
BULLETIN

OF THE
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AND APPEALS

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March 28, 2002

DIRECTORY

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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
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#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

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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.

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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

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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;

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

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**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

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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

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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

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