet, and "July 19, 2002"-(1) sheet; and on further condition

THAT the adjacent lot, number 37, shall not be used for accessory storage or any other business-related uses at any time;

THAT the subject premises shall comply with all applicable Performance Standards for M1-1 Zoning Districts as defined in the Zoning Resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 401200428)

Adopted by the Board of Standards and Appeals, September 24, 2002.

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 Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, and extension of the term of the variance which expired on April 10, 2002; and

WHEREAS, a public hearing was held on this application September 10, 2002, after due notice by publication in The City Record, laid over to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting an amusement arcade for an additional one year; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to '11-411, said resolution having been adopted on February 8, 1977, so that as amended this portion of the resolution shall read: "To extend the term of the variance for one year from April 10, 2002 expiring April 10, 2003; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 5, 2002"-(3) sheets; and on further condition

THAT all conditions from prior resolutions shall be complied with;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 401444282)

Adopted by the Board of Standards and Appeals, September 24, 2002.

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

MINUTES

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance permitting a automobile repair establishment, which expired October 29, 2001; and

WHEREAS, a public hearing was held on this application on June 18, 2002, after due notice by publication in The City Record, laid over to July 16, 2002, August 6, 2002, and then to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extend the term of the variance, said resolution having been adopted October 29, 1991 so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten (10) years from October 29, 2001 expiring October 29, 2011, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 7, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT used car sales shall be limited to five cars within the confines of the premises at any time;

THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT there shall be no used cars for sale parked on the street;

THAT there shall be no outdoor repair work;

THAT the premises shall be maintained graffiti-free at all times;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 400113550)

Adopted by the Board of Standards and Appeals, September 24, 2002.

280-01-BZ

CEQR#02-BSA-028M

APPLICANT - Howard A. Zipser, Esq of Stadtmuer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan Transport Authority, S & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record, laid over to September 24, 2002 for decision; and

WHEREAS, on May 7, 2002, the Board granted a variance permitting the erection of a mixed-use building which violated commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations; and

WHEREAS, the applicant now seeks to amend the resolution, to reconfigure the residential tower portion of the Approved Building so that its northern leg is removed and its "L" shape is inverted and articulated on its south face; and

WHEREAS, the applicant represents and the Board finds that the reconfiguration would result in a building more complementary to the adjacent residential building; and

WHEREAS, the amended proposal results in a building which is 443 feet tall, 65 feet taller than the previously approved 378 feet, and also reduces the lot coverage from 27.6% to 21.8%.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 7, 2002, so that as amended this portion of the resolution shall read: "To permit the reconfiguration of the residential tower portion of the mixed-use building; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received July 8, 2002"-(11) sheets and "August 2, 2002"-(4) sheets;

MINUTES

and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 102973926)

Adopted by the Board of Standards and Appeals, September 24, 2002

295-01-BZ

CEQR#02-BSA-038K

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V' Yalda Early Childhood Center, owner.

SUBJECT - Application July 19, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, laid over to September 24, 2002 for decision; and

WHEREAS, on May 14, 2002, the Board granted a variance permitting the construction and operation of a five-story, cellar and sub-cellar school; and

WHEREAS, the applicant now seeks to amend the resolution, to reduce the size of the school to a four-story, cellar and mezzanine building;

WHEREAS, in response to the concerns of the Fire Department, the applicant has agreed to install an automatic wet sprinkler system and fire alarm system, both connected to a Fire Department-approved central station.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 14, 2002, so that as amended this portion of the resolution shall read:

"To permit the reduction in size of the school to a four-story, cellar and mezzanine building; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received July 19, 2002"-(6) sheets and "September 13, 2002"-(2) sheets; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 301268964)

Adopted by the Board of Standards and Appeals, September 24, 2002.

50-02-BZ thru 53-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Avalanche Enterprises

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

58-46 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 1, Borough of Queens.

58-44 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 3, Borough of Queens.

58-42 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 5, Borough of Queens.

58-40 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 6, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application dismiss for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals,

MINUTES

September 24, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman and Frank Mormando.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10:00 A.M., for decision, hearing closed.

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Amit Itshiah and Lorin Lewis.

For Opposition: Gary Rawlins.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10:00 A.M., for continued hearing.

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for decision, hearing closed.

52-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT - Application June 11, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 14, 2000.

PREMISES AFFECTED - 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for continued hearing.

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for continued hearing.

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10:00 A.M., for continued hearing.

MINUTES

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue aka 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for continued hearing.

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for continued hearing.

834-60-BZ

APPLICANT - Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application March 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired March 2, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10:00 A.M., for continued hearing.

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Thomas Schneider.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for continued hearing.

116-81-BZ

APPLICANT - Catapano Engineering, P.C., for 1579 Atlantic Avenue, owner.

SUBJECT - Application March 27, 2002 and updated May 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 14, 2001.

PREMISES AFFECTED - 1581 Atlantic Avenue aka 48/56 Troy Avenue, northwest corner of Troy Avenue, Block 1705, Lots 58 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for decision, hearing closed.

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, north side of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for continued hearing.

MINUTES

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane and Sheldon Lobel.

For Opposition: Bayo Callender, Roger ?, Eric Yaden, Karen Gleason and Elisabeth Martin.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 29, 2002, at 10:00 A.M., for decision, hearing closed.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for continued hearing.

43-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Salvatore and Matteo Roselli, owner.

SUBJECT - Application June 18, 2002 - reopening for an extension of time to complete construction which expired on May 19, 2002.

PREMISES AFFECTED - 1098 East 56th Street, 107.16' south of Flatlands Avenue, Block 7781, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8,

2002, at 10:00 A.M., for decision, hearing closed.

201-98-A thru 203-98-A

APPLICANT - Klein & O'Brien, LLP, for Marina Development Association, L.P., owner.

SUBJECT - Application June 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired April 18, 2001.

PREMISES AFFECTED - 4302, 4310, 4312, 4314, 4322 West Shore Avenue, south west corner of Bay 43rd Street, and West Shore Avenue, Block 6944, Lot 480, Borough of Brooklyn.

505, 507, 515, 517, 525, 527, 535, 537, 545, 547, 555 and 557 Bay 43rd Street, Hunters Avenue and West Shore Avenue, Block 6944, Lot 321, Borough of Brooklyn.

403-11, 415, 17, 21, 23, 31, 33, 37, 39, 43, 53, 55, 59, 61, 65, 67, 75, 77, 81, 83 Bay 43rd Street, Hunter Avenue and Shore Parkway, Block 6944, Lot 80, Borough of Brooklyn. **COMMUNITY BOARD #13BK**

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for decision, hearing closed.

186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganesian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for continued hearing.

MINUTES

APPEALS CALENDAR

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lisa Altman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 11:00 A.M., for continued hearing.

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2002, at 11:00 A.M., for continued hearing.

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.

747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11:00 A.M., for continued hearing.

141-02-A

APPLICANT - The Augusta Group for Raymond & Katherine Koon, owner.

SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Patrick Jones and Sol Korman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 11:00 A.M., for continued hearing.

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 11:00 A.M., for continued hearing.

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.

OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Gerald Goldstein

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:10 P.M.

REGULAR MEETING

**TUESDAY AFTERNOON, SEPTEMBER 24, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

244-01-BZ

CEQR #02-BSA-012K

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 10, 2001 acting on Application No. 01185955 reads:

"PROPOSED RESIDENTIAL DWELLINGS IN M1-1 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS. "; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to April 16, 2002, May 21, 2002, July 9 2002, August 6, 2002, and then to September 24, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. Section 42-00; and

WHEREAS, the parcel measures 25 feet by 77 feet,

MINUTES

located on the southeasterly corner formed by the intersection of the northerly side of South First Street and the easterly side of Rodney Street, improved with a three-story building; and

WHEREAS, the record indicates that the subject building presently contains one residential unit on each of the top two floors and two units on the ground floor; and

WHEREAS, the owner proposes to convert the aforementioned four units to three units by combining the two ground floor units into one with the units on the second and third floors remaining unchanged; and

WHEREAS, the applicant represents that although the building contains residential units, the current owner has never illegally rented the units for residential use; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the record indicates that the subject lot is irregular and substandard for modern manufacturing or warehouse uses because it does not provide an elevator or a loading dock; and

WHEREAS, the record indicates that the subject property is located on the service road to a major arterial, and its location would create difficulty in loading and unloading of trucks; and

WHEREAS, the Board agrees with the applicant's assertion, that the limited size of each floor would require multi-level occupation and the lack of an elevator would create a hardship to moving work product or equipment from floor to floor; and

WHEREAS, in response to Board concerns, the applicant has documented compliance with the ventilation requirements of Building Code Section 27-750 and amended the fire safety plans to provide an automatic wet sprinkler in the cellar connected to the domestic water supply; and

WHEREAS, the aforementioned unique conditions demonstrate that the development of this site with a conforming development creates an undue hardship; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that within a 400-foot radius of the subject site, approximately 74% of the buildings house residential uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 9, 2002"- (7) sheets and "August 15, 2002"- (2) sheets, and on further condition;

THAT in accordance with BSA approved plans an automatic wet sprinkler connected to the domestic water supply shall be provided in the cellar and maintained. The number of sprinkler heads shall not exceed 20 at any time;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 24, 2002.

137-99-BZ

APPLICANT - Goidel & Siegel, LLP, for Mr. & Mrs. Michael Tropp, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit the legalization of a one story extension for residential purposes and the installation of a pool for respiratory therapy, which creates non-compliance with respect to open space, rear yard, lot coverage, floor area and side yards, which is contrary §23-12, §23-44, §23-14, §23-47, §23-141 and §23-48.

PREMISES AFFECTED - 165/67 Norfolk Street, Norfolk Street and Oriental Blvd., Block 8757, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Goidel Jonathan.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application dismiss for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, September 24, 2002.

**42-02-BZ
CEQR#BSA-128R**

APPLICANT - Land Planning and Engineering Consultants, P.C., for Philip Folino, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 4601 Amboy Road, northwest corner of Waimer Place, Block 5585, Lot 99, Borough of Staten Island.

COMMUNITY BOARD #3S.I

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

Adopted by the Board of Standards and Appeals, September 24, 2002.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35. PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Patrick Jones.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for decision, hearing closed.

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik and Kenneth Fisher.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

MINUTES

Negative:0
ACTION OF THE BOARD - Laid over to October 8, 2002, at 2:00 P.M., for continued hearing.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for continued hearing.

240-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.

SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, within portions of the first and second floors, of an existing mixed use 21 story building, requires a special permit.

PREMISES AFFECTED - 110/20 Church Street, aka 54 Murray Street, aka 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Adam W. Rothkrug

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES-

For Applicant: Howard Hornstein, Barbara hair and Jack Freeman

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for continued hearing.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Eric Palatnik and Daniel Lane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

MINUTES

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2:00 P.M., for continued hearing.

13-02-BZ thru 16-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn.

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29,

2002, at 2:00 P.M., for continued hearing.

32-02-BZ

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2:00 P.M., for continued hearing.

43-02-BZ

APPLICANT - Sheldon Lobel, P.C., for George Pantelides, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard which is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A.

PREMISES AFFECTED - 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Irving Minkin, Sheldon Lobel and George Pantelides.

For Opposition: Howard Hornstein and Peter Geis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for continued hearing.

44-02-BZ

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Yacovone, Fire Department. THE

VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2:00 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2:00 P.M., for continued hearing.

62-02-BZ thru 64-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

105-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Moe D. Karash, owner; BP Amoco, plc., lessee.

SUBJECT - Application April 3, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C2-4 within an R6 zoning district.

PREMISES AFFECTED - 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for decision, hearing closed.

111-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, Napa Realty Corp., owner; BP Amoco, plc, lessee.

SUBJECT - Application April 5, 2002 - under Z.R. §73-21, to permit

the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-1 zoning district.

PREMISES AFFECTED - 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard (Expressway), Block 2735, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for decision, hearing closed.

144-02-BZ & 145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 113-40 Merrick Boulevard,

MINUTES

northwest
corner of Linden Boulevard, Block 12326, Lot 21, Borough
of Queens.

113-40 Merrick Boulevard, northwest corner of Linden
Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22,
2002, at 2:00 P.M., for decision, hearing closed.

180-02-BZ

APPLICANT - David Stadtmauer/Stadtmauer Bailkin, LLP,
for Cascarino's Realty Corp., owner; Cascarino's, lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §72-21,
to permit the proposed rear yard addition at the second floor
level of an existing two story vacant building (proposed
restaurant), which creates non-compliance with respect to the
height and rear yard requirements, is contrary to Z.R. §§33-
23 and 33-26.

PREMISES AFFECTED - 39-17 Bell Boulevard, between
39th and 40th Avenues, Block 6241, Lot 9, Borough Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Steven Sinacori, Sidney Abelson, Joan Bogt
and Fred Mazarella.

For Opposition: Frank Strala.

For Administration: John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22,
2002, at 2:00 P.M., for decision, hearing closed.

196-02-BZ

APPLICANT - SFS Associates by Peter Hirshman, for
Dynamic Youth Community, Inc., owner.

SUBJECT - Application June 17, 2002 - under Z.R. §72-21,
to permit the proposed construction of a fourth floor addition,
for use as sleeping accommodations (domiciliary care
facility) of 16 beds, to the existing three story community
facility, Use Group 3, located in a C8-2 (OP) zoning district,
which is contrary to Z.R. §32-13.

PREMISES AFFECTED - 1826/32 Coney Island Avenue,
west side, 46' north of Avenue "O", Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29,
2002, at 2:00 P.M., for continued hearing.

198-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for SK 55 Wall
LLC, owner; The Regent Wall Street, lessee.

SUBJECT - Application June 20, 2002 - under Z.R. §73-36,
to permit an existing physical culture establishment, Use
Group 9, accessory to an existing hotel, to be open to the
public, which requires a special permit.

PREMISES AFFECTED - 55 Wall Street, south side,
between Hanover and William Streets, Block 27, Lot 1,
Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8,
2002, at 2:00 P.M., for decision, hearing closed.

205-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector,
for Khanam Jan Nabati, owner.

SUBJECT - Application July 5, 2002 - under Z.R. § 72-21,
to permit

the proposed construction of a two story, one family
dwelling, that does not provide the required side yards, which
is contrary to Z.R. §23-41.

PREMISES AFFECTED - 108-18 171st Place, westside, 175'
south of 108th Avenue, Block 10254, Lot 15, Borough of
Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22,
2002, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 6:50 P.M.

MINUTES

*CORRECTION

This resolution adopted on May 14, 2002, under Calendar No. 130-88-BZ and printed in Volume 87, Bulletin No. 21, is hereby corrected to read as follows:

obtained within thirty-six (36) months from October 12, 2000;” now reads: “THAT a new Certificate of Occupancy shall be obtained within forty-eight (48) months from October 12, 2000;”. **Corrected in Bulletin Nos. 38-39, Vol. 87, dated October 3, 2002.**

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of practice and procedure waived, application reopened and time to obtain a new certificate of occupancy extended

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on October 12, 2000; and

WHEREAS, a public hearing was held on this application on April 23, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on January 24, 1989 as amended through January 24, 1999 expiring January 24, 2009, only as to the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read: “That a new Certificate of Occupancy shall be obtained within forty-eight (48) months from October 12, 2000; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May 14, 2002.

***The resolution has been corrected in that the part which read: “THAT a new Certificate of Occupancy shall be**

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 40

October 10, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	712
CALENDAR November 12, 2002	
Morning	713
Afternoon	714

CONTENTS

MINUTES of Regular Meetings,
Tuesday, October 1, 2002

Morning Calendar716

Affecting Calendar Numbers:

199-97-BZ	130-138 Horace Harding Expressway, Queens
109-34-BZ	64-40 Myrtle Avenue aka 72-02 Cypress Hills Street, Queens
915-46-BZ	40-08 30th Avenue, Queens
234-56-BZ	10-02 Clintonville Street, Queens
624-68-BZ	188-01/17 Northern Boulevard, Queens
459-73-BZ	2424/2448 Flatbush Avenue, Brooklyn
540-86-BZ	32-11/21 Newtown Avenue, aka 28-36/58 33rd Street, Queens
25-95-BZ	2881 Nostrand Avenue, Brooklyn
137-96-BZ	6159 Broadway, Bronx
175-97-BZ	55 West Houston Street, aka 158-160 Wooster Street, Manhattan
139-02-A	1511 Third Avenue, Manhattan
154-02-A thru 155-02-A	26 Pitney Avenue, south Staten Island
228-02-A	231 Bayside Drive, Queens

Afternoon Calendar718

Affecting Calendar Numbers:

265-01-BZ	102-06 Russell Street, Queens
281-01-BZ	35 West Tremont Avenue, aka 31/43 West Tremont Avenue, Bronx
68-02-BZ	130-20 89th Road, Queens
69-02-A	130-20 89th Road, Queens
103-02-BZ	1516 East 24th Street, Brooklyn
109-02-BZ	2460 East Tremont Avenue, Bronx
257-01-BZ	2504 Avenue "K", Brooklyn
282-01-BZ	222 Wallabout Street, Brooklyn
283-01-BZ	266 Lee Avenue, Brooklyn
297-01-BZ	201 East 23rd Street, Manhattan
305-01-BZ thru 320-01-BZ	Terrace Court, Queens
322-01-BZ	402 Avenue "U", Brooklyn
325-01-BZ	1375 East 27th Street, Brooklyn
373-01-BZ	372 Avenue 'U', Brooklyn
374-01-BZ & 375-01-BZ	836 Kent Avenue, Brooklyn
384-01-BZ	218 Wallabout Street, Brooklyn
39-02-BZ	142-66/82 Rockaway Boulevard, Queens
78-02-BZ	104-72 48th Avenue, Queens
233-01-BZ	537 West 19th Street, Manhattan
292-01-BZ	69/71 MacDougal Street, Manhattan
26-02-BZ	1680 Richmond Avenue, Staten Island
87-02-BZ	8401 Flatlands Avenue, Brooklyn
106-02-BZ	4502 14th Avenue, a/k/a 1371 46th Street, Brooklyn
112-02-BZ	48 Eldrige Street, Manhattan
124-02-BZ	8000 Utopia Parkway, Queens
157-02-BZ	1334 East 27th Street, Brooklyn
163-02-BZ	2029 East 21st Street,, Brooklyn

DOCKETS

New Case Filed Up to October 1, 2002

351-02-BZ B.Q. 33-55 11th Street, aka 33-41/47 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens. Applic. #401547518. The reestablishment of an expired variance previously granted by the Board under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.

COMMUNITY BOARD #1Q

257-02-BZ B.Q. 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens. Applic. #401495360. The proposed incorporation of an existing vacant building into the existing development (previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

COMMUNITY BOARD #5Q

258-02-BZ B.BK 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn. The proposed conversion of a one and four story manufacturing building to residential use, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

259-02-A B.SI 819 Rossville Avenue, a/k/a 504 Correll Avenue, Block 6146, Lot 35, Borough of Staten Island. Applic. #500556187. Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #3SI

260-02-A B.Q 129-02 Liberty Avenue, southeast corner of 129th Street, Block 9583, Lot 1, Borough of Queens. Applic. #401371029. Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #10Q

261-02-A B.SI 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 81, Borough of Staten Island. Applic. #500525611. Proposed one story warehouse building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

COMMUNITY BOARD #3SI

262-02-BZ B.BK 4801 Tenth Avenue and 1001/47 49th Street, bounded by Fort Hamilton Parkway, 10th Avenue, between 48th and 49th Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn. Applic. #s.301393025 and 301417367. The proposed erection of a nine story (L1+8) building, within the medical center community facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, which is contrary to §24-522, §33-431 and §24-11.

COMMUNITY BOARD #12BK

263-02-BZ B.BK. 1800 Coney Island Avenue, west side, 260' north of Avenue O, south of Avenue N, Block 6592, Lot 34, Borough of Brooklyn. Special Permit §73-36 to permit the legalization of a Physical Cultural Establishment (PCE) located in an C8-2 (Special Ocean Parkway District).

COMMUNITY BOARD #12BK

264-02-BZ B.M. 150/54 West 17th Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan. Applic. #102555762. To permit in a C6-2A zoning district, the proposed addition at the second floor rear yard portion of an existing community facility contrary to Z.R. §33-23.

COMMUNITY BOARD #4M

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

NOVEMBER 12, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, November 12, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red's Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

111-94-BZ

APPLICANT - Jay Segal, Esq., Greenberg Traurig, LLP, for 25-02 Eighth Avenue Corp., owner.

SUBJECT - Application March 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of special permit which expired April 5, 2000.

PREMISES AFFECTED - 3543-49 Broadway, northwest intersection of Broadway and West 145th Street, Block 2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #9M

99-01-A

APPLICANT - Philip P. Agusta, for Serafina Balducci/Nicolo Balducci, owners.

SUBJECT - Application August 2, 2002 - reopening for a rehearing.

PREMISES AFFECTED - 37-18 74th Street, west side, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

NOVEMBER 12, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, November 12, 2002, at 11:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

246-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Justin Billows, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor, to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30½ Graham Place, south side, 13.01' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

247-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. John Achilleas, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Bayside Avenue, south side, 680' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

251-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joanne Billot, lessee.

SUBJECT - Application September 10, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

CALENDAR

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

255-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Arthur Connor, lessee.

SUBJECT - Application September 18, 2002 - proposed alteration 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 - 21 Janet Lane, north side, 162' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

NOVEMBER 12, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, November 12, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, aka 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

146-02-BZ

APPLICANT - The Augusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

193-02-BZ

APPLICANT - Sheldon Lobel, P.C., for St. Christopher-Ottile, owner.

SUBJECT - Application June 11, 2002 - under Z.R. §72-21, to permit the proposed conversion of a five story building, located in an area zoned for manufacturing use, into a not-for-profit institution with sleeping accommodations, Use Group 3, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 488 Morgan Avenue, east side, between Richardson Street and Division Place, Block 2851, Lots 1 and 70, Borough of Brooklyn.

COMMUNITY BOARD #1BK

CALENDAR

232-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Marc Bodner, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and the minimum required side yard, is contrary to Z.R. §23-141(a) and §23-461(a).

PREMISES AFFECTED - 1168 East 23rd Street, east side, 203'-4" south of Avenue "L", Block 7622, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #14BK

270-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Roselyn Zelman, owner.

SUBJECT - Application October 8, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

PREMISES AFFECTED - 1649 East 28th Street, between Avenue "P" and Quentin Road, Block 6791, Lot 50, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 1, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

199-97-BZ

APPLICANT - Sheldon Lobel, P.C., for Jancor Inc., owner.

SUBJECT - Application June 26, 2002 - reopening for an extension of time to complete construction which expired May 27, 2002.

PREMISES AFFECTED - 130-138 Horace Harding Expressway, south side of the Horace Harding Expressway, 140' west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on May 27, 2002; and

WHEREAS, a public hearing was held on this application on September 10, 2002, after due notice by publication in *The City Record*, and laid over to October 1, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution, permitting a florist shop, adopted on May 27, 1998, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read: "That a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; and on further condition"

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, October 1, 2002.

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.

SUBJECT - Application August 6, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Aenue aka 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

234-56-BZ

APPLICANT - Richard Bowers, Stadtmauer Bailkin, for Haymeli Enterprises, Inc., owner; 10th Avenue Auto Services, Corp., lessee.

SUBJECT - Application July 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street, corner of 10th Avenue, Block 4515, Lot 29, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to October

MINUTES

22, 2002, at 10:00 A.M., for decision, hearing closed.

624-68-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M., for continued hearing.

459-73-BZ

APPLICANT - Sheldon Lobel, P.C, for Joseph Angelone, owner; The Great Atlantic Pacific Tea Co., lessee.

SUBJECT - Application July 18, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expires July 25, 2002.

PREMISES AFFECTED - 2424/2448 Flatbush Avenue, southern corner of Avenue T and Flatbush Avenue, Block 8542, Lots 41 and 46, Borough of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10:00 A.M for decision, hearing closed.

540-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLC, for 148 Jamaica Avenue Company, LLC, owner.

SUBJECT - Application June 19, 2002 - reopening for an extension of term of variance which expired June 23, 2002.

PREMISES AFFECTED - 32-11/21 Newtown Avenue, aka 28-36/58 33rd Street, north west corner of Newtown Avenue and 53rd Street, Block 619, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M , for decision, hearing closed.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph Packman, owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired June 11, 2001.

PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand Avenue and Marine Parkway, Block 7691, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10:00 A.M., for continued hearing.

137-96-BZ

APPLICANT - Fredrick A. Becker, Esq., for 6159 Broadway, LLC, owner; Kookoo's, lessee.

SUBJECT - Application March 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 9, 2000.

PREMISES AFFECTED - 6159 Broadway, west side of Broadway 175' south of 251st Street, Block 5814, Lot 1189, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Fredrick A. Becker, Kathy Samechansky and M. Meckers.

For Opposition: Captain Mike Maloney and John Scrofani, Fire Department; Robin Stevenson, Joseph E. Gordon of Councilman Koppell and Barbara O'Neill Velez.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for continued hearing.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for decision, hearing closed.

MINUTES

APPEALS CALENDAR

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for decision, hearing closed.

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 11:00 A.M., for decision, hearing closed.

228-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Onofrio and Joanne Rocco, lessee.

SUBJECT - Application August 12, 2002 - proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Article 3, Sections 35 and 36 of the General City Law.

PREMISES AFFECTED - 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11:00 A.M., for decision, hearing closed.

REGULAR MEETING

**TUESDAY AFTERNOON, OCTOBER 1, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

265-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Sandro E. Falla, owner.

SUBJECT - Application August 28, 2001 - under Z.R. §72-21, to permit the legalization of an enlargement to an existing one family dwelling which does not comply with the zoning requirements for lot size, side, front and rear yards, F.A.R. and O.S.R., which is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.

PREMISES AFFECTED - 102-06 Russell Street, south side, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 5, 2001, and updated May 13, 2002 acting on ALT Application No. 401063558, reads:

“Respectfully request reconsideration for the existing non-comply one dwelling building. The existing floor area’s exceeded the open space is below the minimum. The side yards, the front and rear yard are not in compliance. The lot is an existing narrow lot, and the lot area is also contrary to section 23-32.”; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, and then to October 1, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of an enlargement to an existing one-family dwelling in an R3-1 zoning district, which creates non-compliances with respect to floor area, side, front, and rear yards, open space, and lot size, and is contrary to Z.R. §§23-141, 23-32, 23-45, 23-46 and 23-47; and

WHEREAS, the record indicates that the subject premises is an undersized lot located on the south side of Russell Street, bounded by the Flinn Canal in the rear; and

WHEREAS, the applicant states that the site is improved with a home which was likely to have been used primarily as a summer bungalow; and

WHEREAS, the subject site has a width of 20 feet, a depth of 70 feet and a total lot area of 1,400 square feet, that upon which only a home of 490 square feet could be built under the current zoning; and

WHEREAS, according to the applicant, the as-of-right building would have a width of 7 feet and a depth of 25 feet; and

WHEREAS, the aforementioned unique physical condition, namely the narrow and shallow lot, makes its occupancy for a conforming R3-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and neighborhood; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit the legalization of an enlargement to an existing one-family dwelling in an R3-1 zoning district, which creates non-compliances with respect to floor area, side, front, and rear yards, open space, and lot size, and is contrary to Z.R. §§23-141, 23-32, 23-45, 23-46 and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked AReceived May 14, 2002"-(9) sheets, and on further condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted”.

Adopted by the Board of Standards and Appeals, October 1, 2002.

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

MINUTES

For Administration: John Scrofani and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, October 1, 2002.

68-02-BZ

CEQR #02-BSA-144Q

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.

SUBJECT - Application February 22, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35.

PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Howard Weiss.

For Administration: John Scrofani and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002 acting on N.B. Application No. 401387904, reads;

- 1- "PROPOSED USE, USE GROUP 3A, (NOT FOR PROFIT OR PHILANTROPIC FACILITY WITH SLEEPING ACCOMMODATIONS.) DOES NOT COMPLY WITH THE PERMITTED USES IN AN M1-1 ZONE; and

- 2- THE PROPOSED BUILDING IS LOCATED IN THE BED OF A MAPPED STREET (132ND STREET) AND REQUIRES BSA APPROVAL PURSUANT TO GENERAL CITY LAW SECTION 35"; AND

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 1, 2002 for decision; and

WHEREAS, the Board notes that this case was heard with a companion appeals case filed under Calendar Number 69-02-A objection #2; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, Community Board #9, Queens, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35; and

WHEREAS, the subject site is located on 89th Road between 90th and Jamaica Avenues; and

WHEREAS, 89th Road is a dead end street abutting the Long Island Rail Road at the northeast end; and

WHEREAS, since, 1969, the subject community facility operates its programs from a two-story 11,000 square foot facility located at 89th Road, which is across the street from the subject premises, and

WHEREAS, the record and the Borough President's report indicates that the proposed facility, will occupy a 23,895 square foot, four (4) Story structure, consisting of (3) floors and a penthouse, allowing the applicant to provide needed services and counseling in a converted two-story industrial building for clients on an out-patient basis and will house 65 beds for in-patient care; and

WHEREAS, the applicant represents that the current facility has been adapted and rearranged to accommodate an increased client population and that the proposed site will enable the community facility to expand its services by providing (31) additional in-patient beds;

WHEREAS, the record indicates that within a 400 foot radius, the subject lot, nearly all parcels are occupied by manufacturing, industrial and warehousing uses is very small and shallow, measuring approximately only 37'5 1/4" fronting on Third Avenue, and extending only 69'10 3/4" in depth; and

WHEREAS, the applicant represents that the subject building is not suitable for a commercial development because the property rests against a solid concrete abutment of the Long Island Railroad which extends over twenty feet high, making accessibility to the site by commercial vehicles difficult; and

WHEREAS, the Board finds that there are unique conditions, namely the small and shallow zoning lot, its

MINUTES

location on a dead end street, and the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the Board notes that the subject community facility has been an asset to the community for over 32 years and that the proposed building is surrounded by manufacturing uses; and isolated at the dead end of 89th Road; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 22, 2002"- (5) sheets and "September 16, 2002"- (4) sheets; and on further condition;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, October 1, 2002.

69-02-A

APPLICANT - Davidoff & Malito LLP by Howard S. Weiss, Esq., for Samaritan Foundation, Inc., owner.

SUBJECT - Application February 22, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35.

PREMISES AFFECTED - 130-20 89th Road, south side, 150' east of the intersection of 89th Road and 130th Street, Block 9357, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Howard Weiss.

For Administration: John Scrofani and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 23, 2002 acting on N.B. Application No. 401387904, reads;

- 1- "PROPOSED USE, USE GROUP 3A, (NOT FOR PROFIT OR PHILANTROPIC FACILITY WITH SLEEPING ACCOMMODATIONS.) DOES NOT COMPLY WITH THE PERMITTED USES

MINUTES

IN AN M1-1 ZONE; and
2- THE PROPOSED BUILDING IS LOCATED IN THE BED OF A MAPPED STREET (132ND STREET) AND REQUIRES BSA APPROVAL PURSUANT TO GENERAL CITY LAW SECTION 35"; AND

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 1, 2002 for decision; and

WHEREAS, the Board notes that this case was heard with a companion appeals case filed under Calendar Number 69-02-A objection #2; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, Community Board #9, Queens, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35; and

WHEREAS, the subject site is located on 89th Road between 90th and Jamaica Avenues; and

WHEREAS, 89th Road is a dead end street abutting the Long Island Rail Road at the northeast end; and

WHEREAS, since, 1969, the subject community facility operates its programs from a two-story 11,000 square foot facility located at 89th Road, which is across the street from the subject premises, and

WHEREAS, the record and the Borough President's report indicates that the proposed facility, will occupy a 23,895 square foot, four (4) Story structure, consisting of (3) floors and a penthouse, allowing the applicant to provide needed services and counseling in a converted two-story industrial building for clients on an out-patient basis and will house 65 beds for in-patient care; and

WHEREAS, the applicant represents that the current facility has been adapted and rearranged to accommodate an increased client population and that the proposed site will enable the community facility to expand its services by providing (31) additional in-patient beds;

WHEREAS, the record indicates that within a 400 foot radius, the subject lot, nearly all parcels are occupied by manufacturing, industrial and warehousing uses is very small and shallow, measuring approximately only 37'5 1/4" fronting on Third Avenue, and extending only 69'10 3/4" in depth; and

WHEREAS, the applicant represents that the subject building is not suitable for a commercial development because the property rests against a solid concrete abutment of the Long Island Railroad which extends over twenty feet high, making accessibility to the site by commercial vehicles difficult; and

WHEREAS, the Board finds that there are unique

conditions, namely the small and shallow zoning lot, its location on a dead end street, and the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the Board notes that the subject community facility has been an asset to the community for over 32 years and that the proposed building is surrounding by manufacturing uses; and isolated at the dead end of 89th Road; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed construction and operation of a, Use Group 3 community facility located in located in the bed of a mapped street, which is contrary to Z.R. §42-00 and General City Law §35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 22, 2002"- (5) sheets and "September 16, 2002"- (4) sheets; and on further condition;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained

MINUTES

within two (2) years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, October 1, 2002.

**103-02-BZ
CEQR #02-BSA-171K**

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc., owner.

SUBJECT - Application April 2, 2002 - under Z.R. §72-21, to permit in an R6 zoning district, the proposed enlargement of an existing two-story and cellar Community Facility, (Use Group 4) which is contrary to Z.R. §24-36.

PREMISES AFFECTED - 1516 East 24th Street, 105' south of Avenue "O", between Avenue "O" and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman

For Administration: John Scrofani and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 4, 2002 acting on ALT. Application No. 300189622, reads;

“Proposed 2nd Story within the Envelope of the Existing Building is contrary to Z.R. §24-36 and requires a variance from the Board of Standards and Appeals as per §72-21”; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 1, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21

to permit, in an R6 zoning district, the proposed enlargement of an existing two-story and cellar Community Facility, (Use Group 4) which is contrary to Z.R. §24-36; and

WHEREAS, the subject site is rectangular parcel located on East 24th Street, approximately 105 south of Avenue O, developed with a two-story and cellar synagogue; and

WHEREAS, the rear yard of the subject premises is presently occupied by a one-story 23 foot high permitted obstruction; and

WHEREAS, the instant application seeks to add a second story within the existing envelope in the rear yard, and

WHEREAS, Z.R. §24-36 requires that a community facility in an R6 district provide a rear yard with a depth of not less than thirty (30) feet; and

WHEREAS, the applicant represents that the proposed non-complying design is necessary to meet the programmatic needs of the congregation, because its existing facility is not adequate to meet the expanding needs of a growing congregation;

WHEREAS, the record indicates that the instant proposal will allow rooms to separate the activities for children, young adults and seniors, as well as providing a dining room for religious observances and meetings; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the Board notes that the subject community facility is a permitted use within the subject R6 zoning district, and the record indicates the majority of the congregants live within walking distance to the proposed site; 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, 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 synagogue; 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 including potential parking and traffic impacts; and

MINUTES

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts;

THAT would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing two-story and cellar Community Facility, (Use Group 4) which is contrary to Z.R. §24-36, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received April 2, 2002"- (7) sheets and "September 25, 2002"- (1) sheet; and on further condition;

THAT in accordance with BSA approved plans and Fire Department recommendations, the applicant provide the following safety measures;

THAT the premises shall not be used for commercial catering at any time;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 1, 2002.

109-02-BZ

CEQR #02-BSA-177X

APPLICANT - Sheldon Lobel, P.C., for Cyrus Rubin, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit in a C2-2/ R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

PREMISES AFFECTED - 2460 East Tremont Avenue, corner of Saint Peters Avenue, Block 3999, Lot 32, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2002 acting on Application No. 200712014 reads:

"1. Proposed construction of a new building 4,224 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-2 within a R6 Zoning District which is contrary to BSA calendar number 29-53-BZ and therefore must be referred to the BSA"; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 1, 2002 for decision; and

WHEREAS, Community Board No. 10 in the Bronx recommended approval of the application; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #32; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 31,560 square feet of area with approximately 230 feet of frontage along Seddon Street, 120 feet of frontage along Saint Peters Avenue, and 152 feet of frontage along East Tremont Avenue, a heavily traveled roadway; and

WHEREAS, the subject site is presently improved with a single-story 2,780 square feet masonry building with 4 car port doors; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 4,224 square foot

MINUTES

automotive service station with an accessory convenience store containing 2,330 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 144.92 square feet of illuminated signage and 61.69 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 17 vehicles; and

WHEREAS, the applicant represents that a 6' high chain link fence with privacy slats along the top will provide screening to the adjoining lots within the C2-2/R6 zoning district, and 44 white pines will line the Southeastern property line where the site adjoins residential uses; and

WHEREAS, applicant further represents that there will be no lubrication, repair or washing of cars at the premises; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 31,560 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that East Tremont Avenue is a heavily traveled thoroughfare and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-2/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 25, 2002" -(6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 1, 2012;

THAT construction shall be completed in accordance with Z.R. §73-70; and

THAT a new Certificate of Occupancy shall be obtained within two (2) years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 1, 2002.

257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001- under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for decision, hearing closed.

MINUTES

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD - Laid over to September 9, 2003, at 2:00 P.M., for continued hearing.

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six(6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD - Laid over to September 9, 2003, at 2:00 P.M., for continued hearing.

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and

65th Lane, Block 3605, Lot 28, Borough of Queens.

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 34, Borough of Queens.

MINUTES

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for continued hearing.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2:00 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD - Laid over to September 9, 2003, at 2:00 P.M., for continued hearing.

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway

MINUTES

Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2:00 P.M., for continued hearing

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyn Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

292-01-BZ

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.

SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit the legalization of a new dining room at the rear of the structure, and a storage room in the cellar, which is part of an existing and drinking establishment, Use Group 6, located in an R7-2 zoning district, is contrary to Z.R. §52-22.

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 1/2" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002- under Z.R. §72-21, to permit the reestablishment of an expired variance previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing

87-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit the proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing

106-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Beth Jacob of Boro Park, Inc., owner.

SUBJECT - Application April 3, 2002 - under Z.R. §72-21, to permit the proposed expansion of an existing childcare facility and yeshiva, Use Groups 3 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §24-11, §24-12, §24-36 and §25-31.

PREMISES AFFECTED - 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing

MINUTES

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing

124-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for St. John's University, owner.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed combination of three existing accessory group parking facilities, into a single facility with roof top parking, and secondly the construction of a new accessory garage with rooftop parking, for an existing university campus, located in an R4 zoning district, which is contrary to §25-11 and §25-13.

PREMISES AFFECTED - 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens.

COMMUNITY BOARD #8Q

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing

157-02-BZ

APPLICANT - Dennis D. Dell'Angelo, R.A., for Jeffrey M. Eisenberger, owner.

SUBJECT - Application May 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-14, §23-46 and §23-47.

PREMISES AFFECTED - 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for decision, hearing closed.

163-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Edmond and Terri Harary, owners.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, lot coverage and wall height, is contrary Z.R. §23-47, §23-461 and §23-141 and §23-461.

PREMISES AFFECTED - 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S and "T", Block 7300, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 41

October 17, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	733
CALENDAR November 19, 2002	
Morning	734
Afternoon	735

CONTENTS

MINUTES of Regular Meetings,
Tuesday, October 8, 2002

Morning Calendar736

Affecting Calendar Numbers:

1069-27-BZ, Vol. III	6702/6724 New Utrecht Avenue, Brooklyn
116-81-BZ	1581 Atlantic Avenue, Brooklyn
43-95-BZ	1098 East 56 th Street, Brooklyn
274-59-BZ, Vol. II	3356-3358 Eastchester Road, The Bronx
1237-66-BZ	1 East 233 rd Street, The Bronx
237-72-BZ	262-10/262-12 Hillside Avenue, Queens
1043-80-BZ	1680/88 Albany Avenue., Brooklyn
793-88-BZ	164/76 Willis Avenue, The Bronx
181-90-BZ	482/486 College Avenue, The Bronx
47-99-BZ	3122 Victory Boulevard, Staten Island
47-02-A & 48-02-A	3667 Richmond Avenue, Staten Island
54-02-A & 55-02-A	100 & 106 Gary Street, Staten Island
140-02-A	67-35 73 rd Place, Queens
141-02-A	46-17 Overbrook Street, Queens
216-02-A	42 Tioga Walk, Queens

CONTENT

Afternoon Calendar740

Affecting Calendar Numbers:

32-02-BZ	176/82 Johnston Street, Brooklyn
44-02-BZ	1125 Gilmore Court, Brooklyn
143-02-BZ	3468 Bedford Avenue, Brooklyn
158-02-BZ	444 Beach 6 th Street, Queens
198-02-BZ	55 Wall Street, Manhattan
321-01-BZ	25 Paidge Avenue, Brooklyn
281-99-BZ	6055 Strickland Avenue, Brooklyn
234-01-BZ	80 North 5 th Street, Brooklyn
360-01-BZ	2228 Gerritsen Avenue, Brooklyn
388-01-BZ	2071 Clove Road, Staten Island
29-02-BZ	271-17 76 th Avenue, Queens
41-02-BZ	124 McLean Avenue, Staten Island
49-02-BZ	189-19 Pineville Lane, Queens
66-02-BZ	439 Marcy Avenue, Brooklyn
76-02-BZ &	265 Stobe Avenue, Staten Island
77-02-BZ	
79-02-BZ	1024 Dean Street, Brooklyn
108-02-BZ	4566 Broadway, Manhattan
123-02-BZ	14-34 110 th Street, Queens
227-02-BZ	527 East 233 rd Street, The Bronx

DOCKETS

New Case Filed Up to October 8, 2002

265-02-BZ B.M. 19 East 94th Street, south side, 108' west of the intersection of Madison Avenue and East 94th Street, Block 1506, Lot 13, Borough of Manhattan. Alt.#102824678. Proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, is contrary to §24-36 and §54-31.

COMMUNITY BOARD #8M

266-02-BZ B.BK. 181 Jaffray Street, east side, 100'-0" north of Oriental Boulevard, Block 8753, Lot 85, Borough of Brooklyn. Applic.#301416965. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

COMMUNITY BOARD #15BK

267-02-BZ B.BK. 3478 Bedford Avenue, west side, 230'0" north of Avenue "N", Block 7660, Lot 70, Borough of Brooklyn. Applic.#301421049. Proposed extension of residential use into the attic, of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for rear yard, open space ratio and floor area ratio is contrary to Z.R. §23-141 and §223-47.

COMMUNITY BOARD #14BK

268-02-BZ B.BK. 176 South Fourth Street, between Driggs Avenue and South Fifth Place, Block 2446, Lot 78, Borough of Brooklyn. N.B.#301408322. Proposed construction of a seven story Class Multiple A Dwelling, with nine dwelling units, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

269-02-BZ B.BK. 1644 East 28th Street, between Avenue "P" and Quentin Road, Block 6790, Lot 15, Borough of Brooklyn. Alt.#301383125. The legalization of a prior enlargement, as well as an additional enlargement of a singlefamily residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

COMMUNITY BOARD #15BK

270-02-BZ B.BK. 1649 East 28th Street, between Avenue "P" and Quentin Road, Block 6791, Lot 50, Borough of Brooklyn. Alt.#301395540. Proposed enlargement of a single family residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.

COMMUNITY BOARD #15BK

271-02-BZ B.BK. 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn. N.B.#301361452. Proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

COMMUNITY BOARD #12BK

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

NOVEMBER 19, 2002, 10:00 A.M.

..
NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 19, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

151-90-BZ

APPLICANT - The Agusta Group, for Carmen Bosato, owner.

SUBJECT - Application August 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 25, 2001.

PREMISES AFFECTED - 115-49 118th Street, east side of 118th Street 240' north of Sutter Avenue, Block 11711,

Lot 18, Borough of Queens.

COMMUNITY BOARD #10Q

145-92-BZ

APPLICANT - Fredrick A. Becker, Esq., for PPI New York LLC, owner; Broadway Body Builders, Inc., lessee.

SUBJECT - Application September 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 403 East 91st Street, north side of East 91st Street, 94' east of First Avenue, Block 1571, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M

219-97-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 130-11 North Conduit Avenue, North Conduit between 130th Street and 130th Place, Block 11864, Lots 13 and 16, Borough of Queens.

COMMUNITY BOARD #10Q

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A. C/O Bohler Engineering, owner.

SUBJECT - Application September 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234th Street, northwest corner of Broadway and West 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 73-15 Parsons Boulevard, Parsons Boulevard between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

CALENDAR

NOVEMBER 19, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, November 19, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #4BK

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #3M

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

239-02-BZ

APPLICANT - Deirdre A. Carson, Esq./Greenberg Traurig, LLP, for Rabbo Realty, LLC, owner.

SUBJECT - Application August 29, 2002 - under Z.R. §72-21, to permit the reestablishment of restaurant use, Use Group 6A, after a discontinuance of more than two year, located in an R7-2 zoning district, that is part of a designated historic district, is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #2M

250-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yaacov Azrad, owner.

SUBJECT - Application September 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, minimum side yard and rear yard, and is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 3845 Bedford Avenue, east side, 340' south of Bedford Avenue and Quentin Road, Block 6808, Block 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 8, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

Absent: Commissioner Miele

SPECIAL ORDER CALENDAR

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman and Frank Mormando.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Miele2

THE RESOLUTION -

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening, an amendment, and an extension of the term of the variance which expired March 6, 2001, and an amendment; and

WHEREAS, a public hearing was held on this application on December 18, 2001, after due notice by publication in The City Record, laid over to January 29, 2002, March 5, 2002, April 9, 2002, May 14, 2002, June 4, 2002, July 9, 2002, August 6, 2002, September 24, 2002, and then to October 8, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance, permitting the erection and operation of an automatic automobile laundry, simonizing room and offices, for an additional ten years; and

WHEREAS, the applicant also seeks to amend the resolution to reflect changes in the layout of the premises, namely the addition of an attendant's booth and the relocation of the canopy; and

WHEREAS, in response to the concerns of the Board, regarding vehicular and pedestrian traffic, the applicant has revised the plans and closed a curb cut on New Utrecht Avenue.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance pursuant to §11-411, said resolution having been adopted March 6, 1956, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten years from March 6, 2001, expiring March 6, 2011, and to amend the resolution to reflect changes in the layout of the premises, namely the addition of an attendant's booth and the relocation of the canopy, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 10, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT a new Certificate of Occupancy be obtained within two years of this grant;

THAT the hours of operation for the automobile vacuums shall be limited from 9:00 A.M.-7:00 P.M.;

THAT there shall be no parking of automobiles on the sidewalk at anytime;

THAT there shall be no outdoor automobile repair work done on the premises;

THAT the premises shall remain graffiti-free at all times;

THAT there shall be no change in use, ownership or lessee without Board approval;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT the expiration date of this variance shall be indicated on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 301186017)

Adopted by the Board of Standards and Appeals, October 8, 2002.

MINUTES

116-81-BZ

APPLICANT - Catapano Engineering, P.C., for 1579 Atlantic Avenue, owner.

SUBJECT - Application March 27, 2002 and updated May 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 14, 2001.

PREMISES AFFECTED - 1581 Atlantic Avenue aka 48/56 Troy Avenue, northwest corner of Troy Avenue, Block 1705, Lots 58 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure, a reopening for an extension of the term of the variance which expired July 14, 2001; and

WHEREAS, a public hearing was held on this application on July 23, 2002, after due notice by publication in The City Record, laid over to September 24, 2002, and then to October 8, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance, permitting an automotive service station, for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance, said resolution having been adopted July 14, 1981, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten years from July 14, 2001 expiring July 14, 2011, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received March 27, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the hours of operation for the automobile vacuums shall be limited from 9:00 A.M.-7:00 P.M.;

THAT there shall be no parking of automobiles on the sidewalk at anytime;

THAT there shall be no coin-operated self-service car washes on the premises at any time;

THAT the premises shall remain graffiti-free at all times;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 301269945)

Adopted by the Board of Standards and Appeals, October 8, 2002.

43-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Salvatore and Matteo Roselli, owner.

SUBJECT - Application June 18, 2002 - reopening for an extension of time to complete construction which expired on May 19, 2002.

PREMISES AFFECTED - 1098 East 56th Street, 107.16' south of Flatlands Avenue, Block 7781, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD -Application reopened and time to complete substantial construction extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete substantial construction which expired on May 19, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, and laid over to October 8, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, permitting the erection and use of a one-story building as a non-conforming automobile repair shop, adopted on May 19, 1998, 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 from the date of this grant; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed

MINUTES

DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 8, 2002.

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Laurence Dalfino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to October 29, 2002, at 10:00 A.M., for decision, hearing closed.

1237-66-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A., owner.

SUBJECT - Application August 15, 2002 - reopening for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland Park East and East 233rd Street, Block 3363, Lots 18 and 23, The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for postponed hearing.

237-72-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilt's Petroleum, owner.

SUBJECT - Application June 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED -262-10/262-12 Hillside Avenue, southwest corner of 263rd Street, Block 8792, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for continued hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for continued hearing.

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Phil Rampulla.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to October 29, 2002, at 10:00 A.M., for decision, hearing closed.

181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east

MINUTES

side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for continued hearing.

47-99-BZ

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.

SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to October 29, 2002, at 10:00 A.M., for decision, hearing closed.

APPEALS CALENDAR

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 SI

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application dismiss for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

Adopted by the Board of Standards and Appeals,

October 8, 2002.

54-02-A & 55-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.

SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.

106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11:00 A.M., for decision, hearing closed.

140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: John Resinger, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 12, 2002, at 11:00 A.M., for decision, hearing closed.

MINUTES

41-02-A

APPLICANT - The Agusta Group for Raymond & Katherine Koon, owner.

SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Sol Korman.

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11:00 A.M., for decision, hearing closed.

216-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Thomas Concannon, lessee.

SUBJECT - Application July 25, 2002 - proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 11:25 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 8, 2002
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

Absent: Commissioner Miele

ZONING CALENDAR

32-02-BZ

CEQR# 02-BSA-120K

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit, in an M1-1 zoning district, the conversion of a former industrial building 3to a residential (Use Group 2) use, which is contrary to Z.R. Section 42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 5, 2002 acting on Application No. 301116664 reads:

"The proposal to change Manufacturing Use (U.G. 17) to Class "A" apartments (U.G.2) is contrary to Section 42-00 Zoning Resolution which does not permit residential use in an M1-1 Zoning District."; and

WHEREAS, a public hearing was held on this application on August 6, 2002 after due notice by publication in The City Record, and laid over to October 8, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-1 zoning district, the conversion of a former industrial building to a residential (Use Group 2)

MINUTES

use, which is contrary to Z.R. Section 42-00; and

WHEREAS, the subject parcel measures approximately 73 feet by 110 feet, located on the southwest corner formed by the intersection of Johnson and Prince Streets, improved with an eight -story building; and

WHEREAS, the applicant seeks permission to convert an existing industrial building to 64 residential units consisting of 66,470 square feet; and

WHEREAS, the record indicates that the subject building is burdened by a lack of accessory parking, an infrastructure that cannot accommodate modern industrial communication needs and a floor plate that is interrupted by 8 columns; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the record indicates that the subject property is located on a narrow street, and its location would create difficulty in loading and unloading of trucks; and

WHEREAS, in response to Board concerns, that the addition of residential uses would create parking impacts, the applicant will provide a 12 car parking garage at the cellar level of the subject building which will be serviced by an automated lift operating from Prince Street; and

WHEREAS, the aforementioned unique conditions demonstrate that the development of this site with a conforming development creates an undue hardship; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that within the vicinity of the subject site, residential and community facility uses predominate; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the conversion of a former industrial building to a residential (Use Group 2) use,

which is contrary to Z.R. Section 42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 15, 2002"- (2) sheets and "August 20, 2002"- (4) sheets, and on further condition;

THAT in accordance with BSA approved plans the applicant will provide the following Fire Safety measures;

THAT substantial construction shall be completed in accordance with Z.R. '72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 8, 2002.

44-02-BZ

CEQR#02-BSA-130K

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit, in an R4 zoning district, the proposed enlargement to an existing single-family dwelling by enlarging the building forward and erecting a second story, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Open Space Ratio and Rear Yard, contrary to Z.R. §§23-141, 23-48, 54-31 and 23-47 and to permit the conversion to a two family dwelling.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Betty Glover.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 30, 2002, acting on

MINUTES

Application No. 301172460 reads:

“THE PROPOSED ENLARGEMENT OF THE ONE STORY RESIDENCE IN AN R4 ZONING DISTRICT;

1. CREATES A NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141 OF THE ZONING RESOLUTION (ZR).

2. CREATES NON-COMPLIANCES WITH RESPECT TO LOT COVERAGE AND OPEN SPACE RATION AND IS CONTRARY TO SECTION 23-141.

3. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO SIDE YARD AND IS CONTRARY TO SECTIONS 23-48 & 54-31.

4. PROVIDE REAR YARD AS PER Z.R. SECTION 23-47.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, and laid over to October 8, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. '73-622 to allow, in an R4 zoning district, the proposed enlargement to an existing single-family dwelling by enlarging the building forward and erecting a second story, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Open Space Ratio and Rear Yard, contrary to Z.R.§§23-141, 23-48, 54-31 and 23-47; and

WHEREAS, upon enlargement, the applicant also seeks to permit the conversion of the premises into a two family dwelling; and

WHEREAS, Community Board #15 recommends approval of this application; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.§§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. "73-03 and 73-622 and grants a special permit to allow, in an R4

zoning district, the proposed enlargement to an existing single-family dwelling by enlarging the building forward and erecting a second story, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Open Space Ratio and Rear Yard, contrary to Z.R.§§23-141, 23-48, 54-31 and 23-47 and to permit the conversion to a two family dwelling, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received September 9, 2002”-(9) sheets; and on further condition;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, October 8, 2002.

143-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Vivian Stok, owner.

SUBJECT - Application May 3, 2002 - under Z.R. §73-622, to permit, in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Open Space Ratio and Side and Rear Yards, contrary to Z.R.§§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 3468 Bedford Avenue, 350' north of Avenue “N”, between Avenues “M and N”, Block 7660, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 24, 2002, acting on Application No. 301329541 reads:

MINUTES

“Obtain special permit approval from the Board of Standards and Appeals for the following objections:

1. Proposed floor area ratio contrary to zr 23-141.
2. Proposed open space ratio contrary to zr 23-141.
3. Proposed side yards contrary to zr 23-461.
4. Proposed rear yard contrary to zr 23-47." and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 8, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. 73-622 to permit, in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Open Space Ratio and Side and Rear Yards, contrary to Z.R.§§23-141, 23-461 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R.§§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Open Space Ratio and Side and Rear Yards, contrary to Z.R.§§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 22, 2002" -(6) sheets and "October 1, 2002"-(1) sheet; and on further condition;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief

granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, October 8, 2002.

158-02-BZ

CEQR# 02-BSA-203Q

APPLICANT - Sheldon Lobel, P.C., for Torah Academy for Girls (The Bais Yaakov of Long Island), owner.

SUBJECT - Application May 15, 2002 - under Z.R. §72-21, to permit, in an R3-1 zoning district, the proposed enlargement of an existing two-story Community Facility,(Use Group 3) which is contrary to Z.R.§§24-11, 24-35, 24-34, 24-382 and 24-521.

PREMISES AFFECTED - 444 Beach 6th Street, between Jarvis and Meehan Avenues, Block 15591, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 3, 2002 acting on Alt. Application No. 401403076, reads;

"Obtain approval from Board of Standards and Appeals for the following objections:

- 1) Proposed floor area is contrary to 24-11
- 2) Side yard is contrary to 24-35
- 3) Front yard is contrary to 24-34
- 4) Rear Yard is contrary to 24-382

MINUTES

5) Height & Setback contrary to 24-521"; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 8, 2002 for decision; and

WHEREAS, Community Board No. 14 in Queens recommended approval of the subject application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R3-1 zoning district, the proposed enlargement of an existing two-story Community Facility, (Use Group 3) which is contrary to Z.R. §§24-11, 24-35, 24-34, 24-382 and 24-521; and

WHEREAS, the subject site is a trapezoidal-shaped parcel fronting on Meehan Avenue, Bay 6th Street, and Jarvis Avenue developed with a "U" shaped structure housing a school/Yeshiva; and

WHEREAS, the instant application seeks to add a third story to meet the growing programmatic needs of the student population; and

WHEREAS, the subject building presently houses 36 classrooms, a cafeteria, auditorium, computer rooms, a science lab and offices; and

WHEREAS, the instant application seeks to add an additional 22 classrooms; and

WHEREAS, the evidence in the record indicates that the subject schools needs the requested enlargement to meet New York State licensing requirements; and

WHEREAS, the record indicates that presently the school serves an all-female population of 758 students enrolled in grades kindergarten through eighth with an additional 300 youngsters in its summer day camp; and

WHEREAS, the applicant's operation's plan indicates that students attend the school at different hours depending on their grade level; and

WHEREAS, the record also suggests that due to the school's need to provide religious instruction, the students are taught two-separate disciplines and accommodations are made for students needing special attention; and

WHEREAS, the aforementioned special services require a low student to teacher ratio creating the need for additional classrooms; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. § 72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the Board notes that the subject

community facility is a permitted use within the subject R3-1 zoning district, and the record indicates the majority of the students attend on a staggered schedule; 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, 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 Yeshiva; 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, evidence in the record demonstrates that the instant application is consistent with New York City's Local Waterfront Revitalization Program policies; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R3-1 zoning district, the proposed enlargement of an existing two-story Community Facility, (Use Group 3) which is contrary to Z.R. §§24-11, 24-35, 24-34, 24-382 and 24-521, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received September 19, 2002"- (8) sheets; and on further condition;

THAT Fire Department safety measures referenced in the BSA approved plans shall be complied with;

THAT the premises shall not be used for commercial catering at any time;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief

MINUTES

granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 8, 2002.

198-02-BZ

CEQR #02-BSA-230M

APPLICANT - Joseph P. Morsellino, Esq., for SK 55 Wall LLC, owner; The Regent Wall Street, lessee.

SUBJECT - Application June 20, 2002 - under Z.R. §73-36, to permit in a C5-5 zoning district, within the Lower Manhattan Special District, to permit use of an existing physical culture facility that was formerly accessory to a hotel, located on the fourth floor of the subject premises.

PREMISES AFFECTED - 55 Wall Street, south side, between Hanover and William Streets, Block 27, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 4, 2002 acting on Application No. 103161739 reads:

"Proposed physical culture establishment requires special permit of the Board of Standards and Appeals as per ZR 32-31 and ZR 73-36."

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record and laid over to October 8, 2002, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the

Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit in a C5-5 zoning district, within the Lower Manhattan Special District, to permit use of an existing physical culture facility that was formerly accessory to a hotel, located on the fourth floor of the subject premises; and

WHEREAS, the record indicates that approximately ten to twenty hotel guest per day use the fitness subject center with one to two using the spa; and

WHEREAS, the subject hotel will continue to operate the physical culture establishment for its guests but also wishes to attract additional clients from the surrounding commercial uses; and

WHEREAS, the applicant represents that the proposed application will not intensify the current use as the square footage will remain at 2,961 square feet, the hours of operation for the fitness center will remain at 5:30 a.m. to 10: p.m., with the hours for the spa limited to 9:00 a.m. to 6:00 p.m., Monday to Friday and 10:00 a.m. to 7:00 p.m. Saturday and Sunday; and

WHEREAS, the applicant notes that while the subject site is located within the Special Lower Manhattan district, its regulations are not applicable to the instant application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will continue to be performed by independent licensed massage therapists; and

WHEREAS, the subject building contains sprinklers throughout and is a Class "E" fire Alarm system, fire extinguishers, and "EXIT" signs pursuant to code; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36, and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

MINUTES

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-36 and 73-03 to permit in a C5-5 zoning district, within the Lower Manhattan Special District, to permit use of an existing physical culture facility that was formerly accessory to a hotel, located on the fourth floor of the subject premises, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 8, 2002"-(8) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten years from the date of this grant to expire on October 8, 2012;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation for the fitness center will remain at 5:30 a.m. to 10: p.m., with the hours for the spa limited to 9:00 a.m. to 6:00 p.m., Monday to Friday and 10:00 a.m. to 7:00 p.m. Saturday and Sunday;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 8, 2002.

321-01-BZ

APPLICANT - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 25 Paidge Avenue, on the corner of McGuinness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:.....0

Absent: Commissioner Miele.....1

Adopted by the Board of Standards and Appeals, October 8, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman and Neil Capone.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

MINUTES

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for continued hearing.

360-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Carl A. Sulfaro and Robert Bronzino.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug and Adam Berman.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-

31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for postponed hearing.

41-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Salvatore Calcagno, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Catherine Pirrella.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November

MINUTES

19, 2002, at 2:00 P.M., for decision, hearing closed.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for continued hearing.

76-02-BZ & 77-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Gary Angiuli, owner.

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, accessory to an existing auto sales establishment, Use Group 16, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 265 Stobe Avenue, southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough of Staten Island.

277 Stobe Avenue, northeast corner of Boundary Avenue, Block 3664, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing

79-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

108-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2:00 P.M., for continued hearing.

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino and Toula Hennes.

For Opposition: Fred J. Mazzaello, Juan Vogt for Senator Padavan and NEQ Comm.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for continued hearing.

227-02-BZ

APPLICANT - Stanley K. Schlein, Esq., for Beatrice Clemente, owner; 4201 Webster Corp., lessee.

SUBJECT - Application August 9, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 527 East 233rd Street aka 4201

MINUTES

Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: John Strauss and Jack Freeman.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 5:15 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 42-43

October 31, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET753

CALENDAR of November 19, 2002

Morning754

Afternoon755

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, October 22, 2002**

Morning Calendar756

Affecting Calendar Numbers:

16-36-BZ	1885 Westchester Avenue, Bronx
234-56-BZ	10-02 Clintonville Street, Queens
459-73-BZ	2424/2448 Flatbush Avenue, Brooklyn
540-86-BZ	32-11/21 Newtown Avenue, a/k/a 28-36/58 33 rd Street, Queens
173-94-BZ	165-10 144 th Road, Queens
201-98-A thru 203-98-A	4302 - 4322 West Shore Avenue, 505 - 557 Bay 43 rd Street, and 403-11 to 83 Bay 43 rd Street, Brooklyn
52-55-BZ	1255 East Gun Hill Road, Bronx
618-55-BZ	3902 Avenue U, Brooklyn
393-59-BZ	2805 Edson Avenue, a/k/a 1945 Bartow Avenue, Bronx
624-68-BZ	188-01/17 Northern Boulevard, Queens
542-69-BZ	3326-32 Decatur Avenue, Bronx
154-02-A & 155-02-A	26 Pitney Avenue, Staten Island
219-02-A thru 221-01-A	107-72/107-76/107-78 Watson Place, Queens

Afternoon Calendar.....761

Affecting Calendar Numbers:

254-01-BZ	26-06 213 th Street, a/k/a 212-24 26 th Avenue, Queens
105-02-BZ	205 West Fordham Road, Bronx
111-02-BZ	925 Hunts Point Avenue, Bronx
157-02-BZ	1334 East 27 th Street, Brooklyn
163-02-BZ	2029 East 21 st Street, Brooklyn
180-02-BZ	39-17 Bell Boulevard, Queens
205-02-BZ	108-18 171 st Place, Queens
36-01-BZ	328 Spring Street, a/k/a 489-495 Washington Street, Manhattan
143-01-BZ	348 East 9 th Street, Manhattan
193-01-BZ	3034 Coney Island Avenue, Brooklyn
263-01-BZ	85/101 North Third Street, Brooklyn
303-01-BZ	756 Myrtle Avenue, Brooklyn
324-01-BZ	1077 Bay Street, Staten Island
332-01-BZ	1511 Third Avenue, a/k/a 201 East 85 th Street, Manhattan
366-01-BZ	500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, Brooklyn
405-01-BZ	1275 36 th Street, a/k/a 123 Clara Street, Brooklyn
86-02-BZ	155/59 North Fourth Street, Brooklyn
108-02-BZ	4566 Broadway, Manhattan
119-02-BZ	94 North 13 th Street, Brooklyn
126-02-BZ	296 West Fordham Road, Bronx
144-02-BZ & 145-02-A	113-40 Merrick Boulevard, Queens
148-02-BZ	72 Highlawn Avenue, Brooklyn
165-02-BZ thru 176-02-A	147 - 159 Classon Avenue, Brooklyn
186-02-BZ 191-02-A	143/145/147 Classon Avenue, Brooklyn
199-02-BZ	210/220 East 19 th Street, Manhattan
207-02-BZ	2723 Avenue "P", Brooklyn
225-02-BZ	6419 Fort Hamilton Parkway, Brooklyn

CORRECTION.....775

Affecting Calendar Number:

377-01-BZ	56 Giffords Lane, Staten Island
-----------	---------------------------------

DOCKETS

New Case Filed Up to October 22, 2002

272-02-BZ B.Q. 9 Suffolk Walk, east side, 148' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt. #1 401472740. Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

273-02-BZ B.BK. 615 Hampton Avenue, northwest corner of Ocean Avenue, Block 8731, Lot 51, Borough of Brooklyn. Applic. #301415724. Proposed enlargement at the rear, of an existing one family dwelling, which does not comply for floor area ratio, lot coverage, perimeter wall, setback and sky exposure plane, is contrary to Z.R. §23-141, §54-31 and §23-631.

COMMUNITY BOARD #15BK

274-02-BZ B.BX. 2350 Jerome Avenue, between 184th Street and North Street, Block 3187, Lots 14 and 18, Borough of The Bronx. Applic. #200750856. Proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C8-3 zoning district, situated within the required 30' rear yard setback along district boundary, requires a special permit from the Board as per Z.R. §33-29.

COMMUNITY BOARD #5BX

275-02-BZ B.BK. 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn. Applic. #301022881. The legalization of 34 residential units, Use Group 2, located in an M1-2 zoning district, on the second floor of a two story building, is contrary to Z.R. §42-00.

COMMUNITY BOARD #BK

276-02-BZ B.BK. 160 Norfolk Street, west side, 300' north of Oriental Boulevard and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn. Applic. #301415706. Proposed erection of a second story, and a rear enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with regards to floor area ratio, open space ratio, lot coverage, and rear and side yards, is contrary to Z.R. §23-141, §23-47, §54-31 and §23-461.

COMMUNITY BOARD #15BK

277-02-BZ B.BK. 60 Coleridge Street, west side, 280.0' north of Hampton Avenue, and south of Shore Boulevard, Block 8728, Lot 49, Borough of Brooklyn. Applic. #300987591. The legalization of a one story rear enlargement, and the use of attic for living space, in an existing one family dwelling, Use Group 1, located in R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio and the required yard is contrary to Z.R. §23-141, §54-31 and §23-47.

COMMUNITY BOARD #15BK

278-02-BZ B.BK. 4056 Bedford Avenue, between Avenues "S" and "T", Block 7303, Lot 31, Borough of Brooklyn. Applic. #301368687. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #15BK

279-02-BZ B.BK. 76 Aster Court, east side, 34'-0" north of Channel Avenue, south of Bijou Avenue, Block 8946, Lot 844, Borough of Brooklyn. Applic. #301420335. The legalization of a second story, to an existing one story, one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, floor area ratio and side yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

COMMUNITY BOARD #15BK

280-02-BZ B.BK. 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50, Borough of Brooklyn. Alt. #1 301408117. Proposed accessory parking with 33 spaces and a 24-hour attendant, which is located more than 200 feet from the zoning lot, containing the community facility (nursing home), requires a special permit from the Board as per Z.R. §25-53.

COMMUNITY BOARD #8BK

281-02-BZ B.BK. 18 Exeter Street, east side, 126'-4 1/2" south of Oriental Boulevard, north of Hampton Avenue, Block 8730, Lot 53, Borough of Brooklyn. Applic. #302420996. The legalization of an enlargement at the rear of an existing one family residence, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, also side and rear yards, is contrary to Z.R. §23-141,

DOCKETS

§54-31, §23-47 and §23-461.

COMMUNITY BOARD #15BK

282-02-BZ B.BK. 1465 East 24th Street, east side, 360'-0" south of Avenue "M", north of Avenue "N", Block 7657, Lot 27, Borough of Brooklyn. Applic. #301420987. The legalization of a one story enlargement at the rear of an existing one family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R.§23-141, §54-31 and §23-47.

COMMUNITY BOARD #14BK

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

NOVEMBER 19, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 19, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

151-90-BZ

APPLICANT - The Agusta Group, for Carmen Bosato, owner.

SUBJECT - Application August 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 25, 2001.

PREMISES AFFECTED - 115-49 118th Street, east side of 118th Street 240' north of Sutter Avenue, Block 11711, Lot 18, Borough of Queens.

COMMUNITY BOARD #10Q

145-92-BZ

APPLICANT - Fredrick A. Becker, Esq., for PPI New York LLC, owner; Broadway Body Builders, Inc., lessee.

SUBJECT - Application September 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 403 East 91st Street, north side of East 91st Street, 94' east of First Avenue, Block 1571, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M

219-71-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard, aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A. C/O Bohler Engineering, owner.

SUBJECT - Application September 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234th Street, northwest corner of Broadway and West 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 73-15 Parsons Boulevard, Parsons Boulevard between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

CALENDAR

NOVEMBER 19, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 19, 2002, at 2:00 P.M., at 40 Rector Street, 6h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.
SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #4BK

83-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21,

to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #3M

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

239-02-BZ

APPLICANT - Deirdre A. Carson, Esq./Greenberg Traurig, LLP, for Rabbo Realty, LLC, owner.

SUBJECT - Application August 29, 2002 - under Z.R. §72-21, to permit the reestablishment of restaurant use, Use Group 6A, after a discontinuance of more than two year, located in an R7-2 zoning district, that is part of a designated historic district, is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #2M

250-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yaacov Azrad, owner.

SUBJECT - Application September 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, minimum side yard and rear yard, and is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 3845 Bedford Avenue, east side, 340' south of Bedford Avenue and Quentin Road, Block 6808, Block 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 22, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy. PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on May 11, 2000; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in The City Record, and laid over to September 24, 2002, August 6, 2002, and then to October 22, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans; and

WHEREAS, at the request of the Board, the applicant has submitted a supplementary lighting level plan to become part of the record.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, adopted on April 18, 1950, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within twelve (12) months from the date of this grant; and on further condition

THAT all lighting shall comply with the BSA approved lighting plan marked “Received October 8, 2002”- (1) sheet;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB# 200149936)

Adopted by the Board of Standards and Appeals, October 22, 2002.

234-56-BZ

APPLICANT - Richard Bowers, Stadtmauer Bailkin, for Haymeli Enterprises, Inc., owner; 10th Avenue Auto Services, Corp., lessee.

SUBJECT - Application July 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street, corner of 10th Avenue, Block 4515, Lot 29, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on October 1, 2002, and laid over to October 22, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the installation of a canopy above the existing gasoline pumps, the addition of an attendant's booth and the legalization of the replacement of the original eight 550 gallon tanks with three 4,000 gallon fiberglass tanks; and

WHEREAS, Community Board #7 has recommended approval of this application; and

WHEREAS, public hearings were held on a prior application concerning the subject premises, on April 3, 2001, after due notice by publication in The City Record, laid over to May 1, 2001, June 5, 2001, July 10, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were cancelled and this case was laid over to October 18, 2001, December 4, 2001, December 18, 2001 and then to March 5, 2002; and

WHEREAS, in response to community concerns expressed during the 2001 hearings, the Board determined that due to the small size of this site and area traffic

MINUTES

conditions, the sale of diesel fuel creates a hazardous condition and that the hours of operation should be limited; and

WHEREAS, the Board notes that the applicant has eliminated the sale of Diesel fuel; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §11-411, said resolution having been adopted February 19, 1957, so that as amended this portion of the resolution shall read:

“to permit the installation of a canopy above the existing gasoline pumps, the addition of an attendant’s booth and the legalization of the replacement of the original eight 550 gallon tanks with three 4,000 gallon fiberglass tanks, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received July 24, 2002”-(6) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT; there shall be no sale of diesel fuel;

THAT the hours of operation for the subject use shall be limited to Monday thru Friday 5:30 a.m. to 9:00 p.m., and Saturday and Sunday 6:00 a.m. to 6:00 p.m.

THAT there shall be no repairs of trucks on the premises;

THAT a fence be erected and maintained between the subject site and the adjacent commercial establishment at the south end of the property;

THAT there shall be no self-service gasoline sales;

THAT there shall be no parking on the sidewalk;

THAT there shall be no parking of trucks;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”
DOB. No. 401028794)

Adopted by the Board of Standards and Appeals, October 22, 2002.

459-73-BZ

APPLICANT - Sheldon Lobel, P.C, for Joseph Angelone, owner; The Great Atlantic Pacific Tea Co., lessee.

SUBJECT - Application July 18, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expires July 25, 2002.

PREMISES AFFECTED - 2424/2448 Flatbush Avenue, southern corner of Avenue T and Flatbush Avenue, Block 8542, Lots 41 and 46, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on July 25, 2002; and

WHEREAS, a public hearing was held on this application on October 1, 2002, after due notice by publication in The City Record, and laid over to October 22, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution permitting the enlargement of an existing food store, adopted on January 8, 1974, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; and on further condition

THAT the premises shall be maintained free of debris and graffiti at all times;

THAT all loading and unloading shall occur only between the hours of 8:00 AM- 8:00 PM;

THAT all lighting shall be directed away from adjacent residential uses;

THAT the garbage compactor shall be maintained at all times;

THAT all curb cuts and signage shall comply with previous BSA-approved plans;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

MINUTES

relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, October 22, 2002.

540-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLC, for 148 Jamaica Avenue Company, LLC, owner.

SUBJECT - Application June 19, 2002 - reopening for an extension of term of variance which expired June 23, 2002.

PREMISES AFFECTED - 32-11/21 Newtown Avenue, a/k/a 28-36/58 33rd Street, north west corner of Newtown Avenue and 53rd Street, Block 619, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 23, 2002; and

WHEREAS, a public hearing was held on this application on October 1, 2002, after due notice by publication in The City Record, laid over to October 22, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance, for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance permitting the enlargement of an existing food store, said resolution having been adopted June 23, 1987, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for an additional ten (10) years from June 23, 2002 expiring June 23, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 19, 2002”-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure

compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401452833)

Adopted by the Board of Standards and Appeals, October 22, 2002.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, October 22, 2002.

201-98-A thru 203-98-A

APPLICANT - Klein & O'Brien, LLP, for Marina Development Association, L.P., owner.

SUBJECT - Application June 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired April 18, 2001.

PREMISES AFFECTED -

4302, 4310, 4312, 4314, 4322 West Shore Avenue, south west corner of Bay 43rd Street, and West Shore Avenue, Block 6944, Lot 480, Borough of Brooklyn.

505, 507, 515, 517, 525, 527, 535, 537, 545, 547, 555 and 557 Bay 43rd Street, Hunters Avenue and West Shore Avenue, Block 6944, Lot 321, Borough of Brooklyn.

403-11, 415, 17, 21, 23, 31, 33, 37, 39, 43, 53, 55, 59, 61, 65, 67, 75, 77, 81, 83 Bay 43rd Street, Hunter Avenue and Shore Parkway, Block 6944, Lot 80, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Allison Kamensky.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on April 18, 2001; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, and laid over to October 22, 2002 for decision; and

WHEREAS, there have been no changes to the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, adopted on January 8, 1974, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; and on further condition

THAT a quarterly report shall be sent to the Executive Director of the BSA to document the progression of the project as it relates to the proposed construction schedule provided to the Board marked “Received October 8, 2002”;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, October 22, 2002.

52-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT - Application June 11, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 14, 2000.

PREMISES AFFECTED - 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for decision, hearing closed.

618-55-BZ

APPLICANT – Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (a/k/a Power Test Realty Co.), owner.

SUBJECT – Application January 15, 2002 – request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED – 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING –

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD – Laid over to November 12, 2022, at 10:00 A.M., for decision, hearing closed.

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue, a/k/a 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for decision, hearing closed.

624-68-BZ

APPLICANT - RothkrugRothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia

MINUTES

Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for continued hearing.

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Thomas Schneider.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for decision, hearing closed.

APPEALS CALENDAR

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated April 26, 2002, acting on N.B. Application Nos. 500524818, 500524827, reads:

“1. Street giving access to the proposed building

is not placed on the official map of the City of New York therefore:

A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated June 19, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated April 26, 2002, acting on N.B. Application No. 500524818, 500524827 are modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received May 14, 2002”-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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, October 22, 2002.

219-02-A thru 221-02-A

APPLICANT - The Augusta Group, for BRK Properties, Inc., owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

PREMISES AFFECTED -

107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.

107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

107-78 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10 A.M., for postponed hearing.

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 11:05 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 22, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

254-01-BZ

CEQR # 02-BSA-019Q

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements with respect to floor area ratio, side and front yards, and penetrates the sky exposure plane, which is contrary to §24-11, §24-521, §24-34, and §24-35.

PREMISES AFFECTED - 26-06 213th Street, a/k/a 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 25, 2001 acting on N.B. Application No. 401224000, reads in pertinent part;

- “1- PROPOSED USE GROUP 4, SYNAGOGUE, EXCEEDS THE MAXIMUM PERMITTED F.A.R. PER SECTION 24-11 ZR
- 2- PROPOSED BUILDING HEIGHT PENETRATES THE REQUIRED SKY EXPOSURE PLANE PER 24-521 ZR
- 3- PROPOSED 5'-0" FRONT YARD IS CONTRARY TO SECTION 24-34 ZR
- 4- PROPOSED SIDE YARD IS CONTRARY

TO SECTION 2[4]-35 ZR”; and

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in The City Record, and laid over for continued hearing to March 5, 2002, April 23, 2002, June 18, 2002, August 6, 2002, and then to September 24, 2002 for decision; and

WHEREAS, in order to address certain concerns of the community and the Board and to complete the record, the case was re-opened on September 24, 2002 for a subsequent submission from both the applicant and the opposition, and then closed and laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo, and Commissioner Joel Miele Sr.; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the requirements of the Zoning Resolution with respect to floor area ratio, side and front yards, and penetrates the sky exposure plane, which is contrary to §§24-11, 24-521, 24-34, and 24-35; and

WHEREAS, at the request of the Board, and in response to community-based concerns, the proposed project has been significantly reduced in scope and size; and

WHEREAS, the applicant’s original proposal exceeded the maximum permitted lot coverage as per §24-11 which was cited as objection “#2” by the Buildings Department, but the revised proposal is now in compliance with lot coverage regulations; and

WHEREAS, in its Minutes for the November 5, 2001 meeting, Community Board #11 stated that “the community and the committee members were not against the Chabad but the proposed size of the building.”; and

WHEREAS, the subject premises is a corner lot, with 108.6 feet of frontage on 213th Street and 76.3 feet of frontage on 26th Avenue, a total area of 7,637.5 square feet; and

WHEREAS, the site is currently developed with a 1,800 square foot one-and-one-half story residential building, presently used as a synagogue; and

WHEREAS, evidence in the record indicates that the subject premises is located directly across the street from a sizable shopping center (situated within a C4-1 zoning district), and adjacent to a community facility building, which was the subject of a prior BSA variance, Cal. No. 581-81-BZ; and

WHEREAS, the applicant seeks to demolish the existing building and replace it with a new synagogue facility, to be utilized by the same congregation, with a total floor area of 8,789 square feet and a cellar of 3,888 square feet; and

WHEREAS, by special permit from the City Planning

MINUTES

Commission, the applicable 0.5 FAR for community facility development could be increased to 1.0 FAR; and

WHEREAS, the proposed synagogue will have an FAR of 1.15 which exceeds the special permit FAR by only 15%; and

WHEREAS, according to the applicant, the proposed synagogue will be used for a variety of religious activities, including religious school and worship, and related religious celebrations and events; and

WHEREAS, the first floor of the proposed synagogue will contain the sanctuary, offices, a library/conference room, bathrooms, and a bridal room; the second and third floors will consist primarily of classroom space; and the cellar will contain a recreation/multipurpose room and men's and women's ritual baths; and

WHEREAS, the applicant has made a subsequent submission documenting the uniqueness of the lot and the programmatic needs of the congregation, which the Board finds to be comprehensive and adequate to satisfy the requirements of the Zoning Resolution; and

WHEREAS, the record indicates that the subject lot is an irregularly shaped, trapezoidal parcel, situated on the Southwest corner of the intersection of 26th Avenue and 213th Street, located directly opposite a large shopping center and adjacent to an existing community facility building on one side, and an 80 foot wide heavily trafficked thoroughfare on another side; and

WHEREAS, according to the applicant, the practical difficulties and unnecessary hardship arise from the application of yard regulations for a corner lot, requiring front yards on both street frontages, and requiring increased side yards resulting from the computation of the aggregate width of street walls, thus preventing the construction of a building of reasonable size sufficient to fulfill the congregation's programmatic need; and

WHEREAS, the applicant represents that as a result of the burgeoning population of the neighborhood, the congregation has outgrown the current single-family dwelling building from which it operates; and

WHEREAS, the applicant further represents that as a result of the limited area in the existing building, the congregation currently leases space in the adjacent community facility to conduct its religious education; and

WHEREAS, the applicant states that a location in this area of Queens is paramount to the Chabad of Northeast Queens, which was organized and exists to provide a facility for residents of the surrounding area who are not permitted to drive on the Sabbath; and

WHEREAS, the Board finds that the conditions peculiar to the subject zoning lot create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site to meet the programmatic needs of the congregation, therefore satisfying the requirements of §72-21(a); and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and

the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the main entrance to the school and administrative facilities, which the applicant contends will receive the majority of the daily pedestrian and automotive traffic, has been designed to front on 26th Avenue, a heavily trafficked thoroughfare, instead of the quieter and more residential 213th Street; and

WHEREAS, the proposed synagogue has been designed with a 15-foot front yard on 213th Street in order to conform with the character of adjacent residences; and

WHEREAS, to address concerns from the Community Board and the Board concerning the overall size of the synagogue, the applicant has substantially reduced the proposed project with respect to Floor Area, lot coverage, and height; and

WHEREAS, the applicant reduced the floor area of the school from 9,241 square feet in the original proposal to 8,789 square feet; and

WHEREAS, the applicant has reduced the height of the perimeter wall from 35.5 feet in the original proposal to 20.5 feet to better coincide with the height of the adjacent residential homes along 213th Street; and

WHEREAS, the applicant has doubled the size of the front yard along 26th Avenue from 5 feet in the original proposal to 10 feet; and

WHEREAS, the applicant has reduced the Floor Area Ratio from 1.21 in the original proposal to 1.15; and

WHEREAS, after complying with the request of the Board to substantially reduce the proposed project, 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, after undertaking a comprehensive review of the public hearing transcripts, the applicant's submissions, and the opposition's submissions, the Board finds that the application satisfies the requirements of §72-21(c); 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 synagogue; and

WHEREAS, the Board has meticulously reviewed both the applicant's and the opposition's submissions and has determined that the evidence in the record supports all the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure

MINUTES

for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction of a synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements with respect to floor area ratio, side and front yards, and penetrates the sky exposure plane, which is contrary to §24-11, §24-521, §24-34, and §24-35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received July 2, 2002"- (11) sheets and "Received August 29, 2002"- (1) sheet; and on further condition;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the Certificate of Occupancy will state that no on-site commercial catering will be permitted;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 22, 2002.

105-02-BZ
CEQR # 02-BSA-173X

APPLICANT - Sheldon Lobel, P.C., for Moe D. Karash, owner; BP Amoco, plc., lessee.

SUBJECT - Application April 3, 2002 - under Z.R. §73-21, to permit in a C2-4/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

PREMISES AFFECTED - 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2002 acting on Application No. 200711970 reads:

"1. Proposed construction of a new building 1680 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-4 in R6 Zoning District which is contrary to BSA calendar number 592-54-BZ and therefore must be referred to the BSA.";

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, and laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #220, which is currently the site of an existing used cars sales outlet; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 13,082 square feet of lot area with approximately 181 feet of frontage along West Fordham Road, a heavily traveled roadway; and

WHEREAS, the subject site is presently improved with a single-story masonry building of 1,591 square feet housing a used cars sales outlet; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 1,680 square foot automotive service station with an accessory convenience store containing 664 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 119.92 square feet of illuminated signage and 25 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for six (6) vehicles; and

WHEREAS, the applicant represents that adverse impacts will be minimized by an existing brick wall with a 4' high iron fence on the northern property line, on the south and westerly property line a proposed 6' high chain link fence with privacy slats will replace an existing brick wall with fence on top to provide screening to the adjoining lots within the C2-4/R6 zoning district; and

WHEREAS, the record indicates that a C8-3 zoning district, where automotive service stations are permitted as-of-right, is opposite the subject premises, on West Fordham Road; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 13,082 square feet; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial

MINUTES

highway or major street; and

WHEREAS, the Board notes that West Fordham Road is a heavily traveled thoroughfare and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the applicant represents that there will be no lubrication, repair, washing or sale of cars at the premises; and

WHEREAS, therefore, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/ R6 zoning District, the proposed construction of an automotive service station with an accessory convenience store, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received June 25, 2002" -(6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 22, 2012;

THAT construction shall be completed in accordance with Z.R. §73-70; and

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other

relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 22, 2002.

111-02-BZ

CEQR # 02-BSA-179X

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, Napa Realty Corp., owner; BP Amoco, plc, lessee.

SUBJECT - Application April 5, 2002 - under Z.R. §73-21, to permit in a C2-4/ R7-1 zoning District, the proposed construction of an automotive service station with an accessory convenience store.

PREMISES AFFECTED - 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard (Expressway), Block 2735, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 7, 2002 acting on Application No. 200711998 reads:

1. Proposed construction of a new building 2900 SF with canopy and signage to be operated as a gasoline filling station with accessory convenience store (U.G. 16) located in a C2-4 in R7-1 Zoning District which is contrary to BSA calendar number 79-67-BZ and therefore must be referred to the BSA.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, and laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/R7-1 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #20, which is currently the site of an existing used cars sales outlet; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 20,194 square feet of lot area with approximately 106 feet of frontage along Bruckner and Southern Boulevards and 200 feet of frontage along Hunts Point Avenue, all heavily traveled roadways; and

MINUTES

WHEREAS, the subject site is presently improved with a single-story masonry building housing an existing service station and used car sales outlet; and

WHEREAS, the instant proposal will demolish the above building and replace it with a new 2,900 square foot automotive service station with an accessory convenience store containing 1,551 square feet of sales area, and an overhead canopy; and

WHEREAS, the applicant also proposes to install 144.92 square feet of illuminated signage and 61.69 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for ten (10) vehicles; and

WHEREAS, the applicant represents that adverse impacts will be minimized by an 8' high chain link fence, an 8' high metal fence on a masonry wall, and a 10' high masonry located on the southern property line, a concrete retaining wall of varying height, with a 6' high, slatted 50% opaque, chain link fence with slats shall be 100% opaque is proposed for the curved North Western property line to provide screening to the adjoining lots within the C2-4/R7-1 zoning district; and

WHEREAS, the record indicates that opposite the subject premises, on Bruckner Boulevard is an Interstate Expressway and immediately south are several vacant lots; and

WHEREAS, the subject premises is across the street from a C8-3 zoning district where Automotive and Retail Service Stations are permitted "as-of-right"; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 20,194 square feet of lot area; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that the subject premises is located at the intersection of three major streets, Hunts Point Avenue between Bruckner and Southern Boulevards all heavily traveled thoroughfares and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the applicant represents that there will be no lubrication, repair, washing or sale of cars at the premises; and

WHEREAS, therefore, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that

the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit in a C2-4/R7-1 zoning District, the proposed construction of an automotive service station with an accessory convenience store, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 22, 2002" -(6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT the chain link fence shall be maintained with a 50% opacity;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT any automobile vacuums shall only be operated between the hours of 9:00 A.M.- 7:00 P.M.;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring October 22, 2012;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, October 22, 2002.

157-02-BZ

CEQR # 02-BSA-202K

APPLICANT - Dennis D. Dell'Angelo, R.A., for Jeffrey M. Eisenberger, owner.

SUBJECT - Application May 15, 2002 - under Z.R. §73-622, to permit in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side and Rear Yards, and is contrary to Z.R. §§23-14, 23-46, and 23-47.

MINUTES

PREMISES AFFECTED - 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2002, acting on Application No. 301064684 reads:

- “1. PROPOSED F.A.R. AND O.S.R. CONSTITUTES AN INCREASE IN THE DEGREE OF EXISTING NON COMPLIANCE CONTRARY TO SEC. 23-14 OF THE N.Y.C. ZONING RESOLUTION.
2. PROPOSED HORIZONTAL ENLARGEMENT PROVIDES LESS THAN THE REQUIRED SIDE YARDS CONTRARY TO SEC. 23-46 Z.R. AND LESS THAN THE REQUIRED REAR YARD CONTRARY TO SEC. 23-47 Z.R.”; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in The City Record, and laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side and Rear Yards, and is contrary to Z.R. §§23-14, 23-46, and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of

the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and Side and Rear Yards, and is contrary to Z.R. §§23-14, 23-46, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received May 15, 2002”- (1) sheet and “August 20, 2002”-(13) sheets; and on further condition;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, October 8, 2002.

163-02-BZ

CEQR # 02-BSA-206K

APPLICANT - Sheldon Lobel, P.C., for Edmond and Terri Harary, owners.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Perimeter Wall Height and Side and Rear Yards, and is contrary to Z.R §§23-141, 23-461, 23-631 and 23-47. PREMISES AFFECTED - 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S" and "T", Block 7300, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 9, 2002, acting on Application

MINUTES

No. 301337998 reads:

1. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'-0" REQUIRED ON ONE SIDE.
2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAX PERMITTED FLOOR AREA RATIO OF 50%.
3. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT EXCEEDS THE MAX. PERMITTED LOT COVERAGE OF 35%.
4. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT IT EXCEEDS THE MAX. PERMITTED WALL HEIGHT OF 21'-0".
5. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.”; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in The City Record, and laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Perimeter Wall Height and Side and Rear Yards, and is contrary to Z.R. §§23-141, 23-461, 23-631 and 23-47; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R3-2 zoning district, the proposed enlargement to an existing single-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Lot Coverage, Perimeter Wall Height and Side and Rear Yards, and is contrary to Z.R. §§23-141, 23-461, 23-631 and 23-47, on condition that all work shall substantially conform to

drawings as they apply to the objection above-noted, filed with this application marked “Received May 20, 2002”-(6) sheets and “August 6, 2002”-(6) sheets; and on further condition;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, October 8, 2002.

180-02-BZ

CEQR # 02-BSA-216Q

APPLICANT - David Stadtmauer/Stadtmauer Bailkin, LLP, for Cascarino's Realty Corp., owner; Cascarino's, lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §72-21, to permit in an R6B zoning district (with a C1-2 overlay), the expansion of an existing vacant two-story commercial building, (Use Group 6) containing approximately 2,826 square feet of floor area, which is contrary to Z.R. §§33-23 and 33-25.

PREMISES AFFECTED - 39-17 Bell Boulevard, between 39th and 40th Avenues, Block 6241, Lot 9, Borough Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Kathy Mussio.

For Administration: John Yacovone, Fire Department.

THE ACTION OF BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 8, 2002, acting on Application No. 401456287, reads in pertinent part;

- “1) PROPOSED SECOND FLOOR REAR VERTICAL AND HORIZONTAL EXTENSION EXCEEDS 23'-0" HEIGHT AND MORE THAN ONE STORY, WHICH IS CONTRARY TO SECTION 33-23 Z.R.

MINUTES

2) PROPOSED 2nd FLOOR REAR EXTENSION WITHOUT PROVIDING A REQUIRED REAR YARD IS CONTRARY TO SECTION 33-25 Z.R.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record and then laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6B zoning district (with a C1-2 overlay), the expansion of an existing vacant two-story commercial building, (Use Group 6) containing approximately 2,826 square feet of floor area, which is contrary to Z.R. §§33-23 and 33-25; and

WHEREAS, the subject premises is an irregularly shaped 1,837.16 square foot parcel with approximately 20.31 feet of frontage on the eastern side of Bell Boulevard with a depth of 92.41 feet running east from Bell Boulevard and parallel with 40th Avenue; and

WHEREAS, the lot’s northern boundary also runs east from Bell Boulevard and parallel with 40th Avenue for 61.76 feet where it turns north at a 90 degree angle and proceeds north for 3.95 feet where it turns east at a 90 degree angle for 12.5 feet where it turns south at a 90 degree angle for 8.37 feet where it again turns east at a 90 degree angle for 21.7 feet parallel to 40th Avenue; and

WHEREAS, the record indicates that the lot’s rear yard is only 15.58 feet wide and is completely covered by the subject building’s permitted first floor obstruction; and

WHEREAS, the applicant represents that, the first floor of the subject vacant two-story building is under 23 feet in height, occupies, as of right, the entire Zoning Lot; and

WHEREAS, the instant application proposes an addition at the rear of the second floor consisting of approximately 637.46 with 311.6 square feet of the proposed addition sitting within the required rear yard; and

WHEREAS, the applicant notes that the proposed addition will enable the restaurant to provide a means of egress for patrons, employees, an employee service area, a small accessory office, and patron bathrooms, on the second floor; and

WHEREAS, the Board notes that the proposed use is permitted in the C1-2 portion of the lot; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the lots irregular shape and the subject building’s vacant status, creates an undue hardship with strict compliance with the use provisions of the Zoning Resolution; and

WHEREAS, evidence in the record, including an economic analysis demonstrates that a conforming residential development would not yield a reasonable return; and

WHEREAS, the record indicates that immediate vicinity of the subject premises is characterized by food, retail and other commercial uses along Bell Boulevard and 40th Avenue; and

WHEREAS, the Board notes that the owner of the proposed eating and drinking establishment operates two other locations in northeastern Queens, which the record indicates are assets to their communities; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to provide the relief requested; 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 Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit, in an R6B zoning district (with a C1-2 overlay), the expansion of an existing vacant two-story commercial building, (Use Group 6) containing approximately 2,826 square feet of floor area, which is contrary to Z.R. §§33-23 and 33-25 on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received July 24, 2002”-(2) sheets and “August 6, 2002”-(4) sheets; and on further condition;

THAT all Fire Department safety measure shall be complied with in accordance with BSA approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within four years from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the

MINUTES

Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 22, 2002.

205-02-BZ

CEQR #03-BSA-005Q

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Khanam Jan Nabati, owner.

SUBJECT - Application July 5, 2002 - under Z.R. §72-21, to permit proposed construction of a two-story, one family dwelling, that does not provide the required side yards, and is contrary to Z.R. §23-41.

PREMISES AFFECTED - 108-18 171st Place, westside, 175' south of 108th Avenue, Block 10254, Lot 15, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 7, 2002 acting on Application No. 401372554, reads:

“Side Yard Contrary to 23-41

Required side yard for detached one family dwelling is 10 feet for existing narrow lot in R4 Z.D. at 5 feet each. Provided two side yards at 2.5 feet each.”; and

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, laid over to October 22, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit proposed construction of a two-story, one family dwelling, that does not provide the required side yards, and is contrary to Z.R. §23-41; and

WHEREAS, the record indicates that the subject premises is an undersized lot located on the west side of 171st Place in Queens and situated in a R4 district; and

WHEREAS, the subject site has a width of 20 feet, a depth of 100 feet and a total lot area of 2,000 square feet; and

WHEREAS, according to the applicant, a complying building would be required to have two side yards of a minimum 5 feet, resulting in a building with a width of 10 feet; and

WHEREAS, the applicant proposes to construct a two-story plus cellar building with two side yards, each of which measures 2.5 feet; and

WHEREAS, the applicant contends and the board finds that the aforementioned unique physical condition, namely the narrowness of the lot, makes its occupancy for a conforming R4 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and neighborhood; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit proposed construction of a two-story, one family dwelling, that does not provide the required side yards, and is contrary to Z.R. §23-41; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 5, 2002”-(9) sheets, and on further condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

MINUTES

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted". (DOB# 401372554)

Adopted by the Board of Standards and Appeals, October 22, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.
SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel, Antonio Vendome, Daniel Lane and Gail Guillet.

For Opposition: Doris Diether, Community Board #2; John Yacovone, Fire Department; Gary Parker, Richard Barrett and Z. Winestino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for decision, hearing closed.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg, Pat Singer, Domenic Recchis, Michael C. Nelson and Sam Shpelfogel.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES-

For Applicant: Howard Hornstein, Barbara Hair and Jack Freeman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive

MINUTES

service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik, Chris Tartaglia and Robert Paves.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.
SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Eric Palatnik and Daniel Lane.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for continued hearing.

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Michael Sillerman.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel, Ken Fischer, Terry Jacobs, Robert Pauls, Janice Cahalane and David Yassky.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for continued hearing.

405-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five story school building and synagogue, Use Groups 3 and 4, located in an R5 within a C2-3/R5 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and front and side yards, is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 1275 36th Street, a/k/a 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik and Sol Seidman.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for decision, hearing closed.

MINUTES

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and Dan Wartzel.

For Opposition: Theddore Havivian.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for continued hearing.

108-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-2 zoning district, which is contrary to Z.R. §32-31.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

119-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph Kaufman, owner.

SUBJECT - Application April 17, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors above an existing one story manufacturing building, to be used for residential occupancy, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 94 North 13th Street, east side, between North 12th and 13th Streets, Block 2283, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and Rachel Posen.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for decision, hearing closed.

126-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Z. Zindel Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application April 19, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C8-3 and an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik and Chris Tartagelia.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for decision, hearing closed.

144-02-BZ & 145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within and R3-2 zoning district.

PREMISES AFFECTED -

113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to November
26, 2002, at 2:00 P.M., for continued hearing.

148-02-BZ

APPLICANT - The Agusta Group, for Mr. Vito Petito,
owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21,
to permit the legalization of an existing inground swimming
pool, which was constructed in the front yard of a corner
zoning lot, and is less than five feet from the front lot line,
is contrary to Z.R. §23-44(a) and §12-10.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest
corner of West 11th Street, Block 6669, Lot 8, Borough of
Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Philip P. Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November
19, 2002, at 2:00 P.M., for decision, hearing closed.

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook
Realty, Inc., by George E. Sherman, owner; Jacob Gold,
contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21,
to permit the proposed five story, five family residential
building, Use Group 2, located in an M1-1 zoning district,
which is contrary to Z.R. §42-00 and does not provide the
required thirty foot rear yard, light and air, which is contrary
to Article 3, Section 26 of the Multiple Dwelling Law and
Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 27, Borough of
Brooklyn.

151 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 25, Borough
of Brooklyn.

153 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 24, Borough
of Brooklyn.

155 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 23, Borough of
Brooklyn.

157 Classon Avenue, east side, EAs between Park
and Myrtle Avenues, Block 1896, Lot 22,
Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park
and Myrtle Avenues, Block 1896, Lot 21,
Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December
10, 2002, 2:00 P.M., for postponed hearing.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook
Realty, Inc., by George E. Sherman, owner; Jacob Gold,
contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21,
to permit proposed construction of three floors, to be used
for residential purposes, above an existing one story
building, located in an M1-2 zoning district, which is
contrary to Z.R. §42-00 and does not provide the required
light and ventilation, is contrary to §27-733 of the NYC
Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 29, Borough of
Brooklyn.

145 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 28, Borough of
Brooklyn.

149 Classon Avenue, east side, between Park and
Myrtle Avenues, Block 1896, Lot 26, Borough of
Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December
10, 2002, at 2:00 P.M., for continued hearing.

199-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC,
for Cabrini Ctr for Nursing & Rehab & St. Cabrini Nursing
Home, owner.

SUBJECT - Application June 21, 2002 - under Z.R. §72-21,
to permit the proposed construction of a nine story
residence for the elderly, Use Group 2, with 71 units, which
does not comply with the zoning requirements for floor area
ratio, height, setback and side yard regulations, and is
contrary to Z.R. §23-144, §23-633 and §23-462, located in
an R7-2 zoning district.

PREMISES AFFECTED - 210/220 East 19th Street,
bounded by Second and Third Avenues, Block 899, Lots 46
through 49 and 51, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Glen J. Landon and Chris Wright.

For Opposition: Elissa S. Williams, Richard A. Zimmerman
and Nordal M. McWenty.

MINUTES

For Administration: John Yacovone, Fire Department.

Pasquale Pacifico, Executive Director.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

Adjourned: 7:00 P.M.

ACTION OF THE BOARD - Laid over to November
26, 2002, at 2:00 P.M., for decision, hearing closed.

207-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Harold
Gelernter, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §73-
622, to permit the proposed enlargement of an existing one
family dwelling, Use Group 1, located in an R3-2 zoning
district, which does not comply with the zoning
requirements for floor area, is contrary to Z.R. §23-141(b).
PREMISES AFFECTED - 2723 Avenue "P", northwest
corner of Avenue "P" and East 28th Street, Block 7688, Lot
1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November
19, 2002, at 2:00 P.M., for decision, hearing closed.

225-02-BZ

APPLICANT - Sheldon Lobel, P.C., for AJC Partners,
LLC, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §72-
21, to permit the legalization of an existing retail drugstore,
Use Group 6, in which a small portion is located in the
residential portion of the split lot, is contrary to Z.R.
§76-131.

PREMISES AFFECTED - 6419 Fort Hamilton Parkway,
between 64th and 65th Streets, Block 5743, Lot 40,
Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Eric Palatnik, Steven DiBrienza and Sal
Manino.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to November
19, 2002, at 2:00 P.M., for decision, hearing closed.

MINUTES

*CORRECTION

This resolution adopted on June 11, 2002, under Calendar No. 377-01-BZ and printed in Volume 87, Bulletin No. 25, is hereby corrected to read as follows:

377-01-BZ

CEQR #02-BSA-084R

APPLICANT - Gerald J. Caliendo, R.A., for The City of New York D.D.C., owner; New York Public Library, lessee.
SUBJECT - Application December 3, 2001 - under Z.R. §72-21, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31.

PREMISES AFFECTED - 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For the Applicant: Gerald J. Caliendo, R.A., for The City of New York D.D.C.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 13, 2002 and updated November 2, 2001, acting on ALT II Application No. 500490300 reads:

1. Bulk: Existing building is non-complying. Proposed floor area will increase the degree of non-compliance for Floor Area Ratio (FAR) and is therefore not permitted as per section 54-31 of the New York City zoning resolution.
2. Zoning: Existing building is non-complying. Proposed front yards will increase the degree of non-compliance for yard requirements as per section 54-31 of the New York City zoning resolution.
3. Proposed entry platform/terrace is projecting into the bed of a mapped street and is not permitted as per section 35 of the general city law.”; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in The City Record and laid over to June 11, 2002 for decision; and

WHEREAS, Community Board #3 in Staten Island recommends approval of the application; and

WHEREAS, the Board notes that this application was

heard with a companion Administrative Appeal, filed under Calendar No. 378-01-A; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31; and

WHEREAS, the existing building is non-complying and the instant application seeks an enlargement in floor area, from the existing 3,557 square feet to 3,615 square feet, that will exceed the permitted floor area by 105 square feet; and

WHEREAS, the subject proposal will consist of a two-story glass enclosed vestibule that will also require relief from front yard requirements because the existing front yards are 5 feet on Margaret Street and 7 feet on Giffords Lane and the proposed obstruction, new glass enclosed element in the front yard is not permitted; and

WHEREAS, the proposal also received an objection for its entry platform, objection #3; and

WHEREAS, the applicant represents that the existing non-complying building, constructed in 1947, is burdened with a configuration that by today’s standards and code is inefficient for providing access to the building for people with disabilities; and

WHEREAS, the record indicates that the entry vestibule along with the entry platform and proposed ramp will provide access to people with disabilities; and

WHEREAS, the Board finds that the combination of the building’s non-complying history and its obligation to comply with federal mandates create a practical difficulty and undue hardship in meeting the programmatic needs of the New York Public Library; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the Board notes that a public library is an as-of-right use in the subject R3-1 zoning district and the proposed entry platform will add a public amenity and improve access to the existing public building; and

WHEREAS, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the

MINUTES

evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type II Negative Declaration, under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within the South Richmond Special District (SRD) in an R3-1 zoning district, the proposed enlargement of an existing community facility use (Library)(Use Group 3A), which is contrary to the permitted Floor Area Ratio and Front Yard requirements, all of which are contrary to Z.R. §54-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 3, 2001"- (9) sheets; and on further condition;

THAT the premises shall remain graffiti free at all times;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 11, 2002.

***The resolution has been corrected to remove the condition which read: "THAT an automatic wet sprinkler system, fire alarm system and smoke detection system shall be maintained throughout the entire building with all three systems connected to a Fire Department central station;". Corrected in Bulletin Nos. 42-43, Vol. 87, dated October 31, 2002.**

BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 44

November 7, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	779-782
CALENDAR of November 26, 2002	
Morning	783-784

CONTENTS

MINUTES of Regular Meetings.

Tuesday, October 29, 2002

Morning Calendar785

Affecting Calendar Numbers:

- 274-59-BZ, Vol. II 3356-3358 Eastchester Road, The Bronx
- 62-83-BZ 696 Pacific Street, Brooklyn
- 793-88-BZ 164/76 Willis Avenue, The Bronx
- 47-99-BZ 3122 Victory Boulevard, Staten Island
- 764-56-BZ 200-05 Horace Harding Expressway, Queens
- 219-71-BZ 147-65/76 Springfield Boulevard, Queens
- 174-94-BZ 99-07 Roosevelt Avenue, Queens
- 175-97-BZ 55 West Houston Street, Manhattan
- 165-98-BZ 3701 Mermaid Avenue, Brooklyn
- 54-02-A & 55-02-A 100 & 106 Gary Street, Staten Island
- 141-02-A 46-17 Overbrook Street, Queens
- 333-01-A thru Tennyson Drive, Staten Island
358-01-A
- 90-02-A 392 11th Street, Brooklyn
- 216-02-A 42 Tioga Walk, Queens
- 228-02-A 231 Bayside Drive, Queens
- 21-02-A thru 25-02-A Francis Lewis Boulevard, Queens
- 127-02-A thru Aviston Street, Staten Island
137-02-A
- 217-02-A 20 Englewood Avenue, Staten Island
- 233-02-A 107 Reid Avenue, Queens
- 235-02-A 164-47 Nadal Place, Queens
- 243-02-A 5 Roosevelt Walk, Queens

Afternoon Calendar794

Affecting Calendar Numbers:

- 12-02-BZ 3132 Fort Hamilton Parkway, Brooklyn
- 225-02-BZ 6419 Fort Hamilton Parkway, Brooklyn
- 257-01-BZ 2504 Avenue K, Brooklyn
- 282-01-BZ 222 Wallabout Street, Brooklyn
- 283-01-BZ 266 Lee Avenue, Brooklyn
- 325-01-BZ 1375 East 27th Street, Brooklyn
- 369-01-BZ 303 Seigel Street, Brooklyn
- 384-01-BZ 218 Wallabout Street, Brooklyn
- 26-02-BZ 1680 Richmond Avenue, Staten Island
- 28-02-BZ 80 Madison Avenue, Manhattan
- 39-02-BZ 142-66/82 Rockaway Boulevard, Queens
- 60-02-BZ 3849 Bedford Avenue, Brooklyn
- 71-02-BZ 204/210 La Fayette Street, Manhattan
- 82-02-BZ 788 Kent Avenue, Brooklyn
- 121-02-BZ 9215 Fourth Avenue, Brooklyn
- 122-02-BZ 32 West 22nd Street, Manhattan
- 142-02-BZ 1070 East 24th Street, Brooklyn
- 151-02-BZ 23 West 80th Street, Manhattan
- 162-02-BZ 1222 East 22nd Street, Brooklyn
- 196-02-BZ 1826/32 Coney Island Avenue, Brooklyn
- 197-02-BZ 2825 Nostrand Avenue, Brooklyn
- 200-02-BZ 2326 First Avenue, Manhattan

CONTENTS

MINUTES of Dismissal Hearings
Wednesday, October 30, 2002

Dismissal Calendar800

Affecting Calendar Numbers:

285-85-BZ 2353-2355 Coney Island Avenue, Brooklyn
172-86-BZ 256-10 Union Turnpike, Queens
3-02-A Gallant Court, Staten Island
 thru 11-02-A
426-54-BZ 78-11 Linden Boulevard, Queens
386-01-BZ 223 84th Street, Brooklyn
38-02-BZ 1210 82nd Street, Brooklyn
120-02-BZ 42-46 Avenue A, Manhattan
178-02-BZ 57 Eagle Street, Brooklyn
203-02-BZ 110-18 Northern Boulevard, Queens

Compliance Hearing802

Affecting Calendar Numbers:

374-75-BZ 380-394 Amsterdam Avenue, Manhattan

Special Calendar802

Affecting Calendar Numbers:

134-99-BZ 18 West 89th Street, Manhattan
253-01-BZ 848 Washington Street, Manhattan

DOCKETS

New Case Filed Up to October 29, 2002

283-02-BZ B.BK. 1246 East 24th Street, west side, 396'-0" north of Avenue "M", Block 7641, Lot 66, Borough of Brooklyn. Applic.#301419880. Proposed two story enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

COMMUNITY BOARD #14BK

284-02-BZ B.BK. 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn. N.B.#301425740. Proposed development of an eleven story mixed-use building, located in a C6-2A(DB) Special Downtown Brooklyn District, which does not comply with the zoning requirements, for base height, height, setback, rear yard, retail continuity and lot coverage, is contrary to Z.R. §23-145, §33-26, §35-24 and §101-10.

COMMUNITY BOARD #2BK

285-02-BZ B.BX. 900 East 213th Street, aka 3580 Bronxwood Avenue, southeast corner, Block 4683, Lot 49, Borough of The Bronx. Alt.#200745266. The legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, is contrary to two previous variances granted by the Board under Cal. #s 905-53-BZ and 1052-66-BZ, which permitted a factory building in an R4 zoning district, and Z.R. §22-00.

COMMUNITY BOARD #12BX

286-02-BZ B.BK 1111 East 26th Street, between Avenues "K and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn. Applic.#301413058. Proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

COMMUNITY BOARD #14BK

287-02-A B.S.I. 3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island. Applic.#500565195. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

288-02-A B.S.I. 5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95 Borough of Staten Island. Applic.#500565239. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

289-02-A B.S.I. 7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island. Applic.#500565248. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

290-02-BZ B.Q. 114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens. N.B.#401208135. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

291-02-BZ B..Q. 114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens. N.B.#401208144. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

292-02-BZ B.Q 114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens. N.B.#401208153. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

293-02-BZ B.Q. 114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens. N.B.#401208162. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

294-02-BZ B.Q. 114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens. N.B.#401208171. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

DOCKETS

295-02-BZ B.Q. 114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens. N.B.#401208180. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

296-02-BZ B.Q. 114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens. N.B.#401208199. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

297-02-BZ B.Q. 114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens. N.B.#401208206. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

298-02-BZ B.Q. 114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough of Queens. N.B.#401208215. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

299-02-BZ B.Q. 114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens. N.B.#401208224. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

300-02-BZ B.Q. 114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens. N.B.#401208233. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

301-02-BZ B.Q. 114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens. N.B.#401208242. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

302-02-BZ B.Q. 114-29 Taipei Court, north side, 421' west of 115th Street, Block 4019, Lot 137, Borough of Queens. N.B.#401208251. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

303-02-BZ B.Q. 114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens. N.B.#401208260. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

304-02-BZ B.Q. 114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens. N.B.#401208279. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

305-02-BZ B.Q. 114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens. N.B.#401208288. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

306-02-BZ B.Q. 114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens. N.B.#401208457. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

307-02-BZ B.Q. 114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens. N.B.#401208466. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

308-02-BZ B.Q. 114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens. N.B.#401208475. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.
COMMUNITY BOARD #7Q

DOCKETS

309-02-BZ B.Q. 114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens. N.B.#401208484. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

310-02-BZ B.Q. 114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens. N.B.#401208493. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

311-02-BZ B.Q. 114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens. N.B.#401208509. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

312-02-BZ B.Q. 114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens. N.B.#401208518. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

313-02-BZ B.Q. 114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens. N.B.#401208527. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

314-02-BZ B.Q. 114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens. N.B.#401208536. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #7Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

NOVEMBER 26, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 26, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

554-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Mill Basin Service Center, Inc., owner.

SUBJECT - Application August 26, 2002 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired December 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18BK

798-76-BZ

APPLICANT - Sheldon Lobel, P.C., for Harold M. Zweighaft, owner.

SUBJECT - Application October 11, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expired September 12, 2002.

PREMISES AFFECTED - 8 West 86th Street, south side of 86th Street, 150' west of Central Park West, Block 1199, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #7M

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

71-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Belle Harbor Washington Hotel Inc., owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 196 Beach 125th Street, southeast corner of Rockaway Beach Boulevard and Beach 125th Street, Block 16234, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

195-96-BZ

APPLICANT - Ellen Hay - Rosenberg & Estis, P.C., for Roc-Le Triomphe Associates, LLC, owner; 59th Street Gym LLC, lessee.

SUBJECT - Application October 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired July 22, 1998.

PREMISES AFFECTED - 1109 Second Avenue aka 245 East 58th Street, west side of Second Avenue between East 58th and East 59th Streets, Block 1332, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #6M

NOVEMBER 26, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 26, 2002, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

85-02-BZ

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181st Street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The Bronx.

COMMUNITY BOARD #6BX

179-02-BZ

APPLICANT - Charles R. Foy, Esq., for G.C. & G Enterprises, Inc., owner; KFC of America, Inc., lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §73-243, to permit the proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district.

PREMISES AFFECTED - 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

CALENDAR

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

204-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Palmana Realty Corp., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an R3-2 zoning district, which is contrary to a previous variance granted under Cal. No. 703-56-BZ and Z.R. §22-00.

PREMISES AFFECTED - 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

208-02-BZ

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #2SI

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn

COMMUNITY BOARD #15BK

249-02-BZ

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #7BX

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 29, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure and a reopening for an extension of the term of the variance which expired September 28, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in The City Record, laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance, permitting a private parking lot, for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance, said resolution having been adopted January 17, 1961, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from September 28, 2001 expiring September 28, 2011, on condition;

THAT the premises shall be maintained in substantial

compliance with the proposed drawings submitted with the application marked "Received February 15, 2002"-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT all landscaping shall be maintained according to BSA approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the Certificate of Occupancy shall expire with the termination of Certificate of Occupancy for the catering establishment located on Block 4743, Lot 8;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. ALT No. 695/64)

Adopted by the Board of Standards and Appeals, October 29, 2002.

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane and Sheldon Lobel.

ACTION OF THE BOARD - Application dismissed for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, an application was granted by the New York City Department of City Planning on December 13, 2000 and by the New York City Council on February 7, 2001 changing the zoning designation from M1-1 to C4-4A; and

WHEREAS, on March 27, 2001, pursuant to Z.R. §72-01 and §72-22, the Board permitted the retention of two (2) of the previously approved enclosed loading docks located on the Dean Street portion of the premises; created

MINUTES

a lobby area, installation of a driveway and seating area within the previously green area and modified the landscaping, on condition,

THAT there shall be a 15-Minute limitation imposed for vehicles making pick-ups and drop-offs to the residential area;

THAT entry to the landscaped area at Dean Street residential be open to public between hours of 7:00 a.m. to 7:00 p.m.;

THAT deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday with no deliveries permitted on Sunday;

THAT, all loading and unloading of trucks shall be conducted within the loading docks;

THAT the curb on Dean Street, accessing the loading area shall be reduced from 95 feet to 22 feet and the curb cut accessing the residential driveway shall be limited to 18 feet;

THAT all commercial garbage shall be stored in the compactor within the loading dock;

THAT all commercial delivery shall be within the hours of 7:00 a.m. to 7:00 p.m.;

THAT the hours for commercial garbage pick-up shall be within 7:00 a.m. to 7:00 p.m.;

THAT there shall be no storage of any kind or parking within the open space provided on lots 55, 56, 58, 59 and 60 in accordance with the BSA approved plans;

THAT landscaping shall be provided and maintained in the open space of lots 55, 56, 58, 59 and 60;

THAT an intercom system shall be installed outside of the enclosed docks so that the drivers will be able to notify the building attendant of the delivery truck arrival;

THAT, a sign shall be posted clearly indicating that drivers shall not beep their horns or create any other noise in attempt to alert the building attendant of their arrival;

THAT Dean Street shall be maintained free of debris and graffiti; and

WHEREAS, the instant application sought a re-opening and an amendment to the resolution to eliminate lots 155, 156, 157, 158, 159 and 160 from the prior variance, remove the two remaining loading docks and the adjoining open space on Dean Street; and

WHEREAS, the Board notes that the subject matter for The Special Order Calendar consists of applications for extensions of term of a use district exception, variance or special permit; an extension of time to complete work or to obtain a Certificate of Occupancy; for the restoration of a case to the docket by order of the Supreme Court of the State of New York; for minor amendments; for restoration of a case to the docket by the Board for purposes of determining whether or not to revoke or modify variances and special permits previously granted if the terms and conditions of such a grant has been violated; for requests for re-hearing and re-argument; for dismissal for lack of prosecution; and

WHEREAS, the site has been rezoned to an R6B which allows a Floor Area Ratio of 2.0, and the applicant proposes a residential development with a Floor Area Ratio greater

than 4.0; and

WHEREAS, since residential development is now permitted as of right the applicant was encouraged to give back the prior variance, develop the site with as-of-right development, and if additional bulk was desired a variance application should be filed on the Zoning Calendar; and

WHEREAS, the Board notes that The Special Order Calendar is limited to cases involving minor amendments and the applicant's proposal is not a minor amendment; and

WHEREAS, the applicant has not filed a variance application on the Zoning Calendar; and

WHEREAS, therefore, after ten months and 4 Public Hearings, the Board finds that it must dismiss this case for lack of prosecution.

Adopted by the Board of Standards and Appeals, October 29, 2002.

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Manuel B. Vidal, Jr.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 17 2002 acting on Application No.347-1985 reads:

1. Proposal to insert an accessory building to accommodate a convenience store and to extend the term of the variance granted under Cal. No. 793-88-BZ, which expired June 12, 2000.
2. To replace existing 25' sign with a 50' sign that will serve to inform vehicular traffic traveling on the Major Deegan Expressway of the entrance of a fuel facility easily accessible immediately upon exiting at the Willis Avenue exit ramp off the said expressway.
3. To eliminate the existing Kiosk completely.

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by

MINUTES

publication in The City Record, and laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002, for decision; and

WHEREAS, Community Board #1, the Bronx, recommends approval of this application; and

WHEREAS, On June 12, 1990, the Board permitted within an R6/C-8 zoning district, for a term of ten years, expiring June 12, 2000, the construction of an automotive service station, (Use Group 16); and

WHEREAS, the instant application seeks to add an accessory convenience store and to extend the term of the expired variance; and

WHEREAS, by Certification of Inspection and Compliance dated June 7, 2002, the applicant states that he personally inspected the premises and surrounding area and has determined that the premises is in compliance with each condition of prior Board action, except that due to vandalism the landscaping has not been maintained; and

WHEREAS, in response to Board concerns, the applicant will replant trees and maintain other landscaping; and

WHEREAS, the applicant also seeks a extension of term of ten years.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on June 12, 1990, so that as amended this portion of the resolution shall read:

"to permit the addition of an accessory convenience store;" on condition

THAT the term of this grant shall be limited to ten years expiring October 29, 2012;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT the premises be maintained free of debris and graffiti;

THAT all lighting shall be positioned down and away from residential uses;

THAT there shall be no parking of vehicles on the sidewalk;

THAT signage shall comply with all applicable regulations at all times;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 16, 2002"-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals,

October 29, 2002.

47-99-BZ

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.

SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2.S.I.

APPEARANCES -

For Applicant: Philip L. Rampulla.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and resolution amended, term of variance extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 21 2002 acting on Application No. 500343773 reads:

"The proposal to convert the premises from the hand washing of automobiles (Use Group 16) to automobile detailing (Use Group 16) is contrary to BSA 47-99-BZ and must be referred back to the BSA. BSA term expired."; and

WHEREAS, a public hearing was held on this application on September 10, 2002, after due notice by publication in The City Record, and laid over to October 8, 2002 and then to October 29, 2002, for decision; and

WHEREAS, On March 14, 2000, the Board permitted within an R3-2 zoning district, for a term of one year, expiring March 14, 2001, the legalization of an automobile laundry; and

WHEREAS, the Board notes that the subject premises is presently padlocked and presently in litigation; and

WHEREAS, the instant application seeks to eliminate the automobile hand car wash and convert the use to an automobile hand detailing establishment with accessory automotive sales; and

WHEREAS, by Certification of Inspection and

MINUTES

Compliance dated May 8, 2002, the applicant states that he personally inspected the premises and surrounding area and has determined that the premises is in compliance with each condition of prior Board action; and

WHEREAS, the applicant represents that the present car wash will cease operation a year from this grant to allow the owner time to construct the alterations need at his new location 1725 Richmond Avenue; and

WHEREAS, the applicant also seeks a 15 year term, to enable the owner to secure a new long term lease with his new landlord, obtain long term financing and replace the existing septic system.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on March 14, 2000, so that as amended this portion of the resolution shall read:

"to permit the elimination of the hand-washing of automobiles and convert the facility to an automotive detailing establishment with accessory automotive sales;" on condition;

THAT the term of this grant shall be limited to 5 years expiring October 29, 2007;

THAT the car wash establishment cease operation one year from this grant;

THAT all detailing shall be done by appointment only;

THAT the Clifton Street ingress and egress shall remain permanently closed;

THAT all signs indicating hand washing of vehicles shall be removed from the premises;

THAT there shall be no parking of vehicles awaiting service or pickup, on Clifton Street or any neighboring street;

THAT the hours of operation shall be limited to Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 9:30 a.m. to 5:00 p.m.

THAT vehicle engines shall be turned off when being detailed;

THAT vehicles shall not park on the sidewalk;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received May 30, 2002"-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 29, 2002.

764-56-BZ

APPLICANT - Alfonso Duarte, P.E., for Barney's Service Station, Inc., owner.

SUBJECT - Application June 3, 2002 - reopening for an extension of term of variance which expired October 21, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 200-05 Horace Harding Expressway, north side between Hollis Court Boulevard and 201st Street, Block 7451, Lot 32, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte, P.E.

ACTION OF THE BOARD - Laid over to November 26, 2002 at 10:00 A.M., for continued hearing.

219-71-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Joseph P. Morsellino

For Opposition: Barbara E. Brown

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for continued hearing.

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for continued hearing.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W.

MINUTES

Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Doris Diether, Community Board #2M.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10:00 A.M., for decision, hearing closed.

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Allison Kamensky.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 1000 A.M., for continued hearing.

APPEALS CALENDAR

54-02-A & 55-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.

SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.

106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Commissioner, dated January 10, 2002, acting on N.B. Application Nos. 500511680 & 500511699, reads:

"1. Street Giving Access To The Proposed Building Is Not Placed On The Official Map Of The City of New York, Therefore:

A. No Certificate Of Occupancy can be issued as per Article 3, Section 36 of the General City Law and,

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly on a legally mapped street or frontage space; and, therefore, contrary to Section 27-291 of the Administrative Code."; and

WHEREAS, by the letter dated September 27, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 26, 2002, Community Board #3 has reviewed the above project and has no objections;

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Staten Island Borough Commissioner, dated January 10, 2002, acting on N.B. Application Nos. 500511680 & 500511699, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 13, 2002"-(1) sheet;

MINUTES

and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT 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, October 29, 2002

141-02-A

APPLICANT - The Agusta Group for Raymond & Katherine Koon, owner.

SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Sol Korman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated April 17, 2002, acting on N.B. Application No. 401064637, reads:

"Construction of a dwelling partly in the bed of a mapped street is contrary to General City Law Number 35. Refer to the Board of Standards and Appeals for their determination"; and

WHEREAS, by the letters dated June 25, 2002, and on July 31, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 28, 2002, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 31, 2002 the Department of Environmental Protection has reviewed the above project and has requested that the applicant reserve 35 feet of the remaining portion of mapped Thebes Avenue for future drainage plan sewer; and

WHEREAS, in response to community concerns and at the request of the Board, the applicant has agreed to improve one half of Overbrook Street to terminate at the complete frontage of the new zoning lot, Lot 14; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated April 17, 2002, acting on N.B. Application No. 401064637, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received October 2, 2002"-(1) sheet; and that the proposal comply with all applicable R1-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT at the request of the DEP, 35' of the remaining portion of mapped Thebes Avenue shall be reserved for future drainage plan sewer;

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, October 29, 2002.

333-01-A thru 358-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for OTT LLC, owner.

SUBJECT - Application November 13, 2001 - proposed one family dwelling, located within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.

54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58, Borough of Staten Island.

56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.

58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.

60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.

62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.

64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.

66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.

MINUTES

68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.

70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.

72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.

74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68, Borough of Staten Island.

76 Tennyson Drive, east side, 136.11 north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.

78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.

80 Tennyson Drive, east side, 102.21 north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.

82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.

84 Tennyson Drive, east side, 67.88 north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.

86 Tennyson Drive, east side, 50.54' north of Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

88 Tennyson Drive, east side, 33.07 north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.

90 Tennyson Drive, east side, 1.54' north of Nelson Avenue, Block 5212, Tentative Lot 76, Borough of Staten Island.

92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.

12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.

14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.

15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.

17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals
October 29, 2002.

90-02-A

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

Commissioner Miele.....5

Negative:.....0

Adopted by the Board of Standards and Appeals
October 29, 2002.

216-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Thomas Concannon, lessee.

SUBJECT - Application July 25, 2002 - proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough

MINUTES

Commissioner, dated July 13, 2002, acting on ALT 1. Application No. 401451406, reads:

"For Board of Standards & Appeals only:

A1 - The site is located partially in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law.

A2 - The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. Sect. 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York.";

and
WHEREAS, by the letter dated August 9, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 16, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 3, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated July 13, 2002, acting on ALT 1. Application No. 401451406, is modified under the power vested in the Board by §35 & §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 25, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, October 29, 2002.

228-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Onofrio and Joanne Rocco, lessee.

SUBJECT - Application August 12, 2002 - proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a

mapped street, which is contrary to Article 3, Sections 35 and 36 of the General City Law.

PREMISES AFFECTED - 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 5, 2002, acting on ALT. Application No. 401506884, reads:

"Proposal to replace the existing foundation and the defective structure framing, rearrange the interior partitions and install a new septic system at a home which lies within an R4 zoning district but which does not front on a mapped street (Bayside Drive) and simultaneously lies within the bed of a street that is mapped (coincidentally also named Bayside Drive) is contrary to Article 3, Sections 36 (2) and 35 of the General City Law respectively & contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Board of standards and Appeals for approval."; and

WHEREAS, by the letter dated August 19, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 30, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 3, 2002, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated August 5, 2002, acting on ALT. Application No. 401506884, is modified under the power vested in the Board by § 35 & §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 12, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements;

MINUTES

that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, October 29, 2002.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for postponed hearing.

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.

45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for postponed hearing.

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

233-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.

SUBJECT - Application August 19, 2002 - Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot

MINUTES

400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Leventis Omotade.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

243-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.

SUBJECT - Application September 9, 2002 - Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 A.M.

REGULAR MEETING TUESDAY AFTERNOON, OCTOBER 29, 2002 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele

ZONING CALENDAR

12-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corporation, owner.

SUBJECT - Application January 4, 2002 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, and is contrary to Z.R. §32-25.

PREMISES AFFECTED - 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application withdrawn

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals October 29, 2002.

225-02-BZ

APPLICANT - Sheldon Lobel, P.C., for AJC Partners, LLC, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §72-21, to permit, in a C2-3 /R5 zoning district, the legalization of a portion of an existing drug store (Use Group 6) contrary to Z.R. Section 22-00.

PREMISES AFFECTED - 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES - None.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 23, 2002 acting on Application No. 301281752 reads:

"The proposed one (1) story commercial building,

MINUTES

partly contained in a C2-3 Zoning District, encroaches in a R5 Zoning District by approximately thirty-eight feet contrary to Section 22-00 of the Zoning Resolution and thereby needs to be referred back to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in The City Record, and laid over to October 29, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C2-3 /R5 zoning district, the legalization of a portion of an existing drug store (Use Group 6) contrary to Z.R. Section 22-00; and

WHEREAS, the applicant notes that although the structure is complete, it has not opened for business; and

WHEREAS, the subject site is located at the north east corner of 65th Street and Fort Hamilton Parkway with the first 150' located within a C2-3 where a Use Group 6 drugstore is permitted "as-of-right"; and

WHEREAS, the record indicates that a variance is only needed for the portion of the site falling within the R-5 zoning district; and

WHEREAS, the Board notes that by special permit, pursuant to Z.R. §73-52 (Modifications for Zoning Lots Divided by District Boundaries), the applicant can obtain relief for the entire development, except for 303 square feet that would remain within the R-5 zoning district; and

WHEREAS, the applicant represents that the portion of the lot within the R-5 district has never housed a residential use and has been developed with non-conforming automotive uses; and

WHEREAS, the record indicates that since 1928, automotive uses have occupied the site and has been subject to Board jurisdiction since 1936; and

WHEREAS, the applicant indicates that an existing 25'-6" wall, erected in the 1930s running along the eastern property line provides a buffer for the residential users; and

WHEREAS, the site's history of housing non-conforming automotive uses, its history of prior Board actions and the relatively minor variance requested are unique conditions demonstrate that the development of this site with a conforming development creates an undue hardship; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the site is surrounded by automotive related uses to the north, west and south; and

WHEREAS, an existing 25'-6" wall will provide a buffer for the adjacent residential uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Resolved, that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C2-3/R5 zoning district, the legalization of a portion of an existing drug store (Use Group 6) contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 6, 2002"- (8) sheets, and on further condition;

THAT in accordance with BSA approved plans an automatic wet sprinkler shall be installed and maintained;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 29, 2002.

257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001-under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: John Scrofani and John Yacovone, Fire Department and Michael Sucher.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2:00 P.M., for decision, hearing closed.

282-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 29, 2003, at 2:00 P.M., for continued hearing.

283-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 29,

2003, at 2:00 P.M., for continued hearing.

325-01-BZ

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for continued hearing.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

384-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 29, 2003, at 2:00 P.M., for continued hearing.

MINUTES

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for decision, hearing closed.

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Sheldon Lobel/Janice Cahalane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for continued hearing.

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to January 14, 2002, at 2:00 P.M., for continued hearing.

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jerry Johnson.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for continued hearing.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning

MINUTES

district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Robert Baird Paterson.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

121-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Harbor Associates, owner; Harbor Fitness Inc., lessee.

SUBJECT - Application April 17, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1 zoning which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for decision, hearing closed.

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick Becker.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for continued hearing.

142-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for continued hearing.

151-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Goldman, Chris Wrigh, Mike Barrett and Jack Freeman.

For Opposition: Mark Nowlan.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for continued hearing.

162-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Eli and Raizy Levitin, owner.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and side and rear yards, and is contrary Z.R. §23-46, §23-461 and §23-141.

PREMISES AFFECTED - 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

MINUTES

Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for decision, hearing closed.

196-02-BZ

APPLICANT - SFS Associates by Peter Hirshman, for Dynamic Youth Community, Inc., owner.

SUBJECT - Application June 17, 2002 - under Z.R. §72-21, to permit the proposed construction of a fourth floor addition, for use as sleeping accommodations (domiciliary care facility) of 16 beds, to the existing three story community facility, Use Group 3, located in a C8-2 (OP) zoning district, which is contrary to Z.R. §32-13.

PREMISES AFFECTED - 1826/32 Coney Island Avenue, west side, 46' north of Avenue "O", Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Hirshman and F. Feldman.

For Opposition: John Yacovone, Fire Department and Simcha Felder.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2:00 P.M., for decision, hearing closed.

197-02-BZ

APPLICANT - Gary H. Silver Architect, P.C., for Nostrand Kings Management, owner; Theater Fitness Inc., DBA Empire Fitness, lessee.

SUBJECT - Application June 19, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, in a two story commercial building, located in a C2-2 within an R3-2 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Gary H. Silver.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for decision, hearing closed.

200-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:15 P.M.

MINUTES

DISMISSAL HEARING

WEDNESDAY MORNING, OCTOBER 30, 2002

10:00 A.M.

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

285-85-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Henry Inselstein.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2353-2355 Coney Island Avenue, between Avenue T and Avenue U, Block 7315, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

In Favor: Sheldon Lobel/Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals,
October 20, 2002

172-86-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Jomar Associates LLC

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 256-10 Union Turnpike, south side Union Turnpike 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals,
October 20, 2002.

3-02-A thru 11-02-A

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Rocco Berardi

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

10 Gallant Court, east side 679' north of Arbutus Avenue, Block 6517, Lot 105, Borough of Staten Island.

21 Gallant Court, east side, 402.6' north of Arbutus Avenue, Block 6517, Lot 110, Borough of Staten Island.

31 Gallant Court, east side, 520.1' north of Arbutus Avenue, Block 6517, Lot 115, Borough of Staten Island.

36 Gallant Court, west side, 596' north of Arbutus Avenue, Block 6517, Lot 120, Borough of Staten Island.

41 Gallant Court, east side, 620' north of Arbutus Avenue, Block 6517, Lot 130, Borough of Staten Island.

46 Gallant Court, west side, 496' north of Arbutus Avenue, Block 6517, Lot 125, Borough of Staten Island.

51 Gallant Court, east side, 720' north of Arbutus Avenue, Block 6517, Lot 135, Borough of Staten Island.

61 Gallant Court, east side, 805' north of Arbutus Avenue, Block 6517, Lot 145, Borough of Staten Island.

66 Gallant Court, west side, 384' north of Arbutus Avenue, Block 6517, Lot 150, Borough of Staten Island.

COMMUNITY BOARD #10BK

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application dismissed.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals,
October 30, 2002.

MINUTES

426-54-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Howard Levine.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

In Favor: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to January 15, 2003, at 10:00 A.M. SOC Calendar, for continued hearing

386-01-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Chrisanthy Zisimopoulos

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 223 84th Street, north side of 84th Street, between Ridge Boulevard and 3rd Avenue, Block 6016, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

In Favor: Stuart Klein.

ACTION OF THE BOARD - Laid over to January 15, 2003, at 10:00 A.M. SOC Calendar, for continued hearing.

38-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Maria Palumbo

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

In Favor: Harold Weinberg.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M. SOC Calendar, for continued hearing.

120-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Abraham Lokshin.

LESSEE: Dolphin Fitness Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 42-46 Avenue A, northeast corner of Avenue A and 3rd Street, Block 399, Lot 1,

Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

In Favor: Eric Palatnik.

ACTION OF THE BOARD - Laid over to January 15, 2003, at 10:00 A.M., for continued hearing

178-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Diego Salazar.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 57 Eagle Street/aka 233 Franklin Street, Eagle Street corner of Franklin Street, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M. SOC Calendar, for continued hearing.

203-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

In Favor: Eric Palatnik.

ACTION OF THE BOARD - Laid over to January 15, 2003, at 10:00 A.M. for continued hearing.

MINUTES

**COMPLIANCE HEARING
WEDNESDAY MORNING, OCTOBER 30, 2002**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

374-75-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES:

SUBJECT -

PREMISES AFFECTED - 380-394 Amsterdam Avenue,
Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 7,
2003, at 10:00 A.M., for continued hearing

Pasquale Pacifico, Executive Director.

**SPECIAL HEARING
WEDNESDAY MORNING, OCTOBER 30, 2002
11:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

134-99-BZ

APPLICANT - Martyn and Don Weston Architects, for
Franklyn Holding Company, owner; The Dwight School,
owner.

SUBJECT - Application Remanded back to BSA as per
Supreme Court Decision

PREMISES AFFECTED - 18 West 89th Street, aka 17-19
West 88th Street, south side, 160' west of Central Park West,
Block 1202, Lots 25, and 40, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Don Weston, Sheldon Lobel Lyra Altman
and Barbara Marks.

ACTION OF THE BOARD - Laid over to January 14,
2003, at 10:00 A.M., for continued hearing.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC
NY Corp., owner; West Thirteenth Street Development,
LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-
21 to permit the proposed residential use (34 units) Use
Group 2, to be located in a 32 story mixed use building, also
the use of additional accessory parking, in an M1-5 zoning
district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west
side, between Little West 12th and West 13th Streets, Block
645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

For Opposition: Stuart Beckerman and Doris Diether,
CB#2.

ACTION OF THE BOARD - Laid over to December
11, 2002, at 10:00 A.M., for continued hearing on the
Special Hearing Calendar.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 45-46

November 21, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET805-806

CALENDAR of December 10, 2002

Morning807

Afternoon808-809

CONTENTS

MINUTES of Regular Meetings,	
Tuesday, November 12, 2002	
Morning Calendar	810
<u>Affecting Calendar Numbers:</u>	
52-55-BZ	1255 East Gun Hill Road, Bronx
618-55-BZ	3902 Avenue U, Brooklyn
393-59-BZ	2805 Edson Avenue, a/k/a 1945 Bartow Avenue, Bronx
542-69-BZ	3326-32 Decatur Avenue, Bronx
175-97-BZ	55 West Houston Street, a/k/a 158-160 Wooster Street, Manhattan
200-24-BZ	3030 Jerome Avenue, a/k/a 3103 Villa Avenue, Bronx
472-37-BZ, Vol. IV	2765/2773 Cropsey Avenue, Queens
551-37-BZ	233-02 Northern Boulevard, Queens
74-49-BZ	515 7 th Avenue and 144-158 West 38 th Street, Manhattan
641-59-BZ	760 Castle Hill Avenue, Bronx
135-67-BZ	2063/91 Ralph Avenue, Brooklyn
624-68-BZ	188-01/17 Northern Boulevard, Queens
237-72-BZ	262-10/262-12 Hillside Avenue, Queens
426-81-BZ	2329 Story Avenue, Bronx
111-94-BZ	3543-49 Broadway, Manhattan
37-96-BZ	1601 Bronxdale Avenue, Bronx
186-99-BZ	74-24 Rockaway Boulevard, Queens
99-01-A	37-18 74 th Street, Queens
140-02-A	67-35 73 rd Place, Queens
246-02-A	30½ Graham Place, Queens
247-02-A	30 Bayside Avenue, Queens
251-02-A	11 Suffolk Walk, Queens
252-02-A	466 Seabreeze Walk, Queens
253-02-A	8 Marion Walk, Queens
255-02-A	21 Janet Lane, Queens
Afternoon Calendar.....	819
<u>Affecting Calendar Numbers:</u>	
143-01-BZ	348 East 9 th Street, Manhattan
217-01-BZ	505 East 188 th Street, Bronx
257-01-BZ	2504 Avenue "K", Brooklyn
405-01-BZ	1275 36 th Street, a/k/a 123 Clara Street, Brooklyn
281-99-BZ	6055 Strickland Avenue, Brooklyn
249-01-BZ	9 White Street, a/k/a 210/22 Varet Street, Brooklyn
366-01-BZ	500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, Brooklyn
373-01-BZ	372 Avenue "U", Brooklyn
374-01-BZ & 375-01-BZ	836 & 838 Kent Avenue, Brooklyn
13-02-BZ thru 16-02-BZ	112/114/116/118 Walworth Street, Brooklyn
62-02-BZ thru 64-02-BZ	108/110/120 Walworth Street, Brooklyn
78-02-BZ	104-72 48 th Avenue, Queens
79-02-BZ	1024 Dean Street, Brooklyn
87-02-BZ	8401 Flatlands Avenue, Brooklyn
146-02-BZ	138-27 247 th Street, Queens
193-02-BZ	488 Morgan Avenue, Brooklyn
227-02-BZ	527 East 233 rd Street, a/k/a 4201 Webster Avenue, Bronx
232-02-BZ	1168 East 23 rd Street, Brooklyn
270-02-BZ	1649 East 28 th Street, Brooklyn

DOCKETS

New Case Filed Up to November 12, 2002

315-02-BZ B.M. 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan. Applic. #103273208. Proposed construction of a mixed-use building, containing college facilities and apartments, Use Groups 2 and 3, located in an R8 zoning district, which does not comply with the zoning requirements for floor area ratio, number of dwelling units, setback, rear setback, sky exposure plane and lot coverage, is contrary to Z.R. §23-142, §24-11, §24-20, §24-16, §24-33 and §24-522.

COMMUNITY BOARD #7M

316-02-BZ B.S.I. 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island. N.B. #500574336. Proposed erection of a one family dwelling, Use Group 1, located in an R3-1 zoning district, which is deficient in the required lot area and does not have the required front yards, is contrary to Z.R. §23-32, §23-45 and §107-461.

COMMUNITY BOARD #3SI

317-02-A B.S.I. 175 Buffalo Street, northeast corner of Durant Avenue, Block 4979, Lot 8, Borough of Staten Island. N.B. #500574336. Proposed erection of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

318-02-A B.Q. 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt. #401496252. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

319-02-A B.Q. 38 Graham Place, Block 16350, Lot 400, Borough of Queens. Alt. #401517364. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

320-02-A B.Q. 232 Roxbury Avenue, corner of Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens. Alt. 1. #401486067. Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

321-02-A B.Q. 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1. #401486058. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and also has a private disposal system located partially in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

322-02-BZ B.S.I. 1840 Richmond Terrace, between Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island. Applic. #500567932. The reestablishment of an expired variance, previously granted by the Board under Cal. #80-88-BZ, which permitted an automotive service station in a C2-2 zoning district, also the proposed addition of a new steel canopy, concrete dispenser island with dispensers and doublewall fiberglass tanks, is contrary to Z.R. §32-35.

COMMUNITY BOARD #1SI

323-02-BZ B.M. 783 Washington Street, east side, corner of Washington and Jane Streets, Block 642, Lot 38. Borough of Manhattan. Applic. #103293062. Proposed conversion of an existing commercial building, to a single family residence, Use Group 2, located in a C8-4 zoning district, is contrary to Z.R. §15-021 and §32-10.

COMMUNITY BOARD #2M

324-02-BZ B.BK. 752 Pacific Street, between Carlton and Underhill Avenues, Block 1129, Lot 13, Borough of Brooklyn. Applic. #301378818. Proposed conversion of a vacant industrial building into a forty-nine unit residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #8BK

DOCKETS

325-02-BZ B.BK. 1158 McDonald Avenue,
west side, 143.11' south of 20th Avenue, north of 21st
Avenue, Borough of Brooklyn. Alt.1 #301410934.
Proposed conversion of a former supermarket, into a
physical culture establishment, requires a special permit
from the Board as per Z.R. §73-36.

COMMUNITY BOARD #12BK

326-02-BZ B.BK. 2238 Church Avenue,
213.8' east of the corner formed by the intersection of
Flatbush and Church Avenues, Block 5103, Lot 36,
Borough of Brooklyn. Alt.1 #300130551. The
legalization of an existing physical culture establishment,
which occupies the cellar of the subject premises, located
in a C4-2 zoning district, requires a special permit from the
Board as per Z.R. §32-31.

COMMUNITY BOARD #14BK

**DESIGNATIONS: D-Department of Buildings;
B.BK.-Department of Buildings, Brooklyn; B.M.-
Department of Buildings, Manhattan; B.Q.-
Department of Buildings, Queens; B.S.I.-Department
of Buildings, Staten Island; B.BX.-Department of
Building, The Bronx; H.D.-Health Department; F.D.-
Fire Department.**

CALENDAR

DECEMBER 10, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 10, 2002, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1207-66-BZ

APPLICANT - H. Irving Sigman, for Young Kil Kwon, owner.

SUBJECT - Application October 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 5, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 305 Washington Avenue, a/k/a 321 Dekalb Avenue, northeast corner of Washington and Dekalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #2BK

467-71-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Oil, Corp., owner.

SUBJECT - Application September 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

COMMUNITY BOARD #7Q

106-76-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application September 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 20, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 129-03 North Conduit Avenue, northeast corner of 129th Street, Block 11863, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

285-85-BZ

APPLICANT - Sheldon Lobel, P.C., for Henry Inselstein, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 7, 2000.

PREMISES AFFECTED - 2353-2355 Coney Island

Avenue, between Avenue T and Avenue U, Block 7315, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

172-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, Llp for Jomar Associates, LLC, NY, owner.

SUBJECT - Application March 27, 2002 - reopening for an extension of term of variance which expired March 31, 2002.

PREMISES AFFECTED - 256-10 Union Turnpike, southside Union Turnpike, 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

COMMUNITY BOARD #13Q

357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

DECEMBER 10, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, December 10, 2002, at 2:00 P.M., at 40 Rector Street, 6h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.

SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180' north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

CALENDAR

146-02-BZ

APPLICANT - The Augusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required

light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

182-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc lessee.

SUBJECT - Application May 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16b, located in a C1-2 within an R3-2 and R3-2 zoning district is contrary to §32-25.

PREMISES AFFECTED - 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

201-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paco Page, LLC, owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B, that is located in a C1-1 zone overlay within an R3-1 zoning district, is contrary to a previous variance granted under Cal. No.855-25-BZ and Z.R. §32-25.

PREMISES AFFECTED - 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 and 20, Borough of Staten Island.

COMMUNITY BOARD #3SI

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. §72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

CALENDAR

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

262-02-BZ

APPLICANT - Howard Z. Zipser/Stadtmauer Bailkin, for Maimonides Medical Center, owner.

SUBJECT - Application September 26, 2002 - under Z.R. §72-21 to permit the proposed erection of a nine story (L1+8) building, within the medical center community facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, which is contrary to Z.R. §24-522, §33-431 and §24-11.

PREMISES AFFECTED - 4801 Tenth Avenue and 1001/47 49th Street, bounded by Fort Hamilton Parkway, 10th Avenue, between 48th and 49th Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 12, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

52-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT - Application June 11, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 14, 2000.

PREMISES AFFECTED - 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated May 30, 2002, acting on N.B. Application No. 1036-54 reads:

“1. Proposal to extend the term of variance beyond October 14, 2000 for an existing gasoline service station located in a C1-2 within R-5 zoning district as indicated on zoning map 2-b is contrary to section 32-25 Z.R. and contrary to BSA Cal. No. 52-55 BZ and is hereby denied.” and

WHEREAS, the applicant has requested a Waiver of the Rules of Procedure, a reopening and an extension of the term of the variance permitting a gasoline service station

with accessory uses, which expired October 14, 2000; and WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, laid over to October 22, 2002 and then to November 12, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the term of the variance, said resolution having been adopted July 26, 1955, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the variance for an additional ten (10) years from October 14, 2000 expiring October 14, 2010, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 11, 2002”-(4) sheets and “October 15, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT all landscaping shall be maintained according to BSA approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, November 12, 2002.

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (a/k/a Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

MINUTES

For Applicant: Michelle Spallino.

THE ACTION OF BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated March 19, 2002, acting on Application No. 301156905 reads:

“1. Proposed 72' x 24' canopy over gasoline dispensers at gasoline service station, lubritorium, minor repairs, hand tools for adjustment only, car washing, storage of motor vehicles in a R4 zone is contrary to BSA Cal. # 618-55BZ and therefore must be referred back to the Board;” and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an amendment to the resolution and extension of the term of the variance permitting a gasoline service station with accessory uses which expires on May 22, 2001; and

WHEREAS, a public hearing was held for this application on June 4, 2002, after due notice by publication in The City Record, laid over to August 6, 2002, adjourned until September 24, 2002, laid over to October 22, 2002 and then to November 12, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station for an additional ten (10) years; and

WHEREAS, the applicant has submitted an affidavit which states that there shall be no vehicle rentals on the premises; and

WHEREAS, the applicant also seeks to amend the resolution to reflect the relocation of the pump islands and gasoline dispensers and to permit the erection of a 72' x 24' canopy; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to §11-411, said resolution having been adopted on May 26, 1956, as amended through May 18, 1993, so that as amended this portion of the resolution shall read: “To permit the relocation of the pump islands and gasoline dispensers and the erection of a 72' x 24' canopy, and to extend the term of the variance for ten years from May 22, 2001 expiring May 22, 2011; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received May 2, 2002”-(4) sheets; and on further condition

THAT there shall be no parking on the sidewalk;

THAT the premises shall be maintained graffiti-free at all times;

THAT there shall be no outdoor lifts on the premises

at any time;

THAT there shall be no vehicle rentals on the premises at any time;

THAT all fences shall be provided and maintained in compliance with BSA-approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, November 12, 2002.

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue, a/k/a 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE ACTION OF BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated March 19, 2002, acting on Application No. 200303572 reads:

“1. In an R4 zoning district, proposed change in convenience store layout, pump island arrangement and metal canopy is contrary to Board of Standards and Appeals variance under cal. 93-59-BZ. Additionally, extension of term of variance beyond March 18, 2005

MINUTES

is contrary to BSA variance under cal. 393-59 BZ adopted September 12, 1995.;" and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an amendment to the resolution and extension of the term of the variance permitting a gasoline service station with accessory uses which expires on March 18, 2005; and

WHEREAS, a public hearing was held on this application October 22, 2002, after due notice by publication in The City Record, laid over to November 12, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station for an additional fifteen (15) years; and

WHEREAS, the applicant also seeks to amend the resolution to permit changes in the layout of the convenience store, the pump islands and the metal canopy.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to §11-411, said resolution having been adopted on May 12, 1953, as amended through May 18, 1993, so that as amended this portion of the resolution shall read: "To permit the erection of a new canopy, and to extend the term of the variance for ten years from January 15, 2002 expiring January 15, 2012; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received March 28, 2002"- (1) sheet, "October 8, 2002"- (1) sheet, "October 16, 2002"- (1) sheet, and "October 30, 2002"- (1) sheet; and on further condition

THAT there shall be no sale of vehicles on the premises at any time;

THAT there shall be no parking on the sidewalk;

THAT the premises shall be maintained graffiti-free at all times;

THAT all signage shall comply to C-2 Zoning District regulations;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 12, 2002.

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Thomas Schneider.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 1, 2002 acting on ALT Application No. 249/69 reads:

"1. Proposed continued use of lot for non-transient parking- pleasure type automobiles, beyond 2/28/03 in a R7-1 Zoning District is contrary to CO 67047 BS&A Cal. 542-69-BZ Sec. 22-00 Z.R."; and

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance, permitting an existing non-transient parking lot, which expires October 5, 2003; and

WHEREAS, a public hearing was held on this application on July 23, 2002, after due notice by publication in The City Record, laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and pursuant to Z.R. §72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted December 9, 1969 as amended through October 5, 1993 expiring October 5, 2003, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from the date of this grant expiring November 14, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received July 17, 2002"- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

MINUTES

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, November 12, 2002.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, a/k/a 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Doris Diether, Community Board #2M and Robert Riccio.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 19, 2002 acting on Application No. 101884445 reads:

WHEREAS, a public hearing was held on this application on October 1, 2002, after due notice by publication in The City Record, and laid over to October 29, 2002, and then to November 12, 2002 for decision; and

WHEREAS, On April 21, 1998, the Board permitted, in an M1-5A zoning district, the erection of an eight-story, 43-unit, multiple- dwelling with retail uses on the ground floor; and

WHEREAS, the Board notes that this case was subject to litigation at every level of the state court system, and on November 28, 2000, the New York State Court of Appeals upheld the Board's grant; and.

WHEREAS, during the public hearings held in 1997 and 1998, the Board heard the subject application simultaneously with Calendar Number 174-97-BZ, but the sites are legally distinct, are located on different blocks, are architecturally distinct buildings and carry different calendar numbers; and

WHEREAS, during the 1997 and 1998 hearings the aforementioned property were under common ownership and were heard simultaneously as the owner desired to develop them at the same time; and

WHEREAS, however, the Board notes that each application presented separate evidence illustrating that each parcel on its own met the variance criteria under Z.R. §72-21; and

WHEREAS, specifically, the Board determined that each property presented its own physical hardships and provided a separate financial analysis demonstrating that each property would suffer economic hardship; and

WHEREAS, the Board notes that the Landmarks Preservation Commission required that the buildings be designed as separate buildings; and

WHEREAS, therefore, by letter dated February 1, 2001, a prior condition requiring that Certificates of Occupancy be simultaneously obtained for Calendar #174-97-BZ and the subject application was eliminated; and

WHEREAS, in response to opposition concerns, the applicant demonstrated that a condition requiring that Certificates of Occupancy be simultaneously obtained for Calendar #174-97-BZ and the subject application is not practicable because he does not own the other property and the condition is contrary to customary land-use practice: and

WHEREAS, the Board notes that the elimination of the condition that Certificates of Occupancy be simultaneously obtain for the instant application and Calendar # 174-97-BZ was addressed during the instant proceedings, and through this resolution the Board reaffirms the determination made in the letter dated February 1, 2001; and

WHEREAS, the Board recalls that during the 1997 and 1998, hearings the community desired a development of lesser density; and

WHEREAS, the instant application seeks to reduce the number of dwelling units previously approved from 43 with an open recreation area on the lower roof for building residents to 15 dwelling units; and

WHEREAS, this amendment also seeks to create building recreation space on the main building roof and to create two private terraces on the 7th floor/roof; and

WHEREAS, the applicant notes that by reducing the number of units the size of the units will be significantly increased, as desired by the community; and

WHEREAS, the applicant represents that the proposed recreation space will require bringing the elevator up an additional story; and

WHEREAS, the applicant represents and the Board agrees, that the proposed amendment falls within the

MINUTES

envelope previously approved by the Board, reduces the number of dwelling units thereby lessening the residential density; and

WHEREAS, the record indicates that as part of the Department of Environmental Conservation process, Mobil/Exxon, the party responsible for cleaning the site, must perform excavations at the site; and

WHEREAS, the Board notes that excavations require foundation/excavation permits from the Department of Buildings; and

WHEREAS, the applicant has provided assurances that the only construction will be that which is necessary to complete the DEC protocol and ensure site safety.

Resolved, that the Board of Standards and Appeals pursuant to Zoning Resolution § 72-01 reopens and amends the resolution, adopted on April 21, 1998, so that as amended this portion of the resolution shall read: "to permit the reduction in the number of dwelling units from 43 to 15; to create building recreation space on the main building roof and to create two private terraces on the 7th floor/roof, and to permit elevator service up an addition story; on condition

THAT no construction shall commence prior to a Department of Buildings permit being issued, other than that which is needed to complete Department of Environmental Conservation Protocol;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 21, 2002"-(5) sheets, and "October 8, 2002"-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 12, 2002.

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for decision, hearing closed.

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for continued hearing.

551-37-BZ

APPLICANT - Joseph P. Morsellino, for Beverly Fetner, et al., owner; Red's Auto Repair, lessee.

SUBJECT - Application June 27, 2002 & August 30, 2002 - reopening for an extension of term of variance which expired July 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 233-02 Northern Boulevard, southeast corner of 233rd Street, Block 8166, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10:00 A.M., for postponed hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janet Abrams.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10:00 A.M., for continued hearing.

MINUTES

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for decision, hearing closed.

135-67-BZ

APPLICANT - Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee.
SUBJECT - Application May 31, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 22, 1998.

PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for decision, hearing closed.

624-68-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for decision, hearing closed.

237-72-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilt's Petroleum, owner.

SUBJECT - Application June 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 262-10/262-12 Hillside Avenue, southwest corner of 263rd Street, Block 8792, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for decision, hearing closed.

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, north side of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 10:00 A.M., for decision, hearing closed.

MINUTES

111-94-BZ

APPLICANT - Jay Segal, Esq., Greenberg Traurig, LLP, for 25-02 Eighth Avenue Corp., owner.

SUBJECT - Application March 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of special permit which expired April 5, 2000.

PREMISES AFFECTED - 3543-49 Broadway, northwest intersection of Broadway and West 145th Street, Block 2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Jay Segal.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for continued hearing.

37-96-BZ

APPLICANT - Sheldon Lobel, P.C., for Pilot Realty Corp., owner.

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Janice Abrams.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to February 25, 2003, at 10:00 A.M., for continued hearing.

186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganessian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10:00 A.M., for continued hearing.

APPEALS CALENDAR

99-01-A

APPLICANT - Philip P. Agusta, for Serafina Balducci/Nicolo Balducci, owners.

SUBJECT - Application August 2, 2002 - reopening for a rehearing.

PREMISES AFFECTED - 37-18 74th Street, west side, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 11:00 A.M., for decision, hearing closed.

140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73rd Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the letter from the Commissioner of the Department of Buildings dated April 29, 2002 reads:

“1. The Department of Buildings submits this application pursuant to New York City Charter 645 (b)(3) (e) and 666 (6) (a) to review and set aside Certificate of Occupancy No. Q4010229338 issued December 30, 1999 (the “CO”) to 67-35 73rd Place, Queens (the “premises”). The evidence before the Department demonstrates that the CO, which states that the legal use of the premises is four family

MINUTES

dwelling was issued in error.”; and

WHEREAS, the Department of Buildings seeks to revoke Certificate of Occupancy Number 401029338 on the basis that the conversion from a 2 family to a 4 family dwelling violates the Multiple Dwelling Law and the Zoning Resolution; and

WHEREAS, the subject premises is located in an R5 zoning district, consisting of a three story building with a cellar and a 2 car garage at the first floor level, on a parcel that is 22.42 feet wide by 93.25 feet deep; and

WHEREAS, the record indicates that the current Certificate of Occupancy permits at the basement level, (1) dwelling, at the first floor level, (1) dwelling and a two car garage, at the second floor level, (1) dwelling and at the third level, (1) dwelling; and

WHEREAS, on October 8, 1999, the Department of Buildings received job application Number 401029338, a self-certification application to legalize the existing condition, “to Convert a two family into a 4 family dwelling”; and

WHEREAS, the current Certificate of Occupancy was issued on December 30, 1999, however, a March 2002 audit revealed that the Certificate of Occupancy is defective because it violates Section 34(6) of the Multiple Dwelling Law by not providing required light and air for the cellar unit; and

WHEREAS, a further examination of the plans also revealed that the paved rear yard violates Local Law 103 of 1989 because it does not provide storm drainage, that it violates Multiple Dwelling Law Section 52(5)(a) because there is no fire rated separation above the below grade stories and violates Multiple Dwelling Law Section 187 by not providing two means of egress from the cellar, and that the conversion to a four family dwelling also violates the lot area provisions of Z.R. Section 32-222; and

WHEREAS, the appellant also notes that the cellar is misidentified as a basement and that the applicant also failed to obtain approval for the fire escape in the non-complying rear yard, which was necessary to provide a second means of egress; and

WHEREAS, Z.R. Section 23-222 provides that in R5 Zoning Districts, the required lot area per dwelling unit shall be at least 605 square feet; and

WHEREAS, the subject proposal of four dwelling units yields a required lot area of 2,420 square feet, but the lot is only 2,091 square feet, resulting in a deficiency of 329 square feet, therefore the appellant contends that the current Certificate of Occupancy improperly allows a four family multiple dwelling; and

WHEREAS, therefore, the Board finds, that the appellant has submitted adequate evidence to warrant the revocation of Certificate of Occupancy Number 4010229338.

Resolved, that the application of the Commissioner of the Department of Buildings dated April 29, 2002 seek revocation of Certificate of Occupancy No. 4010229338 is hereby granted.

Adopted by the Board of Standards and Appeals,
November 12, 2002.

246-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Justin Billows, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor, to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30½ Graham Place, south side, 13.01’ east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for decision, hearing closed.

247-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. John Achilleas, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Bayside Avenue, south side, 680’ north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for decision, hearing closed.

MINUTES

251-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joanne Billot, lessee.

SUBJECT - Application September 10, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

253-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Leonard & Justin Sica, lessees.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Sections 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement.

PREMISES AFFECTED - 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Catherine O'Reilly.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11:00 A.M., for continued hearing.

255-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Arthur Connor, lessee.

SUBJECT - Application September 18, 2002 - proposed alteration 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 - 21 Janet Lane, north side, 162' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department and Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 11:00 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 11:15 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, NOVEMBER 12, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

143-01-BZ

CEQR #01-BSA-131M

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit, in an R7-2 zoning district, the legalization of an existing veterinary clinic (Use Group 6B) located at the cellar level, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated March 16, 2001 acting on Application No. 102953476 reads:

“1) Use Group 6B, a veterinary hospital is not permitted in an R7-2 zoning district. It is contrary to 22-00 Z.R.”

WHEREAS, a public hearing was held on this application on January 8, 2002 after due notice by publication in the City Record, and laid over to February 5, 2002, March 5, 2002, April 9, 2002 and then to May 7, 2002 for decision; the decision was deferred until May 21, 2002 and then to June 4, 2002; on August 6, 2002 the case was re-opened and laid over for continued hearing on September 24, 2002 when it was closed, and a decision date was set for November 12, 2002 for decision; and

WHEREAS, Community Board No. 3 in Manhattan has recommended approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21,

to permit, in an R7-2 zoning district, the legalization of an existing veterinary clinic (Use Group 6B) located at the cellar level, which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is located on the north side of East 9th Street, improved with a six-story multiple dwelling containing approximately 12,236 square feet of floor area; and

WHEREAS, the applicant notes that the majority of the premises houses an as-of-right residential use, but that the cellar and half of the first floor presently house a veterinary clinic; and

WHEREAS, originally the proposal sought to legalize the veterinary use at the cellar and half of the first floor, but in response to Board concerns, the proposal has been modified, and only the cellar level will be occupied by the veterinary use with the first floor reverting to an as-of-right residential use; and

WHEREAS, the applicant represents that the subject cellar level is burdened by an unusually low height of just 5'-6" at its lowest point (which runs the entire length of the cellar) and approximately 8'-0" at its highest point; and

WHEREAS, further, the subject cellar space has historically housed a non-residential and medical-related use; and

WHEREAS, the applicant contends that the existing and proposed veterinary hospital use is quite similar to the legal, medical office use; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions and the site's history with a veterinary hospital use, present an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the applicant asserts that many below-grade and ground floor commercial and retail uses exist on this portion of East 9th Street; and

WHEREAS, the applicant notes that this is a legalization and that no animals will board at the premises, therefore there are no adverse affects to the surrounding neighbors; and

WHEREAS, therefore, the Board finds that this action, as modified, will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental

MINUTES

concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R7-2 zoning district, the legalization of an existing veterinary clinic (Use Group 6B) located at the cellar level, which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 30, 2002"-(2) sheets; and on further condition;

THAT the first floor at the premises shall revert to a conforming use within one (1) year from the date of this grant;

THAT there shall be no boarding of animals at the premises;

THAT the term of this variance shall be limited to five (5) years from the date of this grant, expiring November 12, 2007;

THAT a new Certificate of Occupancy shall be obtained within one year of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 12, 2002.

217-01-BZ

CEQR #01-BSA-160X

APPLICANT - David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: David Flores-Rivera.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application dismissed due to lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, November 12, 2002.

257-01-BZ

CEQR #02-BSA-021K

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001 - under Z.R. §72-21, to permit the proposed construction of a three-story synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the requirements of the Zoning Resolution with respect to floor area ratio, side and front yards, setback and sky exposure, which is contrary to §§24-111, 24-11, 24-34, 24-35 and 24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 20, 2001 acting on DOB Application No. 301192563, reads in pertinent part;

"1. EXCEEDS THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO

MINUTES

SECTION 24-111 OF THE ZONING RESOLUTION;

2. EXCEEDS THE ALLOWABLE MAXIMUM PERMITTED LOT COVERAGE AND IS CONTRARY TO SECTION 24-111;
3. HAS DEFICIENT SIDE YARDS AND IS CONTRARY TO SECTION 24-35 OF THE ZONING RESOLUTION;
4. HAS DEFICIENT FRONT YARDS AND IS CONTRARY TO SECTION 24-34 OF THE ZONING RESOLUTION;
5. DOES NOT COMPLY WITH THE SETBACK AND SKY EXPOSURE REQUIREMENTS OF SECTION 24-521 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in The City Record, and laid over for continued hearing to September 10, 2002, October 1, 2002, and then to October 29, 2002 for decision; and

WHEREAS, Community Board No. 14 in Brooklyn recommends approval of the application; and

WHEREAS, upon extensive review of the record, the Board requested additional information to document the programmatic needs of the congregation; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo, and Commissioner Joel Miele Sr.; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a three-story synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the requirements of the Zoning Resolution with respect to floor area ratio, side and front yards, setback and sky exposure, which is contrary to §§24-111, 24-11, 24-34, 24-35 and 24-521; and

WHEREAS, the subject premises is a corner lot, located on the southeast corner of Bedford Avenue and Avenue K, with 50 feet of frontage on Avenue K and 100 feet of frontage on Bedford Avenue, a total area of 5,000 square feet; and

WHEREAS, the subject premises is located directly across the street from a synagogue currently utilized by the congregation, which was the subject of a prior BSA variance; and

WHEREAS, the record indicates that the current synagogue was built in the mid-1980’s when the congregation was comprised of approximately 100 families; and

WHEREAS, the applicant represents that membership has since expanded to 275 families, and that the current structure is no longer able to meet the programmatic needs of the congregation; and

WHEREAS, the record indicates that the burgeoning

population in the community and the increased membership of the congregation has resulted in the dire need of additional facilities for classrooms, study areas, a library and office and meeting space; and

WHEREAS, according to the applicant, the proposed synagogue will be used for a variety of religious activities, including religious school and worship, and related religious celebrations and events; and

WHEREAS, the first floor of the proposed synagogue will contain the sanctuary, offices, a library/conference room, bathrooms, and a bridal room; the second and third floors will consist primarily of classroom space; and the cellar will contain a recreation/multipurpose room and men’s and women’s ritual baths; and

WHEREAS, the applicant has made a subsequent submission documenting the uniqueness of the lot and the programmatic needs of the congregation, which the Board finds to be comprehensive and adequate to satisfy the requirements of the Zoning Resolution; and

WHEREAS, the applicant represents that as a result of the burgeoning population of the neighborhood, the congregation has outgrown the current facility from which it operates; and

WHEREAS, the applicant further represents that the congregation does not have sufficient space to operate its educational programs and senior citizens programs, nor does it have adequate areas designated for private consultations and conferences; and

WHEREAS, in addition, where a non-profit community facility’s programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the conditions peculiar to the subject zoning lot create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site to meet the programmatic needs of the congregation, therefore satisfying the requirements of §72-21(a); and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant has indicated that there shall be no commercial catering on the premises; and

WHEREAS, at the request of the Board, the applicant has provided a shadow survey, examining potential loss of sunlight on adjacent properties, which demonstrates minimal impact; and

WHEREAS, after undertaking a comprehensive review of the public hearing transcripts, the applicant’s submissions, and the opposition’s submissions, the Board finds that the application satisfies the requirements of §72-21(c); and

MINUTES

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 synagogue; and

WHEREAS, the Board has meticulously reviewed both the applicant's and the opposition's submissions and has determined that the evidence in the record supports all the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction of a three-story synagogue, Use Group 4, located in an R2 zoning district, which does not comply with the requirements of the Zoning Resolution with respect to floor area ratio, side and front yards, setback and sky exposure, which is contrary to §§24-111, 24-11, 24-34, 24-35 and 24-521, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 16, 2002"-(9) sheets and "Received October 3, 2002"-(4) sheets; and on further condition;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the Certificate of Occupancy will state that no on-site commercial catering will be permitted;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 12, 2002.

405-01-BZ

CEQR #02-BSA-103K

APPLICANT - Sheldon Lobel, P.C., for Aron Welz United Talmudical Academy, owner.

SUBJECT - Application December 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a five-story school building and synagogue, Use Groups 3 and 4, located in both an R5 and C2-3/R5 zoning districts, which does not comply with the zoning requirements for floor area ratio, maximum building height, lot coverage, front and side yards and inner courts, and is contrary to §§24-11, 24-521, 24-34, 24-35, 23-851 and 24-64.

PREMISES AFFECTED - 1275 36th Street, a/k/a 123 Clara Street, southeast corner, between Clara and Luisa Streets, Block 5310, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated October 4, 2001 acting on N.B. Application No. 301234251, reads;

"PROPOSED NEW SCHOOL BUILDING EXCEEDS THE PERMITTED FLOOR AREA RATIO AND LOT COVERAGE UNDER SECTION 24-11 BZ, MAXIMUM BUILDING HEIGHT UNDER SECTION 24-521 BZ AND DOES NOT COMPLY WITH THE FRONT YARD REGULATIONS UNDER SECTION 24-34 BZ AND THE SIDE YARD REGULATIONS UNDER SECTION 24-35 BZ AND THEREFORE MUST BE APPROVED BY THE BOARD OF STANDARDS AND APPEALS. THE INNER COURT AS SHOWN ON DRAWING NO. 5 DOES NOT COMPLY WITH SECTIONS 23-851 AND 24-64 AND MUST ALSO BE APPROVED BY THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on July 15, 2002 after due notice by publication in The City Record, and laid over to September 10, 2002, October 22, 2002 and then to November 12, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a five-story school

MINUTES

building and synagogue, Use Groups 3 and 4, located in both an R5 and C2-3/R5 zoning districts, which does not comply with the zoning requirements for floor area ratio, maximum building height, lot coverage, front and side yards and inner courts, and is contrary to §§24-11, 24-521, 24-34, 24-35, 23-851 and 24-64; and

WHEREAS, by letter dated April 23, 2002, Community Board #12 unanimously recommended approval of this application stating that “This is a much needed facility and will enhance [the] community as well.”; and

WHEREAS, the subject site is trapezoidal shaped parcel of land, situated on the southeast corner of the intersection of Clara Street and 36th Street in Brooklyn; and

WHEREAS, the property is currently improved with a one-story masonry building, a one-story block shed and one-story frame building, all of which the applicant proposes to demolish and develop with a five-story and cellar school and synagogue; and

WHEREAS, the applicant represents that the proposed structure will have 60 classrooms plus a cellar with a children’s dining room, kitchen and offices; and

WHEREAS, the proposed school will have a staff of 50 people and will provide religious and secular education to approximately 950 male students, grades 9 through 12, ages 15-19; and

WHEREAS, the proposed hours of operation will be 9:00 AM to 6:00 PM Monday through Thursday and 8:00 AM to 1:00 PM on Friday; and

WHEREAS, the proposed building will be built and utilized by the United Talmudical Academy (“UTA”) of Borough Park, a community based not-for-profit corporation which currently has four other locations in Borough Park; and

WHEREAS, the applicant represents that the burgeoning population of the surrounding community has resulted in a waiting list of students who wish to attend the academy; and

WHEREAS, the applicant further represents that allowing these students to attend the academy’s existing facility would create overcrowding, and result in an unfit learning environment for young children; and

WHEREAS, the record indicates that there exists a dire need for additional space to facilitate the academy’s community-based programs, including the Head Start Program, special education classes for children with disabilities, weekend and holiday programs for children with troubled homes, and after school classes and activities for children with diminished opportunities at home; and

WHEREAS, in order to meet these programmatic needs, a new structure for the school and synagogue must be constructed at a centralized location within the community such as this, to allow many of the students and congregants to walk to school and services in observation of religious holidays; and

WHEREAS, the applicant represents the strains of the

resources in the current facilities create a practical difficulty and unnecessary hardship that requires the construction of a new structure and a waiver of the floor area, building height, lot coverage, yard and inner court requirements to meet the programmatic need of the academy;

WHEREAS, in addition, where a non-profit community facility’s programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, both the school and synagogue uses are permitted as-of-right in both a R5 and C2-3/R5 zoning districts, and this variance only pertains to the bulk of the building; and

WHEREAS, the applicant represents that most of the students and faculty will be drawn from the immediate area and will walk to the school/synagogue thus alleviating concerns of adverse parking impacts on the community; and

WHEREAS, at the request of the Board and in response to community-based concerns the project has been reduced in height, and the inner courtyard has been enlarged; and

WHEREAS, by letter dated August 16, 2002, the New York City Department of Transportation Traffic Safety Division has listed a number of conditions to ensure traffic safety, all of which the applicant has agreed to comply with; and

WHEREAS, therefore, the Board has determined that the proposed action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the Board has determined that the proposed action will not result in any significant environmental effects; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would

MINUTES

require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§72-21 to permit the proposed construction of a five-story school building and synagogue, Use Groups 3 and 4, located in both an R5 and C2-3/R5 zoning districts, which does not comply with the zoning requirements for floor area ratio, maximum building height, lot coverage, front and side yards and inner courts, and is contrary to §§24-11, 24-521, 24-34, 24-35, 23-851 and 24-64; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received October 29, 2002"- (11 sheets; and on further condition;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT, the DOT shall place signs in front of the new high school building stating that there is to be no standing from 7:00 AM to 7:00 PM on school days, for school buses;

THAT the areas designated for school buses are 112 feet for three school buses in front of 1275 36th Street, and 155 feet for four school buses on the side of Clara Street;

That two school crossing guards shall be assigned to two of the uncontrolled intersections at 36th Street and Clara Street and Clara Street and Chester Avenue;

THAT school crossing signs, crosswalks and crossing messages shall be installed and maintained in compliance with DOT recommendations;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT all of the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 12, 2002.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman, Andy Rudfio, Arnold F. Fleming.

For Opposition: Senator Carl Krugor, Assemblyman Frank R. Seddio, Councilman Lewis Felder, Jermone Abott, Herbert Jawitz, Ann Mandelbaum, Carol Abrams and Sol Needle.

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for decision, hearing closed.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman, Josef Friedman and Jose Leon.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for continued hearing.

MINUTES

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, a/k/a 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Kenneth K. Fisher, Robert Pauls and Orit Jackier.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel and Marc Esrig.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for continued hearing.

13-02-BZ thru 16-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

62-02-BZ thru 64-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and

MINUTES

Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyn Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2:00 P.M., for decision, hearing closed.

79-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November 26, 2002, at 2:00 P.M., for decision, hearing closed.

87-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit the proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Calahane.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

146-02-BZ

APPLICANT - The Augusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for postponed hearing.

193-02-BZ

APPLICANT - Sheldon Lobel, P.C., for St. Christopher-Ottillie, owner.

SUBJECT - Application June 11, 2002 - under Z.R. §72-21, to permit the proposed conversion of a five story building, located in an area zoned for manufacturing use, into a not-for-profit institution with sleeping accommodations, Use Group 3, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 488 Morgan Avenue, east side, between Richardson Street and Division Place, Block 2851, Lots 1 and 70, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Roger Bennett, Bob McMahon, Benjamin Charrat, Douglas O'Dell and Janice Cahalan.

For Opposition: Theresa Cianciatts, Steven Hermatuik and others.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to December
17, 2002, at 2:00 P.M., for decision, hearing closed.

227-02-BZ

APPLICANT - Stanley K. Schlein, Esq., for Beatrice
Clemente, owner; 4201 Webster Corp., lessee.

SUBJECT - Application August 9, 2002 - under Z.R. §72-
21, to permit the proposed construction and operation of a
gasoline service station and an accessory convenience
store, located within an R7A zoning district, which is
contrary to Z.R. §22-00.

PREMISES AFFECTED - 527 East 233rd Street, a/k/a
4201 Webster Avenue, bounded by East 233rd Street,
Webster Avenue and Peters Place, Block 3395, Lot 80,
Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Stanley K. Schlein and Christopher J.
Higgins.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 2:00 P.M., for decision, hearing closed.

232-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Marc
Bodner, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §73-
622, to permit the proposed enlargement of an existing one
family dwelling, Use Group 1, located in an R2 zoning
district, which does not comply with the zoning
requirements for floor area ratio, open space ratio and the
minimum required side yard, is contrary to Z.R. §23-141(a)
and §23-461(a).

PREMISES AFFECTED - 1168 East 23rd Street, east side,
203'-4" south of Avenue "L", Block 7622, Lot 74, Borough
of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Josef Friedman and Moshe Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to November
26, 2002, at 2:00 P.M., for decision, hearing closed.

270-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Roselyn Zelman,
owner.

SUBJECT - Application October 8, 2002 - under Z.R. §73-
622, to permit the proposed enlargement of a single family
residence, in an R3-2 zoning district, which creates
non-compliance with regards to floor area ratio, open
space, rear yard, lot coverage, perimeter wall height and
side yard, is contrary to Z.R. §23-141, §23-47 and §23-631.
PREMISES AFFECTED - 1649 East 28th Street, between
Avenue "P" and Quentin Road, Block 6791, Lot 50,
Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to December
10, 2002, at 2:00 P.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 6:00 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 47

November 28, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - Counsel

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET830-831

CALENDAR of December 17, 2002

Morning832

Afternoon833

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, November 19, 2002**

Morning Calendar834

Affecting Calendar Numbers:

438-29-BZ	406-418 Remsen Avenue, Brooklyn
109-34-BZ	64-40 Myrtle Aenue aka 72-02 Cypress Hills Street, Queens
915-46-BZ	40-08 30th Avenue, Queens
26-02-BZ	1680 Richmond Avenue, Staten Island
838-55-BZ	1866-90 Westchester Avenue, Bronx
834-60-BZ	140 Vanderbilt Avenue, Brooklyn
25-95-BZ	2881 Nostrand Avenue, Brooklyn
292-55-BZ	239-15 Jamaica Avenue, Queens
352-64-BZ	408-424 East 51st Street, Manhattan
190-75-BZ	301-321 East 79th Street, Manhattan
151-90-BZ	115-49 118th Street, Queens
145-92-BZ	403 East 91st Street, Manhattan
219-71-BZ	147-65/76 Springfield Boulevard, aka 184-45 and 220-27 147th Avenue, Queens
203-01-BZ	5701 Broadway, Bronx
204-01-BZ	73-15 Parsons Boulevard, Queens
139-02-A	1511 Third Avenue, Manhattan
89-02-A	244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, Queens

Afternoon Calendar.....837

Affecting Calendar Numbers:

125-01-BZ	125 Classon Avenue, Brooklyn
126-01-BZ	131 Classon Avenue, Brooklyn
127-01-BZ	135 Classon Avenue, Brooklyn
128-01-BZ	141 Classon Avenue, Brooklyn
229-01-A	125 Classon Avenue, Brooklyn
230-01-A	131 Classon Avenue, Brooklyn
231-01-A	135 Classon Avenue, Brooklyn
39-02-BZ	142-66/82 Rockaway Boulevard, Queens
49-02-BZ	189-19 Pineville Lane, Queens
108-02-BZ	4566 Broadway, Manhattan
126-02-BZ	296 West Fordham Road, Bronx
148-02-BZ	72 Highlawn Avenue, Brooklyn
162-02-BZ	1222 East 22nd Street, Brooklyn
196-02-BZ	1826/32 Coney Island Avenue, Brooklyn
207-02-BZ	2723 Avenue "P", Brooklyn
284-01-BZ	275 Castleton Avenue, Staten Island
26-02-BZ	1680 Richmond Avenue, Staten Island
73-02-BZ	6 Stanwix Street, a/k/a 59 Jefferson Street, Brooklyn
83-02-BZ	925 Bergen Street, Brooklyn
112-02-BZ	48 Eldridge Street, Manhattan
114-02-BZ	2493 Richmond Road, Staten Island
239-02-BZ	110 Waverly Place, Manhattan
250-02-BZ	3845 Bedford Avenue, Brooklyn

DOCKETS

New Case Filed Up to November 19, 2002

327-02-BZ B.BK. 82 Union Street, south side, 266'-0" west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn. Applic.#301320657. Proposed erection of a four story, four family residence, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #6BK

328-02-BZ B.M. Three Park Avenue, southeast corner of East 34th Street, Block 889, Lot 9001, Borough of Manhattan. Applic.#103271950. The legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, requires a special permit from the Board as per Z.R. §32-10.

COMMUNITY BOARD #5M

329-02-BZ B.Q. 182-40 Radnor Road, east side, between Grand Central Parkway and Kent Street, Block 7246, Lot 11, Borough of Queens. Alt.#401102427. Proposed addition to an existing one family dwelling, which creates non-compliance with respect to the required side yard, is contrary to Z.R. §23-461.

COMMUNITY BOARD #8Q

330-02-BZ B.BK. 48/60 Williams Avenue, bounded by Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of Brooklyn. Alt.#301426801. Propose conversion of a former welfare center, for use as an elementary school, Use Group 3, located in an M1-4 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #5BK

331-02-A B.Q. 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.#401531357. Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy.

COMMUNITY BOARD #14Q

332-02-A B.S.I. 107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island. Applic.#500564150. Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #1SI

333-02-A B.S.I. 148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island. Applic.#500564445. Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #1SI

334-02-BZ B.BK. 1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn. Applic.#301220355. The legalization of residential occupancy in a four story, eight unit building, which is located within a district zoned for manufacturing use, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BK

335-02-BZ B.BK. 1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn. Applic.#301220382. The legalization of residential occupancy in a one story, four unit building, which is located within a district zoned for manufacturing use, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BK

336-02-BZ B.BK. 1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn. Applic.#301220373. The legalization of a four story mixed use building, that is located within a district zoned for manufacturing use, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BK

DOCKETS

337-02-A B.S.I. 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island. Borough of Staten Island. Alt.1#500580427. Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

COMMUNITY BOARD #1SI

338-02-BZ B.Q. 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens. N.B.#401527095. Proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, is contrary to Z.R. §§33-291 and 36-21.

COMMUNITY BOARD #7Q

339-02-BZ B.Q. 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens. N.B.#90/76. Proposed the reestablishment of an expired variance granted under Calendar Number 219-71-BZ, which permitted warehouse and office uses and the addition of lot Number 4 to the subject premises, contrary to Z.R. Section 22-00 and Calendar Number 219-71-BZ in an R3-2 zoning district.

COMMUNITY BOARD #13Q

340-02-A B.Q. 19 Atlantic Walk, between Beach 207th Street and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Applic.#401484791. Proposed reconstruction of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

COMMUNITY BOARD #14Q

DESIGNATIONS: D-Department of Buildings; B.BK.- Department of Buildings, Brooklyn; B.M.- Department of Buildings, Manhattan; B.Q.- Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.- Fire Department.

CALENDAR

DECEMBER 17, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 17, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

1673-61-BZ

APPLICANT - Victoria St. Clair, for Victoria St. Clair, owner.

SUBJECT - Application August 16, 2002 - reopening for an extension of term of variance which expired October 25, 2002.

PREMISES AFFECTED - 264 Winthrop Street, south side 252'.6" West of Nostrand Avenue, Block 5050, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #9BK

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.

SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #4M

543-91-BZ

APPLICANT - Fredrick A. Becker, Esq., for Barbara Salamy and Fredric Kalesh, owner; P.C. Richards and Sons, lessee.

SUBJECT - Application July 17, 2002 - reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 8605-8613 Fort Hamilton Parkway, east side of Fort Hamilton Parkway, 67.5" south of 86th Street, Block 6053, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #10BK

134-97-BZ

APPLICANT - John A. Lentini, for Thersa Garofalo, owner; Rivoli Fuel Oil Co., Inc, lessee.

SUBJECT - Application October 17, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 2467 Arthur Avenue, west side of Arthur Avenue, 115.01' south of E. 189th Street, Block 3066, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #6BX

DECEMBER 17, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, December 17, 2002, at 2:00 P.M., at 40 Rector Street, 6h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of

CALENDAR

Queens.

COMMUNITY BOARD #13Q

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6K

138-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Faks Realty Corporation, owner.

SUBJECT - Application April 29, 2002 - under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed one-story enlargement of an existing one-story and mezzanine building, (Use Group 17) contrary to zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking in violation of Z.R. §§43-12, 43-43, 43-25, and 44-21.

PREMISES AFFECTED - 4302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #17BK

152-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 35/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital LLC/John McGrath, owner; Johnny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a C4-3 zoning district, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, south side of Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

280-02-BZ

APPLICANT - Slater & Beckerman, LLP, for Claysson Marks Realty Corp., owner; CNR Health Care Network, Inc., lessee.

SUBJECT - Application October 18, 2002 - under Z.R. §§73-01 & 73-452 to permit in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53.

PREMISES AFFECTED - 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #8BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 19, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.
SUBJECT - For possible rescindment of the resolution.
PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -
For Applicant: Amit Itshiah and Lorin Lewis.
For Opposition: Gary Rawlins.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.
SUBJECT - Application August 6, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 64-40 Myrtle Aenue aka 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.
SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -
For Applicant: Carl A. Sulfaro.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.
SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.
PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for continued hearing.

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.
SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES - None.
ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for continued hearing.

834-60-BZ

APPLICANT - Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.
SUBJECT - Application March 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired March 2, 2000 and for an amendment to the resolution.
PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -
For Applicant: Hiram A. Rothkrug.
THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December
10, 2002, at 10:00 A.M., for decision, hearing closed.

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage
Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver
of the Rules of Practice and Procedure and reopening for an
extension of term of variance which expired June 16, 1979.
PREMISES AFFECTED - 408-424 East 51st Street, East
51st Street between First Avenue and Beekman Place,
Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD - Laid over to December
17, 2002, at 10:00 A.M., for continued hearing.

219-71-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147
Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver
of the Rules of Practice and Procedure, reopening for an
extension of term of variance which expired June 21, 1992
and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield
Boulevard, aka 184-45 and 220-27 147th Avenue, north east
corner of 147th Avenue and Springfield Boulevard, Block
13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December
10, 2002, at 10:00 A.M., for decision, hearing closed.

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium,
owner.

SUBJECT - Application August 14, 2002 - reopening for an
amendment to the resolution.

PREMISES AFFECTED - 301-321 East 79th Street,
Second Avenue and East 79th Street, Block 1542, Lots
1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD - Laid over to March 18,
2003, at 10:00 A.M., for continued hearing.

151-90-BZ

APPLICANT - The Agusta Group, for Carmen Bosato,
owner.

SUBJECT - Application August 26, 2002 - request for a
waiver of the Rules of Practice and Procedure and reopening
for an extension of term of variance which expired June 25,
2001.

PREMISES AFFECTED - 115-49 118th Street, east side of
118th Street 240' north of Sutter Avenue, Block 11711, Lot
18, Borough of Queens.

COMMUNITY BOARD #10Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December
10, 2002, at 10:00 A.M., for decision, hearing closed.

145-92-BZ

APPLICANT - Fredrick A. Becker, Esq., for PPI New York
LLC, owner; Broadway Body Builders, Inc., lessee.

SUBJECT - Application September 10, 2002 - reopening
for an amendment to the resolution.

PREMISES AFFECTED - 403 East 91st Street, north side
of East 91st Street, 94' east of First Avenue, Block 1571,
Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December
10, 2002, at 10:00 A.M., for decision, hearing closed.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph
Packman, owner.

SUBJECT - Application July 16, 2001 - reopening for an
extension of term of variance which expired June 11, 2001.

PREMISES AFFECTED - 2881 Nostrand Avenue,
Nostrand Avenue and Marine Parkway, Block 7691, Lot 19,
Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD - Laid over to December
17, 2002, at 10:00 A.M., for continued hearing.

MINUTES

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A.
C/O Bohler Engineering, owner.

SUBJECT - Application September 3, 2002 - reopening for
an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234th
Street, northwest corner of Broadway and West 234th
Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 10:00 A.M., for decision, hearing closed.

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corp.,
owner.

SUBJECT - Application September 26, 2002 - reopening
for an amendment to the resolution.

PREMISES AFFECTED - 73-15 Parsons Boulevard,
Parsons Boulevard between 73rd and 75th Avenues, Block
6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 10:00 A.M., for decision, hearing closed.

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil
Corporation, owner.

SUBJECT - Application January 14, 2002 - under Z.R. §72-
21, to permit the reestablishment of an expired variance
previously granted under Cal. No.141-69-BZ for an
automotive service station, and a proposal for minor
modifications to the pump islands, which is contrary to Z.R.
§32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue,
northwest corner of Victory Boulevard, Block 2160, Lot 1,
Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December

10, 2002, at 2:00 P.M., for decision, hearing closed.

APPEALS CALENDAR**89-02-A**

APPLICANT - Sheldon Lobel, P.C., for McDonalds
Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed
construction of a trash enclosure and parking stalls for a
proposed fast food restaurant, on a portion of the subject lot,
which is located within the bed of a mapped street, is
contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka
244-16 Merrick Boulevard, south side, between 244th and
245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lisa Altman.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 11:00 A.M., for decision, hearing closed.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark
Perlbinde, WMP II Real Estate Limited Partnership,
owner.

SUBJECT - Application May 1, 2002 - An appeal from a
determination of the Department of Buildings dated April
17, 2002, which declined to seek a Revocation of Certificate
of Occupancy No. 107549 issued July 7, 1995 for subject
premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast
corner of East 85th Street and Third Avenue, Block 1531,
Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo,
Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 11:00 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:05 A.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, NOVEMBER 19, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

125-01-BZ

CEQR #01-BSA-122K

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application No. 300713495, reads;

- "1. Proposed Residential Dwellings in M1-2 Zoning District are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.
 2. NYC Building Code Section 27-733 light and air not provided.
 3. Set back requirement not provided as per Zoning Resolution Section 43-43. Initial setback of 15 feet at 60 feet on wide street.";
- and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in The City Record and laid over to February 26, 2002, April 23, 2002, June 4, 2002, July 23, 2002, September 10, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had a

site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the construction of residential dwellings (Use Group 2) contrary to Z.R. §42-00 that does not meet the zoning requirements for setback and location of balconies contrary to Z.R. §§ 43-43, 23-12(d) and 23-131; and

WHEREAS, the instant proposal seeks to develop, on a vacant lot, four (4), adjoining and connected seven-story and cellar buildings with a total of 56 residential dwelling units on a nearly rectangular mid-block and corner parcel with 155.10' of frontage along Classon Avenue, and 95.5' of frontage along Park Avenue containing 14,998 square feet in area; and

WHEREAS, the applicant contends that the instant proposal would re-establish residential use previously located on the site; and

WHEREAS, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is vacant and the existing zoning regulations permit a 2.0 Floor Area Ratio for commercial or manufacturing uses; and

WHEREAS, moreover, there is no side yard or rear yard requirement for the first 100 feet on Classon Avenue as measured from Park Avenue; and

WHEREAS, the applicant also contends that the subject site is unique because it requires expensive environmental remediation and that any development would trigger site-specific, unique expenditures; and

WHEREAS, the record indicates that the EEA report reference by the applicant states that based on the subsurface investigation of the Site, several locations exceeded (TAGM-4046) guidelines for Polyaromatic Hydrocarbons and Priority Pollutant Metals; and

WHEREAS, however, the Board notes that the above standard is only a goal for regulatory purposes and is applicable in projects requiring discretionary approvals, not in as-of-right developments; and

WHEREAS, further, the EEA report also states that at locations P-1 and P-8, contamination levels represents a risk to human health; and

WHEREAS, therefore, based on the applicant's failure to show that the site is unique and that such uniqueness leads to a practical difficulty in constructing a conforming development, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the record indicates that the clean-up costs alleged by the applicant are not applicable to an as-of-right manufacturing or commercial development; and

WHEREAS, the record suggests that the proposal seeks a different density than what is permitted in this district in order to obtain a greater rate of return; and

WHEREAS, the Board finds that the applicant's

MINUTES

analysis does not adequately demonstrate that a conforming manufacturing use would not yield a reasonable return; and

WHEREAS, based upon evidence in the record and testimony provided, the Board finds that the applicant has not presented adequate documentation demonstrating that a conforming tenant or user would not provide reasonable return to the property owner; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (b); and

WHEREAS, evidence in the record including testimony at BSA hearings from an adjacent manufacturing use owner demonstrate that there is demand for the site for manufacturing uses; and

WHEREAS, the Board determines that the subject site is presently vacant, that an as-of-right development will not trigger expensive remediation costs, that the immediate surrounding area is characterized by conforming manufacturing or commercial uses, therefore conversion of this vacant site will alter the character of the surrounding area; and

WHEREAS, the Board finds that the applicant has failed to document that the proposed housing development would not impair the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of §72-21 (c); and

WHEREAS, Z.R. §72-21 (d) requires that the particular difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title (emphasis added); and

WHEREAS, the applicant contends that the removal of contaminated soil and other environmental remediation results in an extraordinary expense leading to an unnecessary hardship; and

WHEREAS, the Board notes that the subject site became contaminated by long-term industrial activities that occurred at the site; and

WHEREAS, therefore the Board finds that the above constitutes a self-created hardship and the applicant has failed to meet the requirements of Z.R. §72-21 (d) ; and

WHEREAS, this site was the subject of a prior Board application that sought a smaller variance; and

WHEREAS, the Board recalls that the prior application would not have met the findings under Z.R. §72-21; and

WHEREAS, that even if this application met of Z.R. §72-21 (a), (b), (c) and (d) a lesser development would be more appropriate; and

WHEREAS, therefore the Board finds that the applicant has failed to meet the requirements of §72-21 (e)

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) (c), (d) and (e) it must be denied.

Resolved, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application No. 300713495, must be sustained and the application denied.

Adopted by the Board of Standards and Appeals,

November 19, 2002.

126-01-BZ

CEQR# 01-BSA-123K

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application No. 300713486, reads;

- "1. Proposed Residential Dwellings in M1-2 Zoning District are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.
 2. NYC Building Code Section 27-733 light and air not provided.
 3. Set back requirement not provided as per Zoning Resolution Section 43-43. Initial setback of 15 feet at 60 feet on wide street.";
- and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in The City Record and laid over to February 26, 2002, April 23, 2002, June 4, 2002, July 23, 2002, September 10, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the construction of residential dwellings (Use Group 2) contrary to Z.R. §42-00 that does not meet the zoning requirements for setback and location of balconies contrary to Z.R. §§ 43-43, 23-12(d)

MINUTES

and 23-131; and

WHEREAS, the instant proposal seeks to develop, on a vacant lot, four (4), adjoining and connected seven-story and cellar buildings with a total of 56 residential dwelling units on a nearly rectangular mid-block and corner parcel with 155.10' of frontage along Classon Avenue, and 95.5' of frontage along Park Avenue containing 14,998 square feet in area; and

WHEREAS, the applicant contends that the instant proposal would re-establish residential use previously located on the site; and

WHEREAS, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is vacant and the existing zoning regulations permit a 2.0 Floor Area Ratio for commercial or manufacturing uses; and

WHEREAS, moreover, there is no side yard or rear yard requirement for the first 100 feet on Classon Avenue as measured from Park Avenue; and

WHEREAS, the applicant also contends that the subject site is unique because it requires expensive environmental remediation and that any development would trigger site-specific, unique expenditures; and

WHEREAS, the record indicates that the EEA report reference by the applicant states that based on the subsurface investigation of the Site, several locations exceeded (TAGM-4046) guidelines for Polyaromatic Hydrocarbons and Priority Pollutant Metals; and

WHEREAS, however, the Board notes that the above standard is only a goal for regulatory purposes and is applicable in projects requiring discretionary approvals, not in as-of-right developments; and

WHEREAS, further, the EEA report also states that at locations P-1 and P-8, contamination levels represents a risk to human health; and

WHEREAS, therefore, based on the applicant's failure to show that the site is unique and that such uniqueness leads to a practical difficulty in constructing a conforming development, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the record indicates that the clean-up costs alleged by the applicant are not applicable to an as-of-right manufacturing or commercial development; and

WHEREAS, the record suggests that the proposal seeks a different density than what is permitted in this district in order to obtain a greater rate of return; and

WHEREAS, the Board finds that the applicant's analysis does not adequately demonstrate that a conforming manufacturing use would not yield a reasonable return; and

WHEREAS, based upon evidence in the record and testimony provided, the Board finds that the applicant has not presented adequate documentation demonstrating that a conforming tenant or user would not provide reasonable return to the property owner; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21

(b); and

WHEREAS, evidence in the record including testimony at BSA hearings from an adjacent manufacturing use owner demonstrate that there is demand for the site for manufacturing uses; and WHEREAS, the Board determines that the subject site is presently vacant, that an as-of-right development will not trigger expensive remediation costs, that the immediate surrounding area is characterized by conforming manufacturing or commercial uses, therefore conversion of this vacant site will alter the character of the surrounding area; and

WHEREAS, the Board finds that the applicant has failed to document that the proposed housing development would not impair the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of §72-21 (c); and

WHEREAS, Z.R. §72-21 (d) requires that the particular difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title (emphasis added); and

WHEREAS, the applicant contends that the removal of contaminated soil and other environmental remediation results in an extraordinary expense leading to an unnecessary hardship; and

WHEREAS, the Board notes that the subject site became contaminated by long-term industrial activities that occurred at the site; and

WHEREAS, therefore the Board finds that the above constitutes a self-created hardship and the applicant has failed to meet the requirements of Z.R. §72-21 (d) ; and

WHEREAS, this site was the subject of a prior Board application that sought a smaller variance; and

WHEREAS, the Board recalls that the prior application would not have met the findings under Z.R. §72-21; and

WHEREAS, that even if this application met of Z.R. §72-21 (a), (b), (c) and (d) a lesser development would be more appropriate; and

WHEREAS, therefore the Board finds that the applicant has failed to meet the requirements of §72-21 (e)

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) (c), (d) and (e) it must be denied.

Resolved, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application No. 300713486, must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 19, 2002.

127-01-BZ

CEQR# 01-BSA-124K

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary

MINUTES

to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application No. 300716625 reads;

- "1. Proposed Residential Dwellings in M1-2 Zoning District are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.
 2. NYC Building Code Section 27-733 light and air not provided.
 3. Set back requirement not provided as per Zoning Resolution Section 43-43. Initial setback of 15 feet at 60 feet on wide street.";
- and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in The City Record and laid over to February 26, 2002, April 23, 2002, June 4, 2002, July 23, 2002, September 10, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the construction of residential dwellings (Use Group 2) contrary to Z.R. §42-00 that does not meet the zoning requirements for setback and location of balconies contrary to Z.R. §§ 43-43, 23-12(d) and 23-131; and

WHEREAS, the instant proposal seeks to develop, on a vacant lot, four (4), adjoining and connected seven-story and cellar buildings with a total of 56 residential dwelling units on a nearly rectangular mid-block and corner parcel with 155.10' of frontage along Classon Avenue, and 95.5' of frontage along Park Avenue containing 14,998 square feet in area; and

WHEREAS, the applicant contends that the instant

proposal would re-establish residential use previously located on the site; and

WHEREAS, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is vacant and the existing zoning regulations permit a 2.0 Floor Area Ratio for commercial or manufacturing uses; and

WHEREAS, moreover, there is no side yard or rear yard requirement for the first 100 feet on Classon Avenue as measured from Park Avenue; and

WHEREAS, the applicant also contends that the subject site is unique because it requires expensive environmental remediation and that any development would trigger site-specific, unique expenditures; and

WHEREAS, the record indicates that the EEA report reference by the applicant states that based on the subsurface investigation of the Site, several locations exceeded (TAGM-4046) guidelines for Polyaromatic Hydrocarbons and Priority Pollutant Metals; and

WHEREAS, however, the Board notes that the above standard is only a goal for regulatory purposes and is applicable in projects requiring discretionary approvals, not in as-of-right developments; and

WHEREAS, further, the EEA report also states that at locations P-1 and P-8, contamination levels represents a risk to human health; and

WHEREAS, therefore, based on the applicant's failure to show that the site is unique and that such uniqueness leads to a practical difficulty in constructing a conforming development, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the record indicates that the clean-up costs alleged by the applicant are not applicable to an as-of-right manufacturing or commercial development; and

WHEREAS, the record suggests that the proposal seeks a different density than what is permitted in this district in order to obtain a greater rate of return; and

WHEREAS, the Board finds that the applicant's analysis does not adequately demonstrate that a conforming manufacturing use would not yield a reasonable return; and

WHEREAS, based upon evidence in the record and testimony provided, the Board finds that the applicant has not presented adequate documentation demonstrating that a conforming tenant or user would not provide reasonable return to the property owner; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (b); and

WHEREAS, evidence in the record including testimony at BSA hearings from an adjacent manufacturing use owner demonstrate that there is demand for the site for manufacturing uses; and

WHEREAS, the Board determines that the subject site is presently vacant, that an as-of-right development will not trigger expensive remediation costs, that the immediate surrounding area is characterized by conforming

MINUTES

manufacturing or commercial uses, therefore conversion of this vacant site will alter the character of the surrounding area; and

WHEREAS, the Board finds that the applicant has failed to document that the proposed housing development would not impair the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of §72-21 (c); and

WHEREAS, Z.R. §72-21 (d) requires that the particular difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title (emphasis added); and

WHEREAS, the applicant contends that the removal of contaminated soil and other environmental remediation results in an extraordinary expense leading to an unnecessary hardship; and

WHEREAS, the Board notes that the subject site became contaminated by long-term industrial activities that occurred at the site; and

WHEREAS, therefore the Board finds that the above constitutes a self-created hardship and the applicant has failed to meet the requirements of Z.R. §72-21 (d) ; and

WHEREAS, this site was the subject of a prior Board application that sought a smaller variance; and

WHEREAS, the Board recalls that the prior application would not have met the findings under Z.R. §72-21; and

WHEREAS, that even if this application met of Z.R. §72-21 (a), (b), (c) and (d) a lesser development would be more appropriate; and

WHEREAS, therefore the Board finds that the applicant has failed to meet the requirements of §72-21 (e)

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) (c), (d) and (e) it must be denied.

Resolved, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application Nos. 300713495, 300713486, 300716625, 300715616 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 19, 2002.

128-01-BZ

CEQR# 01-BSA-125K

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application No. 300715616 reads;

1. Proposed Residential Dwellings in M1-2 Zoning District are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.
 2. NYC Building Code Section 27-733 light and air not provided.
 3. Set back requirement not provided as per Zoning Resolution Section 43-43. Initial setback of 15 feet at 60 feet on wide street.";
- and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in The City Record and laid over to February 26, 2002, April 23, 2002, June 4, 2002, July 23, 2002, September 10, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the construction of residential dwellings (Use Group 2) contrary to Z.R. §42-00 that does not meet the zoning requirements for setback and location of balconies contrary to Z.R. §§ 43-43, 23-12(d) and 23-131; and

WHEREAS, the instant proposal seeks to develop, on a vacant lot, four (4), adjoining and connected seven-story and cellar buildings with a total of 56 residential dwelling units on a nearly rectangular mid-block and corner parcel with 155.10' of frontage along Classon Avenue, and 95.5' of frontage along Park Avenue containing 14,998 square feet in area; and

WHEREAS, the applicant contends that the instant proposal would re-establish residential use previously located on the site; and

WHEREAS, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is vacant and the existing zoning regulations permit a 2.0 Floor Area Ratio for commercial or manufacturing uses; and

MINUTES

WHEREAS, moreover, there is no side yard or rear yard requirement for the first 100 feet on Classon Avenue as measured from Park Avenue; and

WHEREAS, the applicant also contends that the subject site is unique because it requires expensive environmental remediation and that any development would trigger site-specific, unique expenditures; and

WHEREAS, the record indicates that the EEA report reference by the applicant states that based on the subsurface investigation of the Site, several locations exceeded (TAGM-4046) guidelines for Polyaromatic Hydrocarbons and Priority Pollutant Metals; and

WHEREAS, however, the Board notes that the above standard is only a goal for regulatory purposes and is applicable in projects requiring discretionary approvals, not in as-of-right developments; and

WHEREAS, further, the EEA report also states that at locations P-1 and P-8, contamination levels represents a risk to human health; and

WHEREAS, therefore, based on the applicant's failure to show that the site is unique and that such uniqueness leads to a practical difficulty in constructing a conforming development, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the record indicates that the clean-up costs alleged by the applicant are not applicable to an as-of-right manufacturing or commercial development; and

WHEREAS, the record suggests that the proposal seeks a different density than what is permitted in this district in order to obtain a greater rate of return; and

WHEREAS, the Board finds that the applicant's analysis does not adequately demonstrate that a conforming manufacturing use would not yield a reasonable return; and

WHEREAS, based upon evidence in the record and testimony provided, the Board finds that the applicant has not presented adequate documentation demonstrating that a conforming tenant or user would not provide reasonable return to the property owner; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (b); and

WHEREAS, evidence in the record including testimony at BSA hearings from an adjacent manufacturing use owner demonstrate that there is demand for the site for manufacturing uses; and WHEREAS, the Board determines that the subject site is presently vacant, that an as-of-right development will not trigger expensive remediation costs, that the immediate surrounding area is characterized by conforming manufacturing or commercial uses, therefore conversion of this vacant site will alter the character of the surrounding area; and

WHEREAS, the Board finds that the applicant has failed to document that the proposed housing development would not impair the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of §72-21 (c); and

WHEREAS, Z.R. §72-21 (d) requires that the particular difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title (emphasis added); and

WHEREAS, the applicant contends that the removal of contaminated soil and other environmental remediation results in an extraordinary expense leading to an unnecessary hardship; and

WHEREAS, the Board notes that the subject site became contaminated by long-term industrial activities that occurred at the site; and

WHEREAS, therefore the Board finds that the above constitutes a self-created hardship and the applicant has failed to meet the requirements of Z.R. §72-21 (d) ; and

WHEREAS, this site was the subject of a prior Board application that sought a smaller variance; and

WHEREAS, the Board recalls that the prior application would not have met the findings under Z.R. §72-21; and

WHEREAS, that even if this application met of Z.R. §72-21 (a), (b), (c) and (d) a lesser development would be more appropriate; and

WHEREAS, therefore the Board finds that the applicant has failed to meet the requirements of §72-21 (e)

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) (c), (d) and (e) it must be denied.

Resolved, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application Nos. 300713495, 300713486, 300716625, 300715616 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 19, 2002.

229-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Adopted by the Board of Standards and Appeals,

MINUTES

November 19, 2002.

230-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Adopted by the Board of Standards and Appeals, November 19, 2002.

231-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED - 135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Adopted by the Board of Standards and Appeals, November 19, 2002.

39-02-BZ

CEQR#02-BSA-126K

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit, in an R3-2 zoning district within a C1-2 zoning district, the legalization of an existing warehouse, a use previously permitted under BSA Cal. No. 761-80-BZ, the conversion of a small portion of the premises to be used as a storefront retail use, and for the accessory parking area located on Lot 70 which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 29, 2001 acting on Application No. 401369531 reads:

"1- Comply with BSA #761/80 BZ

2- Use Group 16 is not permitted in a C1-2 & R3-2 District as per Section 32.00ZR."; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record and laid over to October 1, 2002, October 29, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district within a C1-2 zoning district, the legalization of an existing warehouse, a use previously permitted under BSA Cal. No. 761-80-BZ, the conversion of a small portion of the premises to be used as a storefront retail use, and for the accessory parking area located on Lot 70 which is contrary to Z.R. §22-00; and

WHEREAS, the site is situated on the southwest corner of Bascom Avenue and 143rd Street, improved with a non-conforming, Board approved, Use Group 16 warehouse under Calendar Number 761-80-BZ; and

WHEREAS, the above variance lapsed on November 4, 1996; and

WHEREAS, the applicant represents that the lapse resulted from a change in ownership and notes that the use

MINUTES

has been permitted since 1976 under Calendar Number 500-76-BZ, when the Board permitted the open area in the residential portion of the lot to be used as an accessory parking lot; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that this is a legalization and that the site has housed non-conforming uses for over 25 years; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district within a C1-2 zoning district, the legalization of an existing warehouse, a use previously permitted under BSA Cal. No. 761-80-BZ, the conversion of a small portion of the premises to be used as a storefront retail use, and for the accessory parking area located on Lot 70 which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received October 22, 2002"-(3) sheets, and "November 12, 2002" -(3) sheets; and on further condition;

THAT; the term of the variance shall be limited to ten

years from the date of this grant, to expire on November 19, 2012;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 19, 2002.

49-02-BZ CEQR#02-BSA-132Q

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2002 acting on NB Application No. 401270413, reads:

"PROPOSED ONE-FAMILY DWELLING DOES NOT PROVIDE THE REQUIRED FRONT YARD, OPEN SPACE, SKY EXPOSURE CLEARANCE, WIDTH OR LOT AREA, AND EXCEEDS THE PERMITTED FLOOR AREA IN AN R2 ZONING DISTRICT, AND MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; and

MINUTES

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record, laid over to October 10, 2002, and then to November 29, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; and

WHEREAS, the record indicates that the subject premises is an triangularly shaped lot with 39.9 feet of frontage on Pineville Lane and 96.8 feet of frontage on Lucas Street, and a total of 1,759 square feet of lot area; and

WHEREAS, the applicant states that the site is currently vacant, and the proposal seeks to erect a two-story and cellar one-family dwelling; and

WHEREAS, the applicant represents that due to the corner location on the site 15 foot front yards are required along both Pineville Lane and Lucas Street, which effectively prohibits the construction of any structure on the small lot; and

WHEREAS, the aforementioned unique physical condition, namely irregularly shaped small corner lot with its triangular shape, makes its occupancy for a conforming R2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and neighborhood; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable

significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 27, 2002"-(7) sheets, and on further condition;

THAT this approval 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 a pproved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 19, 2002.

108-02-BZ CEQR#02-BSA-176M

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc, lessee.

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit, on a site previously before the Board, in a C2-4/R7-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #1.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 25, 2002 acting on Application No. 103117093 reads:

"1. Proposed construction of a new building to be operated as a gasoline service filling station with

MINUTES

an accessory convenience store (U.G. 16) located in a C2-4 within an R7-2 Zoning District is contrary to BSA calendar 822-77-BZ and therefore must be referred to the BSA."; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, and laid over to October 8, 2002 for decision, when it was re-opened and laid over for continued hearing until October 22, 2002, and then to for decision on November 19, 2002; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit, on a site previously before the Board, in a C2-4/R7-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #1; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 15,691 square feet of lot area with approximately 66 feet of frontage along Nagle Avenue and 84 feet of frontage along Broadway; and

WHEREAS, the subject site is presently improved with a single-story 288 square feet brick building with a small gas station attendant kiosk; and

WHEREAS, the instant proposal will demolish the above structures and replace them with a new 1,940 square foot automotive service station with an accessory convenience store and overhead canopy; and

WHEREAS, the proposed food mart will contain 897 square feet of sales area, and

WHEREAS, the applicant also proposes to install 98.67 square feet of illuminated signage and 77.92 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 7 vehicles; and

WHEREAS, the applicant represents that a 6' high chain link fence with privacy slats along the top will provide screening to the adjoining lots within the C2-4/R7-2 zoning district, and white pines will line the Southeastern property line where the site adjoins residential uses; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 15,691 square feet of lot area; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that both Broadway and Nagle Avenue are heavily traveled thoroughfare and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit, on a site previously before the Board, in a C2-4/R7-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #1, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 26, 2002" -(6) sheets; and on further condition;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT there shall be no lubrication, repair or washing of cars at the premises;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT there shall be no automobile vacuums on the premises;

THAT the term of this special permit shall be limited to ten years from the date of this grant, expiring November 19, 2012;

THAT construction shall be completed in accordance with Z.R. §73-70;

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 19, 2002.

126-02-BZ
CEQR#02-BSA-189BX

MINUTES

APPLICANT - Sheldon Lobel, P.C., for Z. Zindel Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application April 19, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, which is located in both C8-3 and R5 zoning districts and is contrary to §22-00.

PREMISES AFFECTED - 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2002 acting on Application No. 200712005 reads:

"Proposed construction of a new building 2,400 SF with canopy and signage to be operated as a gasoline filling station with an accessory convenience store (U.G. 16) located in a C8-3 and R5 which is contrary to BSA Calendar 214-27 and therefore must be referred to the BSA."; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, which is located in both C8-3 and R5 zoning districts and is contrary to §22-00; and

WHEREAS, the record indicates that the premises is located between the off-ramp of the Major Deegan Expressway, West Fordham Road and Cedar Avenue in the Bronx, with 117.96 feet of frontage along West Fordham Road and 162.5 feet of frontage on Cedar Avenue; and

WHEREAS, the applicant represents that the premises has been used in an automotive capacity as far back as 1927, when it was granted a use variance under BSA Calendar No. 214-27-BZ; and

WHEREAS, the proposal seeks to demolish the existing structure and replace it with a new automotive service station with a solar energy collecting vehicle canopy over the proposed four (4) multi-product dispensers and

totaling 2,400 square feet of floor area, 1,256 of which will be sales area for the convenience store, ; and

WHEREAS, the applicant represents that the site is trapezoidal in shape with a width of 117.96 feet at its northern edge, a width of 96 feet at its southern edge, a length of 162.5 feet on its eastern edge and a length of 93.96 feet on its western edge; and

WHEREAS, the premises is located primarily in a C8-3 zoning district with only a small triangular shaped portion located in the R5 zoning district; and

WHEREAS, the applicant states that the irregular shape of the R5 portion is poorly located and is of an insufficient size to create new housing; and

WHEREAS, therefore, the Board finds that these unique conditions, namely the irregularly shaped lot, the relatively small portion of the lot located in a residential district, and the history of non-conforming automotive uses, create an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use on the premises would not yield a reasonable return; and

WHEREAS, the record indicates that an automotive use has occupied the premises for the past 75 years; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, which is located in both C8-3 and R5 zoning districts and is contrary to §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 12, 2002"-(6) sheets; and on further condition;

MINUTES

THAT the term of the variance shall be limited to ten years from the date of this grant, to expire on November 19, 2012;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. 72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 19, 2002.

**148-02-BZ
CEQR#02-BSA-196K**

APPLICANT - The Agusta Group, for Mr. Vito Petito, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21, to permit, in an R-5 zoning district, the legalization of an existing in-ground accessory swimming pool which was constructed in the front yard of a corner zoning lot contrary to Z.R. §§ 12-10, and 23-44.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES - None.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 5, 2002, acting on Application No. 300831107, reads in pertinent part;

- "1. Proposed accessory in-ground swimming pool is contrary to Section 23-44(a) since it is located in the front yard of a single family dwelling in an R5 zoning district.
2. Proposed accessory in-ground swimming pool is contrary to Section 12-10 since an accessory swimming pool to a single family dwelling must be located a minimum of five feet from any lot line"; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the

Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R-5 zoning district, the legalization of an existing in-ground accessory swimming pool which was constructed in the front yard of a corner zoning lot contrary to Z.R. §§ 12-10, and 23-44; and

WHEREAS, the applicant claims that the existing structures on a narrow zoning lot dictate that the construction of the pool be set back so as to be consistent with good construction practice and placing the pool in a compliant manner would undermine the existing foundations; and

WHEREAS, however, the Board notes that the lot is completely regular in shape, has a width of 52', a depth of 100' and is larger than most nearby zoning lots illustrated in the submitted radius diagram; and

WHEREAS, therefore, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is zoning for residential use and the existing dwelling is viable; and

WHEREAS, the Board notes that in order to satisfy the requirements of ZR §72-21 (a), a unique condition that leads to a practical difficulty or unnecessary hardship must relate to the site's primary use, not accessory use; and

WHEREAS, the Board determines that the primary use on this zoning is the residential dwelling and that the subject swimming pool is at best an "accessory use" as defined in Z.R. §12-10; and

WHEREAS, from site inspection and evidence in the record, the Board has determined that the existing residential structure (the primary use on the lot) is completely viable and no unique condition that leads to a practical difficulty or unnecessary hardship exists; and

WHEREAS, therefore, based on the applicant's failure to show that the site itself is unique and that such uniqueness leads to a practical difficulty, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a); and

WHEREAS, the Board notes that the intent of the front yard requirements of the Zoning Resolution are to have accessory swimming pools setback so as to not be a nuisance to adjoining neighbors' lots, and public areas such as sidewalks; and

WHEREAS, the record indicates that the applicant can comply with the front yard requirements of Section 23-44(a) by reconfiguring the location of the subject pool; and

WHEREAS, therefore, the Board finds that the applicant has created his own hardship and fails to meet the requirements Z.R. §72-21(d); and

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a) and (d) it must be denied.

Resolved, the decision of the Borough Commissioner, dated April 5, 2002, acting on Application No. 300831107

MINUTES

must be sustained and the application denied.

Adopted by the Board of Standards and Appeals,
November 19, 2002.

162-02-BZ
CEQR#02-BSA-205K

APPLICANT - Sheldon Lobel, P.C., for Eli and Raizy Levitin, owner.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side and rear yards, and is contrary to Z.R. §§23-141, 23-46 and 23-461.

PREMISES AFFECTED - 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 10, 2002, acting on ALT Application No. 301064531 reads:

"Proposed plans are contrary to ZR: 23-141 in that it exceeds the maximum permitted floor area ratio of .5, and does not provide the minimum required open space ratio of 150.

Proposed plans are contrary to ZR: 23-46 in that the proposed rear yard is less than 30 feet.

Proposed plans are contrary to ZR: 23-461 in that the proposed side yard is less than the minimum 5' required on one side."; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side and rear yards, and is contrary to Z.R. §§23-141, 23-46 and 23-461; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side and rear yards, and is contrary to Z.R. §§23-141, 23-46 and 23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received "September 4, 2002" -(7) sheets and "November 12, 2002"- (4) sheets; and on further condition;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals,
November 19, 2002.

196-02-BZ
CEQR#02-BSA-228K

APPLICANT - SFS Associates by Peter Hirshman, for Dynamic Youth Community, Inc., owner.

SUBJECT - Application June 17, 2002 - under Z.R. §72-21, to permit, in a C8-2 OP zoning district, the proposed addition of sleeping accommodations of 16 beds to an existing community facility, which is contrary to Z.R. §32-13.

PREMISES AFFECTED - 1826/32 Coney Island Avenue, west side, 46' north of Avenue "O", Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

MINUTES

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 19, 2002 acting on Application No. 301020712, reads;

"THE PROPOSED ADDITIONAL USE OF SLEEPING ACCOMODATIONS (DOMICILIARY CARE FACILITY -UG 3) TO THE EXISTING COMMUNITY FACILITY IN A C8-2 (OP) IS NOT PERMITTED AS PER 32-13 ZR AND IS REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; AND

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, and laid over to October 29, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in a C8-2 OP zoning district, the proposed addition of sleeping accommodations of 16 beds to an existing community facility, which is contrary to Z.R. §32-13; and

WHEREAS, the subject site is a three-story plus basement building, situated on Coney Island Avenue in Brooklyn; and

WHEREAS, the applicant states that the community facility (Dynamic Youth Community) has existed on the site for the past thirty years, and the mission of this existing community facility is to provide a vehicle for recovered substance abusers to re-enter society in a systematic and planned manner; and

WHEREAS, the proposal seeks to expand the existing third floor and create a fourth floor, allowing the facility to provide needed services and counseling for patient care; and

WHEREAS, the Board notes that the proposed floor area and building height increase could be done as-of-right, and it is the proposed sleeping use which requires a use variance due to the fact that such use is not permitted in a C8-2 zoning district;

WHEREAS, the record indicates that the programmatic need of this community facility, specifically the provision of transitory sleeping accommodations for clients without a family or home to go to after completing the program, is not able to be fulfilled due to the zoning restrictions; and

WHEREAS, the Dynamic Youth Community's current program consists of two phases, with the first phase (intensive day treatment) taking place in Fallsburg, NY, and

the second phase (re-immersion back to the mainstream society) on the subject site; and

WHEREAS, the applicant represents that the transitory sleeping accommodations are essential at this site in particular, as many of the adolescent clients and their guardians are from the New York City area; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. § 72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the Board notes that the subject community facility has existed on the site since 1970 and that the proposed domiciliary use will be consistent with the nearby residential uses; and

WHEREAS, the applicant has represented that the sleeping accommodations will be used only by the clientele of the first three floors and that no substantial increased occupancy or enrollment is anticipated; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in a C8-2 OP zoning district, the proposed addition of sleeping accommodations of 16 beds to an existing community facility, which is contrary to Z.R. §32-13, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 17, 2002"- (6) sheets, "October 29, 2002"- (1) sheet, and "November 12, 2002"- (1) sheet; and on further condition;

THAT substantial construction shall be completed in

MINUTES

accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 19, 2002.

207-02-BZ

CEQR#03-BSA-007K

APPLICANT - Moshe M. Friedman, P.E., for Harold Gelernter, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §73-622, to permit to allow, in an R3-2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, and is contrary to Z.R §23-141.

PREMISES AFFECTED - 2723 Avenue "P", northwest corner of Avenue "P" and East 28th Street, Block 7688, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 10, 2002, acting on ALT Application No. 301361381 reads:

"Proposed side extension and new Attic extension to an existing One (1) Family Dwelling are contrary to:

ZR Sec 23-141(b) Floor Area and requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622"; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board

consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, and is contrary to Z.R §23-141; and

WHEREAS, the proposed enlargement will only create a new non-compliance with regard to floor area; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R3-2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, and is contrary to Z.R §23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 10, 2002" -(10) sheets; and on further condition;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, November 19, 2002.

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002-under Z.R. §72-21, to permit the reestablishment of an expired variance previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R.

MINUTES

§32-25, located in a C1-2 zoning district.
PREMISES AFFECTED - 1680 Richmond Avenue,
northwest corner of Victory Boulevard, Block 2160, Lot 1,
Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
10, 2002, at 2:00 P.M., for decision, hearing closed.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake
Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-
21, to permit the proposed expansion of an existing nursing
home, located in an R3-2 zoning district, which does not
comply with the zoning requirements for floor area ratio, is
contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east
of the northeast corner of Castleton Avenue and Harbor
View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD - Laid over to January 28,
2003, at 2:00 P.M., for continued hearing.

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.
SUBJECT - Application July 9, 2002 - under Z.R. §72-21,
to permit the proposed conversion of an existing four story
building, located in a manufacturing zoning district, into a
mixed-use building, with floors 2 through 4 for residential
use, and the first floor to remain commercial, is contrary to
Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59
Jefferson Street, a through lot fronting Stanwix and
Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #4BK

ACTION OF THE BOARD - Laid over to January 28,
2003, at 2:00 P.M., for continued hearing.

83-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC,
for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-
21, to permit the proposed conversion of a four story
industrial building, located in an M1-1 zoning district, into
a residential dwelling with 34 units, is contrary to Z.R. §42-
00.

PREMISES AFFECTED - 925 Bergen Street, between

Franklin and Classon Avenues, Block 1142, Part of Lot
40(Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

ACTION OF THE BOARD - Laid over to January 7,
2003, at 2:00 P.M., for continued hearing.

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin,
LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21,
to permit the proposed top five stories of a six story
commercial building, erected before December 15, 1961,
for residential use, which is contrary to Z.R. §15-021(e),
located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side,
between Hester and Canal Streets, Block 300, Lot 7,
Borough of Manhattan.

COMMUNITY BOARD #3M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
17, 2002, at 2:00 P.M., for decision, hearing closed.

114-02-BZ

APPLICANT - Land Planning and Engineering
Consultants, P.C., - Vito J. Fossella, P.E., for Jerry
Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-
21, to permit the proposed new two story commercial
building, with retail sales on the first floor and offices on the
second floor, Use Group 6, located in an R2 zoning district,
which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2493 Richmond Road,
northwest corner of Odin Avenue, Block 947, Lot 1,
Borough of Staten Island.

COMMUNITY BOARD #2S.I.

ACTION OF THE BOARD - Laid over to January 28,
2003, at 2:00 P.M., for continued hearing.

239-02-BZ

APPLICANT - Deirdre A. Carson, Esq./Greenberg
Traurig, LLP, for Rabbo Realty, LLC, owner.

SUBJECT - Application August 29, 2002 - under Z.R. §72-
21, to permit the reestablishment of restaurant use, Use
Group 6A, after a discontinuance of more than two year,
located in an R7-2 zoning district, that is part of a designated
historic district, is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side,
132' west of the intersection of Waverly Place and
Washington Square West, Block 552, Lot 53, Borough of
Manhattan.

MINUTES

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
17, 2002, at 2:00 P.M., for decision, hearing closed.

250-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yaacov
Azrad, owner.

SUBJECT - Application September 17, 2002 - under Z.R.
§73-622, to permit the proposed enlargement of an existing
one family dwelling, Use Group 1, located in an R3-2
zoning district, which does not comply with the zoning
requirements for floor area, open space, lot coverage, side
yards, minimum side yard and rear yard, and is contrary to
Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 3845 Bedford Avenue, east side,
340' south of Bedford Avenue and Quentin Road, Block
6808, Block 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to December
17, 2002, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 7:00 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, No. 48

December 5, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670

FAX - (212) 513-4690

CONTENTS

DOCKET856

CALENDAR of January 7, 2003

Morning857

Afternoon857-858

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, November 26, 2002**

Morning Calendar859

Affecting Calendar Numbers:

200-24-BZ	3030 Jerome Avenue, a/k/a 3103 Villa Avenue, Bronx
641-59-BZ	760 Castle Hill Avenue, Bronx
135-67-BZ	2063/91 Ralph Avenue, Brooklyn
624-68-BZ	188-01/17 Northern Boulevard, Queens
237-72-BZ	262-10/262-12 Hillside Avenue, Queens
426-81-BZ	2329 Story Avenue, Bronx
99-01-A	37-18 74 th Street, Queens
554-54-BZ	6201 Avenue "U", Brooklyn
764-56-BZ	200-05 Horace Harding Expressway, Queens
1237-66-BZ	1 East 233 rd Street, Bronx
798-76-BZ	8 West 86 th Street, Manhattan
13-78-BZ	144-20 Liberty Avenue, Queens
1043-80-BZ	1680/88 Albany Avenue, a/k/a 4024 Marginal Street, Brooklyn
181-90-BZ	482/486 College Avenue, Bronx
71-91-BZ	196 Beach 125 th Street, Queens
195-96-BZ	1109 Second Avenue, a/k/a 245 East 58 th Street, Manhattan
165-98-BZ	3701 Mermaid Avenue, Brooklyn
255-02-A	21 Janet Lane, Queens

Afternoon Calendar.....866

Affecting Calendar Numbers:

79-02-BZ	1024 Dean Street, Brooklyn
121-02-BZ	9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, Brooklyn
197-02-BZ	2825 Nostrand Avenue, Brooklyn
199-02-BZ	210/220 East 19 th Street, Manhattan
232-02-BZ	1168 East 23 rd Street, Brooklyn
234-01-BZ	80 North 5 th Street, Brooklyn
324-01-BZ	1077 Bay Street, Staten Island
43-02-BZ	116 East 73 rd Street, Manhattan
66-02-BZ	439 Marcy Avenue, Brooklyn
85-02-BZ	850 East 18 th Street, Bronx
122-02-BZ	32 West 22 nd Street, Manhattan
123-02-BZ	14-34 110 th Street, Queens
144-02-BZ & 145-02-A	113-40 Merrick Boulevard, Queens
179-02-BZ	158-05 Union Turnpike, Queens
185-02-BZ	93/101 North Ninth Street, Brooklyn
200-02-BZ	2326 First Avenue, Manhattan
204-02-BZ	144-31 Farmers Boulevard, Queens
208-02-BZ	840 Jewett Avenue, Staten Island
236-02-BZ	2324 Avenue "R", Brooklyn
249-02-BZ	2501 Grand Concourse, Bronx

DOCKETS

New Case Filed Up to November 26, 2002

341-02-BZ B.M. 231/33 East 58th Street, north side, 129'-8" west of Second Avenue, Block 1332, Lot 16, Borough of Manhattan. Alt.1 #103244954. The reestablishment of a previously variance granted by the Board under Cal. No. 633-66-BZ, which permitted a retail store, Use Group 6, on the first floor of a five story building, in an R8B zoning district.
COMMUNITY BOARD #6M

342-02-BZ B.BK. 6206 20th Avenue, between 62nd and 63rd Streets, Block 5534, Lot 43, Borough of Brooklyn. Applic. #301423680. The legalization of an enlargement to an existing non-conforming manufacturing use, located in C1-2 within an R5 zoning district, requires a special permit from the Board as per Z.R.§73-53.
COMMUNITY BOARD #11BK

343-02-BZ B.M. 54 West 21st Street, south side, 104.2' east of Avenue of the Americas, Block 822, Lot 70, Borough of Manhattan. Alt.1 #103157343. Proposed physical culture establishment, to be located on the eighth floor of an existing twelve story commercial building, requires a special permit from the Board as per Z.R. §73-36.
COMMUNITY BOARD #5M

344-02-BZ B.BK. 501 Fort Hamilton Parkway, between 36th Street and Chester Avenue, Block 5302, Lot 21, Borough of Brooklyn. Applic. #301376703. Proposed redevelopment of an existing automotive service station at said premises, with an accessory convenience store, located within the required 30' rear yard setback along the district boundary, requires a special permit from the Board as per Z.R. §33-29.
COMMUNITY BOARD #12BK

345-02-A B.Q. 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens. N.B. #401522857. Proposed construction of a two story, two family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

346-02-BZ B.S.I. 34 Zephyr Avenue, south side, 97' east of Berton Avenue, Block 6452, Lot 5, Borough of Staten Island. Alt. #500565738. Proposed enlargement to an existing one-family dwelling, Use Group 1, located in an R3X(SRD) zoning district, which does not comply with the zoning requirements side yards and lot

width, is contrary to Z.R.§107-462 and §107-42.
COMMUNITY BOARD #3SI

347-02-BZ B.M. 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan. Alt. #1 103264361. Proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, is contrary to Z.R.§24-36.
COMMUNITY BOARD #6M

348-02-BZ B.Q. 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens. Applic. #401537690. Proposed installation of a wireless telecommunications facility (70' cellular monopole) in a C2-2 overlay district in an R3-2 zone, requires a special permit from the Board as per Z.R. §73-30.
COMMUNITY BOARD #11Q

349-02-A B.S.I. 11 Satterlee Street, east side, 100.00' south of Amboy Road, Block 7945, Lot 70, Borough of Staten Island. Applic. #500582586. Proposed addition to an existing two story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

350-02-BZ B.S.I. 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island. Applic. #500478583. Proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2)(SRD) zoning district, requires a special permit from the Board as per Z.R. §32-31.
COMMUNITY BOARD #3SI

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JANUARY 7, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 7, 2003, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

211-74-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Connaught Tower Corporation, owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1004-1022 Second Avenue, 300-318 East 54th Street, 301-305 and 315 East 53rd Street, east side of Second Avenue, between East 53rd and 54th Streets, Block 1346, Lots 1,49, 101, Borough of Manhattan.

COMMUNITY BOARD #6M

478-91-BZ

APPLICANT - David L. Businelli, for Joseph Canizzaro, owner.

SUBJECT - Application September 16, 2002 - reopening for an extension of term of variance which expired September 15, 2002.

PREMISES AFFECTED - 1911 Richmond Avenue, Rockland Avenue, Block 2030, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEALS CALENDAR

260-02-A

APPLICANT - Sharif S. Mohammad/Almadina Eng., for Peoples Foreign Exchange, owner.

SUBJECT - Application September 25, 2002 - Proposed one story office building, located within the street widening, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 129-02 Liberty Avenue, southeast corner of 129th Street, Block 9583, Lot 1, Borough of Queens.

340-02-A

APPLICANT - Legend Architecture by Timothy Costello, for Breezy Point Cooperative, Inc., owner; Gina Benfanta, lessee.

SUBJECT - Application November 15, 2002 - Proposed reconstruction of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section

36, Article 3 of the General City Law.

PREMISES AFFECTED - 19 Atlantic Walk, between Beach 207th Street and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

349-02-A

APPLICANT -Rudolf J. Beneda, for Charles Fleming, owner.

SUBJECT - Application November 25, 2002 - Proposed addition, to an existing two story, one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

COMMUNITY BOARD #3SI

JANUARY 7, 2003, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 7, 2003, at 2:00 P.M., at 40 Rector Street, 6h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

226-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for School of Visual Arts, owner; Resource and Image Center for the Visual Arts, lessee.

SUBJECT - Application August 7, 2002 - under Z.R. §72-21 to permit the proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, and is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

PREMISES AFFECTED - 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan.

COMMUNITYBOARD #6M

240-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Arthur Roslyn Gruener, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear

CALENDAR

yards, which is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

PREMISES AFFECTED - 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

339-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield LLC, owner.

SUBJECT - Application November 14, 2002 - under Z.R. §72-21 to permit the proposed reestablishment of an expired variance previously granted under Cal. No. 219-71-BZ Vol. II, which permitted a warehouse with offices in an R3-2 zoning district, also the addition of Lot No. 4 to the premises, for use as the entrance ramp, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 26, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

SPECIAL ORDER CALENDAR

200-24-BZ

APPLICANT - Stephen Ely, for Haymes Investment Company, owner.

SUBJECT - Application April 19, 2002 - reopening for an extension of time to complete construction and to obtain a certificate of occupancy.

PREMISES AFFECTED - 3030 Jerome Avenue, a/k/a 3103 Villa Avenue, 161.81' south of East 204th Street, Block 3321, Lot 25, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Stephen Ely.

ACTION OF THE BOARD - Application reopened, resolution amended and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on April 17, 2002; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in The City Record, and laid over to November 12, 2002 and then to November 26, 2002 for decision; and

WHEREAS, the application seeks to amend the resolution to reflect minor changes in the interior layout and the change of use (within the same Use Group) from a retail food store to a bookstore.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution allowing a retail food store, adopted on March 25, 1924, to permit minor changes in the layout, change of use from a retail food store to a bookstore, and to extend the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read: "To permit changes in the interior layout, and the change of use from a retail food store to a bookstore, on condition that

THAT the premises shall be maintained in substantial compliance with the proposed drawings, marked "Received October 30, 2002"- (2) sheets; and that other than as herein amended the resolution cited above shall be complied with in all respects; and on further condition

THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant;

THAT the premises shall be maintained free of debris and graffiti at all times;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 26, 2002.

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the variance which expired on May 6, 2000; and

WHEREAS, a public hearing was held on this application on July 16, 2002, after due notice by publication in The City Record, and laid over to September 20, 2002, November 12, 2002 and then to November 26, 2002, for decision; and

WHEREAS, on April 19, 1960, the Board permitted the erection and maintenance of an gasoline service station, lubricatorium, office and sale of auto accessories, storage room, minor auto repairs with hand tools, non-automatic car washing, ground sign and parking and storage of more than 5 cars; and

WHEREAS, the applicant has submitted an affidavit from the owner stating that there shall be no rental of trucks

MINUTES

or u-haul vehicles at the said premises.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on April 19, 1960, amended through February 9, 1993, so that as amended this portion of the resolution shall read: "To extend the term of the variance for a period of 10 years from May 6, 2000 to expire on May 6, 2010; on condition

THAT all fences and landscaping be provided and maintained in accordance with BSA approved plans;

THAT the premises be maintained free of debris and graffiti;

THAT there shall be no rental of non-pleasure vehicles at the premises;

THAT there shall be no parking of vehicles on the sidewalk;

THAT signage shall comply with all applicable regulations at all times;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 11, 2001"-(2) sheets and "May 21, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted. (DOB N.B. Application No. 1301/59)

Adopted by the Board of Standards and Appeals, November 26, 2002.

135-67-BZ

APPLICANT - Vassalotti Associates Architects, for Avenue "K" Corp., owner; Phillips Petroleum Co., lessee. SUBJECT - Application May 31, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired December 22, 1998.

PREMISES AFFECTED - 2063/91 Ralph Avenue, northwest corner of Avenue "K", Block 8339, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened, and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on December 22, 1998; and

WHEREAS, a public hearing was held on this application on September 10, 2002, after due notice by publication in The City Record, and laid over to November 12, 2002 and then to November 26, 2002 for decision; and

WHEREAS, on July 11, 1967, the Board permitted the enlargement in lot area and rearrangement of an automotive service station previously before the Board.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution allowing a retail food store, adopted on July 11, 1967, to extend the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

THAT the premises shall be maintained free of debris and graffiti at all times;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 26, 2002.

624-68-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for M & M Realty Co., owner.

SUBJECT - Application January 3, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 13, 2001.

PREMISES AFFECTED - 188-01/17 Northern Boulevard, northeast corner of Northern Boulevard and Utopia Parkway, Block 5634, Lot 7, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,

MINUTES

Commissioner Korbey and Commissioner Miele.....4
Negative:.....0
Absent: Commissioner Caliendo.....1
THE RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the variance which expired on January 13, 2001; and

WHEREAS, a public hearing was held on this application on August 13, 2002, after due notice by publication in The City Record, and laid over to October 1, 2002, October 22, 2002, November 12, 2002 and then to November 26, 2002, for decision; and

WHEREAS, on November 13, 1968, the Board permitted the enlargement of an existing plumbing supply and office building.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on November 13, 1968, amended through July 28, 1992 so that as amended this portion of the resolution shall read: "To extend the term of the variance for a period of 10 years from January 13, 2001 to expire on January 13, 2011; on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received October 1, 2002"-(4) sheets and "November 19, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

(N.B. 836/68)

Adopted by the Board of Standards and Appeals, November 26, 2002.

237-72-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilt's Petroleum, owner.

SUBJECT - Application June 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 262-10/262-12 Hillside Avenue, southwest corner of 263rd Street, Block 8792, Lot 13, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 11, 2002, acting on Application No. 401378825 states:

"Proposal to enlarge building 15' x 24' to be used as a convenience store, rearrange interior, install 36' x 47' and 22'6" x 14' canopy over gasoline dispensers and change size of four (4) curb cuts to 30' each at an automobile service station in a R2 zone is contrary to BSA Cal. #237-72BZ and therefore must be referred back to the BSA for their decision."; and

WHEREAS, the decision of the Borough Commissioner, also dated June 11, 2002, acting on Application No. 401378834 states:

"Proposal to remove existing islands and dispensers, install four (4) 2'6" x 5' concrete islands with one (1) MPD on each at an automobile service station in a R2 zone is contrary to BSA Cal. #237-72BZ and therefore must be referred back to the BSA for their decision."; and

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on October 8, 2002, and laid over to November 12, 2002 and then to November 26, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to permit the rearrangement of the island layout, the installation of a canopy, the enlargement to the existing building, the addition of a convenience store, the change of one (1) 55 foot curb cut along 263rd Street to two (2) 30 foot curb cuts, and the relocation of the air pump and auto vacuum; and

WHEREAS, although the applicant has requested 24 hour operation of the proposed convenience store, the Board, upon site inspection and examination of area land use, has determined that hours of operation for the convenience store should be limited to 6:00 AM to 11:00 PM.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and

MINUTES

reopens and amends the variance pursuant to §11-412, said resolution having been adopted October 24, 1972, so that as amended this portion of the resolution shall read: "to permit the rearrangement of the island layout, the installation of a canopy, the enlargement to the existing building, the addition of a convenience store, the change of one (1) 55 foot curb cut along 263rd Street to two (2) 30 foot curb cuts, and the relocation of the air pump and auto vacuum, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 26, 2002"-(4) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the hours of operation for the convenience store shall be limited to Monday thru Sunday 6:00 a.m. to 11:00 p.m.;

THAT the hours of operation of the automobile vacuums shall be limited to Monday thru Sunday 7:00 a.m. to 7:00 p.m.;

THAT there shall be no repairs of trucks on the premises;

THAT all landscaping shall be maintained in accordance with BSA-approved plans;

THAT there shall be no parking on the sidewalk;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, November 26, 2002.

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, north side of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Carl A. Sulpharo.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 23, 2002, acting on Application No. 200719295 reads:

"1. Proposed change of use and extension of term of variance is contrary to Section 22-00 Z.R. and BSA resolution 426-81-BZ and CO 63958.;" and

WHEREAS, the applicant has requested a reopening and an amendment to change the use from a warehouse & wholesale establishment (Use Group 16) to a manufacturing establishment (Use Group 11A) for optical goods and for a ten year continuation of the term which expired on April 20, 2002; and

WHEREAS, a public hearing was held on this application on September 24, 2002, after due notice by publication in The City Record, laid over to November 26, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant represents that there will be six occupants at the site, an owner and five employees and that there will be no retail sales or off- the street activity; and

WHEREAS, the hours of operation will be limited to Monday through Friday 9:00 a.m. to 5:00 p.m., Saturday from 9:00 a.m. to 12:00 p.m.

Resolved, that the Board of Standards and Appeals hereby reopens to amend the resolution and extends the term of the variance, said resolution having been adopted April 20, 1982 and amended November 17, 1992, so that as amended this portion of the resolution shall read: "to permit the change of use from a warehouse & wholesale establishment (Use Group 16) to a manufacturing establishment (Use Group 11A) for optical goods and to permit the extension of the term of the variance for an additional ten (10) years from April 20, 2002 expiring April 20, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received April 29, 2002"-(2) sheets and "July 9, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT all landscaping shall be maintained according to BSA approved plans;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT a new Certificate of Occupancy shall be obtained within 2 years;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by

MINUTES

the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, November 16, 2002.

99-01-A

APPLICANT - Philip P. Agusta, for Serafina Balducci/Nicolo Balducci, owners.

SUBJECT - Application August 2, 2002 - reopening for a rehearing.

PREMISES AFFECTED - 37-18 74th Street, west side, 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Paul Bonfilio.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application for rehearing granted.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure; and a request for a re-hearing; and

WHEREAS, on May 7, 2002, the Board denied an appeal proposing the legalization of a two story and cellar frame family dwelling converted to stores (U.G. 6) which is contrary to §27-296 and table 4-1 of the Building Code; and

WHEREAS, during the prior hearings, the Board informed the appellant that because the proposal is a conversion with three different commercial uses, it must comply with Local Law of 58 of 1987 with respect to providing vertical access to people with disabilities; and

WHEREAS, the Board agreed with the Department of Buildings contention, that because of the change of occupancy classification from residence to mercantile use, the building must be treated like a new building; and

WHEREAS, the appellant also failed to demonstrate how the subject commercial establishment, will make its goods and services available to people with disabilities; and

WHEREAS, therefore, the decision of the Queens Borough Commissioner, dated February 14, 2001 acting on Application No. 400883763, was affirmed and the appeal was denied; and

WHEREAS, the applicant has revised his prior plans

and the proposal now provides vertical access to people with disabilities; and

WHEREAS, therefore, the Board finds that the applicant has submitted substantial new evidence that was not available at the time of the initial hearing demonstrating a material change in circumstance.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and grants the application for a rehearing and permits the restoration of the application to the Administrative Appeals Calendar.

Adopted by the Board of Standards and Appeals, November 26, 2002.

554-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Mill Basin Service Center, Inc., owner.

SUBJECT - Application August 26, 2002 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired December 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

764-56-BZ

APPLICANT - Alfonso Duarte, P.E., for Barney's Service Station, Inc., owner.

SUBJECT - Application June 3, 2002 - reopening for an extension of term of variance which expired October 21, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 200-05 Horace Harding Expressway, north side between Hollis Court Boulevard and 201st Street, Block 7451, Lot 32, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte, P.E.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

MINUTES

1237-66-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A., owner.

SUBJECT - Application August 15, 2002 - reopening for an extension of time to complete construction and obtain a certificate of occupancy.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland Park East and East 233rd Street, Block 3363, Lots 18 and 23, The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10:00 A.M., for decision, hearing closed.

798-76-BZ

APPLICANT - Sheldon Lobel, P.C., for Harold M. Zweighaft, owner.

SUBJECT - Application October 11, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expired September 12, 2002.

PREMISES AFFECTED - 8 West 86th Street, south side of 86th Street, 150' west of Central Park West, Block 1199, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10:00 A.M., for decision, hearing closed.

13-78-BZ

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10:00 A.M., for decision, hearing closed.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for continued hearing.

181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Paul Bonfilio.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for continued hearing.

71-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Belle Harbor Washington Hotel Inc., owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 196 Beach 125th Street, southeast corner of Rockaway Beach Boulevard and Beach 125th Street, Block 16234, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December

MINUTES

17, 2002, at 10:00 A.M., for decision, hearing closed.

APPEALS CALENDAR

195-96-BZ

APPLICANT - Ellen Hay - Rosenberg & Estis, P.C., for Roc-Le Triomphe Associates, LLC, owner; 59th Street Gym LLC, lessee.

SUBJECT - Application October 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired July 22, 1998.

PREMISES AFFECTED - 1109 Second Avenue aka 245 East 58th Street, west side of Second Avenue between East 58th and East 59th Streets, Block 1332, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Ellen Hay.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to December 10, 2002, at 10:00 A.M., for decision, hearing closed.

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Stewart A. Klein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

255-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Arthur Connor, lessee.

SUBJECT - Application September 18, 2002 - proposed alteration 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 - 21 Janet Lane, north side, 162' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated September 11, 2002, acting on ALT 1. Application No. 401457810, reads:

“Z-1 The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space is contrary to Section C27-291 of the Administrative Code.”; and

WHEREAS, by the letter dated September 25, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated September 11, 2002, acting on ALT 1. Application No. 401457810, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received September 18, 2002” - (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant

MINUTES

laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals,
November 26, 2002.

Pasquale Pacifico, Executive Director

Adjourned: 10:45 A.M.

REGULAR MEETING

**TUESDAY AFTERNOON, NOVEMBER 26, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

ZONING CALENDAR

79-02-BZ

CEQR #02-BSA-153K

APPLICANT - Law Office of Howard Goldman, PLLC,
for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-
21, to permit in an M1-1 zoning district, the conversion of
a four story industrial building into a residential building
housing six dwelling units with an artist workshop on the
ground floor, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between
Franklin and Classon Avenues, Block 1142, Part of Lot 40,
Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated March 13, 2002 acting on
Application No. 301126537 reads:

“The proposed residential building located within
an M1-1 zoning district is contrary to the use
regulations of Section 42-00 of the zoning
regulation and requires a variance from the Board
of Standards and Appeals.”; and

WHEREAS, Community Board #8, Brooklyn,
recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this
application on August 13, 2002 after due notice by

publication in The City Record, laid over to October, 8
2002, November 12, 2002 and then to November 26, 2002
for decision; and

WHEREAS, the site and surrounding area had a site
and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice-Chairman
Satish Babbar, Commissioner Mitchell Korbey and
Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21,
to permit, in an M1-1 zoning district, the conversion of a
four-story manufacturing building into a residential
building housing six dwelling units with an artist workshop
on the ground floor, which is contrary to Z.R. §42-00; and

WHEREAS, the subject four-story 16,322 square foot
building is located on Dean Street, between Franklin and
Classon Avenues; and

WHEREAS, presently, the top three floors are vacant
with a month to month warehouse tenancy occupying the
ground floor; and

WHEREAS, the underlying M1-1 district extends
along Atlantic Avenue south from the Long Island Rail
Road terminal through Prospect Heights; and

WHEREAS, the record indicates that the subject
building was erected in the mid-1800's for manufacturing
uses, originally housing a 2-story brewery, with a
subsequent 2-story wooden floor addition, and that for over
30 years the ground floor has housed a warehouse use with
the upper three remaining vacant; and

WHEREAS, the building's age and history of
development results in it being inadequate for modern
manufacturing uses because it contains no elevators, and
access to the upper floors is limited to one narrow staircase
constructed of eroded steel creating a condition that is not
suitable for heavy manufacturing or industrial loads; and

WHEREAS, the Board agrees with the applicant's
representation that structural inconsistency between the
floors makes a conforming manufacturing use impractical;
and

WHEREAS, the applicant has demonstrated that
efforts to lease the vacant floors to conforming tenants
were unsuccessful; and

WHEREAS, the record indicates that the subject
building's floor plates and loading berths are too small for
modern manufacturing use, the floor plates range from 3 to
6 thousand square feet, which the applicant represents are
too small to accommodate manufacturing users other than
warehouses, and the loading berth on Dean Street is only
11 feet wide and 12 feet high in violation of the minimum
requirements of Z.R. 44-581; and

WHEREAS, further, the building is functionally
obsolete for the purpose for which it was intended by virtue
of its age, its lacks elevators, access to the upper floors is
limited to one narrow staircase constructed of eroded steel,
structural inconsistency between the floors, small floor
plates, and inadequate loading berth; and

WHEREAS, the Board notes that for modern
manufacturing and warehouse uses, large open floor plates
on single levels with sufficient loading capability are

MINUTES

desirable; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-1 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that the subject building borders R6 districts to the south and east and that the instant application will substantially conform to R6 standards; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential and community facility uses are present; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, in an M1-1 zoning district, the conversion of a four story industrial building into a residential building housing six dwelling units with an artist workshop on the ground floor, which is contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 20, 2002"- (9) sheets, "September 25, 2002"- (1) sheet, and "October 29, 2002"- (1) sheet; and on further condition;

THAT, all required fire protection measures, including an automatic wet sprinkler system connected to a Fire Department-approved central station, shall be installed and maintained;

THAT substantial construction shall be completed in

accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy; THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 26, 2002.

121-02-BZ

CEQR #02-BSA-184K

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Harbor Associates, owner; Harbor Fitness Inc., lessee.
SUBJECT - Application April 17, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1(BR) zoning district which requires a special permit as per Z.R. §32-31.
PREMISES AFFECTED - 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 20, 2002 acting on Application No. 301295140 reads:

"PROPOSED PHYSICAL CULTURE ESTABLISHMENT IN A C8-1 ZONING DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS AND APPEALS PURSUANT TO SECTION 73-36 Z.R."

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record and laid over to November 26, 2002, for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel

MINUTES

Miele; and

WHEREAS, this is an application under Z.R. §§73-36 and 73-03 to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1(BR) zoning district which requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject premises is located in the Special Bay Ridge District; and

WHEREAS, the premises consists of a through lot, width of 96 feet along 4th Avenue, 163 feet 5 inches of depth, with total area of 13,854.8 square feet, developed with a cellar, two-story and mezzanine building currently used as the Harbor Fitness Health Club; and

WHEREAS, the first floor contains racquet and handball courts, a playroom to be used in conjunction with these courts, exercise rooms, and a retail store; and

WHEREAS, the mezzanine level contains male and female toilets and locker rooms, while the second floor remains vacant; and

WHEREAS, the applicant states that the facility currently has a membership of approximately 3,000 persons, employs 20 staff, and operates a 24-hour establishment; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant further represents no massage services are currently offered or proposed at this time; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-36, and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-36 and 73-03 to permit the

legalization of an existing physical culture establishment, Use Group 9, located in a C8-1(BR) zoning district which requires a special permit as per Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received April 17, 2002"-(4) sheets, and "July 25, 2002"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to five (5) years from January 1, 2001 to expire on January 1, 2006;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 26, 2002.

197-02-BZ

CEQR #02-BSA-229K

APPLICANT - Gary H. Silver Architect, P.C., for Nostrand Kings Management, owner; Theater Fitness Inc., DBA Empire Fitness, lessee.

SUBJECT - Application June 19, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located in an existing two-story commercial structure, situated in both a C2-2 within a R3-2 zoning district, which requires a special permit as per Z.R. §32-31. PREMISES AFFECTED - 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Gary Silver.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

MINUTES

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 5, 2002 acting on Application No. 300627908 reads:

“Zoning objection for proposed use on part of 1st floor and cellar level. Physical Culture of Health Establishments, including gymnasiums (Not permitted under the Use Group 9) are not as of Right, and require BSA approval as per Zoning Resolution section 32-31.”

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record and laid over to November 26, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in an existing two-story commercial structure, situated in both a C2-2 within a R3-2 zoning district, which requires a special permit as per Z.R. §32-31; and

WHEREAS, the subject premises is a two-story commercial building with an entrance on Nostrand Avenue and East 31st Street; and

WHEREAS, the applicant represents that the total square footage of the physical culture establish is approximately 29,381 square feet, which will occupy the entire building of the subject premises; and

WHEREAS, the PCE employs approximately seven persons and has a current membership of approximately 175 persons; and

WHEREAS, the applicant represents that the hours of operation are from 6:00 A.M. to 11:00 P.M. Monday through Friday and 8:00 A.M. to 8:00 P.M. Saturday and Sunday; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant further represents that no massage services are currently offered or proposed at this time; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be

made under Z.R. §§73-36 and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in an existing two-story commercial structure, situated in both a C2-2 within a R3-2 zoning district, which requires a special permit as per Z.R. §32-31, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received June 19, 2002”-(4) sheets; and on further condition;

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on November 26, 2007;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the hours of operation shall be limited to 6:00 A.M. to 11:00 P.M. Monday through Friday and 8:00 A.M. to 8:00 P.M. Saturday and Sunday.;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 26, 2002.

MINUTES

199-02-BZ

CEQR #02-BSA-231M

APPLICANT - Law Offices of Howard Goldman, PLLC, for Cabrini Ctr for Nursing & Rehab & St. Cabrini Nursing Home, owner.

SUBJECT - Application June 21, 2002 - under Z.R. §72-21, to permit in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 11,178 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462.

PREMISES AFFECTED - 210/220 East 19th Street, bounded by Second and Third Avenues, Block 899, Lots 46 through 49 and 51, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Chris Wright.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 14, 2002 acting on Application No. 103154532 reads:

1. Proposed construction of non-profit residences for the elderly does not comply with Section 23-144 of the NYC Zoning Resolution (Maximum Floor Area Ratio)
2. Proposed construction of non-profit residences for the elderly does not comply with Section 23-633 of the NYC Zoning Resolution (Height and Setback Regulations)
3. Proposed construction of non-profit residences for the elderly does not comply with Section 23-462 of the NYC Zoning Resolution (Side Yard Regulations)."; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in The City Record, laid over to November 26, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 11,178 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §23-144, 23-633 and 23-462; and

WHEREAS, two of the three buildings, are vacant and the third is in the process of being vacated; and

WHEREAS, the applicant represents that federal funding authorizations require the creation of 71 units with a specific design criteria for low-income supportive housing for the elderly and is therefore seeking a variance to increase the allowable Floor Area Ratio by 5%, a waiver of the height and setback requirements for the front portion of the uppermost two floors and a reduction of the minimum depth required for the side yard on the west side of the building from eight feet to five; and

WHEREAS, according to the record four units will be set aside for the mobility impaired and up to 20 units will house tenants classified as frail elderly, additionally, federal regulations will also require that a community space be allocated and an office for an on-site caseworker; and

WHEREAS, the applicant has provided health and social services to the elderly for over 100 years; and

WHEREAS, the applicant's other facilities include a 240-bed facility on East 5th Street and a 489-bed teaching hospital located across the street from the subject site; and

WHEREAS, the applicant is mandated to equip each apartment with safety fixtures such as help alarms, hand bars, as every room must accommodate the needs of the elderly from the very active to the severely impaired; and

WHEREAS, the applicant's programmatic needs discussed above, create a practical difficulty with strict compliance with the bulk provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, this application will provide housing for senior citizens which is consistent with the residential and community facility character of the surrounding streets and the underlying R7-2 zoning district; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards

MINUTES

and Appeals adopts the Department of City Planning's Negative Declaration issued on March 20, 2002 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R7-2 zoning district, on a parcel containing three residential buildings, the proposed construction of a nine-story 11,178 square foot, 71 unit, residence for the elderly, (Use Group 2), contrary to Z.R. §§23-144, 23-633 and 23-462, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 21, 2002"-(12) sheets and on further condition;

THAT an Automatic Wet sprinkler system to be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT A fire alarm system be installed throughout the entire building and connected to a Fire Department approved Central Station;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the premises shall meet all applicable requirements of §12-10, Non-profit residence for the elderly;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including all fire safety and egress requirements, under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, November 26, 2002.

232-02-BZ

CEQR #03-BSA-025K

APPLICANT - Moshe M. Friedman, P.E., for Marc Bodner, owner.

SUBJECT - Application August 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and the minimum required side yard, is contrary to Z.R. §23-141(a) and §23-461(a).

PREMISES AFFECTED - 1168 East 23rd Street, east side, 203'-4" south of Avenue "L", Block 7622, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 8, 2002, acting on ALT I Application No. 301340074 reads:

"Proposed extensions to proposed One (1) Family

Dwelling are contrary to

ZR 23-141(a) Floor Area Ratio

ZR 23-141(a) Open Space Ratio

ZR 23-461(a) Minimum Side Yard

and requires a Special Permit from the Board of Standards and Appeals as per Sec. 73-622."; and

WHEREAS, a public hearing was held on this application on November 12, 2002 after due notice by publication in The City Record, and laid over to November 26, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side yards, and is contrary to Z.R. §§23-141 and 23-461; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere

MINUTES

with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side yards, and is contrary to Z.R §§23-141 and 23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 15, 2002"- (5) sheets, "October 22, 2002"- (1) sheet, and "November 18, 2002"- (2) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, November 26, 2002.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for decision, hearing closed.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.
SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for continued hearing.

43-02-BZ

APPLICANT - Sheldon Lobel, P.C., for George Pantelides, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard which is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A.

PREMISES AFFECTED - 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Irving Minkin, Sheldon Lobel, George Pantelides, Ray Irrera and Sam Phillip.

For Opposition: Howard Hornstein and Peter Geis.

APPEARANCES -

For Applicant: Ellen Hay.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for decision, hearing closed.

66-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry Einhorn, owner.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, Use Group 2, in an M3-1 residential building, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 439 Marcy Avenue, Lot fronting on Marcy Avenue and Union and Wallabout

MINUTES

Streets, Block 2249, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Ron Webster.

For Opposition: Samuel Schaeffer.

ACTION OF THE BOARD - Laid over to April 8, 2003, at 2:00 P.M., for continued hearing.

85-02-BZ

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181st Street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The Bronx.

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: Mothiur Rahman.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for continued hearing.

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for continued hearing.

123-02-BZ

APPLICANT - Joseph P. Morsellino, for 14-34 110th Street, LLC, owner; JCH Delta Contracting Inc., lessee.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed six story mixed use building, consisting of commercial office space, and residential occupancy on floors three through six, located in an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 14-34 110th Street, west side of Powells Cove Boulevard, Block 4044, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino and Toula Hanvis.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for continued hearing.

144-02-BZ & 145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within and R3-2 zoning district.

PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for decision, hearing closed.

179-02-BZ

APPLICANT - Charles R. Foy, Esq., for G.C. & G Enterprises, Inc., owner; KFC of America, Inc., lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §73-243, to permit the proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district.

PREMISES AFFECTED - 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Charles R. Foy.

For Opposition: Matthew Burstein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for decision, hearing closed.

MINUTES

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Lyra Altman, Marc Esrig, David Stern and Jeannette Gonzalez.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 2:00 P.M., for continued hearing.

200-02-BZ

CEQR #02-BSA-232M

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for decision, hearing closed.

204-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Palmana Realty Corp., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an R3-2 zoning district, which is contrary to a previous variance granted under Cal. No. 703-56-BZ and Z.R. §22-00.

PREMISES AFFECTED - 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Administration: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for decision, hearing closed.

208-02-BZ

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: David Businelli.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 2:00 P.M., for continued hearing.

236-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for continued hearing.

249-02-BZ

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

MINUTES

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Jay Segal.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Miele.....4

Negative:0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD - Laid over to January 7,
2003, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 4:10 P.M

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 49-50

December 19, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	879
CALENDAR of January 14, 200	
Morning	880-881
Afternoon	881-882

CONTENTS

MINUTES of Regular Meetings,
Tuesday, December 10, 2002

Morning Calendar883

Affecting Calendar Numbers:

438-29-BZ	406-418 Remsen Avenue, Brooklyn
834-60-BZ	140 Vanderbilt Avenue, Brooklyn
219-71-BZ	147-65/76 Springfield Boulevard, Queens
151-90-BZ	115-49 118 th Street, Queens
145-92-BZ	403 East 91 st Street, Manhattan
137-96-BZ	6159 Broadway, The Bronx
195-96-BZ	1109 Second Avenue, Manhattan
219-97-BZ	130-11 North Conduit Avenue, Queens
189-00-BZ	215 Houston Street, Manhattan
203-01-BZ	5701 Broadway, The Bronx
204-01-BZ	73-15 Parsons Boulevard, Queens
38-02-BZ	1210 82 nd Street, Brooklyn
178-02-BZ	57 Eagle Street, Brooklyn
472-37-BZ	2765/2773 Cropsey Avenue, Queens
1207-66-BZ	305 Washington Avenue, Brooklyn
467-71-BZ	56-01 Main Street, Queens
106-76-BZ	129-03 North Conduit Avenue, Queens
1043-80-BZ	1680/88 Albany Avenue, Brooklyn
285-85-BZ	2353-2355 Coney Island Avenue, Brooklyn
172-86-BZ	256-10 Union Turnpike, Queens
357-86-BZ	76-03 Roosevelt Avenue, Queens
111-94-BZ	3543-49 Broadway, Manhattan
174-94-BZ	99-07 Roosevelt Avenue, Queens
89-02-A	244-10 Merrick Boulevard, Queens
139-02-A	1511 Third Avenue, Manhattan
233-02-A	107 Reid Avenue, Queens
243-02-A	5 Roosevelt Walk, Queens
246-02-A	30½ Graham Place, Queens
247-02-A	30 Bayside Avenue, Queens
21-02-A thru 25-02-A	Francis Lewis Boulevard, Queens
127-02-A thru 137-02-A	Aviston Avenue, Staten Island
159-02-A	33 White Plains Avenue, Staten Island
217-02-A	20 Englewood Avenue, Staten Island
219-02-A thru 221-02-A	Watson Place, Queens
235-02-A	164-47 Nadal Place, Queens
251-02-A	11 Suffolk Walk, Queens
252-02-A	466 Seabreeze Walk, Queens
253-02-A	8 Marion Walk, Queens

CONTENT

Afternoon Calendar899

Affecting Calendar Numbers:

303-01-BZ	756 Myrtle Avenue, Brooklyn
322-01-BZ	402 Avenue U, Brooklyn
332-01-BZ	1511 Third Avenue, Manhattan
13-02-BZ thru 16-02-BZ	Walworth Street, Brooklyn
62-02-BZ thru 64-02-BZ	Walworth Street, Brooklyn
26-02-BZ	1680 Richmond Avenue, Staten Island
78-02-BZ	104-72 48 th Avenue, Queens
227-02-BZ	527 East 233 rd Street, The Bronx
270-02-BZ	1649 East 28 th Street, Brooklyn
36-01-BZ	328 Spring Street, Manhattan
193-01-BZ	3044 Coney Island Avenue, Brooklyn
374-01-BZ & 375-01-BZ	836 Kent Avenue, Brooklyn
28-02-BZ	80 Madison Avenue, Manhattan
71-02-BZ	204/210 Lafayette Street, Manhattan
86-02-BZ	155/59 North Fourth Street, Brooklyn
91-02-BZ	3032/42 West 22 nd Street, Brooklyn
146-02-BZ	138-27 247 th Street, Queens
151-02-BZ	223 West 80 th Street, Manhattan
165-02-BZ thru 176-02-A	Classon Avenue, Brooklyn
186-02-BZ thru 191-02-A	Classon Avenue, Brooklyn
182-02-BZ	2990 Victory Boulevard, Staten Island
201-02-BZ	6778 Hylan Boulevard, Staten Island
218-02-BZ	46 Coney Island Avenue, Brooklyn
242-02-BZ	One North Railroad Street, Staten Island
262-02-BZ	4801 Tenth Avenue, Brooklyn

**MINUTES of Special Hearing,
Wednesday, December 11, 2002**

Morning Calendar911

Affecting Calendar Numbers:

253-01-BZ	848 Washington Street, Manhattan
-----------	----------------------------------

DOCKET

New Case Filed Up to December 10, 2002

351-02-BZ B.Q. 33-55 11TH Street, aka 33-41/47th 11th Street, between 33rd Road and 34th Avenue, and 11th and 12th Streets, Block 318, Lot 15, Borough of Queens. Applic.#401547518. The reestablishment of an expired variance previously granted by the Board under Cal. No. 662-69-BZ, which permitted the operation of a food warehouse and distribution facility, Use Group 17, in an R5 zoning district.

COMMUNITY BOARD #1Q

352-02-BZ B.BK. 2801 Emmons Avenue, northeast corner of East 28th Street, Block 8792, Lot 63, Borough of Brooklyn. Applic.#301003287. Proposed addition of a wedding chapel or a banquet hall, Use Group 9, to the existing Use Group 6, an eating and drinking establishment with restrictions on entertainment, located in a C2-2 within an R5 zoning district, in the Sheepshead Bay Special Zoning District in an F district, is contrary to Z.R. 94-061.

COMMUNITY BOARD #15BK

353-02-BZ B.BK. 210 Greenpoint Avenue, southwest corner of McGuinness Boulevard, Block 2576, Lot 7, Borough of Brooklyn. Alt.#301239979. Proposed erection of a one story, accessory convenience store, at an existing automotive service station, also the extension of the existing use, into the residential portion of the zoning lot, requires a special permit from the Board as per Z.R.§73-52.

COMMUNITY BOARD #1BK

354-02-BZ B.BK. 1810 East 22nd Street, between Avenue "R" and Quentin Road, Block 6804, Lot 34, Borough of Brooklyn. Alt.#301420601. Proposed enlargement to an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, open space, and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

COMMUNITY BOARD #15BK

355-02-BZ B.BK. 1436 East 24th Street, between Avenue "N" and Olean Street, Block 7677, Lot 28, Borough of Brooklyn. Alt.#301400231. Proposed enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, open space, and side yard, is contrary to Z.R. §23-141, §23-47 and §23-461.

COMMUNITY BOARD #14BK

356-02-BZ B.M. 210/14 East 86th Street and 209/13 East 85th Street, south side of East 86th Street and 150' east of Third Avenue, Block 1531, Lot 40, Borough of Manhattan. Applic.#103305576. Proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to Z.R. §33-20 and previous Cal. No. 67-96-BZ.

COMMUNITY BOARD #8M

357-02-BZ B.Q. 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens. Alt.#401515302. Proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, is contrary to Z.R. §33-28 and §33-23.

COMMUNITY BOARD #11Q

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

JANUARY 14, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 14, 2003, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

789-45-BZ

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

494-55-BZ

APPLICANT - Edward Lauria, P.E., for Joseph Ciervo, owner.

SUBJECT - Application November 6, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy which expired May 29, 2001.

PREMISES AFFECTED - 67-69 Avenue U, north side 40' East of West 11th Street, Block 7095, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #11BK

32-92-BZ

APPLICANT - John Xikis, for John Xikis, owner.

SUBJECT - Application November 20, 2002 - reopening for an extension of time to complete construction which expired December 19, 2002.

PREMISES AFFECTED - 72-06 Parsons Boulevard, aka 157-10 72nd Avenue, southwest corner of the intersection of Parsons Boulevard and 72nd Avenue, Block 6821, Lot 29, Borough of Queens.

COMMUNITY BOARD #8Q

186-98-BZ

APPLICANT - Sheldon Lobel, P.C., for Cngrtn Nach Las Maharim Dchasedi Stretim, owner.

SUBJECT - Application November 1, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1811 47th Street (aka 4613 18th Avenue), 47th Street and 18th Avenue, Block 5439, Lots 6 and 15, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEALS CALENDAR

272-02-A

APPLICANT - Patrick O'Brien, for Breezy Point Co-op, Inc., owner; William Hickey, lessee.

SUBJECT - Application October 29, 2002 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 9 Suffolk Walk, east side, 148' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

318-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Mary Malone, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 481 Seabreeze Walk, east side, 94.54' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

319-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Bruce Robertson, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, also has a private disposal system in the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 38 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

320-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; John 7 Laura Heesemann, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement and alteration of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 232 Roxbury Avenue, corner of

CALENDAR

Roxbury Boulevard, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

321-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Michael and Patricia Burns, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and also has a private disposal system located partially in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 31 Roosevelt Walk, corner of West End Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

331-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Robert Riordan, lessee.

SUBJECT - Application October 29, 2002 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy.

PREMISES AFFECTED - 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

337-02-A

APPLICANT - Thomas Avitabile, Architect, for Robert Schwimmer, owner.

SUBJECT - Application November 15, 2002 - Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #14Q

JANUARY 14, 2003, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 14, 2003, at 2:00 P.M., at 40 Rector Street, 6h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

149-02-BZ & 150-02-BZ

APPLICANT - Land Planning & Engineering Consultants, P.C., by Vito J. Fossella, P.E., for My Florist Inc., owner; Sisters, LLC, lessee.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a one story eating and drinking establishment, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 1821 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

1837 Richmond Avenue, southeast corner of Eton Place, Block 2030, Lot 68, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

181-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for ISHJ Corp., owner.

SUBJECT - Application May 28, 2002 - under Z.R. §72-21 to permit the proposed erection and maintenance of a one story car wash facility, Use Group 16, located in an R4 zoning district, which is contrary to Z.R. §22-00

PREMISES AFFECTED - 1875 Bartow Avenue, northwest corner of Ely Avenue, Block 4795, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #12BX

209-02-BZ

APPLICANT - Samuel Beltron, for Julia Torres, owner.

SUBJECT - Application July 7, 2002 - under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fourth floor of an existing four story building, in a C4-4 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2999 Third Avenue, west side, 121'-0" south of east 155th Street, Block 2376, Lot 51, Borough The Bronx.

COMMUNITY BOARD #1BX

CALENDAR

228-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Helbor Realty Corp., owner.

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

264-02-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for The Rubin Cultural Trust, owner.

SUBJECT - Application September 30, 2002 - under Z.R. § 72-21 to permit the proposed addition to an existing community facility, at the second floor rear yard portion, which is not in compliance with Z.R. §33-23 regarding rear yard requirements.

PREMISES AFFECTED - 150/54 West 17th Street, south side, between Sixth and Seventh Avenues, 100' east of Seventh Avenue, Block 792, Lots 64 through 66, Borough of Manhattan.

COMMUNITY BOARD #4M

266-02-BZ

APPLICANT - Harold Weinberg, P.E., for Edmund Dweck, owner.

SUBJECT - Application October 3, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 181 Jaffray Street, east side, 100'-0" north of Oriental Boulevard, Block 8753, Lot 85, Borough of Brooklyn.

COMMUNITY BOARD #15BK

273-02-BZ

APPLICANT - Harold Weinberg, P.E., for Gregory Dweck, owner.

SUBJECT - Application October 9, 2002 - under Z.R. §73-622 to permit the proposed enlargement at the rear, of an existing one family dwelling, which does not comply for floor area ratio, lot coverage, perimeter wall, setback and sky exposure plane, which is contrary to Z.R. §23-141, §54-31 and §23-631.

PREMISES AFFECTED - 615 Hampton Avenue, northwest corner of Ocean Avenue, Block 8731, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #15BK

330-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Trey Whitfield School, owner.

SUBJECT - Application November 8, 2002 - under Z.R. §72-21 to permit the proposed conversion of a former welfare center, for use as an elementary school, Use Group 3, located in an M1-4 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 48/60 Williams Avenue, bounded by Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, DECEMBER 10, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey and Commissioner Caliendo.

Absent: Commissioner Miele

SPECIAL ORDER CALENDAR

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

In Favor: Amit Itshiah.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by publication in The City Record, laid over to August 13, 2002, September 10, 2002, November 19, 2002 and then December 10, 2002 for decision; and

WHEREAS, the Board received complaints alleging non-compliance with a Variance granted for the subject premises; and

WHEREAS, specifically, the complaints alleged that the site was being used as a large scale automobile facility, equipped with outdoor car lifts, large banners and flags, that garbage was being stored outside, that signage exceeded what had been approved by the Board, that the operator was illegally storing and selling vehicles, that sound proofing had been removed, and that work with power tools and heavy machinery was being performed outside; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the above allegations were false or had been cured, after four hearings the applicant submitted an action plan and photographs illustrating that the site is in compliance with the conditions set forth in the Board's resolution; and

WHEREAS, the applicant has also provided an affidavit stating that all guard dogs have been removed and landscaping installed in the area that previously house the

dogs; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and the application to rescind the variance is withdrawn from the Compliance Calendar, on condition that the site shall not be equipped with outdoor car lifts, large banners or flags, that all garbage shall be stored inside, that signage shall not exceeded what had been approved by the Board, that there shall be no storing or selling of vehicles, that sound proofing shall be provided and maintained removed, and that all repairs shall be performed indoors.

Adopted by the Board of Standards and Appeals, December 10, 2002.

834-60-BZ

APPLICANT - Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application March 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired March 2, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, time to obtain a Certificate of Occupancy extended, and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated March 16, 2002, acting on Application No. 301304229 reads:

“Proposed canopy installation over pump islands is contrary to BSA Cal. # 834-60BZ”; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for an amendment to the resolution and an extension of the time to obtain a Certificate of Occupancy which expired on March 2, 2000; and

WHEREAS, a public hearing was held for this application on September 24, 2002, after due notice by publication in The City Record, laid over to November 19, 2002 and then to December 10, 2002 for decision; and

WHEREAS, the applicant also seeks to amend the resolution to permit the erection of a metal canopy over the

MINUTES

gasoline pump islands.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to §11-412, said resolution having been adopted on March 7, 1961, as amended through March 2, 1999, so that as amended this portion of the resolution shall read: "To permit the relocation erection of a metal canopy over the gasoline pump islands; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received March 27, 2002"-(2) sheets, "August 6, 2002"-(2) sheets, and "August 13, 2002"-(1) sheet; and on further condition

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 10, 2002.

219-71-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

151-90-BZ

APPLICANT - The Agusta Group, for Carmen Bosato, owner.

SUBJECT - Application August 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 25, 2001.

PREMISES AFFECTED - 115-49 118th Street, east side of 118th Street 240' north of Sutter Avenue, Block 11711, Lot 18, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the application seeks to waive the Rules of Practice and Procedure and to extend the term of the variance which expired on June 25, 2001; and

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in The City Record, and laid over to December 10, 2002, for decision; and

WHEREAS, on June 25, 1991, the Board permitted in an R3-2 district, the conversion of an existing building from a school and synagogue (Use Group 3), to governmental offices (Use Group 6); and

WHEREAS, the applicant represents that there have been no substantial changes from previously approved Board plans.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on June 25, 1991 so that as amended this portion of the resolution shall read: "To extend the term of the variance for a period of 10 years from June 25, 2001 to expire on June 25, 2011; on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 26, 2002"-(6) sheets and "November 26, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted". (DOB N.B. Application No. 401465650)

MINUTES

Adopted by the Board of Standards and Appeals,
December 10, 2002.

145-92-BZ

APPLICANT - Fredrick A. Becker, Esq., for PPI New York LLC, owner; Broadway Body Builders, Inc., lessee.
SUBJECT - Application September 10, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 403 East 91st Street, north side of East 91st Street, 94' east of First Avenue, Block 1571, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 9, 2002, acting on Application No. 100412554 states:

"Physical Cultural Establishment Layout, dated, October 15, 2001, does not conform to Approved BSA Cal 145-92-BZ Plans. Refer new layout back to [the] Board of Standards & Appeals for their approval of new layout."; and

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution to reflect a reduction in the amount of floor area occupied by the physical culture establishment.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §73-11, said resolution having been adopted May 17, 1994, so that as amended this portion of the resolution shall read: "to permit a reduction in the amount of floor area occupied by the physical culture establishment, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 10, 2002'-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals,
December 10, 2002.

137-96-BZ

APPLICANT - Fredrick A. Becker, Esq., for 6159 Broadway, LLC, owner; Kookoo's, lessee.

SUBJECT - Application March 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 9, 2000.

PREMISES AFFECTED - 6159 Broadway, west side of Broadway 175' south of 251st Street, Block 5814, Lot 1189, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals,
December 10, 2002.

195-96-BZ

APPLICANT - Ellen Hay - Rosenberg & Estis, P.C., for Roc-Le Triomphe Associates, LLC, owner; 59th Street Gym LLC, lessee.

SUBJECT - Application October 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired July 22, 1998.

PREMISES AFFECTED - 1109 Second Avenue aka 245 East 58th Street, west side of Second Avenue between East 58th and East 59th Streets, Block 1332, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived and application reopened for an extension of time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

MINUTES

Negative:0
THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a re-opening for an extension of the time to obtain a Certificate of Occupancy which expired on July 22, 1998; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in The City Record, and laid over to December 10, 2002 for decision; and

WHEREAS, on July 22, 1997, the Board granted a Special Permit for a physical culture establishment.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution permitting a physical culture establishment, adopted on July 22, 1997, to extend the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 10, 2002.

219-97-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 130-11 North Conduit Avenue, North Conduit between 130th Street and 130th Place, Block 11864, Lots 13 and 16, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 30, 2002, acting on

Application No. 400773016 states:

"Proposed amendment to BSA Cal. No. 219-97-BZ which seeks to decrease total illuminated signage by 43 sf and add a 35' by 7' addition to the proposed structure is contrary to previous BSA approval and therefore requires approval from the NYC Board of Standards and Appeals."; and

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on February 23, 1999 the Board granted an application for the above-referenced premises permitting the construction and use of an automotive service station with an accessory convenience store; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 43 square feet of total signage, and to permit the addition of a 35' by 7' addition to the existing building.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted February 23, 1999, so that as amended this portion of the resolution shall read: "to permit the alteration to various signage, resulting in a decrease of 43 square feet of total signage, and to permit the addition of a 35' by 7' addition to the existing building, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 26, 2002'-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 10, 2002.

MINUTES

189-00-BZ

CEQR #01-BSA-005M

Applicant - New York City Board of Standards and Appeals.

Law Offices of Howard Goldman LLC, for Houston Street Properties LLC, owner.

SUBJECT - On remand from the New York County Supreme Court for a detailed justification of the BSA grant in this matter.

PREMISES AFFECTED - 215 East Houston Street, East Houston Street between Ludlow and Essex Streets, Block 412, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Howard Goldman.

ACTION OF THE BOARD - Prior variance reaffirmed.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the subject variance was granted by the Board on February 13, 2001, under Z.R. §72-21, permitting, on a site previously before the Board, the proposed erection of a 23 story mixed use building, which exceeds the permitted floor area for residential and commercial space, O.S.R. for residential and commercial space, number of zoning rooms and violated the allowable height and setback requirements; and

WHEREAS, public hearings were held on the underlying variance application on November 21, 2000, after due notice by publication in the Bulletin, laid over to December 19, 2000, January 9, 2001, January 23, 2001 and then to February 13, 2001 for decision; and

WHEREAS, the property is zoned C6-1, which permits residential use at 3.4 F.A.R. and commercial use a base of 6.0 F.A.R., plus bonuses for a total F.A.R. of 7.2, the proposed building would have a total F.A.R., including ground floor retail, of 7.6 (23 stories); and

WHEREAS, the Board permitted a prior BSA application under calendar #479-39-BZ, for a gasoline service station which was approved in 1958; and

WHEREAS, the gas station was demolished in 1977 and the site is currently used as a public parking lot; and

WHEREAS, in its Resolution dated February 13, 2001, the Board stated the reasons why the applicant met the requirements of Z.R. §72-21; and

WHEREAS, however, by Order dated May 15, 2002, Supreme Court Justice Richard F. Braun. directed that the case be remanded to the Board solely to consider the issues of whether the presence of underground storage tanks had caused tank leakage or soil contamination and the effect of a state historic district designation; and

WHEREAS, therefore, on remand, the Board held public hearings and required that the applicant conduct soil samplings and obtain a determination from the New York City Landmarks Preservation Commission; and

WHEREAS, this resolution is not intended to replace the original February 13, 2001 resolution, but to have the applicant address the issues of soil contamination and historic district designation; and

WHEREAS, the applicant submitted comprehensive documentation demonstrating that soil samples revealed no tank leakage or soil contamination and obtained a determination from the New York City Landmarks Preservation Commission that the proposed project would not have a significant impact on the historic district; and

WHEREAS, as in the prior hearings, the Board considered evidence and testimony from neighborhood residents, elected officials and community advocates, regarding soil contamination, historic district impacts, displacement and community character and financial analysis; and

WHEREAS, the Board finds that although issues of displacement and community character were raised by community advocates and residents during the instant proceedings, the evidence presented was substantially the same as was presented during the December 19, 2000, January 9, 2001, January 23, 2001 hearings, which the Board considered in reaching its decision of February 13, 2001; and

WHEREAS, the Board has considered all relevant areas of environmental concern, including but not limited to hazardous materials, historic resources, community and neighborhood character and finds that the proposal would create no significant impacts; and

WHEREAS, since the application meets the requirements of Z.R. §72-21, it must be sustained.

Resolved, the Board of Standards and Appeals reaffirms its issuance of a Type I Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review the Board upholds its grant of a variation in the application of the Zoning Resolution, to permit in an C6-1 zoning district, the proposed erection of a twenty-three (23) story residential building which creates non-compliance with regard to apartments permitted, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received January 30, 2001"-(5) sheets; and further condition that as in the original resolution;

THAT at least 20% of the project's dwelling units will contain two or more bedrooms, 50% of the dwelling units will contain one bedroom and at least 30% will contain studios;

MINUTES

THAT there will be a 20% set aside of dwelling units pursuant to the 421-a real estate tax exemption program for low income families for a term of not less than 20 years;

THAT 5% of dwelling units will be set aside pursuant to the NYCHDC New Housing Opportunities Program (NHOP) or an equivalent program for middle income families for a term of not less than 20 years;

THAT all parking will be at grade and there will not be car parking "stackers" on the surface parking lot on Essex Street

THAT the parking lot will be limited to 50 parking spaces;

THAT the above conditions shall appear on the certificate of occupancy.

Adopted by the Board of Standards and Appeals, December 10, 2002.

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A. C/O Bohler Engineering, owner.

SUBJECT - Application September 3, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234th Street, northwest corner of Broadway and West 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 22, 2002, acting on Application No. 200651482 states: "Proposed changes in previously approved signage are contrary to BSA Calendar Number: 203-01-BZ and therefore must be referred to the Board of Standards and Appeals."; and

WHEREAS, the applicant has a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on December 11, 2001 the Board granted an application for the above-referenced premises permitting the construction and use of an automotive service station with an accessory convenience store, the installation of underground gasoline storage tanks and new overhead canopy with five (5) pump islands, and the installation of associated signage; and

WHEREAS, the applicant represents that no work has been done on the site as of yet; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 56 square feet of total non-illuminated signage.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted December 11, 2001, so that as amended this portion of the resolution shall read: "to permit the alteration to various signage, resulting in a decrease of 56 square feet of total signage, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 3, 2002'-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 10, 2002.

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corp., owner.

SUBJECT - Application September 26, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 73-15 Parsons Boulevard, Parsons Boulevard between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 30, 2002, acting on Application No. 401166787 states:

MINUTES

"Proposed amendment to BSA Cal. No.: 204-01-BZ which seeks to decrease total illuminated signage by 28 sf and increase non-illuminated signage by 84 sf is contrary to previous BSA approval and therefore requires approval from the NYC Board of Standards and Appeals."; and

WHEREAS, the applicant has a reopening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 19, 2002, and laid over to December 10, 2002 for decision; and

WHEREAS, on January 8, 2002 the Board granted an application for the above-referenced premises permitting the demolition of an existing structure, the construction and use of an automotive service station with an accessory convenience store, the installation of underground gasoline storage tanks and new overhead canopy, the rearrangement of existing pump islands, the re-landscaping of the premises, and the installation of associated signage; and

WHEREAS, the applicant seeks to amend the resolution to permit the alteration to various signage, resulting in a decrease of 28 square feet of total illuminated signage and an increase of 84 square feet of non-illuminated signage.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to §§72-01 and 72-22, said resolution having been adopted December 11, 2001, so that as amended this portion of the resolution shall read: "to permit the alteration to various signage, resulting in a decrease of 28 square feet of total illuminated signage and an increase of 84 square feet of non-illuminated signage, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received September 26, 2002'-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 10, 2002.

38-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Maria Palumbo

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

In Favor: Harold Weinberg.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

178-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Diego Salazar.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 57 Eagle Street/aka 233 Franklin Street, Eagle Street corner of Franklin Street, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

In Favor: Peter Hirshman.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2002.

472-37-BZ, Vol. IV

APPLICANT - Vassalotti Associates, Architects, for 246 Sears Rd Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 14, 2001.

PREMISES AFFECTED - 2765/2773 Cropsey Avenue, southeast corner of 28th Avenue and Cropsey Avenue, Block 6915, Lot 44, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to February

MINUTES

25, 2003, at 10 A.M., for continued hearing.

1207-66-BZ

APPLICANT - H. Irving Sigman, for Young Kil Kwon, owner.

SUBJECT - Application October 10, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 5, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 305 Washington Avenue, a/k/a 321 Dekalb Avenue, northeast corner of Washington and Dekalb Avenue, Block 1918, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: H. Irving Sigman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

467-71-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Oil, Corp., owner.

SUBJECT - Application September 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

106-76-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.

SUBJECT - Application September 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 20, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 129-03 North Conduit Avenue, northeast corner of 129th Street, Block 11863, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Carl A. Sulfaro, Esq.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for continued hearing.

285-85-BZ

APPLICANT - Sheldon Lobel, P.C., for Henry Inselstein, owner.

SUBJECT - Application April 4, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 7, 2000.

PREMISES AFFECTED - 2353-2355 Coney Island Avenue, between Avenue T and Avenue U, Block 7315, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed.

172-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, Llp for Jomar Associates, LLC, NY, owner.

SUBJECT - Application March 27, 2002 - reopening for an extension of term of variance which expired March 31, 2002.

PREMISES AFFECTED - 256-10 Union Turnpike,

MINUTES

southside Union Turnpike, 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

357-86-BZ

APPLICANT - Samuel H. Valencia, for Angelo Mordina, owner; Samuel H. Valencia - Claro de Luna, II, lessee.

SUBJECT - Application July 10, 2002 - reopening for an extension of term of the special permit which expired June 10, 2002.

PREMISES AFFECTED - 76-03 Roosevelt Avenue, north side 25' east of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10 A.M., for continued hearing.

111-94-BZ

APPLICANT - Jay Segal, Esq., Greenberg Traurig, LLP, for 25-02 Eighth Avenue Corp., owner.

SUBJECT - Application March 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of special permit which expired April 5, 2000.

PREMISES AFFECTED - 3543-49 Broadway, northwest intersection of Broadway and West 145th Street, Block 2092, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated March 19, 2002, acting on NB Application No. 401401979, reads:

"Proposed construction of a trash enclosure and parking stalls at the Premises is contrary to GCL Section 35 and therefore relief from the NYC Board of Standards and Appeals is required."; and

WHEREAS, this application is to legalize the trash enclosure and parking stalls already constructed in the bed of the mapped street; and

WHEREAS, by the letter dated April 26, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 27, 2002, the

MINUTES

Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 11, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 29, 2002, Queens Community Board #13 adopted on July 22, 2002 to the approve the application; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated March 19, 2002 acting on N. B. Application No. 401401979, is modified under the power vested in the Board by '35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 10, 2002"-(1) sheet; and that the proposal comply with all applicable C2-1 in R-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 2002

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: Michael T. Sillerman.

For Administration: Lisa Orrantia; Department of Buildings.

ACTION OF THE BOARD - Certificate of Occupancy Modified.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, this is an appeal of an April 17, 2002 Department of Buildings determination declining to seek a

revocation or modification of Certificate of Occupancy Number 107549 issued on July 7, 1995, to adequately reflect the current legal status of the existing building situated on the aforementioned premises; and

WHEREAS, the subject premises is a four-story building which currently houses a retail use on the first floor and mezzanine level, and an illegal Physical Culture Establishment on the second, third and fourth floors located in C2-8A and R8-B zoning districts at the Northeast corner of 85th Street and Third Avenue; and

WHEREAS, the current Certificate of Occupancy allows commercial occupancy on all floors but restricts the first floor to Use Group 6 Retail Sales, the mezzanine level to Mechanical Space and Accessory Office, the second floor to Use Group 9 Dance Studio and offices, and the third and fourth floors to Use Group 6 Offices; and

WHEREAS, the subject premises has been the subject of two prior Board cases filed under Calendar Nos. 34-96-BZ and 119-99-A; and

WHEREAS, under Calendar No. 34-96-BZ, an application initially was sought for a Special Permit to legalize an existing Physical Culture Establishment under Z.R. §73-36; and

WHEREAS, at the time of the initial Physical Culture Establishment (PCE) application, the Board noted that the building as originally built, had a rectangular footprint for the 1st and 2nd floors, with the 3rd and 4th floors having a smaller "L" shaped configuration, with a gap in the building's rear, existing on the 3rd and 4th floors; and

WHEREAS, upon review of the initial application, the Board noted that after a 1974 rezoning, the original building became legally non-complying with regards to commercial floor area, but was well under the limits for residential or community facility floor area; and

WHEREAS, the record indicates that before the initial Board case, Calendar No. 34-96-BZ, the building was enlarged so that the 3rd and 4th floors matched in size to the floors below; and

WHEREAS, the Board noted that as illustrated in the submitted plans by the applicant of record under Calendar No. 34-96-BZ, 2,200 square feet of floor area was added to the building on each of the third and fourth floors, by the addition of an infill at the north side of the building for a total of 4,400 square feet of new floor area; and

WHEREAS, the Board concluded that while the existing commercial floor area in the building was legally non-complying, the additional 4,400 square feet of floor area attained from the infill would have to be used in conformance with the underlying zoning regulations, limiting this space to residential and/or community facility uses; and

WHEREAS, subsequently, the applicant was informed that since the area used for the commercial use exceeded the maximum commercial floor area for the district, as well as expanded upon the already non-complying condition, the building was no longer qualified for the aforementioned Special Permit under Z.R. §73-36; and

WHEREAS, consequently, the applicant then revised

MINUTES

the application to request a variance under Z.R. §72-21; and

WHEREAS, the Board determined that the variance application did not sufficiently meet the requisites of Z.R. §72-21(a) and (b) and on July 18, 2000, the Board denied the variance application, Calendar Number 34-96-BZ; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal was sought to revoke a Department of Buildings Permit which permitted the construction of a rear yard encroachment on the 2nd, 3rd and 4th floors to be used as mechanical space; and

WHEREAS, through the course of hearings and site inspections by the Board, it was discovered that the space which was authorized as mechanical space was in fact being used by the PCE and on April 12, 2000, under Calendar #119-99-A, the Board revoked the Department of Buildings Permit allowing the rear yard structure; and

WHEREAS, the above Board determinations were adjudicated in court, the Board's findings subsequently upheld, and the rear yard structure was subsequently removed; and

WHEREAS, by reconsideration dated August 29, 2000, the Department of Buildings accepted a new proposal by representatives of the PCE for the relocation of the new community facility floor area to the east side of the third and fourth floors, where it could be separated from the subject physical culture establishment; and

WHEREAS, Respondents represent that there is now a total 4,400 square feet of community facility floor area on the third and fourth floors of the building which is the exact amount required to compensate for the infill on the third and fourth floors; and

WHEREAS, the record indicates the subject lot has a total lot area of 10,285 square feet and the westernmost 100 feet of the subject zoning lot is located in a C2-8A zoning district, while the remainder of the parcel is located in a R8B zoning district; and

WHEREAS, prior to 1974, the subject zoning lot was situated in a C4-7 zoning district which allowed for a commercial floor area ratio of 10.0, thus rendering the commercial usage in the building lawful when built; and

WHEREAS, the Board notes that a rezoning does not require buildings to be demolished or reduced in size, but instead, governs the uses that could occupy the building after the rezoning has been enacted; and

WHEREAS, the underlying C2-8A and R8-B split zoning designation has been in effect since 1974 and limits the commercial floor area ratio to 2.0; and

WHEREAS, the total floor area of the current structure is 34,740 square feet, which is significantly below the maximum floor area permitted, but the existing commercial floor area of 30,340 exceeds the maximum commercial floor area allowed by the C2-8A regulations (20,570 square feet); and

WHEREAS, it is not disputed that commercial uses are permitted within the subject building, but whether a discontinuance of a non-conforming use has occurred

under Z.R. §52-61 and whether commercial use of the third and fourth is contrary to current zoning requiring a modification or revocation of Certificate of Occupancy Number 107549 issued on July 7, 1995; and

WHEREAS, Appellants contend that the presence of an illegal occupancy of the PCE precludes the lawful existence of a pre-existing non-conforming use as per Z.R. §52-61; and

WHEREAS, Z.R. §52-61 states that "[i]f, for a continuous period of two years, either the non-conforming use of land with minor improvements is discontinued, or the active operation of substantially all the non-conforming uses in any building or other structure is discontinued, such land or building or other structure shall hereafter be used only for a conforming use; and

WHEREAS, Respondents contend that Appellant's reliance on Z.R. §52-61 is misplaced because this section only applies to non-conforming uses and has no application to non-complying conditions; and

WHEREAS, upon a thorough review of the record and careful examination of the definition of non-conforming uses as outlined in Z.R. §12-10, the Board finds that, with the exception of 4,400 square feet addition after the 1995 Certificate of Occupancy was issued, the Building's excess commercial floor area does not constitute a non-conforming use, but rather a non-complying condition with regard to the commercial floor area as per Z.R. §33-12; and

WHEREAS, Z.R. §12-10 states that a "non-conforming" use is any lawful use whether of a building or other structure or of a tract of land, which does not conform to any one or more of the applicable use regulations of the district in which it is located, either on December 15, 1961 or as a result of any subsequent amendment thereto."; and

WHEREAS, the Board finds that there is no lapse provision for pre-existing, non-complying uses as per §54-11 which states that "The use of a non-complying building or other structure may be continued, except as otherwise provided in this Chapter."; and

WHEREAS, it has also been asserted by Appellants that the Supplementary Use Regulations as outlined in Z.R. §32-42 restrict the non-residential occupancy in the subject building to only two stories; and

WHEREAS, §32-421 states: "Non-residential uses permitted by the applicable district regulations may occupy two stories in any new development in C1-8, C1-9, C2-7 or C2-8 Districts."; and

WHEREAS, however, the Board finds Appellants' assertion to be erroneous in that §12-10 states that "no existing use shall be deemed non-conforming, nor shall a non-conformity be deemed to exist, solely because of any of the following: . . . (c) the existence of conditions in violation of either §§ 32-41 and 32-41."; and

WHEREAS, thus, the Board finds that the contention that a non-conforming condition is created by the use of more than two stories is without merit; and

WHEREAS, while the Board concurs with

MINUTES

Respondent's contention that the subject building is in compliance with Bulk regulations for the underlying zoning district, the Board finds that the current Certificate of Occupancy does not adequately reflect the pre-existing, legally non-compliance of the commercial usage, nor does it sufficiently list the space which must be used in conformance and compliance with the underlying zoning;

WHEREAS, although the Board does not find enough merit to revoke the current Certificate of Occupancy, as the commercial uses listed are permitted, the Certificate of Occupancy must be modified to provide an adequate representation of permitted uses; and

Therefore, it is resolved that the Certificate of Occupancy, No. 107549, issued on July 7, 1995 must be modified for the following conditions to be listed:

"THAT commercial usage in the subject building shall be limited to the pre-existing, legally non-complying 30,340 square feet of area;

THAT any additional floor area other than aforementioned 30,470 square feet and in particular, the 4,400 square foot infill addition, shall be built and used in a compliance and conformance with all underlying zoning regulations."

Adopted by the Board of Standards and Appeals, December 10, 2002.

233-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.

SUBJECT - Application August 19, 2002 - Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated July 17, 2001, acting on ALT 1. Application No. 401472731, reads:

"A1- The existing dwelling to be altered lies within the bed of a mapped street contrary to the General City Law, Article 3, Section 35."; and

WHEREAS, by the letter dated September 4, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 15, 2001, the Department of Transportation has reviewed the above

project and has no objections; and

WHEREAS, by letter dated November 14, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated July 17, 2001, acting on ALT 1. Application No. 401472731, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 19, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 2002.

243-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.

SUBJECT - Application September 9, 2002 - Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 27, 2002, and updated on November 04, 2002 on Alt.1 Application No. 401515366,

MINUTES

reads:

"1. Proposal to enlarge the existing first floor and construct a new second floor in connection with a home which is located in an R4 district but which does not front on a mapped street (Roosevelt Walk) is contrary to Article 3, Section 36 (2) of the General City Law and contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Standards and Appeals for approval."; and

WHEREAS, by the letter dated September 18, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated August 27, 2002 and updated on November 4, 2002 acting on Alt 1. Application No. 401515366, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 9, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department.

Adopted by the Board of Standards and Appeals, December 10, 2002.

246-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. Justin Billows, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor, to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30½ Graham Place, south side, 13.01' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 23, 2002 acting on ALT 1. Application No. 401415241, reads:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, therefore

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B Existing dwelling to be altered does not at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code."; and

WHEREAS, by the letter dated September 25, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated August 23, 2002 acting on ALT 1. Application No. 401415241, is modified under the power vested in the Board by' 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 10, 2002"- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the 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, December 10, 2002.

247-02-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Mr. John Achilleas, lessee.

SUBJECT - Application September 10, 2002 - proposed alteration and the addition of a second floor to an existing one-story, one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Bayside Avenue, south side, 680' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

MINUTES

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated August 27, 2002 acting on ALT 1. Application No. 401425347, reads:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, therefore

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.

B) Existing dwelling to be altered does not at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code."; and

WHEREAS, by the letter dated September 27, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated August 27, 2002 acting on ALT 1. Application No. 401425347, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 10, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the 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, December 10, 2002.

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10:00 A.M., for postponed hearing.

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

MINUTES

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.

45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for continued hearing.

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.

OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Charles L. Walker

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for decision, hearing closed.

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda.

For Administrative: John A. Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10:00 A.M., for decision, hearing closed.

219-02-A thru 221-02-A

APPLICANT - The Agusta Group, for BRK Properties, Inc., owner.

SUBJECT - Applications August 5, 2002 - Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

PREMISES AFFECTED -

107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 43, Borough of Queens.

107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens.

107-78 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens.

APPEARANCES -

For Administrative: Philip P. Agusta

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10:00 A.M., for continued hearing.

235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Leventis Omotade.

For Opposition: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for continued hearing.

MINUTES

251-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joanne Billot, lessee.

SUBJECT - Application September 10, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Prudence DiBello.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2002, at 10:00 A.M., for decision, hearing closed.

252-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Martin & Kathleen Fahy, owners.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Prudence DiBello.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14 10, 2003, at 10:00A.M., for continued hearing.

253-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Leonard & Justin Sica, lessees.

SUBJECT - Application September 17, 2002 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Sections 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement.

PREMISES AFFECTED - 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Prudence DiBello.

For Administration: John Yacovone, Fire Department; Lisa Orrantia, Department.

ACTION OF THE BOARD - Laid over to January 14, 2002, at 10:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director

Adjourned: 11:10 A.M.

MINUTES

REGULAR MEETING

TUESDAY AFTERNOON, DECEMBER 10, 2002
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

ZONING CALENDAR

303-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco, plc,
owner; BP Amoco, plc; lessee.

SUBJECT - Application October 31, 2001 - under Z.R.
§72-21, to permit the proposed construction of an
automotive service station with an accessory convenience
store, Use Group 16, located in a C1-3 zoning district,
which is contrary to Z.R. §32-25.

PREMISES AFFECTED - 756 Myrtle Avenue, between
Nostrand and Marcy Avenues, Block 1754, Lot 7
(previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT-

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated August 31, 2001 acting on
Application No. 301230852 reads:

"Proposed construction of gasoline filling station
(U.G. 16) with accessory 2,900 SF convenience
store not permitted in a C1-3 in R6 Zoning District
and therefore requires BSA approval"; and

WHEREAS, a public hearing was held on this
application on May 7, 2002, after due notice by publication
in The City Record and laid over to July 9, 2002, October
22, 2002, and then to December 10, 2002 for decision; and

WHEREAS, the site and surrounding area had a site
and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice Chairman
Satish Babbar, Commissioner Mitchell Korbey and
Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21,
to permit, in a C1-3/R6 zoning district, the construction and
operation of an automotive service station (Use Group
16B) with an accessory convenience store (Use Group
16E) which is contrary to Z.R. §32-25; and

WHEREAS, Automotive Service stations (Use Group
16B), are permitted as-of-right in C8, M1, M2 and M3
districts and by, special permit in C2, C4, C6, and C7
districts, with accessory uses such as the instant

convenience store classified as a (Use Group 16E) use; and

WHEREAS, the instant proposal will contain 2,900
square feet of floor area, with 1392 square feet containing
a sales area and will provide a solar energy collecting
vehicular canopy over the proposed six (6) multi-product
dispensers ("MPD's); and

WHEREAS, the site is primarily within a C1-3 zoning
district with approximately 4600 square feet in an R6
district, containing approximately 20,000 square feet of lot
area with frontages on Nostrand, Marcy and Myrtle
Avenues; and

WHEREAS, the record indicates that Myrtle Avenue
is a heavily traveled roadway; and

WHEREAS, the proposal provides parking for eight
vehicles at the premises in addition to spaces at the pump
islands, illuminated signage of 96.04 square feet,
non-illuminated signage of 96.10 square feet, a 6-foot high
chain link fence with privacy slats and evergreens that are
six feet high to shield apartment buildings on adjacent lots
within an R6 zoning district; and

WHEREAS, the subject parcel's history of
development indicates that it housed a commercial laundry
facility from the 1960's to the early 1980's, when it was
destroyed by an explosion and fire, and the applicant
represents that the parcel has remained vacant and
undeveloped since that time; and

WHEREAS, the applicant has failed to document
attempts to secure a conforming user, and the size of the lot
indicates that the parcel can house a variety of viable uses;
and

WHEREAS, therefore, the Board finds that the
applicant has failed to satisfy the requirements of Z.R.
§72-21(a)

WHEREAS, evidence in the record, including a
feasibility study and financial analysis demonstrates that a
conforming development could yield a reasonable return;
and

WHEREAS, therefore, the Boards that the application
fails to meet the requirements of Z.R. §72-21(b); and

WHEREAS, while the record indicates that the subject
lot is 50 feet east of an M-1 zoning district where
manufacturing and repair establishments are permitted, the
applicant failed to provide the Board with proposals
containing less-intensive uses; and

WHEREAS, the Board is aware that part a substantial
part of the development is within an R6 zoning district; and

WHEREAS, therefore, the Board finds that the
proposed application, as presented, will alter the essential
character of the surrounding neighborhood, nor impair the
use of development of adjacent properties nor be
detrimental to the public welfare; and

WHEREAS, therefore, the application fails to meet the
requirements of Z.R. §72-21(c),

WHEREAS, the applicant has failed to present
proposals with differing hardships, and therefore, the
Board finds that the variance requested would not be the
minimum variance necessary to afford the owner relief;
and

MINUTES

WHEREAS, therefore, the Board has determined that the application fails to meet the finding required to be made under Z.R. §72-21(e); and

WHEREAS, therefore, the Board finds that the application does not meet the requirements of Z.R. §72-21(a)(b)(c) and (e).

Resolved, that the decision of the Borough Commissioner, dated August 31, 2001 acting on Application No. 301230852 is upheld and this application is denied.

Adopted By the Board of Standards and Appeals December 10, 2002.

322-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2nd Street, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Geis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted By the Board of Standards and Appeals December 10, 2002.

332-01-BZ

APPLICANT - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

SUBJECT - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT-

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated July 13, 2001 and updated November 7, 2001, acting on Alt-1. Application No. 102589110, reads:

"1. Proposed use is a physical culture establishment, which requires a special Permit from the Board of Standards and Appeals pursuant to Zoning Resolution Section 73-36"; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in the City Record, laid over to September 10, 2002, October 22, 2002 and then to December 10, 2002 for decision; and

WHEREAS, this is an application under Z.R. §73-36, to permit partially within a C2-8A zoning district and an R8B zoning district, on a site previously before the Board, the legalization of the use of the second, third and fourth floors of an existing building as a physical culture establishment, which is contrary to Z.R. §32-10; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, R.A., Commissioner Mitchell Korbey, Commissioner Peter Caliendo, former Vice-Chair Paul Bonfilio, R.A., former Chairman Gaston Silva, R.A., former Vice-Chair Robert Flahive, P.E., former Commissioner Cecil P. Joseph, and former Commissioner Rosemary Palladino; and

WHEREAS, the subject premises is a corner zoning lot with approximately 77 feet six inches of frontage on Third Avenue and 125 feet of frontage on East 85th Street; and

WHEREAS, the subject premises is currently improved with a four story and basement commercial building, with a total lot area of 10,285 square feet, currently housing 34,740 square feet of floor area; and

WHEREAS, the subject premises has been the subject of two prior Board cases filed under Calendar Nos. 34-96-BZ and 119-99-A; and

WHEREAS, under Calendar No. 34-96-BZ, the application originally sought a Special Permit to legalize the subject Physical Culture Establishment under Z.R. §73-36; and

WHEREAS, at the time of the initial application, the Board noted that the building originally had a rectangular foot print for the 1st and 2nd floor, with the 3rd and 4th floors having a smaller "L" shaped configuration, with a gap in the building's rear, existing on the 3rd and 4th floor; and

WHEREAS, upon review of the initial application, the

MINUTES

Board noted that the building was non-complying with regards to commercial floor area in its original form, but was well under the limits for residential or community facility floor area; and

WHEREAS, before applying to the Board for the initial case, the applicant enlarged the 3rd and 4th floors to match the size of the floors below; and

WHEREAS, the Board noted that as illustrated in submitted plans by the applicant of record under Calendar No. 34-96-BZ, 2,200 square feet of floor area was added to the building on each the third and fourth floors, by the addition of an infill at the north side of the building for a total of 4,400 square feet of new floor area; and

WHEREAS, in response to the Board's inquiry regarding the infill, the applicant revised the proposal to contain 4,852 square feet of community facility floor area which the applicant contended would compensate for commercial floor area created by the infill; and

WHEREAS, through the course of hearings and site inspections by the Board, it was discovered that contrary to the applicant's representation, the space which was authorized only as Community Facility use was in fact being used by the physical culture establishment; and

WHEREAS, subsequently, the applicant was informed that since the area used for the commercial use exceeded the maximum commercial floor area for the district, as well as expanded upon the already non-complying condition, the site was no longer qualified for the aforementioned Special Permit under Z.R. §73-36; and

WHEREAS, consequently, the applicant then revised the application to request a variance under Z.R. §72-21; and

WHEREAS, upon a thorough review of the record, the Board determined that the variance application did not sufficiently demonstrate a practical difficulty on the site leading to an economic hardship in conforming with the underlying zoning regulations and therefore did not meet the requisites of Z.R. §72-21(a) and (b) and on July 18, 2000, the Board denied the variance application, Calendar Number 34-96-BZ; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal was sought to revoke a Department of Buildings Permit which permitted the construction of a rear yard encroachment on the 2nd, 3rd and 4th floors; and

WHEREAS, evidence in the record indicates that the Building Permit was granted by the Department of Buildings to allow for this extension to be used as mechanical space; and

WHEREAS, similar to Calendar No. 34-96-BZ, through the course of hearings and site inspections by the Board, it was again discovered that contrary to the applicant's representation, the space which was authorized as mechanical space was in fact being used by the physical culture establishment; and

WHEREAS, on April 12, 2000 under Calendar #119-99-A, the Board revoked the Department of Buildings Permit allowing the rear yard structure; and

WHEREAS, the above Board determinations were

adjudicated in court, the Board's findings subsequently upheld, and the rear yard structure was subsequently removed before the instant Special Permit application was heard; and

WHEREAS, by reconsideration dated August 29, 2000, the Department of Buildings accepted a new proposal by the applicant for the relocation of the new community facility floor area to the east side of the third and fourth floors, where it could be separated from the subject physical culture establishment; and

WHEREAS, the applicant's submitted plan labeled "Drawing P/E-2", dated August 20, 2002 shows that there is now a total 4,400 square feet of community facility floor area on the third and fourth floors of the building which is the exact amount required to compensate for the infill on the third and fourth floors; and

WHEREAS, under the instant special permit application, the applicant has proposed to rectify the unlawful enlargement of the Physical Culture Establishment on the third and fourth floors by providing a scheme that purports to separate a community facility tenant from the subject physical culture establishment; and

WHEREAS, the Board finds the applicant's proposal separating the subject physical culture establishment from the community facility space on the third and fourth floors to be impractical because it divides a modest-sized community facility space between the third and fourth floors instead of consolidating the use on one floor, and does not provide a workable layout which establishes a distinct separation between the physical culture establishment space and the community facility space; and

WHEREAS, the Board notes that through the course of 6 years and 3 different Board cases, the applicant has failed to retain a community facility tenant for the community facility space; and

WHEREAS, the Board also notes that the applicant has demonstrated a pattern of misrepresentation with regard to the use of the illegally built space; and

WHEREAS, in 1974, the zoning district in which the subject premises is in was rezoned from C-47 to C2-8A; and

WHEREAS, physical culture establishments are permitted by special permit requiring Board discretion, in C2-8A districts, but zoning regulations restrict their occupancy to the 1st and 2nd floors of the building; and

WHEREAS, the Board, while recognizing that commercial uses are allowed on the 3rd and 4th floors of this site, also finds that the physical culture establishment use on these floors contradict the spirit of the 1974 rezoning which sought to limit the frequency and intensity of new commercial development in this district; and

WHEREAS, therefore, based upon the pattern of misrepresentation by the applicant, the impractical layout proposed, the lack of a community facility tenant, and with consideration to the rezoning by City Planning, it is

Resolved, that the decision of the Borough Commissioner, dated July 13, 2001 and updated November 7, 2001, acting on Alt-1. Application No. 102589110 is

MINUTES

upheld and this application is denied.

Adopted by the Board of Standards and Appeals,
December 10, 2002.

13-02-BZ thru 16-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jacqueline Gigliano.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals,
December 10, 2002.

62-02-BZ thru 64-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jacqueline Gigliano.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals,
December 10, 2002.

26-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Corporation, owner.

SUBJECT - Application January 14, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 7, 2002 acting on Application No. 500459764 reads:

"Legalization and proposed minor changes of existing U.G. 16 Automotive Service Station is contrary to Z.R. 32-25, and therefore must be referred to the BSA.

Proposed extension of existing dispenser island to include addition of multi-product dispenser and extension of term of variance in C1-2 in R3-2 zone is contrary to BSA Cal. # 141-61-BZ must be referred back to the BSA."; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in The City Record and laid over to October 29, 2002, November 19, 2002 and then to December 10, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2

MINUTES

zoning district with a C1-2 overlay zoning district, the legalization of an existing automotive service station (Use Group 16), the removal of center island and the addition, of four multi-product gasoline dispensers, the replacement of three existing 4,000-gallon tanks and a 2,000-gallon tank will be replaced by four 10,000 gallon tanks; and

WHEREAS, the site is located at the northwest corner of Richmond Avenue and Victory Boulevard, has a gross area of approximately 12,496 square feet, with an eastern lot line of approximately 127 feet fronting on Richmond Boulevard and a southern lot line of 94 feet fronting on Victory Boulevard; and

WHEREAS, the record indicates that both Richmond and Victory Boulevards are two-way thoroughfares; and

WHEREAS, the applicant represents that the site has housed, subject to a January 6, 1970 variance, under Calendar # 141-69-BZ, an automotive service station and that although the variance lapsed on April 26, 1998, the uses at the premises have remained unchanged; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that this is a legalization and that the site has housed non-conforming uses for over 30 years; and WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City

Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district with a C1-2 overlay zoning district, the legalization of an existing automotive service station (Use Group 16), the removal of center island and the addition, of four multi-product gasoline dispensers, the replacement of three existing 4,000-gallon tanks and a 2,000-gallon tank will be replaced by four 10,000 gallon tanks, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received October 22, 2002"-(3) sheets, and "November 12, 2002" -(3) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on December 10, 2012:

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 10, 2002.

78-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Allstyn Development, LLC, owner.

SUBJECT - Application March 14, 2002 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an R6B and R5 zoning district, which does not comply with the zoning requirements for side yard, is contrary to Z.R. §23-51.

PREMISES AFFECTED - 104-72 48th Avenue, south side, 90' west of 108th Street, Block 1992, Lot 39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough

MINUTES

Commissioner, dated December 10, 2001, acting on Application No. 401383061, reads:

“Provide 8'-0" side yard along R-5 district boundary as per ZR 23-51 Special Provisions Applying along District Boundaries.”; and

WHEREAS, a public hearing was held on this application on July 23, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, October 1, 2002, November 12, 2002 and then to December 10, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in both an R6B and R5 zoning district, which does not comply with the zoning requirements for a side yard, and is contrary to Z.R. '23-51; and

WHEREAS, the applicant had originally proposed a three-family dwelling, but at the request of the Board, and consideration of the community, the application was revised to a two-family dwelling; and

WHEREAS, the record indicates that the subject premises is an irregularly narrow corner lot, measuring approximately 20' by 100', divided by and R6B/R5 district boundary along the approximate center of the lot, with 10.01 feet of frontage in the R6B district and 9.99 feet of frontage in the R5 district; and

WHEREAS, the proposed two-family dwelling does not provide the required 8 foot side yard required along the westerly lot line, but complies in all other respects with the applicable zoning requirements; and

WHEREAS, the provision of the required 8 foot side would result in a twelve foot wide building, which the applicant contends, and the Board finds to be infeasible to construct; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject lot, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a bulk variance for a two-family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b)

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the surrounding residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by

the owner or a predecessor in title; and

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in both an R6B and R5 zoning district, which does not comply with the zoning requirements for a side yard, and is contrary to Z.R. §23-51, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received, October 17, 2002”-(6) sheets; and on further condition;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, December 10, 2002.

227-02-BZ

APPLICANT - Stanley K. Schlein, Esq., for Beatrice Lemente, owner; 4201 Webster Corp., lessee.

SUBJECT - Application August 9, 2002 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station and an accessory convenience store, located within an R7A zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 527 East 233rd Street, a/k/a 4201 Webster Avenue, bounded by East 233rd Street, Webster Avenue and Peters Place, Block 3395, Lot 80, Borough of The Bronx.

COMMUNITY BOARD #12BX

MINUTES

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 22, 2002 acting on Application No. 200739503 reads:

"Propose one story retail convenience store and metal canopy over pump islands accessory to automotive service station located in a R7A zone is not permitted. Proposed use is contrary to Sec. 22-00 of Z.R."; and

WHEREAS, a public hearing was held on this application on October 8, 2002 after due notice by publication in The City Record and laid over to November 12, 2002, and then to December 10, 2002 for decision; and

WHEREAS, Community Board No. 12 in The Bronx recommended conditional approval of the subject application;

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7A zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Z.R. §22-00; and

WHEREAS, Automotive Service Stations (Use Group 16B), are permitted as-of-right in C8, M1, M2 and M3 districts and by, special permit from the Board of Standards and Appeals in C2, C4, C6, and C7 districts, with accessory uses such as the instant convenience store classified as Use Group 16E uses; and

WHEREAS, the record indicates that the subject site is unique in several respects, including having an irregular shape and limitations on access due to steep topographical conditions in the surrounding area. The site, which contains 19,570 square feet of lot area, is trapezoidal in shape, with 76' of frontage on East 233rd Street, 191' of frontage on Peters Place, 192 feet of frontage on Webster Avenue and a rear lot line of 130'; and

WHEREAS, until 1994, the subject parcel housed a diner with an accessory paved parking lot, but is presently developed with a vacant one-story 3,041 square foot commercial building with an accessory paved parking lot; and

WHEREAS, the applicant represents that due to excavation to level the site, which was part of a hill rising to the north and to the west, the site does not have access onto Peters Place, except at the 233rd Street end; and

WHEREAS, further, at the other frontages, Peters Place rises above the site, at the top of a sheer rock face

that increases in height towards the rear of the property; and

WHEREAS, site's history of development with a prior non-conforming use and evidence in the record indicating that the subject site cannot be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis sufficiently demonstrates that a conforming use in the entire building would not yield a reasonable return; and

WHEREAS, the record indicates that except for its northernmost end, the project site and the remainder of the block were zoned C8-1 until 1996, when the R7A district was mapped; and

WHEREAS, the Board notes that prior to the zoning change, the applicant's proposal would have been permitted as-of-right; and

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R7A zoning district, the construction and operation of a gasoline station with an accessory convenience store which is contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received November 4, 2002"-(1) sheet, and "September 4, 2002" -(2) sheets; and on further condition;

THAT; the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on December 10, 2012;

THAT the proposal shall comply with the fire safety

MINUTES

measures stated on the Proposed Conditions Site Plan (sheet 2 of 6);

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 10, 2002.

270-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Roselyn Zelman, owner.

SUBJECT - Application October 8, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family residence, in an R3-2 zoning district, which creates non-compliance with regards to floor area ratio, open space, rear yard, lot coverage, perimeter wall height and side yard, is contrary to Z.R. §23-141, §23-47 and §23-631. PREMISES AFFECTED - 1649 East 28th Street, between Avenue "P" and Quentin Road, Block 6791, Lot 50, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 14, 2002, acting on ALT Application No. 301395540 reads:

A1. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM 5'-0" REQUIRED ON ONE SIDE.

2. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 OF THAT IT EXCEEDS THE

MAXIMUM PERMITTED FLOOR AREA RATIO OF 50%.

3. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 OF THAT IT EXCEEDS THE MAXIMUM LOT COVERAGE OF 35%.

4. PROPOSED PLANS ARE CONTRARY TO ZR 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED.

5. PROPOSED PLANS ARE CONTRARY TO ZR 23-631 IN THAT IT EXCEEDS THE MAXIMUM PERIMETER WALL HEIGHT OF 21'-0".

6. PROPOSED PLANS ARE CONTRARY TO ZR 23-141 IN THAT IT IS LESS THAN THE MINIMUM REQUIRED OPEN SPACE OF 65%.

7. PROPOSED PLANS ARE CONTRARY TO ZR 23-461 IN THAT THE PROPOSED TOTAL SIDE YARD IS LESS THAN THE MINIMUM 13'-0"."; and

WHEREAS, a public hearing was held on this application on November 12, 2002 after due notice by publication in The City Record, and laid over to December 10, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, rear and side yards, lot coverage, and perimeter wall height and is contrary to Z.R §§23-141, 23-47, 23-461 and 23-631; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, rear and side yards, lot coverage, and perimeter wall height and is contrary to Z.R §§23-141, 23-47, 23-461 and 23-63, on condition that all work shall substantially conform to drawings as they apply to the

MINUTES

objection above-noted, filed with this application marked "Received October 8, 2002"-(3) sheets and "November 19, 2002"-(5) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, December 10, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Doris Diether, Community Board #2; John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2:00 P.M., for deferred decision.

193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002 - under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel and Carl Kruger.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

374-01-BZ & 375-01-BZ

APPLICANT - Agusta & Ross for 399 Broadway Holdings, LLC., owner.

SUBJECT - Application November 30, 2001 - under Z.R. §72-21, to permit the proposed erection of a four story multiple dwelling (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn.

838 Kent Avenue, west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for decision, hearing closed.

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2 P.M., for continued hearing.

MINUTES

71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002- under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Raymond Levin.

For Opposition: Doris Diether, Community Board #2; Walter Chatham, Barry Mallin, Mark Esrig, Josh Simons, Andrew Dreskin, Mark Payne and others.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for decision, hearing closed.

86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6)), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

91-02-BZ

APPLICANT - Sheldon Lobel, P.C., for David Winiarski, owner.

SUBJECT - Application September 11, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story building, with residential uses on the upper floors and community facility use on the first floor, located in an R5 zoning district, which exceeds the permitted residential and community facility floor area ratios, is contrary to Z.R. §24-11 and §23-141.

PREMISES AFFECTED - 3032/42 West 22nd Street, 180'

north of Highland View Avenue, Block 7071, Lot 19 (prev. 19, 29 and 22), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

146-02-BZ

APPLICANT - The Augusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sol Korman.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

165-02-BZ thru 176-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Alison Kaminsky and Stuart Klein.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 2:00 P.M., for continued hearing.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Alison Kaminsky and Stuart Klein.

ACTION OF THE BOARD - Laid over to February 4, 2003, at 2:00 P.M., for continued hearing.

151-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Chris Wrigh.

For Opposition: George Beane and Mark Nowlan.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for decision, hearing closed.

182-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, owner; BP Amoco, plc lessee.

SUBJECT - Application May 30, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16b, located in a C1-2 within an R3-2 and R3-2 zoning district is contrary to §32-25.

PREMISES AFFECTED - 2990 Victory Boulevard, a/k/a 1705 Richmond Avenue, southeast corner, Block 2072, Lot 42, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2:00 P.M., for decision, hearing closed.

201-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paco Page, LLC, owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B, that is located in a C1-1 zone overlay within an R3-1 zoning district, is contrary to a previous variance granted under Cal. No.855-25-BZ and Z.R. §32-25.

PREMISES AFFECTED - 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 and 20, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for decision, hearing closed.

218-02-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. §72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and

MINUTES

is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis

For Opposition: George G. Bissell, Mandy Harris, Brown and Matthew Bernhard.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

7, 2003, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 4:25 P.M.

242-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Helen Fullam, owner.

SUBJECT - Application August 30, 2002 – under Z.R. §72-21 to permit the proposed construction of a two family residence, Use Group 2, located within an R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and has less than the minimum required lot area for a proposed two family occupancy, is contrary to Z.R. §23-222, §23-45, §107-461 and §107-42.

PREMISES AFFECTED - One North Railroad Street, between Burchard Court and Belfield Avenue, Block 6274, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Irving E. Minkin

ACTION OF THE BOARD - Laid over to April 15, 2003, at 2:00 P.M., for continued hearing.

262-02-BZ

APPLICANT - Howard Z. Zipser/Stadtmauer Bailkin, for Maimonides Medical Center, owner.

SUBJECT - Application September 26, 2002 - under Z.R. §72-21 to permit the proposed erection of a nine story (L1+8) building, within the medical center community facility development, located in an R6 and a C1-3 zoning district, which does not comply with the zoning requirements for lot coverage, height and setback, which is contrary to Z.R. §24-522, §33-431 and §24-11.

PREMISES AFFECTED - 4801 Tenth Avenue and 1001/47 49th Street, bounded by Fort Hamilton Parkway, 10th Avenue, between 48th and 49th Streets, Block 5632, Lots 1, 9 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard A. Zipser and Steven Sinacori.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to January

MINUTES

**SPECIAL HEARING
WEDNESDAY MORNING, DECEMBER 11, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

SPECIAL ORDER CALENDAR

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for
GHC NY Corp., owner; West Thirteenth Street
Development, LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-
21 to permit the proposed residential use (34 units) Use
Group 2, to be located in a 32 story mixed use building,
also the use of additional accessory parking, in an M1-5
zoning district, which is contrary to Z.R. §42-00 and §13-
12.

PREMISES AFFECTED - 848 Washington Street, west
side, between Little West 12th and West 13th Streets,
Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard Homstein, Barbara Hair, Gary
Handel, Jack Freeman and Ethan Eldon.

For Opposition: Daryl Cochrane, Congressman Nadler;
Gary Parker, Assemblymember Glick; Carin Mirowitz,
Councilmember Christina Quinn; Peter Pfeffer, Kate
Schmidt, MBPO; Doris Diether, CB#2; Gary Tomei, W
13th Street Block Association; Novac Noury, Phantom of
the Organ; Jo Mailton, Andrew Berman, Daniel Lane,
Robert Wilkins, Mark Tyler, Keith McNelly, Eli Hallwell,
Robert Bookman, David Rabin, Michelle Dell, Nicolas
Matar, James Cooke, Chris Rizzo, Jim Smith, Penelope
Cox, Christabel Gough, Jenifer Roth, Zack Winstine, Mary
O'Connor and Miriam Sarzin.

For Administration: John Scrofani, Fire Department

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to March 25,
2003, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:20 P.M.

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 87, Nos. 51-52

December 26, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	914
CALENDAR of January 28, 2003	
Morning	915
Afternoon	916

CONTENTS

Morning Calendar917

Affecting Calendar Numbers:

109-34-BZ	64-40 Myrtle Avenue, a/k/a 72-02 Cypress Hills Street, Queens
915-46-BZ	40-08 30th Avenue, Queens
554-54-BZ	6201 Avenue U, Brooklyn
764-56-BZ	200-05 Horace Harding Expressway, Queens
798-76-BZ	8 West 86th Street, Manhattan
71-91-BZ	196 Beach 125 th Street, Queens
292-55-BZ	239-15 Jamaica Avenue, Queens
573-55-BZ	17-32/46 Clintonville Street, Queens
838-55-BZ	1866-90 Westchester Avenue, Bronx
763-59-BZ	1764 University Avenue, Bronx
1673-61-BZ	264 Winthrop Street, Brooklyn
352-64-BZ	408-424 East 51st Street, Manhattan
947-80-BZ	154-158 West 18 th Street, Manhattan
543-91-BZ	8605-8613 Fort Hamilton Parkway, Brooklyn
25-95-BZ	2881 Nostrand Avenue, Brooklyn
134-97-BZ	2467 Arthur Avenue, Bronx
122-99-A	91-70 Metropolitan Avenue, Queens

Afternoon Calendar923

Affecting Calendar Numbers:

240-01-BZ	110/20 Church Street, a/k/a 54 Murray Street, a/k/a 33/41 Park Place, Manhattan
360-01-BZ	2228 Gerritsen Avenue, Brooklyn
388-01-BZ	2071 Clove Road, Staten Island
76-02-BZ	265 Stobe Avenue, Staten Island
77-02-BZ	277 Stobe Avenue, Staten Island
106-02-BZ	4502 14th Avenue, a/k/a 1371 46th Street, Brooklyn
112-02-BZ	48 Eldridge Street, Manhattan
119-02-BZ	94 North 13th Street, Brooklyn
124-02-BZ	8000 Utopia Parkway, Queens
142-02-BZ	1070 East 24th Street, Brooklyn
193-02-BZ	488 Morgan Avenue, Brooklyn
239-02-BZ	110 Waverly Place, Manhattan
250-02-BZ	3845 Bedford Avenue, Brooklyn
36-01-BZ	328 Spring Street, a/k/a 489-495 Washington Street, Manhattan
233-01-BZ	537 West 19th Street, Manhattan
263-01-BZ	85/101 North Third Street, Brooklyn
292-01-BZ	69/71 MacDougal Street, Manhattan
324-01-BZ	1077 Bay Street, Staten Island
369-01-BZ	303 Seigel Street, Brooklyn
29-02-BZ	271-17 76th Avenue, Queens
41-02-BZ	124 McLean Avenue, Staten Island
75-02-BZ	460 Union Street, Brooklyn
82-02-BZ	788 Kent Avenue, Brooklyn
87-02-BZ	8401 Flatlands Avenue, Brooklyn
138-02-BZ	4302 Farragut Road, Brooklyn
152-02-BZ	1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), Manhattan
194-02-BZ	1775 South Avenue, Staten Island
280-02-BZ	458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Brooklyn

DOCKET

New Case Filed Up to December 17, 2002

358-02-BZ B.M. 200 Park Avenue, southern blockfront of East 45th Street, between Vanderbilt Avenue and Depew Place, Block 1280, Lot 10, Borough of Manhattan. Alt. #103320522. Proposed physical culture establishment, on portions of the first and second floors, in a multi-story commercial, retail and office building, located in a C5-3 (MiD) zoning district, which requires a special permit as per §32-10.

COMMUNITY BOARD #5M

359-02-BZ B.M. 53/55 Beach Street, northwest corner of Collister Street, Block 214, Lot 1, Borough of Manhattan. Applic. #103314922. Proposed private school, Use Group 3, located in an M1-5 zoning district, which requires a special permit as per Z.R. §42-31.

COMMUNITY BOARD #1M

360-02-BZ B.BK. 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn. Applic. #301395078. Proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

361-02-BZ B.BK. 214 25th Street, between Fourth and Fifth Avenues, Block 655, Lot 13, Borough of Brooklyn. Applic. #301177991. Proposed renovation and conversion of an existing factory building, to create 15 unit loft type apartments, with five parking spaces in the mews, a gardened courtyard, and the addition of floor area to the center of the front structure, which does not meet the zoning requirements for rear lot line, parking, height and setback, is contrary to Z.R. §42-00, §43-61(d), §43-61(c) and §44-27.

COMMUNITY BOARD #7BK

362-02-BZ B.BK. 4211 Ocean Avenue, east side, 52'-6" north of Oriental Boulevard, Block 8748, Lot 209, Borough of Brooklyn. Applic. #301477293. Proposed erection of a rear enlargement at the second floor level of an existing two-story, single family dwelling,

which is non-compliant with the requirements for floor area ratio, open space ratio, and lot coverage under the Zoning Resolution, and which is contrary to Z.R. §23-141 and §54-31.

COMMUNITY BOARD #15BK

363-02-BZ B.BK. 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn. Applic. #300088819. Proposed extension of Use Group 4, medical office use and occupancy, on the second floor of a new basement and two story community facility, is not permitted as per Z.R. §22-14.

COMMUNITY BOARD #18BK

364-02-BZ B.BK. 142 West Ninth Street, southeast corner of Hamilton Avenue, Block 382, Lot 16, Borough of Brooklyn. Applic. #301410863. Proposed five story mixed use building, with retail /or office use on the ground floor, which does not comply with the zoning requirements for floor area ratio, open space and commercial use in an R-6 zoning district, is contrary to Z.R. §22-10 and §23-142.

COMMUNITY BOARD #6BK

365-02-BZ B.BK. 4306 Third Avenue, north side, 22' west of 43rd Street, Block 727, Lot 41, Borough of Brooklyn. Alt.1 #301329220. Proposed vertical enlargement of an vacant former mixed use multiple dwelling, for proposed office and showroom, located in an M1-2 zoning district, which does not comply with the zoning requirements for floor area and rear yard, is contrary to Z.R. §43-12 and §43-26.

COMMUNITY BOARD #7BK

DESIGNATIONS: D-Department of Buildings; B.BK.- Department of Buildings, Brooklyn; B.M.- Department of Buildings, Manhattan; B.Q.- Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.- Fire Department.

CALENDAR

JANUARY 28, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 28, 2003, at 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

256-82-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Clove Road Company, owner.

SUBJECT - Application October 22, 2002 - reopening for an extension of term of variance which expired November 23, 2002.

PREMISES AFFECTED - 1293 Clove Road, East side of Clove Road, southeast of Glenwood Avenue, Block 605, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1SI

55-95-BZ

APPLICANT - Joseph P. Morsellino, for Walter Grabher, owner; Keefer Realty, lessee.

SUBJECT - Application August 30, 2002 - request for waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 121-02/10 22nd Avenue, Intersection of 22nd Avenue and 121st Street, Block 4197, Lot 15, Borough of Queens.

COMMUNITY BOARD #7Q

58-99-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application September 10, 2002 - request for a waiver of the Rules of Practice and procedure, reopening for an extension of time to obtain a certificate of occupancy which expired October 26, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 18-10 Utopia Parkway, northwest corner of 19th Avenue and Utopia Parkway, Block 5743, Lot 75, Borough of Queens.

COMMUNITY BOARD #7Q

15-01-BZ

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application December 4, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side 68' south of South 4th Street, Block 2441, Lots 4, 104 & 107 (Tentative 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEALS CALENDAR

332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

COMMUNITY BOARD #1SI

345-02-A

APPLICANT - The Agusta Group, for D.S.B. Construction, LLC, owner.

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 85-72 159th Street, northeast corner of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

JANUARY 28, 2003, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 28, 2003, at 2:00 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

38-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maria Palumbo, owner.

SUBJECT - Application January 25, 2002 - under Z.R. § 73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

CALENDAR

COMMUNITY BOARD #10BK

183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

PREMISES AFFECTED - 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx.

COMMUNITY BOARD #7BX

257-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Outreach Development Corp., owner.

SUBJECT - Application September 23, 2002 - under Z.R. §72-21 to permit the proposed incorporation of an existing vacant building into the existing development (previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens.

COMMUNITY BOARD #5Q

325-02-BZ

APPLICANT - Harold Weinberg, P.E., for Moshe Binik, owner.

SUBJECT - Application October 31, 2002 - under Z.R. §73-36 to permit the proposed conversion of a former supermarket, into a physical culture establishment, which requires a special permit.

PREMISES AFFECTED - 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn.

COMMUNITY BOARD #12BK

195-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for McDonald's Corp, owner; Laurino Enterprises, lessee.

SUBJECT - Application June 12, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21, Borough of Brooklyn

COMMUNITY BOARD #5BK

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

347-02-BZ

APPLICANT - Kramer Levin Maftalis & Frankel, LLP, for The Pierpont Morgan Library, owner.

SUBJECT - Application November 22, 2002 - under Z.R. §72-21 to permit the proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan.

COMMUNITY BOARD #6M

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, DECEMBER 17, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

SPECIAL ORDER CALENDAR

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.

SUBJECT - Application August 6, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Avenue, a/k/a 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 7, 2002, acting on Application No. 401223868 states:

“Proposal to erect new one story enlargement at the rear of the accessor (sic) building is contrary to Section 32-35 ZR for a gasoline service station located within C1 zoning district as is inconsistent with the resolution adopted by the Board of Standards and Appeals under Cal No. 109-34-BZ”; and

WHEREAS, the applicant has requested a reopening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on October 1, 2002, and laid over to December 17, 2002 for decision; and

WHEREAS, the subject premises is a gasoline service station that is presently under renovation pursuant to the last Board action of October 30, 2001, which permitted the erection of a metal canopy over a new fuel dispensing area, the rehabilitation of an accessory building for use as a convenience store, two bays used for the repair of motor vehicles, accessory parking for cars awaiting service, and the enlargement of a one-story 8' by 17' enlargement for use as an office and bath; and

WHEREAS, the October 30, 2001 amendment also

removed a car washing bay that had been approved in 1993; and

WHEREAS, the applicant now seeks to amend the resolution by replacing all space designated for motor vehicle repair with space for the convenience store; and

WHEREAS, the applicant's proposal erects a one-story enlargement at the rear of the building measuring approximately 975 square feet for use as a convenience store; and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution Section §11-412, said resolution having been adopted November 20, 1951 as amended though October 30, 2001, so that as amended this portion of the resolution shall read: “to permit the erection of a new one-story enlargement at the rear of the existing building for use as an accessory convenience store and to allow the elimination of all space designated for motor vehicle repair, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received November 12, 2002”-(5) sheets and “December 6, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti identified on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002.

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

SUBJECT - Application March 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

MINUTES

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2002, acting on Application No. 401399624 states:

“Proposed one- story vertical enlargement to the existing accessory building for use as a convenience store at a gasoline service station located within a C1-2 within an R-5 zoning district as indicated on zoning map #9a together with a rearrangement of the gasoline pump islands and pump and overhead metal canopies is contrary to BSA Cal. No. 915-46-BZ and is hereby denied.”; and

WHEREAS, Community Board #1, Queens, recommends, conditional approval of this application; and

WHEREAS, the applicant has requested a reopening and an amendment to the resolution to permit a one-story vertical enlargement to an existing vertical enlargement to an existing masonry building and the change in use from motor vehicle servicing to an accessory convenience store, in addition, to approve site changes to eliminate the planting areas, new signs and a rearrangement of the gasoline pump islands and pumps with two metal canopies above the dispensing area; and

WHEREAS, a public hearing was held on this application on July 16, 2002, and laid over to December 17, 2002 for decision. and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution §11-412, said resolution having been adopted May 27, 1947 as amended through June 23, 1970, so that as amended this portion of the resolution shall read:

“to permit the erection of a new one-story 802 square foot vertical enlargement and change the use of the accessory building from automobile repair establishment to an accessory convenience store and to allow the erection of new signage and the erection of two free-standing metal canopies over the fuel dispensing areas, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received March 14, 2002”-(6) sheets and November 12, 2002”-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT automobiles shall not park on the sidewalk;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti identified on the premises shall be removed within 48 hours;

THAT the above condition shall appear on the

Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002

554-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Mill Basin Service Center, Inc., owner.

SUBJECT - Application August 26, 2002 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired December 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 13, 2002, acting on Application No. 300982088 states:

“Proposed changes in previously approved signage and extension of time to obtain a Certificate of Occupancy is contrary to BSA Calendar Number 554-54-BZ and therefore must be referred to the Board of Standards and Appeals”; and

WHEREAS, the applicant has requested a reopening and an amendment to the resolution issued June 27, 2001 pursuant to sections 72-01 and 72-22 of the Zoning Resolution, to alter various signs, extend the time to Complete Construction and extend the time to obtain a Certificate of Occupancy, which expires on December 27, 2002; and

WHEREAS, a public hearing was held on this application on November 26, 2002, and laid over to December 17, 2002 for decision; and

WHEREAS, the instant proposal seeks to increase the illuminated signage by 47 square feet and the non-illuminated signage by 46 square feet; and

MINUTES

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution Section §72-01 and 72-22, said resolution having been adopted April 19, 1955 as amended though June 27, 2001, so that as amended this portion of the resolution shall read: “to permit an increase in the illuminated signage by 47 square feet to 139.69 square feet and the non-illuminated signage by 46 square feet to 98.67 square feet and to extend the time to obtain a Certificate of Occupancy to 18 months from December 27, 2002 *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received August 26, 2002”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT automobiles shall not park on the sidewalk;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti identified on the premises shall be removed within 48 hours;

THAT the above condition shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002

764-56-BZ

APPLICANT - Alfonso Duarte, P.E., for Barney’s Service Station, Inc., owner.

SUBJECT - Application June 3, 2002 - reopening for an extension of term of variance which expired October 21, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 200-05 Horace Harding Expressway, north side between Hollis Court Boulevard and 201st Street, Block 7451, Lot 32, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Alfonso Duarte, P.E.

ACTION OF THE BOARD - Application reopened, term of variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 5, 2002 and amended May 3, 2002, acting on Application No. 401391132 states:

“1. Proposed extension of term of variance contrary to CAL. 764-56-BZ.

2. Proposed sale of used cars contrary to CAL. 764-56-BZ”; and

WHEREAS, the applicant has requested a reopening an extension of the term of the variance and an amendment to the resolution pursuant to sections 11-411 and 11-413 of the Zoning Resolution, to permit a ten (10) year continuation of the term of the variance for a gasoline service station (U.G.16B) and to amend the resolution to include the sale of used automobiles (U.G. 16A); and

WHEREAS, a public hearing was held on this application on October 29, 2002, and laid over to December 17, 2002 for decision.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Zoning Resolution §§11-411 and 11-413, said resolution having been adopted October 22, 1957 as amended though July 13, 1993, expiring October 22, 2002, so that as amended this portion of the resolution shall read: “to extend the term of the variance for an additional ten (10) years from October 22, 2002 expiring October 22, 2012 and to permit the sale of used automobiles, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received June 3, 2002”-(2) sheets, “November 18, 2002”-(2) sheets, and “December 3, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT there shall be no parking of automobiles on the sidewalks;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti identified on the premises shall be removed within 48 hours;

THAT signage shall be provided in accordance with BSA approved plans

THAT the above condition shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002.

MINUTES

798-76-BZ

APPLICANT - Sheldon Lobel, P.C., for Harold M. Zweighaft, owner.

SUBJECT - Application October 11, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expired September 12, 2002.

PREMISES AFFECTED - 8 West 86th Street, south side of 86th Street, 150' west of Central Park West, Block 1199, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened, and time to obtain Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on September 12, 2002; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in *The City Record*, and laid over to December 17, 2002 for decision; and

WHEREAS, on July 23, 1963 Calendar 305-63-A, the Board granted an application under Section 310 of the Multiple Dwelling Law for a variance of Section 177, and Section 34 subd. 6. of the Multiple Law re-cellar apartments, and on June 7, 1977, under the instant Calendar Number granted a variance permitting in an R10 district, in an existing four story multiple dwelling, the conversion of the first floor from an apartment to a veterinarian's establishment..

Resolved, that the Board of Standards and Appeals reopens and amends the resolution to extend the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“THAT a new Certificate of Occupancy shall be obtained within twenty-four (24) months from the date of this grant; on further condition

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002

71-91-BZ

APPLICANT - Sheldon Lobel, P.C., for Belle Harbor Washington Hotel Inc., owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 196 Beach 125th Street, southeast corner of Rockaway Beach Boulevard and Beach 125th Street, Block 16234, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened for an extension of the term of the variance and an amendment to the resolution.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening for an extension of the term of the variance and an amendment to the resolution pursuant to '72-01; and

WHEREAS, a public hearing was held on this application on November 26, 2002, after due notice by publication in *The City Record*, and laid over to December 17, 2002 for decision; and

WHEREAS, on November 28, 1961 under Calendar Number 1169-61-BZ, for a term of 25 years, the Board granted a conditional variance permitting, the erection of a one-story and basement extension to an existing three-story and basement hotel, an enlargement to the existing dining room, a reception room and a public catering hall with accompanying business sign, and under Calendar Number 1170-61-A permitted an extension to a frame dwelling contrary to the Multiple Dwelling Law; and

WHEREAS, on September 9, 1992 under the instant calendar number the Board permitted in an R4A zoning district, the reinstatement of an expired variance that allowed a one-story enlargement to an existing hotel (Use Group 5), housing a dining room, a catering hall (Use Group 9) and the legalization of an accessory parking lot.

Resolved, that the Board of Standards and Appeals hereby reopens and amends the resolution pursuant to Zoning Resolution '72-01, said resolution having been adopted September 9, 1992 expiring September 9, 2002 so that as amended this portion of the resolution shall read: “to permit a ten (10) year extension to the term of the variance expiring September 9, 2012 and to approve layout changes illustrated in the drawings below,” *on condition*:

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received May 30, 2002”-(6) sheets, and “October 8, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the above condition shall appear on the Certificate of Occupancy;

MINUTES

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted. @

Adopted by the Board of Standards and Appeals, December 17, 2002

292-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10:00 A.M., for continued hearing.

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.

SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD - Laid over to February 11, 2003, at 10:00 A.M., for continued hearing.

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD - Laid over to January 28, 2003, at 10:00 A.M., for continued hearing.

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for decision, hearing closed..

1673-61-BZ

APPLICANT - Victoria St. Clair, for Victoria St. Clair, owner.

SUBJECT - Application August 16, 2002 - reopening for an extension of term of variance which expired October 25, 2002.

PREMISES AFFECTED - 264 Winthrop Street, south side 252'.6" West of Nostrand Avenue, Block 5050, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #9BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to January 7, 2003, at 10:00 A.M., for decision, hearing closed.

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

ACTION OF THE BOARD - Laid over to February 4, 2003, at 10:00 A.M., for continued hearing.

MINUTES

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.

SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD - Laid over to March 4, 2003, at 10:00 A.M., for continued hearing.

543-91-BZ

APPLICANT - Fredrick A. Becker, Esq., for Barbara Salamy and Fredric Kalesh, owner; P.C. Richards and Sons, lessee.

SUBJECT - Application July 17, 2002 - reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 8605-8613 Fort Hamilton Parkway, east side of Fort Hamilton Parkway, 67.5" south of 86th Street, Block 6053, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #10BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for decision, hearing closed.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph Packman, owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired June 11, 2001.

PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand Avenue and Marine Parkway, Block 7691, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10 A.M., for decision, hearing closed..

134-97-BZ

APPLICANT - John A. Lentini, for Thersa Garofalo, owner; Rivoli Fuel Oil Co., Inc, lessee.

SUBJECT - Application October 17, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 2467 Arthur Avenue, west side

of Arthur Avenue, 115.01' south of E. 189th Street, Block 3066, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #6BX

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to January 14, 2003, at 10:00 A.M., for decision, hearing closed.

APPEALS CALENDAR**122-99-A**

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.

COMMUNITY BOARD #6Q

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to May 6, 2003, at 11:00 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 11:10 A.M.

MINUTES

REGULAR MEETING

TUESDAY AFTERNOON, DECEMBER 17, 2002
2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.

ZONING CALENDAR

240-01-BZ

CEQR #02-BSA-008M

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110
Development LLC, owner; Equinox Tribeca Inc., lessee.

SUBJECT - Application July 18, 2001 - under Z.R. §73-
36, to permit within a C6-4(LM) zoning district the
establishment of a physical culture establishment, located
in portions of the first floor, and second floor level, in an
existing mixed use structure.

PREMISES AFFECTED - 110/20 Church Street, a/k/a 54
Murray Street, a/k/a 33/41 Park Place, southwest corner,
Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough
Commissioner, dated June 28, 2001 acting on Application
No. 102896494 reads:

“Proposed physical cultural establishment in
portions of the first and second floor of the
existing building, in a C6-4 (LMM) zoning
district, requires a special permit from the Board
of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this
application on September 24, 2002 after due notice by
publication in The City Record and laid over to November
19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the site and surrounding area had a site
and neighborhood examination by a committee of the
Board consisting of Chairman James Chin, Vice-Chair
Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, Community Board #1, Manhattan
recommends approval of this application; and

WHEREAS, the subject premises is an oversized
corner lot, currently consisting of two buildings, to be
combined into a single building and zoning lot as part of a
rehabilitation and change in use of the subject premises;

and

WHEREAS, the zoning lot has a total square footage
of 32, 921 sq. ft, with 127 feet of frontage on Park Place,
165 feet frontage on Church Street and 286.5ft. frontage on
Murray street, and is currently improved with two
buildings, one which is 21-stories and one which is 16-
stories buildings, presently being converted from offices to
residential, with retail stores at street level; and

WHEREAS, this is an application under Z.R. §§73-03
and 73-36 to permit, within a C6-4(LM) zoning district the
proposed use of the first and second floor of an existing
mixed-use building on Lot #27 as an Equinox physical
culture establishment; and

WHEREAS, the first floor of the subject physical
culture establishment will include the main entrance to the
facility, retail area, and administrative offices and will have
a total of 3,197 square feet of floor area; and

WHEREAS, the second floor will consist of 31,147
square feet of area, which will be utilized for locker rooms,
exercise studios and equipment and related accessory
facilities; and

WHEREAS, the applicant notes that the subject
facility will be equipped with centrally monitored fire
alarm and wet sprinkler systems throughout with both
systems connected to a Fire Department approved Central
Station; and

WHEREAS, the applicant represents that the subject
physical culture establishment complies with the
accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours
of operation to: Monday thru Thursday 5:30 A.M. to 11:00
P.M., Friday 6:00 A.M. to 10:00P.M. and Saturday and
Sunday 8:00 A.M. to 9:00 P.M.; and

WHEREAS, the record indicates that the proposed use
will not contain any potential hazards that impact on the
privacy, quiet, light, and air to residential uses; and

WHEREAS, the Board finds that the proposed use will
not alter the essential character of the surrounding
neighborhood nor will it impair the future use and
development of the surrounding area; and

WHEREAS, the proposed project will not interfere
with any pending public improvement project; and

WHEREAS, the Department of Investigation has
performed a background check on the corporate owner and
operator of the establishment and the principals of the
owner and operator of such facility and issued a report
which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the
evidence in the record supports the findings required to be
made under Z.R. §§73-03 and 73-36; and

WHEREAS, the Board has conducted an
environmental review of the proposed action and has
carefully considered all relevant areas of environmental
concern; and

WHEREAS, the evidence demonstrates no
foreseeable significant environmental impacts that would
require the preparation of an Environmental Impact
Statement; and

MINUTES

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under Z.R. §§73-03 and 73-36 to permit, within a C6-4(LM) zoning district the establishment of a physical culture establishment, located in portions of the first floor, and second floor level, in an existing mixed use structure, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 22, 2002" - (3) sheets; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, to expire on December 17, 2012:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT fire protection measures, including an automatic wet-sprinkler and a Fire Alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to Monday thru Thursday, 5:30 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 8:00 A.M. to 9:00 P.M.;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

360-01-BZ

CEQR #02-BSA-068K

APPLICANT - Carl A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 and 73-212, to permit on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2001 acting on Application No. 301239513 reads:

"1. Proposed extension of a Gasoline Service Station Use Group 16 located in a C2-2 in a R4 district is contrary to Section 32-00 of the Zoning Resolution. Previously approved by the Board of Standards and Appeals under 249-29-BZ"; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in The City Record, and laid over to July 9, 2002, August 13, 2002, October 8, 2002, and November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning District, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00; and

WHEREAS, under Calendar Number 249-29-BZ, in 1950, subject premises was developed with a one-story brick office and repair shop with an open area for the sale of gasoline fuels with accessory parking for vehicles

MINUTES

awaiting service, housed entirely within lot 10, an amendment to the resolution permitted the erection and maintenance of an automatic car wash operation in conjunction with the automotive service station; and

WHEREAS, in 1990, the application was again amended to permit, an enlargement of the auto repair portion and the relocation of fuel dispensing area to the Avenue "U" frontage providing a small metal canopy above the fuel dispensing area; and

WHEREAS, the instant application meets the findings of Z.R. §73-211 because the existing lot are of 29,138 square feet, exceeds the minimum lot area of 7,500 square feet, required under Z.R. §73-211(a), contains frontages along Gerritsen Avenue, Knapp Street and Avenue "U", which the Board notes are heavy traffic streets, thus meeting the requirement of Z.R. §73-211(b), that lots exceeding 15,000 square feet be located on arterial highways or major streets; and

WHEREAS, the instant proposal provides facilities for lubrication, minor repairs, car washing, all located within completely enclosed buildings, and designed with entrances and exits allowing easy access to the service buildings and pumps minimizing obstructions of streets and sidewalks; and

WHEREAS, the applicant provides signage that is limited to accessory, non-flashing business signs; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 5 vehicles; and

WHEREAS, the side lot line for lot 14 will be screened by an existing concrete and brick wall that is approximately 6 feet high and 8" thick, where the site adjoins residential uses; and

WHEREAS, similarly, the rear lot line for lot 10, located at the rear of the automatic car wash facility will be screened from the adjoining residential district by an existing 5'-6" high chain link fence with 100% privacy slats; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211, 73-212 and 73-03; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality

Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2 /R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received December 6, 2002"-(1) sheet and "Received November 4, 2002"-(6) sheets; and on further condition;

THAT the hours of operation for the car wash and the automobile repair shall be limited to 8:00 A.M. to 6:00 P.M. Monday through Saturday and 8:00 A.M. to 1:00 P.M. Sunday

THAT landscaping be provided and maintained in accordance with BSA-approved plans;

THAT there shall be no used car sales on the premises;

THAT there shall be no parking of cars on the sidewalk at any time;

THAT there shall be no automobile vacuums on the premises;

THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring December 17, 2012;

THAT construction shall be completed in accordance with Z.R. §73-70; and

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

Adopted by the Board of Standards and Appeals, December 17, 2002.

388-01-BZ

CEQR #02-BSA-093R

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit within a C8-1 zoning district the legalization of an existing physical culture establishment, located in portions of the first floor, and mezzanine level,

MINUTES

in an existing 2-story, 30,000 square foot commercial structure, occupied by several tenants.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 15, 2001 acting on Application No. 500496368 reads:

“A PHYSICAL CULTURE ESTABLISHMENT IS CONTRARY TO SECTION 73-36 OF THE ZONING RESOLUTION. THEREFORE, A SPECIAL PERMIT IS REQUIRED FROM THE NYC BOARD OF STANDARDS AND APPEALS.”

WHEREAS, a public hearing was held on this application on June 18, 2002 after due notice by publication in The City Record and laid over to August 6, 2002, September 24, 2002 and then to for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, Community Board #2, Staten Island recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§73-03 and 73-36 to permit, within a C8-1 zoning district the legalization of an existing physical culture establishment, located in portions of the first floor, and mezzanine level, in an existing 2-story, 30,000 square foot commercial structure, occupied by several tenants; and

WHEREAS, the subject physical culture establishment occupies approximately 7,152.75 square feet at the first floor level, housing, a reception area, offices, men’s and women’s lavatory, an aerobics room, weight training and equipment area; and

WHEREAS, the mezzanine level contains approximately 1,708 square feet, housing a stationary bike area, medical and training offices, and a child care area; and

WHEREAS, the applicant notes that the subject facility is equipped with an automatic wet sprinkler system and a Fire Alarm system with both systems connected to a Fire Department approved Central Station; and

WHEREAS, the applicant represents that the subject physical culture establishment complies with the accessibility mandates of Local Law 58/87; and

WHEREAS, the applicant proposes to limit the hours

of operation to: Monday thru Friday 5:30 A.M. to 11:00 P.M., Saturday and Sunday 7:30 A.M. to 6:30 P.M.; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

WHEREAS, in response to Board concerns, that a sign was being used to advertise businesses outside of the subject lot, the applicant submitted documentation and testimony indicating that the subject billboard is vacant, and the applicant also submitted an affidavit declaring that the billboard will only be used as a business sign for uses on the subject lot; and

WHEREAS, the Board finds that the proposed use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals of the owner and operator of such facility and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-03 and 73-36 to permit, within a C8-1 zoning district the legalization of an existing physical culture establishment, located in portions of the first floor, and mezzanine level, in an existing 2-story, 30,000 square foot commercial structure, occupied by several tenants, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received April 9, 2002”-(2) sheets, “August 6, 2002”-(1) sheet, and “September 10, 2002”-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from May 9, 1997, to expire on May 9, 2007:

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any

MINUTES

equipment or obstructions at all times;

THAT all massages will all be performed by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

THAT the billboard will only be used as a business sign for uses on the subject lot;

THAT, fire protection measures, including an automatic wet-sprinkler and a fire alarm system throughout the subject premises, with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT the hours of operation shall be limited to: Monday thru Friday 5:30 A.M. to 11:00 P.M., Saturday and Sunday 7:30 A.M. to 6:30 P.M.;

THAT there shall be no advertising signs on the subject lot;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two years of the date of this resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

76-02-BZ

CEQR #02-BSA-150R

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Gary Angiuli, owner.

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit in an R3-2 zoning district, an open auto sales establishment which would be accessory to an existing automobile sales establishment which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 265 Stobe Avenue, southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Application No. 500509684 reads:

“PROPOSED USE OF PROPERTY FOR ADDITIONAL OUTDOOR AUTO SALES ACCESSORY TO THE EXISTING AUTO SALES LOCATED AT 1976 HYLAN BOULEVARD CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on October 8, 2002, after due notice by publication in The City Record and laid over to November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the Board notes that the subject variance this application was filed and heard in conjunction with a companion case under Calendar Number 77-02-BZ, an application under §72-21 requesting an accessory parking facility to an existing auto sales establishment located at 1976 Hylan Boulevard; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-2 zoning district, an open auto sales establishment which would be accessory to an existing automobile sales establishment which is contrary to Z.R. §22-10; and

WHEREAS, the site is a corner lot with frontages on Hylan Boulevard and Stobe Avenue with commercial developments to its north and west and vacant parcels on its east and south; and

WHEREAS, however, approximately half of the subject site is entirely within mapped wetlands with the remainder of the parcel within a wetlands adjacent area; and

WHEREAS, the applicant contends that although the subject lot is approximately 7,900 square feet, no as-of-right developments are possible because residential developments within wetlands adjacent areas must be substantially buffered in order to obtain approval from the Department of Environmental Conservation; and

WHEREAS, the Board notes that Hylan Boulevard is a heavily traveled commercial roadway mapped and opened to its full width of a 100 feet; and

MINUTES

WHEREAS, the applicant has documented due to the size of the lot the subject parcel can not accommodate a conforming R3-2 user; and

WHEREAS, therefore, the Board finds that the site's unique physical location, its proximity to the Wetlands, its history of development with a commercial automotive retail use, creates an undue hardship in developing the site with a conforming residential development; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis demonstrates that a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the proposed parking of cars at the site would not be an introduction of a new commercial use in a residential district because the site houses an existing auto sales establishment at 1976 Hylan Boulevard; and

WHEREAS, the Board has informed the applicant, that this approval is conditioned on application obtaining approval from the Department of Environmental Conservation (DEC); and

WHEREAS, therefore, the Board finds that the proposed application, will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to afford relief; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R3-2 zoning district, an open auto sales establishment which would be accessory to an existing automobile sales establishment which is contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2002"- (1) sheet, and "July 11, 2002"- (2) sheets; and on further condition;

THAT; the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on December 17, 2012;

THAT the applicant obtain approval from the Department of Environmental Conservation (DEC);

THAT the above conditions shall be noted in the

Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

77-02-BZ CEQR #02-BSA-151R

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Gary Angiuli, owner.

SUBJECT - Applications March 12, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, accessory to an existing auto sales establishment, Use Group 16, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 277 Stobe Avenue, northeast corner of Boundary Avenue, Block 3664, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 26, 2002 acting on Application No. 500509675 reads:

"PROPOSED ACCESSORY EMPLOYEE PARKING WITHIN A RESIDENTIAL (R3-2) ZONE CONTRARY TO SECTION 22-10 OF THE ZONING RESOLUTION."; and

MINUTES

WHEREAS, a public hearing was held on this application on October 8, 2002, after due notice by publication in The City Record and laid over to November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the Board notes that the subject variance this application was filed and heard in conjunction with a companion case under Calendar Number 76-02-BZ, an application under §72-21, seeking an open auto sales establishment accessory to an existing auto sales establishment located at 1976 Hylan Boulevard; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-2 zoning district, an accessory parking facility to an existing automobile sales establishment, which is contrary to Z.R. §22-10; and

WHEREAS, the record indicates that the subject lot is an irregularly shaped, undersized corner lot with frontages on Stobe Avenue and Boundary Avenue, with commercial developments to its north and west; and

WHEREAS, the applicant represents that the subject site is entirely within mapped wetlands adjacent area; and

WHEREAS, the applicant contends that no as-of-right developments are possible because residential developments within wetlands adjacent areas must be substantially buffered in order to obtain approval from the Department of Environmental conservation; and

WHEREAS, the applicant has documented due to the size of the lot the subject parcel can not accommodate a conforming R3-2 user; and

WHEREAS, therefore, the Board finds that the site's unique physical conditions, namely it's irregular shape, small size, and its proximity to the Wetlands, create an undue hardship in developing the site with a conforming residential development; and

WHEREAS, evidence in the record, including a feasibility study and financial analysis demonstrates that a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the proposed parking of cars at the site would not be an introduction of a new commercial use in a residential district because the existent adjacent parking lots; and

WHEREAS, the Board has informed the applicant, that this approval is conditioned on application obtaining approval from the Department of Environmental Conservation (DEC); and

WHEREAS, therefore, the Board finds that the proposed application, will not alter the essential character of the surrounding neighborhood, nor impair the use of development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that

this proposal, is the minimum necessary to afford relief; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R3-2 zoning district, an accessory parking facility to an existing automobile sales establishment, which is contrary to Z.R. §22-10, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2002"-(1) sheet, and "July 11, 2002"-(1) sheet; and on further condition;

THAT; the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on December 17, 2012;

THAT the applicant obtain approval from the Department of Environmental Conservation (DEC);

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

106-02-BZ

CEQR #02-BSA-174K

APPLICANT - Sheldon Lobel, P.C., for Beth Jacob of Boro Park, Inc., owner.

SUBJECT - Application April 3, 2002 - under Z.R. §72-21, to permit in an R6 zoning district, the proposed enlargement of an existing childcare facility and yeshiva, (Use Groups 3 and 4) which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31.

PREMISES AFFECTED - 4502 14th Avenue, a/k/a 1371

MINUTES

46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteierman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 8, 2002 acting on ALT. Application No. 301161515, reads;

“Obtain approval from Board of Standards and Appeals for the following objections:

- 1). Proposed lot coverage is contrary to ZR 24-11 and 24-12
- 2). Proposed rear yard is contrary to ZR 24-36
- 3). Proposed parking contrary to 25-31”; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, Community Board No. 12 recommended approval of the application; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing childcare facility and Yeshiva, (Use Groups 3 and 4) which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31; and

WHEREAS, the premises is an “L”-shaped parcel which fronts 45th Street, 14th Avenue and 46th Street, and consists of three Lots numbered 38, 43 and 50 on Block 5617 in Brooklyn; and

WHEREAS, the premises is currently improved with a one-story community facility building that houses a synagogue on Lot 38, and a school/yeshiva which is comprised of both a four-story structure on Lot 43, and a five-story structure on Lot 50; and

WHEREAS, the record indicates that the subject community facility is a non-profit organization founded as an educational institution for refugee children whose parents work from dawn to dusk, and that the program serves low and middle-income families in the neighboring community as a school and childcare facility; and

WHEREAS, the subject building presently houses 68 classrooms, and this proposal seeks to create three-story

annex which would house an additional 25 classrooms, bringing the total number to 93; and

WHEREAS, the applicant represents that the expansion will allow an increased enrollment in childcare from approximately 425 to 552 students, and an increase in the Yeshiva’s enrollment from approximately 1,800 to 1,950 students; and

WHEREAS, the applicant further represents that the proposed, non-complying design is necessary so as to meet the programmatic needs of the yeshiva; and

WHEREAS, evidence in the record demonstrates an ever-increasing number of enrolled and waitlisted students, illustrated by the fact the facility is currently filled to capacity and that the pre-school program has experienced more than a 40 percent increase in population within the last five years; and

WHEREAS, efforts have been made to alleviate the hardships associated from rising enrollment, including a new floor added to the school building, and the partitioning off of a section of the cafeteria to allow for several new classrooms; and

WHEREAS, the applicant represents that the overcrowding results in an unfit learning environment and that the subject expansion is necessary to fulfill the educational and social mission of the facility; and

WHEREAS, an individualized curriculum provided by the school requires a low student to teacher ratio creating the need for additional classrooms; and

WHEREAS, the applicant states that the current structures are built to capacity and therefore, the proposed three-story annex is required; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the Board notes that both the school and synagogue are permitted uses within a R6 zoning district; and

WHEREAS, the applicant represents that there will be no increase in the number of staff; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school (Yeshiva); 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

MINUTES

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, the New York City Department of Transportation ("DOT") has reviewed the application for potential traffic safety impacts and has stated the following in its November 18, 2002 letter to the BSA:

- (1) DOT's Division of School Safety Engineering shall provide school crosswalk and school signs at 13th Avenue/45th Street and "No Standing 7AM - 6PM School Days" on the west side of 14th Avenue between 45th and 46th Streets.
- (2) DOT requested that the applicant's consultant submit accident reports for the four street intersections around the school which include 13th Avenue/45th Street, 13th Avenue/46th Street, 14th Avenue / 45th Street, and 14th Avenue / 46th Street; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit, in an R6 zoning district, the proposed enlargement of an existing childcare facility and yeshiva, (Use Groups 3 and 4) which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §§24-11, 24-12, 24-36 and 24-31, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received November 12, 2002"-(16) sheets; and on further condition;

THAT the applicant shall comply with DOT's request for the submission of accident reports for the four street intersections around the school which include 13th Avenue/45th Street, 13th Avenue/46th Street, 14th Avenue/45th Street, and 14th Avenue/46th Street;

THAT the following proposed fire safety measures shall be implemented in the proposed addition to the school:

- (1) New cellar space will be sprinklered with a Fire Department-approved central station connection,
- (2) Fire alarm system will be installed for the entire building with a Fire Department-approved central station connection. This system shall include duct smoke detectors and smoke detectors shall be located in mechanical rooms, kitchens, assembly spaces and at every thirty feet in the corridors,
- (3) Fire extinguishers shall be available in corridors and the place of assembly;

THAT all other fire safety measures noted in the February 2, 2002 letter from the applicant's architect shall be implemented;

THAT the premises shall not be used for commercial catering at any time;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two (2) years of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, December 17, 2002.

112-02-BZ

CEQR #02-BSA-180M

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Howard Zipser.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 14, 2002 acting on Application No. 103112196 reads:

"IN C6-1 ZONING DISTRICT, IN ALL MANUFACTURING AND COMMERCIAL BUILDINGS ERECTED PRIOR TO DECEMBER 15, 1961, RESIDENTIAL USE SHALL NOT BE PERMITTED SECTION 15-021(e)"; and

MINUTES

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in the City Record, and laid over to December 17, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C6-1G zoning district, the proposed conversion from commercial to residential use of the top five floors of an existing six-story building which is contrary to Z.R. §15-021(e); and

WHEREAS, the subject site located on the eastern side of Eldridge Street, is a midblock parcel of 2,190 square feet between Hester and Canal Streets; and

WHEREAS, the subject building erected in the early 1900s with nearly identical buildings at 42, 44, and 46 Eldridge Street, as part of a residential development, and the applicant notes that the building at 46 Eldridge Street, is identical to the subject building and has retained its residential use; and

WHEREAS, the record indicates that in 1959, the building was converted from residential to commercial, housing a retail use on the first floor and a light manufacturing with accessory storage use on the second floor and the remainder of the building vacant; and

WHEREAS, the subject building is an antiquated dumbbell-shaped tenement with no elevators and burdened with a small floor plate of 1,360 square feet per floor on floors 2 through 6, low, eight foot ceilings, antiquated wiring, light floor loads and a narrow central staircase, as a result, the applicant represents that except for a ground floor retail use, despite "good faith" efforts, the owner has been unable to secure conforming tenants; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, a dumbbell-shaped early 1900s tenement with no elevators and burdened with a small floor plate of 1,360 square feet per floor on floors 2 through 6, the site's history of residential development, creates an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the record suggests that the area surrounding the site is characterized by residential development or mixture of ground floor commercial with residential above; and

WHEREAS, therefore, the Board finds that the continuation of an eating and drinking establishment use at the subject premises will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C6-1G zoning district, the proposed conversion from commercial to residential use of the top five floors of an existing six-story building which is contrary to Z.R. §15-021(e), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 17, 2002"-(7) sheets; and on further condition;

THAT the applicant shall provide fire safety measures in accordance with BSA-approved plans;

THAT a new Certificate of Occupancy shall be obtained within one year of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

119-02-BZ

CEQR #02-BSA-182K

APPLICANT - Sheldon Lobel, P.C., for Joseph Kaufman, owner.

SUBJECT - Application April 17, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors above an existing one story manufacturing building, to be used for residential occupancy, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 94 North 13th Street, east side, between North 12th and 13th Streets, Block 2283, Lot 1, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, December 17, 2002.

124-02-BZ

CEQR #02-BSA-187Q

APPLICANT - Law Offices of Howard Goldman, PLLC, for St. John's University, owner.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit in an R4 zoning district, the combination of three existing accessory group parking facilities, into one facility with rooftop parking and the construction of a new accessory garage with rooftop parking, contrary to Z.R. §§25-11, and 25-13.

PREMISES AFFECTED - 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 29, 2002 acting on Application No. 401425150 reads:

1. Proposed combination of three existing accessory group parking facilities into a single facility and addition of more spaces does not comply with section 25-13 of the NYC Zoning Resolution (Modification of Maximum Size of Accessory Group Parking Facilities).
2. Proposed combination of three accessory

group parking facilities into a single facility and addition of roof parking does not comply with Section 25-11 of the NYC Zoning Resolution (General Provisions)"; and

WHEREAS, a public hearing was held on this application on October 1, 2002 after due notice by publication in The City Record, laid over to November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district the combination of three existing accessory group parking facilities, into one facility with rooftop parking and the construction of a new accessory garage with rooftop parking, contrary to Z.R. §§25-11, and 25-13; and

WHEREAS, the Saint Johns University, founded in 1870 is regarded as a major educational institution offering a wide range of programs for undergraduate and graduate study with its 90 acre campus primarily located between Union Turnpike to its north and Utopia Parkway to its east, with 82nd Avenue/the Grand Central Parkway service road to the south and 168th and 170th Streets to the west; and

WHEREAS, in 1998, the University began to implement a master plan which included new sports and recreational facilities, dormitories and new parking facilities; and

WHEREAS, the applicant proposes to add a total of 226 accessory spaces to the roofs of three existing 225 space parking garages located at the northwest corner of the Saint John's University campus and a new 477 accessory four-level parking garage proposed at the southwest portion of the campus to accommodate its on-campus dormitory students; and

WHEREAS, the existing garages are open concrete structures with four levels of parking and are accessible through Union Turnpike and 170th Street while ingress and egress from the new garage will be the westbound Grand Central Parkway service road with the entrance to the garage from an existing curb cut on the service road and would have three lanes with a queuing capacity for sixteen (16) cars; and

WHEREAS, the garage would exit onto an approximately 160' long merging lane running parallel to the service road; and

WHEREAS, the record suggests that the garages exist and will be used for the benefit of school administrators, visitors and the commuter and residence hall student population; and

WHEREAS, the applicant represents that the new parking spaces are needed to meet the university's existing and future parking needs because they will replace approximately 500 parking spaces that were displaced by construction of the dormitories, pursuant to a commitment the school must honor with the New York State Dormitory

MINUTES

Authority; and

WHEREAS, the record indicates that as of September 2002, the University will house 1,900 on-campus students and that upon completion of the planned dormitories 280 students will be housed on-campus students; and

WHEREAS, the Board is aware that the campus abuts one and two-story single family homes on 82nd Avenue between 172nd and 175th Streets as well as single family homes on the west side of 170th Street between Union Turnpike and Goethals Avenue and the Board notes that while Union Turnpike and Utopia Parkway are both major thoroughfares, 168th Street, 170th Street, and 82nd Avenue are smaller streets with substantially less traffic; and

WHEREAS, the applicant's programmatic needs discussed above, create an undue hardship with strict conformance with the use provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that there have been numerous neighborhood and complaints relating to construction activity as well as incidences of loud or disruptive student behavior; and

WHEREAS, the applicant notes that the University has been a fixture in the existing neighborhood for over 50 years and that the proposed parking facilities will not significantly alter the campus landscape nor change the campus boundaries; and

WHEREAS, the Board notes that the three garages along Union Turnpike are existing and that the only potential impact will be from the new lighting on the roof which has been designed to mitigate adverse impacts; and

WHEREAS, the applicant has illustrated that the creation of additional on-campus parking will actually reduce the demand for on-street parking in the surrounding areas; and

WHEREAS, therefore, the Board finds that the subject proposal, as modified, will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the New York City Department of Transportation ("DOT") has reviewed the environmental application for potential traffic and traffic safety impacts

and identified potential significant traffic impacts at Grand Central Parkway Eastbound Service Road and 168th Street; and

WHEREAS, the DOT concurs with the consultant's proposed traffic impact mitigation measures which involve the following signal timing modifications: (1) the addition of one (1) second of green time to the Eastbound Grand Central Parkway Service Road at 168th Street and (2) the removal of one second of green time from the Northbound/Southbound approaches at 168th Streets; and

WHEREAS, the DOT has also reviewed the detailed accident assessment for the westbound Grand Central Parkway Service Road intersection with Utopia Parkway and 168th Street conducted by the applicant's consultant and found that there were 66 and 24 accidents, respectively; and

WHEREAS, furthermore, the DOT has concurred with the consultant's recommended countermeasures to improve vehicular and pedestrian traffic at these two intersections which include:

- A two-second increase in the yellow signal phase at the two intersections; and
- The installation of advance Signal Ahead intersections warning signs along the westbound Grand Central Parkway Service Road.

WHEREAS, the DOT shall investigate the feasibility of implementing the above-referenced proposed mitigation and countermeasures when the project is built and occupied in 2003 and the applicant shall inform DOT six months prior to opening of the proposed project; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R4 zoning district, the combination of three existing accessory group parking facilities, into one facility with rooftop parking and the construction of a new accessory garage with rooftop parking, contrary to Z.R. §§25-11, and 25-13 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 29, 2002"-(10) sheets and on further condition;

"THAT the term of this variance shall be limited to ten (10) years from the date of this grant expiring December 17, 2012;

THAT the DOT shall investigate the feasibility of implementing the above-referenced proposed mitigation and countermeasures when the project is built and occupied in 2003 and the applicant shall inform DOT six months

MINUTES

prior to opening of the proposed project;

THAT to mitigate significant traffic impacts at the Grand Central Parkway Eastbound Service Road and 168th Street, the applicant shall provide 1) the addition of one (1) second of green time to the Eastbound Grand Central Parkway Service Road at 168th Street, and 2) the removal of one second of green time from the Northbound/Southbound approaches at 168th Streets; and

THAT to mitigate traffic impacts at the Grand Central Parkway Service Road intersection with Utopia Parkway and 168th Street, a two-second increase in the yellow signal phase at the two intersections shall be provided and maintained;

THAT the installation of advance Signal Ahead intersections warning signs shall be provided and maintained along the westbound Grand Central Parkway Service Road;

THAT gate 7 shall be closed to pedestrian and vehicular traffic after 7:00 P.M. and that when Gate 7 is closed, pedestrians shall be able to access the campus from Gate 1 or Gate 6;

THAT the security personnel be provided for the booth located at Gate 6 near the corner of 170th Street and Goethals Avenue from 11:00 P.M. to 6:00 A.M.;

THAT all lighting will be positioned down and away from residential districts and that lights in the Union Street garages will be dimmed or shut off by 11:00 P.M.;

THAT landscaping and screening shall be provided and maintained in accordance with BSA-approved plans;

THAT the premises shall be maintained free of debris and graffiti;

THAT all graffiti shall be removed within 48 hours of its application;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including all fire safety and egress requirements, under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, December 17, 2002.

142-02-BZ

CEQR #02-BSA-191K

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 22, 2002, acting on Application No. 301338559 reads:

“A1. Proposed enlargement creates non-compliance with respect to Floor Area and Open Space Ratio contrary to Section 23-141 ZR.

2. Proposed enlargement into required rear yard creates non-compliance with respect to Section 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 and then to December 17, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

MINUTES

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area ratio, open space ratio, and rear yard requirements, and is contrary to Z.R. §§23-141 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 4, 2002"-(4) sheets and "November 12, 2002"-(8) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, December 17, 2002.

193-02-BZ

CEQR #02-BSA-225K

APPLICANT - Sheldon Lobel, P.C., for St. Christopher-Ottlie, owner.

SUBJECT - Application June 11, 2002 - under Z.R. §72-21, to permit in an M1-1 zoning district, the proposed of an existing 56,951 square foot, 5-story building to house a community facility with sleeping accommodations contrary to Z.R. §42-00.

PREMISES AFFECTED - 488 Morgan Avenue, east side, between Richardson Street and Division Place, Block 2851, Lots 1 and 70, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 30, 2002 acting on Application No. 301356271, reads;

"THE PROPOSED DEVELOPMENT OF A NOT-FOR PROFIT INSTITUTION WITH SLEEPING ACCOMMODATIONS IS NOT PERMITTED IN AN M1-1 ZONING DISTRICT."; AND

WHEREAS, a public hearing was held on this application on November 12, 2002 after due notice by publication in The City Record, and laid over to December 17, 2002 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed of an existing 56,951 square foot, 5-story building to house a community facility with sleeping accommodations contrary to Z.R. §42-00; and

WHEREAS, the subject site contains approximately 16,377 square feet in lot area fronting on the east side of Morgan Avenue between Richardson Street and Division Place; and

WHEREAS, the subject building erected in 1909 suffers from having a heavy timber construction with no steel reinforcement with floors made out of 3 1/2 inch planks, with 42 timber columns on each floor which obstruct the floor area and provide less structural stability and less floor load capacity than a steel support system that is needed for modern manufacturing; and

WHEREAS, the applicant notes that the typical ceiling height for a modern manufacturing uses is at least eighteen feet, but that the subject building is burdened with ceiling heights ranging from eight feet two inches on the upper floors to twelve feet eleven inches on the lower floors; and

WHEREAS, moreover, the applicant represents that the building's two elevators are insufficient to service the numerous manufacturing tenants to ensure a reasonable return; and

WHEREAS, the record indicates that former uses on the site included a tannery in 1933, a yarn dyeing company in 1977, an envelope manufacturer from (1979-1987) and a warehouse for printing and dye cutting in (1995); and

WHEREAS, the applicant represents that due to an increase in operational expenses and increased competition, only the first floor is occupied by a light manufacturing business with the second floor used for incidental storage, while the third, fourth and fifth floors are vacant; and

WHEREAS, the subject, not-for-profit corporation provides services for over 4,500 children and families, including foster care adoption for emotionally disturbed or

MINUTES

developmentally disabled children, teenage mothers, homeless and runaway youths; and

WHEREAS, the instant proposal seeks to house, educate and care for developmentally disabled and special needs children providing 45 bedrooms with 90 beds, a three bed infirmary, several living area, classrooms, a gym, a kitchen, a cafeteria, several offices, conference rooms and lounges; and

WHEREAS, the record indicates that the programmatic need of this community facility, specifically the provision of transitory sleeping accommodations for clients developmental disabilities and without a family or home to provide for them; and

WHEREAS, the Board finds that there are unique conditions, namely, the obsolescence of the subject 1909 building with structural, column spacing and floor bearing deficiencies, the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant has represents that the subject district permits light manufacturing uses and the introduction of the proposed use would not be adverse to the surrounding uses; and

WHEREAS, this Board notes that the area surrounding the subject site is characterized by a mixture of residential, school and manufacturing uses; 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, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern including potential parking and traffic impacts; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a conditional Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review. This Negative Declaration is based on the applicant conducting

the following: (1) Limited Phase II investigation as recommended on page 27 in the Phase I Environmental Site Assessment (ESA) report; (2) The "Recommended Phase III ESA Activities" and "Recommended Compliance Activities" on page 28;

Therefore, it is also Resolved that each and every one of the required findings under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed of an existing 56,951 square foot, 5-story building to house a community facility with sleeping accommodations contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received December 6, 2002"- (11) sheets; and on further condition;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT Siamese connections pursuant to Subchapter 17 of the Building Code along the perimeter on all building exposures be provided and maintained;

THAT all doors designated for egress be fireproof and self-closing and provide hourly ratings in accordance with Building Code requirements;

THAT an official fire safety plan be filed with the New York City Fire Department;

THAT in accordance with BSA approved plans, the building be equipped with an automatic wet sprinkler system and a smoke detection system connected to a Fire Department approved Central Station;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT a Certificate of Occupancy shall be obtained within two (4) years;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

239-02-BZ

CEQR #02-BSA-030M

APPLICANT - Deirdre A. Carson, Esq./Greenberg Traurig, LLP, for Rabbo Realty, LLC, owner.

SUBJECT - Application August 29, 2002 - under Z.R. §72-21, to permit in an R7-2 zoning district, on a site previously before the Board, the reestablishment of a (Use Group 6A) eating and drinking establishment, without music or entertainment, located at the cellar level, ground floor, and second floor of the subject premises, and the continuation of a non-conforming accessory business sign

MINUTES

which is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Deidre A. Carson and Doris Diether, CB#2.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 19, 2002 acting on Application No. 102702522 reads:

“Restaurant use, Use Group 6A, discontinued for more than two (2) years, may not be reinstated in R7-2 zoning district located in designated historic district as per Z.R. Section 52-61”; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in the City Record, and laid over to December 17, 2002 for decision; and

WHEREAS, Community Board No. 2 in Manhattan has recommended approval of the subject application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R7-2 zoning district, on a site previously before the Board, the reestablishment of a (Use Group 6A) eating and drinking establishment, without music or entertainment, located at the cellar level, ground floor, and second floor of the subject premises, and the continuation of a non-conforming accessory business sign which is contrary to Z.R. §§22-10 and 52-61; and

WHEREAS, the subject site is located on the south side of Waverly Place between Avenue of the Americas and Washington Square West, within the Greenwich Village Historic District with a frontage of 22' and a depth of 97'-2", improved with a non-fireproof building; and

WHEREAS, the subject R7-2 zoning district only permits residential and community facility uses; and

WHEREAS, Z.R. §52-61 states that A[i]f, for a continuous period of two years, either the non-conforming use of land with minor improvements is discontinued, or the active operation of substantially all the non-conforming uses in any building or other structure is discontinued, such land or building or other structure shall hereafter be used only for a conforming use; and

WHEREAS, however, Z.R. §52-61 permits certain

Use Group 6 uses that have been discontinued for more than two years to be reestablished unless the property is located within a historic district; and

WHEREAS, the applicant represents that according to the Landmarks Preservation Commission the building was issued a historic designation because it was erected in 1826 as one of a series of nine houses by a former president of the New York Equitable Fire Insurance Company; and

WHEREAS, the record indicates that by 1897, a fourth story had been added and a rear extension that fully occupied the lot at the ground floor and most of the second level, to the original three-story structure; and

WHEREAS, the record indicates that by 1933, the site housed a restaurant use subsequently altered to its present design in 1949; and

WHEREAS, in 1967, the Board granted a variance permitting the front portion of the second floor as an accessory use for the restaurant; and

WHEREAS, although the variance was granted in 1968 and two extensions of time to complete the work were also granted, no Certificate of Occupancy reflecting the variances was obtained, thus, it appears that the variance was abandoned, however the record indicates that the eating and drinking establishment use has been continuous but not always open to the general public; and

WHEREAS, the subject building is burdened with an unusual configuration resulting from its 19th Century adaptation for use as a stable and carriage house and, subsequently as a restaurant; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical conditions, the site's history with a Board approved eating and drinking establishment use, and evidence indicating that the use was never abandoned presents an undue hardship in developing the site with a conforming development; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the subject premises has housed an eating and drinking use since 1933 and that Community Board #2 recommends approval of this application; and

WHEREAS, the Board notes that the area surrounding the subject application, is characterized by commercial and other eating and drinking establishments; and

WHEREAS, therefore, the Board finds that the continuation of an eating and drinking establishment use at the subject premises will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

MINUTES

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R7-2 zoning district, on a site previously before the Board, the reestablishment of a (Use Group 6A) eating and drinking establishment, without music or entertainment, located at the cellar level, ground floor, and second floor of the subject premises, and the continuation of a non-conforming accessory business sign which is contrary to Z.R. §§22-10 and 52-61, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 29, 2002"- (4) sheets and "December 10, 2002"- (1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring December 17, 2012;

THAT pursuant to Fire Department recommendations, sprinklers shall be provided and maintained in all commercial space;

THAT a new Certificate of Occupancy shall be obtained within one year of this grant;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, December 17, 2002.

250-02-BZ

CEQR #02-BSA-037K

APPLICANT - Moshe M. Friedman, P.E., for Yaacov Azrad, owner.

SUBJECT - Application September 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open

space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 3845 Bedford Avenue, east side, 340' south of Bedford Avenue and Quentin Road, Block 6808, Block 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 3, 2002, acting on Application No. 301397398 reads:

"Proposed extensions to existing One (1) Family Dwelling are contrary to

ZR Sec 23-141 (b) Floor Area

ZR Sec 23-141 (b) Open Space and Lot Coverage

ZR Sec 23-461 (a) Side Yards & Minimum Side Yard

ZR Sec 23-47 Rear Yard and requires a Special Permit from the Board of Standards and Appeals as per Sec 72-622"; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in The City Record, and laid over to December 17, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality

MINUTES

Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 17, 2002"-(11) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above conditions shall appear on the certificate of occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, December 17, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Doris Diether, Community Board #2; John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

233-01-BZ

APPLICANT - Irving Minkin, Esq., for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with

accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD - Laid over to March 4, 2003, at 2:00 P.M., for continued hearing.

263-01-BZ

CEQR#02-BSA-025K

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over January 7, 2003, at 2:00 P.M., for decision, hearing closed.

292-01-BZ

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.

SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit in an R7-2 zoning district, the legalization of a new dining room at the rear of an eating and drinking establishment, with accessory cellar level storage, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 1/2" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

ACTION OF THE BOARD - Laid over January 14, 2003, at 2:00 P.M., for decision, hearing closed.

MINUTES

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.
SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit in an M2-1 zoning district, the construction of a mixed-use development contrary to Zoning Resolution §42-00.
PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2:00 P.M., for continued hearing.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.
SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.
PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for continued hearing.

29-02-BZ

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.
SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31.
PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q**THE VOTE TO CLOSE HEARING -**

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to February 4, 2003, at 2:00 P.M., for decision, hearing closed.

41-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Salvatore Calcagno, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing. Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI**THE VOTE TO CLOSE HEARING -**

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2:00 P.M., for decision, hearing closed.

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. §72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6K

ACTION OF THE BOARD - Laid over to February 25, 2003, at 2:00 P.M., for continued hearing.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD - Laid over to February 4, 2003, at 2:00 P.M., for continued hearing.

MINUTES

87-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit in an R5 zoning district to replace the existing structure with a new 4,741 square foot automotive service station with an accessory retail convenience store, installation of underground storage tanks, construction of a new overhead canopy with 5 pump islands and the installation of new signage contrary to Z.R. Section 32-00 and Calendar Number 483-69-BZ.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to January 14, 2003, at 2:00 P.M., for decision, hearing closed.

138-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Faks Realty Corporation, owner.

SUBJECT - Application April 29, 2002 - under Z.R. §72-21 to permit, in an M1-1 zoning district, the proposed one-story enlargement of an existing one-story and mezzanine building, (Use Group 17) contrary to zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking in violation of Z.R. §§43-12, 43-43, 43-25, and 44-21.

PREMISES AFFECTED - 4302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #17BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to January 14, 2003, at 2:00 P.M., for decision, hearing closed.

152-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit within a C2-8 zoning district, the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street),

hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD – Laid over to January 14, 2003, at 2:00 P.M., for continued hearing.

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital, LLC/John McGrath, owner; Johny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a C4-3 zoning district, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, south side of Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

ACTION OF THE BOARD – Laid over to March 4, 2003, at 2:00 P.M., for continued hearing.

280-02-BZ

APPLICANT - Slater & Beckerman, LLP, for Claysson Marks Realty Corp., owner; CNR Health Care Network, Inc., lessee.

SUBJECT - Application October 18, 2002 - under Z.R. §§73-01 & 73-452 to permit in an R6 zoning district, the proposed parking lot with 33 spaces and a 24-hour attendant, accessory to a nursing home facility, and is located more than 200 feet from the zoning lot contrary to Z.R. Section 25-53.

PREMISES AFFECTED - 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #8BK

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to February 4, 2003, at 2:00 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director

Adjourned: 4:25 P.M.