
BULLETIN

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COMMUNITY BOARD #12Q

244-03-BZ B.BK. 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn. Applic.#301556144. 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 side yard, rear yard, floor area and open space ratio, is contrary to Z.R.§23-461, §23-47 and §23-141.

COMMUNITY BOARD #14BK

245-03-BZ B.Q. 160-11 Willets Point Boulevard, northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens. Applic.#401574060. Proposed accessory drive-through facility, for an existing eating and drinking establishment, Use Group 6, in a C1-2 zoning district, is contrary to Z.R.§32-41.

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

SEPTEMBER 9, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 9, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

849-49-BZ

APPLICANT - Jay A. Segal, Esq., for Directors Guild of America, Inc., owner.

SUBJECT - Application June 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 3, 2002.

PREMISES AFFECTED - 110 West 57th Street, south side of West 57th Street, between Avenue of the Americas and 7th Avenue, Block 1009, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #5M

931-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Ziya Ercan, owner; Time Service Station, Inc., lessee.

SUBJECT - Application June 13, 2003 - reopening for an extension of term of variance which expires May 9, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 535 Vanderbilt Avenue aka 1047 Van Duzer Street, northeast corner of Vanderbilt Avenue and Van Duzer Street, Block 650, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

994-77-BZ

SEPTEMBER 9, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 9, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue aka 2879 West 21st Street aka 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEALS CALENDAR

177-03-A

APPLICANT - Eric Palatnik, P.C., for Lai Ho Chen, owner.

SUBJECT - Application May 23, 2003 - Proposed residential structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 626 West 254th Street, between Arlington and Independence Avenues, Block 5942, Lot 192, Borough of The Bronx.

COMMUNITY BOARD #8BX

matters:

CALENDAR

ZONING CALENDAR

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

138-03-BZ

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

140-03-BZ

APPLICANT - Lipton Associates, for Lipton Real Estate Corp., owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed office building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1855 Richmond Avenue, east side, 650.06' south of Eton Place, Block 2030, Lot 48, Borough of

189-03-BZ

APPLICANT - Eric Palatnik, P.C., for 830 East 233rd Street Corp, owner; BP Products North America, lessee.

SUBJECT - Application June 6, 2003 - under Z.R. §73-211 to permit the continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

PREMISES AFFECTED - 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough

Staten Island.

COMMUNITY BOARD #2S.I.

141-03-BZ

APPLICANT - Petraro & Jones, LLP, for Reva Holding Corp., owner.

SUBJECT - Application May 1, 2003- under Z.R. §72-21 to permit the proposed addition to an existing retail building, for new retail space (a new sporting goods store), Use Group 6, without on-lot parking and loading berths, located in a C4-3 zoning district, is contrary to Z.R. §36-21 and §36-62.

PREMISES AFFECTED - 10 Graham Avenue, aka 747/49 Broadway, at the intersection of Ghaham and Flushing Avenues and Broadway, Block 3127, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

149-03-BZ

APPLICANT - Petraro & Jones, LLP, for Angelo Stratigakis, owner.

SUBJECT - Application May 14, 2003 - under Z.R. §72-21, to permit the proposed construction of a three-story, three-family dwelling, Use Group 2, on a triangular, wedge-shaped lot that has three street frontages, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, front yards and building height, is contrary to Z.R. §23-141(c), §23-45 and §23-631(d)-(e).

PREMISES AFFECTED - 23-08 Sound Avenue, at the intersection of Sound and 42nd Streets, and 23rd Road, Block 781, lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

182-03-BZ

APPLICANT - Eric Palatnik, P.C., for Solomon Scharf, owner.

SUBJECT - Application May 29, 2003 - 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, open space, and rear yard, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1238 East 24th Street, between Avenues "L and M", Block 7641, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

of The Bronx.

COMMUNITY BOARD #12BX

219-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

MINUTES

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 175-15 Rockaway Boulevard, north side, between 175th Street and 149th Road, Block 13381, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

220-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Homes for the Homeless Summer Camp, Inc., owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the legalization of an existing philanthropic institution with sleeping accommodations, Use Group 3, in an M1-1 zoning district, and the addition of a new building that does not comply with the rear yard requirement, is contrary to Z.R. §42-00 and §43-23 and §43-27.

PREMISES AFFECTED - 175-21 149th Avenue, a/k/a 175-48 148th Road, 140' east of 175th Street, Block 13380, Lots 11 and 63 (Tentative Lot 11), Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING JULY 22, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 19, 2003, were approved as printed in the Bulletin of May 22, 2003, Volume 88, No. 21.

SPECIAL ORDER CALENDAR

206-91-BZ

APPLICANT - Rampulla Associates, Architects, for Thomas Nicolosi, owner.

SUBJECT - Application April 16, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 28, 2002.

PREMISES AFFECTED - 4300 Hylan Boulevard, south side of Hylan Boulevard and Windchester Avenue, Block 5319, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on July 28, 2002; and

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in The City Record, and laid over to July 22, 2003 for decision; and

WHEREAS, on July 28, 1992, the Board granted an application to permit the legalization of the change in use of the cellar from medical offices to professional offices in a one-story and cellar building.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution to extend the term of the Variance which expired on July 28, 2002, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an

WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in The City Record, and laid over to May 6, 2003, June 24, 2003 and then to July 22, 2003 for decision; and

Resolved, that the Board of Standards and Appeals, waives

additional twenty (20) years from July 28, 2002 to expire on July 28, 2022, 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 16, 2003”- (9) sheets; and on further condition;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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 Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application #500601217)

Adopted by the Board of Standards and Appeals, July 22, 2003.

77-99-BZ

APPLICANT - The Agusta Group, for Turnpike Auto Laundry Inc. Phil Frank President, owner.

SUBJECT - Application January 21, 2003 - 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 5, 2002.

PREMISES AFFECTED - 255-39 Jamaica Avenue, north side of Jamaica Avenue (a.k.a Jericho Turnpike) 80' west of 256th Street, Block 8830, Lot 52, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the time to obtain a Certificate of Occupancy which expired on December 5, 2002; and

the Rules of Practice and Procedure, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on December 5, 2002, so that as amended this portion of the resolution shall read:

"to permit the extension of the time to obtain a Certificate of

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Occupancy so that a new Certificate of Occupancy shall be obtained within two years from the date of this resolution, 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 15, 2003"- (1) sheet; and on further condition;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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."

(DOB Application #401129015)

Adopted by the Board of Standards and Appeals, July 22, 2003.

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: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

242-54-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 21-17 Jackson Avenue, aka 21-15

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 10 A.M., for postponed hearing.

Jackson Avenue, fronting on Jackson Avenue, 21st Street and 46th Road, Block 74, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

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

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

548-69-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for BP-North America, Inc., owner.

SUBJECT - Application May 2, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 25, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 107-10 Astoria Boulevard, southeast corner of 107th Street, Block 1694, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

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

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

323-98-BZ

APPLICANT - Paul Selver, Esq./Jeremiah H. Candreva, Esq., for 801 Eleventh Avenue, LLC, owner.

SUBJECT - Application May 21, 2003- reopening for an extension of time to complete construction which expired April 27, 2003.

PREMISES AFFECTED - 795 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West 56th Street, Block 1103, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

MINUTES

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

402-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Ruth Fischl, owner.

SUBJECT - Application May 20, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction which expired February 26, 2003 and for an amendment to the resolution.

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 10 A.M., for decision, hearing closed.

121-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Edward Kelly, lessee.

SUBJECT - Application April 16, 2003 - Proposed enlargement of

Resolved, that the decision of the Queens Borough Commissioner, dated April 1, 2003, acting on ALT 1. Application No. 401570019 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 April 16, 2003"-(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 premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval 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

an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

PREMISES AFFECTED - 4 Kildare Walk, west side, 44.08' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

Caliendo and Commissioner Miele.....4 Negative:

.....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 1, 2003 acting on ALT 1. Application No. 401570019, reads in pertinent part:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The upgrade private disposal system is partially in the bed of a private service road contrary to Department of Buildings policy."; and

WHEREAS, by the letter dated May 16, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 4, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 17, 2003 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.

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 on July 22, 2003.

122-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; April Forgina, lessee.

SUBJECT - Application April 16, 2003 - 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, is

MINUTES

contrary to Sections 35 and 36, Article 3 of the General City Law .
PREMISES AFFECTED - 72 Hillside Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 1, 2003 acting on ALT 1. Application No. 401600969, reads in pertinent part:

"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 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 since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally street or frontage space and therefore contrary to Section 27-291 (C26-401.1) of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated May 16, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 4, 2003 , the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 17, 2003 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.

PREMISES AFFECTED - 31 Marion Walk, east side, 70.35' south of West End Avenue, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 15, 2003 acting on ALT 1. Application No. 401593682, reads in pertinent part:

"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 Sect. 35 of the General City Law

A2- The upgraded private disposal system is in the bed of a private service road is contrary to Department of Building

Resolved, that the decision of the Queens Borough Commissioner, dated April 1, 2003, acting on ALT 1. Application No. 401600969 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 April 16, 2003"- (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 premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval 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 on July 22, 2003.

135-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; David Kelly, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

policy"; and

WHEREAS, by the letter dated June 6, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated June 4, 2003 , the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated May 28, 2003 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 April 15, 2003, acting on ALT 1. Application No. 401593682 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

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marked, "Received April 25, 2003"-(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 premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval 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 on July 22, 2003

136-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Roberta Ludovico, lessee.

SUBJECT - Application April 25, 2003 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 5 Irving Walk, east side, 45.40' north of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

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 15, 2003, acting on ALT 1. Application No. 401037456 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 April 25, 2003"-(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 premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval 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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

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

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 15, 2003 acting on ALT 1. Application No. 401575112, reads in pertinent part:

"A1-The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally street or frontage space and therefore contrary to Section 27-291 (C26-401.1) of the Administrative Code of the City of New York.

A2- The upgraded private disposal system is in the bed of a private service road is contrary to Department of Building policy"; and

WHEREAS, by the letter dated June 6, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated May 29, 2003, the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated May 28, 2003 the Department of Transportation has reviewed the above project and has no objections; and

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals on July 22, 2003.

137-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, owner; Bradley J. Palummeri, lessee.

SUBJECT - Application April 29, 2003 - Proposed enlargement and the upgrading of the septic system, to an existing one family dwelling, not fronting on a legally mapped street, and simultaneously lies within the bed of two mapped streets, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 3 Arcadia Walk, east side, 10.71' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

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.....0
THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated April 23, 2003 acting on ALT 1. Application No. 401637546, reads in pertinent part:

"1 - Proposal to extend first floor, construct a new second floor and upgrade the septic system on a home which lies within an R4 zoning district but does not front on a mapped street (Arcadia Walk) and simultaneously lies within the bed of two streets that are mapped (Breezy Point Boulevard and Oceanside Avenue) is contrary to Article 3 Sections 36(2) and 35 of the General City Law and contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Board of Standards & Appeals for approval"; and

WHEREAS, by the letter dated May 12, 2003 the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated May 29, 2003 , the Department of Environmental Protection has indicated that as there are no existing City Water Mains or existing sewers for this portion of Rockaway Point Blvd. they have no objections to the above project; and

WHEREAS, by letter dated July 2, 2003 the Department of Transportation has reviewed the above project and has indicated that the improvement of Oceanside Avenue and Breezy Point Boulevard to their full mapped width including the above site is not presently included in the DOT's Capital Improvement Program and therefore has no objections; and

WHEREAS, the applicant has submitted adequate evidence to **180-03-A**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - 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 -86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

188-03-A

APPLICANT - Frank R. Gencorelli, for Breezy Point Co-op Inc., owner; John DeAngelis, lessee.

SUBJECT - Application June 6, 2003 - Proposed alteration 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 -4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens.

warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated April 23, 2003, acting on ALT 1. Application No. 401637546 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 April 29, 2003"-(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 premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT this approval 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 on July 22, 2003.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to September 9, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:25 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JULY 22, 2003
1:30 P.M.**

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

Adopted by the Board of Standards and Appeals on July 22, 2003.

ZONING CALENDAR

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

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Joseph Williams.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 6, 2002 acting on Application No. 500554376 reads:

"1. Proposed new building is deficient in required lot area per dwelling unit, and is contrary to Section 23-222, Z.R.

2. Proposed new building does not have the minimum required front yards, and is contrary to section 23-45 and 107-461, Z.R.

3. Proposed new building for occupancy by two (2) families on a lot having less than the minimum lot area required by Section 107-42, Z.R. is not permissible."; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record, and laid over to April 15, 2003 and June 24, 2003, and then to July 22, 2003 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the construction of a detached two-family residence, Use Group 2, located within a R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and lot area for two-family occupancy, which is

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 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.

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: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

contrary to Z.R. §§23-222, 23-45, 107-461 and 107-42; and

WHEREAS, the record indicates that the subject site is an undersized triangular parcel of land which fronts on Burchard Court, Belfield Avenue and North Railroad Street with 2,778 square feet of lot area; and

WHEREAS, the applicant represents that the underlying zoning regulations require one 18 foot front yard and two 10 foot front yards which would result in the construction of a building with a lot coverage of 507 square feet; and

WHEREAS, the Board finds that the small size, triangular shape, and front yard requirements create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, the Board has determined that a financial feasibility analysis is not required as this is a two-family dwelling; and

WHEREAS, although the subject lot is deficient in lot area, the subject zoning district does permit two-family dwellings; and

WHEREAS, the applicant represents that the surrounding area is comprised of mostly one and two-family dwellings; and

WHEREAS, the subject site is surrounded on two sides by vacant freshwater wetland property that is part of the Sweet Brook Bluebelt system and is owned by the New York City Department of Environmental Protection; and

WHEREAS, the record indicates that freshwater wetland permits have been obtained from the New York State Department of Environmental Conservation to do restoration work on the DEP parcel adjacent to the subject property; and

WHEREAS, the applicant has redesigned the subject building to minimize the impingement on the Sweet Brook Bluebelt system; and

WHEREAS, the record indicates that the proposed action is consistent with Local Waterfront Revitalization Policies; and

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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

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

WHEREAS, the evidence demonstrates no foreseeable

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable 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, July 22, 2003.

367-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Rudolf Alonzo, owner.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit, in an R8B zoning district, the legalization of an existing dance studio, Use Group 9, located in the cellar of a five-story building, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 434 East 75th Street, between First and York Avenues, Block 1469, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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 construction of a detached two family residence, Use Group 2, located within a R3X/SR zoning district, which does not comply with the zoning requirements for lot area per dwelling unit, front yards, and lot area for two-family occupancy, which is contrary to Z.R. §'23-222, 23-45, 107-461 and 107-42, 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 1, 2003"- (1) sheet and "Received October 4, 2002" - (2) sheets and on further condition;

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 18, 2002 acting on ALT 1 Application No. 103336267 reads in pertinent part:

"PROPOSED DANCE STUDIO USE GROUP 9 WHICH IS NOT PERMITTED IN R8B DISTRICT AND IS CONTRARY TO SECTION 22-10 ZR PLEASE REFER TO BSA"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 24, 2003 and then to July 22, 2003 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R8B zoning district, the legalization of an existing dance studio, Use Group 9, located in the cellar of a five-story building, which is contrary to Z.R. §22-10; and

WHEREAS, the applicant represents that the subject site is improved with a five-story "old law tenement" multi-family dwelling with four small one-bedroom apartments on each of the upper floors; and

WHEREAS, the current Certificate of Occupancy list the cellar occupancy as a boiler room, storage and three recreation rooms; and

WHEREAS, the applicant states that for the last three years the space has been occupied by the subject dance studio, and has offered ballet, modern and tap dance classes to small groups of children age 2-13; and

WHEREAS, the applicant represents that the apartments in the subject old law tenement walk-up building do not meet current standards; and

WHEREAS, the applicants states that due to the condition and configuration of the building, the owner has been unable to garner market rents; and

WHEREAS, the Board finds that the applicant satisfies the

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requirements of Z.R. §72-21(a); and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains a number of pre-existing commercial uses on the ground floor level; and

WHEREAS, the applicant represents that the maximum size of each dance class will be 8 students; and

WHEREAS, therefore, the Board finds that the proposed

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 R8B zoning district, the legalization of an existing dance studio, Use Group 9, located in the cellar of a five-story building, 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 June 13, 2003"- (3) sheets, and on further condition;

THAT the term of this variance shall be limited to twenty (20) years from the date of this resolution to expire on July 22, 2023; and

THAT revocable consent be obtained from the NYC Department of Transportation within 6 months from the date of this resolution for the cellar entry steps which will project onto the abutting sidewalk area;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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, July 22, 2003.

375-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Congregation Tzlosa D' Shlomo, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §72-21 to permit the proposed new synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, side yards,

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

front yard, maximum lot coverage, front wall height, narrow outer court and the sky exposure plane, is contrary to Z.R. §24-11, §24-34, §24-35, §24-521 and §24-631.

PREMISES AFFECTED - 1559 59th Street, north side, 200' west of 16th Avenue, Block 5502, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, December 19, 2002 acting on Application No. NB 301480733, reads:

"PROPOSED NEW SYNAGOGUE AND RABBIS APARTMENT (RECTORY) IS CONTRARY TO Z.R. §24-11 FLOOR AREA, Z.R. §24-11 MAXIMUM LOT COVERAGE, Z.R. §24-34 FRONT YARD, Z.R. §24-35 SIDE YARDS, Z.R. §24-521 FRONT WALL HEIGHT, Z.R. §24-521 SKY EXPOSURE, Z.R. §24-631 NARROW OUTER COURT 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 May 6, 2003 after due notice by publication in The City Record, laid over to June 24, 2003 and then to July 22, 2003 for decision; and

WHEREAS, Community Board No. 12 in Brooklyn recommended approval of the subject application; 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 Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the enlargement of a four-story with cellar synagogue and Rabbi's apartment (rectory) which does not comply with floor area, maximum lot coverage, front yard, side yard, narrow outer court, front wall height, and sky exposure requirements and is contrary to Z.R. §24-11, 24-34, 24-35, 24-631, and 24-521; and

WHEREAS, the proposed construction consists of a Use Group 4 synagogue with 120 person capacity in the cellar, which will not be simultaneously used with the upper floors, a Use Group 4 synagogue with 150 person capacity on the first floor, a Use Group 4 synagogue with 70 person capacity on the second floor, and a Use Group 4 apartment - rectory on the third and fourth floors; and

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WHEREAS, the record indicates that the subject premises is a vacant 40 ft. wide by 100 ft. deep, mid-block lot, with a total area of 4,000 sq. ft.; and

WHEREAS, the applicant represents that the subject lot is

WHEREAS, the applicant asserts that the proposed building is necessary to meet the programmatic needs of the congregation; and

WHEREAS, the Board finds that the programmatic needs of the community facility create an undue hardship with strict compliance with the provisions of the Zoning Resolution; 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 regulations; and

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

WHEREAS, the Board finds that a community facility may exist in the area 'as of right'; and

WHEREAS, the applicant asserts that the surrounding neighborhood is largely residential; and

WHEREAS, the record shows that the proposed building will be non-combustible construction and will contain a wet sprinkler system, as well as hard wired smoke detectors, which will be connected to an approved Fire Department central station; 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 the Final Environmental Assessment Statement 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 enlargement of a four-story with cellar synagogue and rabbi's apartment (rectory) which does not comply with floor area, maximum lot coverage, front yard, side yard, narrow outer court, front wall height, and sky exposure requirements and is contrary to Z.R. §§24-11, 24-34, 24-35, 24-631, and 24-521, on condition that all work shall substantially conform to drawings as they apply to the objections above noted.

WHEREAS, a public hearing was held on this application on May 20, 2003 after due notice by publication in The City Record,

narrow, which makes the construction of a facility which provides for the religiously required synagogue and rectory, with separate, private entrances for both men and women a practical difficulty; and

filed with this application marked "Received June 17, 2003"-(12) sheets; and on further condition;

THAT there shall be no masonry parapet on the roof;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

THAT this approval 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 in accordance with §72-23.

Adopted by the Board of Standards and Appeals, July 22, 2003.

28-03-BZ

APPLICANT -Martyn & Don Weston, for Minc Platform, LLC, owner.

SUBJECT - Application January 15, 2003 - under Z.R. §72-21 to permit the proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, which is contrary to §42-00.

PREMISES AFFECTED - 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - For Applicant: Don Weston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 30, 2002 acting on Application No. 301467320 reads:

"THE PROPOSED CHANGE TO RESIDENTIAL USE ON THE FIRST, SECOND, AND THIRD FLOORS IS CONTRARY TO SECTION 42-00 AND IS NOT PERMITTED"; and

and laid over to June 24, 2003, and then to July 22, 2003 for decision; and

MINUTES

WHEREAS, Community Board No. 1 in Brooklyn recommended 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 Joel Miele, 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 the upper floors and a small portion of the ground floor of an existing, partially vacant, three-story manufacturing building to residential, loft-type units, which is contrary to Z.R.42-00; and

WHEREAS, the subject parcel measures 125 feet by 200 feet, with a lot area of 25,000 square feet, located on the corner of Greene Street and West Street, and is currently improved with a three-story building with 47,650 square feet of floor area; and

WHEREAS, the owner proposes a basement for mechanical equipment, commercial uses and three residential units on the first floor, ten residential units on the second floor, and two residential units on the third floor, in addition to a communal and some private decks; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the applicant states that the existing building is sub-divided into five separate building sections, which are separated by heavy masonry walls with limited access between the sections, as the floors in each section are not level with one another; and

WHEREAS, the applicant asserts that three of the five sub-sections are irregular and substandard for modern manufacturing or warehouse uses because they have limited floor space; and

WHEREAS, the applicant asserts that the existing building has only one small elevator, which is inconveniently located, therefore, making the movement of goods, equipment and people for a manufacturing use inefficient; and

WHEREAS, the applicant represents that the building has no air conditioning, inadequate lighting and electric service, and restrooms for a manufacturing or commercial use; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area contains many residential dwellings, warehouses and some factories; and

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

WHEREAS, the applicant represents that the proposed action is consistent with Local Waterfront Revitalization Policies; 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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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, in an M1-1 zoning district, the conversion of the upper floors and a small portion of the ground floor of an existing, partially vacant, three-story manufacturing building to residential, loft-type units, 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 June 17, 2003"-(7) sheets, and on further condition;

THAT future rental agreements, leases, contracts of sale, and deeds for the subject property contain a disclosure putting all parties on notice that the subject property is located within an M1-1 manufacturing and commercial zoning district and the Board has granted this variance subject to the property, building, and unit owners' understanding that they have no right, legal or otherwise, to complain of any possible adverse legal use of any existing or future manufacturing or commercial use in the subject or adjoining buildings;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the applicant shall comply with all applicable fire safety measures;

with all other applicable provisions of the Zoning Resolution, the 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 22, 2003.

31-03-BZ

MINUTES

APPLICANT - Eric Palatnik, P.C., for Abraham Malek, owner.
SUBJECT - Application January 21, 2003 - under Z.R. § 73-622 to permit the enlargement 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 and open space and is contrary to Z.R. §23-141.

PREMISES AFFECTED - 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated December 3, 2002, acting on Application No. ALT 300498450 reads:

"1.) PROPOSED FLOOR AREA CONTRARY TO Z.R. §23-141.

2.) PROPOSED OPEN SPACE RATIO CONTRARY TO Z.R. 23-141"; and

WHEREAS, a public hearing was held on this application on May 6, 2003 and then laid over to June 24, 2003 and then to July 22, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement 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 and open space and is contrary to Z.R. §23-141; and

WHEREAS, the perimeter wall height will comply with all 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

42-03-BZ

APPLICANT - Law Office of Frederick A. Becker, for Rock-McGraw Inc., owner; TSI West 48th Inc., dba New York Sports Club, lessee.

SUBJECT - Application February 4, 2003 - under Z.R. §73-36 to permit proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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 enlargement 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 and open space 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 June 16, 2003"-(7) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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, July 22, 2003.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 10, 2003 acting on ALT I. Application No. 103349093 reads:

"A PHYSICAL CULTURE ESTABLISHMENT IS NOT PERMITTED AS OF RIGHT USE IN A C6-6 AND C6-6.5 DISTRICT. THIS IS CONTRARY TO Z.R. §32-10."; and

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record and held over to July 22, 2003 for decision; and

MINUTES

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 Joel Miele; and

WHEREAS, this is an application under Z.R. §73-36 to permit the enlargement of a pre-existing, grandfathered physical culture establishment, which is presently located in portions of the cellar and first sub-cellar of a multi-story mixed use building, into the third sub-cellar level, which requires a special permit as per Z.R. §32-10; and

WHEREAS, the subject PCE is located on the western block front of the Avenue of the Americas between West 48th Street and West 49th Street; and

WHEREAS, the applicant proposes to enlarge the more than twenty year old, PCE facility to allow operation in the third sub-cellar level; and

WHEREAS, the applicant represents that the hours of operation are Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 9:00 A.M. to 7:00 P.M.; and

WHEREAS, the applicant has sufficiently demonstrated that the proposed hours of operation would not be out of character with the operating hours of other businesses in the immediate area; and

WHEREAS, the applicant asserts that the surrounding area is comprised largely of commercial and manufacturing uses; and

WHEREAS, the applicant represents that the remainder of the building is occupied by commercial tenants, and that there are no residential units directly above or adjacent to the subject facility; 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 the required findings under Z.R. §73-36 to permit the enlargement of a pre-existing, grandfathered physical culture establishment, which is presently located in portions of the cellar and first sub-cellar of a multi-story mixed use building, into the third sub-cellar level, which requires a special permit as per Z.R. §32-10, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received February 4, 2003" - (4) sheets and "June 24, 2003" -(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to ten (10) years from July 22, 2003 to expire on July 22, 2013;

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 the hours of operation shall be limited to Monday through Thursday 6:00 A.M. to 11:00 P.M., Friday 6:00 A.M. to 10:00 P.M., and Saturday and Sunday 9:00 A.M. to 7:00 P.M.;

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

THAT the premises shall be maintained free of debris 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 applicant represents that the proposed physical culture establishment will contain facilities for classes, instruction, and programs for physical improvement, body building, weight reduction, and cardiovascular fitness; and

WHEREAS, the applicant asserts that the proposed enlargement will have no adverse impact on the privacy, light, quiet, and air of the surrounding area, as the facility is located within an existing structure; and

WHEREAS, the proposed project will not interfere with the existing street system or 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. §73-36 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. graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 24 hour operation of the facility shall only be permitted as long as there are no residential units directly above or adjacent to the subject facility;

THAT the applicant shall comply with all provisions of Local Law 58/87;

THAT this approval 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 22, 2003.

88-03-BZ & 89-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank & Walter Eberhart, L.P., owner.

SUBJECT - Application March 19, 2003 - under Z.R. §73-621 to permit, in an R8B zoning district, the enlargement of the subject

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premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23-145.

PREMISES AFFECTED -

- 313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan.
- 315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated February 24, 2003, acting on Application Nos. 103339665 and 103338700 reads:

"Proposed floor area exceeds maximum allowed floor area contrary to ZR 23-145."; and

WHEREAS, a public hearing was held on this application on June 17, 2003 and then laid over to July 22, 2003 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting

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. §73-621 to permit, in an R8B zoning district, the enlargement of the subject premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23-145, 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 19, 2003"- (6) sheets, and "June 26, 2003" -(5) sheets; on further condition;

THAT there shall be no habitable room in the cellar;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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, July 22,

of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-621 to permit, in an R8B zoning district, the enlargement of the subject premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23-145; and

WHEREAS, the Board notes that the proposed enlargement will not create any new units; and

WHEREAS, Z.R. §73-621 allows the construction of additional floor area, if the new floor area ratio does not exceed the permitted floor area ratio by more than ten (10) percent and provided that the enlargement does not create any new non-compliance or increase the amount or degree of any existing non-compliance ; and

WHEREAS, the applicant has demonstrated that the instant application meets the criteria established under Z.R. §73-621; 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. §73-621 and 73-03.

2003.

90-03-BZ

APPLICANT - Eric Palatnik, P.C., for Women of Faith, Inc., owner.
SUBJECT - Application March 21, 2003 - under Z.R. §72-21 to permit the proposed construction of a five and six-story apartment building containing 34 dwelling units, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard, and parking, and is contrary to Z.R. §§23-141(b), 23-631(b), 23-222, 23-462(a), and 25-22.

PREMISES AFFECTED - 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, 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 Caliendo and Commissioner Miele.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, April 1, 2003 acting on Application No. 401623132, reads:

"PROPOSED BUILDING CONTRARY TO Z.R. §23-141(b), Z.R. 23-222, Z.R.23-462(c), Z.R. 23-462(a), Z.R. §23-45(a), Z.R. §23-631(b), AND Z.R. 25-22 AND THEREFORE MUST BE REFERRED TO THE BOARD OF

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STANDARDS AND APPEALS.

THE PROPOSED BUILDING IS CONTRARY DUE TO THE FOLLOWING:

SECTION Z.R. 23-141(b) FLOOR AREA PROPOSED IS OVER BUILT BY 39,645 S.F.

SECTION Z.R. 23-141(b) OPEN SPACE REQUIRED 12,180 S.F. PROPOSED 4535 S.F.

SECTION Z.R. 23-141(b) LOT COVERAGE IS EXCEEDED BY 4705 S.F.

SECTION 23-222 DWELLING UNITS EXCEEDED BY 20 D.U.

SECTION Z.R. 23-462(a) SIDE YARD REQUIRED 16'-0" PROPOSED 9'-6"

SECTION 23-45(a) FRONT YARD REQUIRED 10'-0" PROPOSED NONE

SECTION 23-631(b) MAXIMUM HEIGHT 25'-0" PROPOSED 54'-0"

SECTION Z.R. 23-22 PARKING REQUIRED 1 PER D.U. PROPOSED 17 SPACES (50% OF D.U.); and

WHEREAS, a public hearing was held on this application on June 17, 2003 after due notice by publication in The City Record,

WHEREAS, the record shows that the proposed construction will consist of a five and six story with cellar, affordable quality housing rental apartment building, which will contain thirty four units and have a total floor area of 52,245 square feet; and

WHEREAS, the applicant proposes storage and seventeen parking spaces in the cellar, five dwelling units, a laundry room, and a recreation room on the first floor, as well as a rear yard, six dwelling units on each of the second through the fifth floors, four dwelling units on the sixth floor and a roof terrace; and

WHEREAS, the applicant represents that the existing structure is inadequate to meet the programmatic needs of the Women of Faith, a community-based not-for-profit group, which services the social needs of the Jamaica community; and

WHEREAS, the applicant asserts that the construction of smaller structure, which would comply with the existing R4 zoning designation, would not be sufficient to meet the requirements set forth by the various sources of funding for this affordable housing development; and

WHEREAS, the applicant seeks to construct a building which complies with the R6A zoning district located just two blocks north of the site, a part of the Jamaica redevelopment and rezoning area; and

WHEREAS, the Board finds that the programmatic needs of the not-for-profit organization create an undue hardship with 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, the record indicates that the surrounding area is largely residential with commercial and community facility uses; and

WHEREAS, the applicant represents that the proposed development will satisfy the demands of the Quality Housing program; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor

laid over to July 22, 2003 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 Joel Miele 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, the construction of a five and six story apartment building containing 34 dwelling units, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard, and parking, and is contrary to Z.R. §§23-141(b), 23-631(b), 23-222, 23-462(a), and 25-22; and

WHEREAS, the Queens Borough President has recommended approval of this applications; and

WHEREAS, the record indicates that the subject premises is a 160 ft. wide by 106 ft. deep, corner lot, with a total area of 16,800 sq. ft.; and

WHEREAS, applicant represents that the subject lot is currently improved with a two-story, community facility with a total floor area of 9,240 sq. ft.; and

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

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 construction of a five and six-story apartment building containing 34 dwelling units, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard, and parking, and is contrary to Z.R. §§23-141(b), 23-631(b), 23-222, 23-462(a), and 25-22, 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 21, 2003"-(8) sheets; and on further condition;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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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 in accordance with §72-23.

Adopted by the Board of Standards and Appeals, July 22, 2003.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated March 25, 2003, acting on Application No. ALT 301474492 reads:

- " 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 THE 150.0 REQUIRED.
2. PROPOSED PLANS ARE CONTRARY TO Z.R. 23-461 IN THAT THE PROPOSED SIDE YARDS ARE LESS THAN THE MINIMUM 5 FEET REQUIRED ON ONE SIDE.
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 24, 2003 and then laid over to July 22, 2003 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the enlargement 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, open space, side yards, and rear yards and is contrary to Z.R. §§23-141, 23-461, 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 perimeter wall height will comply with all applicable zoning regulations; 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.

99-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Yeheskel & Beatrice Frankel, owners.

SUBJECT - Application March 28, 2003 - under Z.R. §73-622 to permit the enlargement 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, open space, side yards, and rear yards and is contrary to Z.R. §§ 23-141, 23-461, and 23-47. PREMISES AFFECTED - 1173 East 24th Street, between Avenues "K and L", Block 7624, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman, Lewis Garfinkel and Mr. Frankel.

ACTION OF THE BOARD - Application granted on condition.

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 enlargement 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, open space, side yards, and rear yards 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 May 23, 2003-(10) sheets and "July 1, 2003" -(1) sheet; and on further condition;

THAT there shall be no habitable room in the cellar;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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, July 22, 2003.

104-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Gila Realty, owner; 61 Strickland Fitness Center, LLC, lessee.

SUBJECT - Application May 20, 2003 - under Z.R. §72-21 to permit, in an R3-1 and C2-2 zoning district, a physical culture

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establishment located in a portion of an existing one-story building, which is contrary to Z.R.§22-00.

PREMISES AFFECTED - 6161 Strickland Avenue, between Mill Avenue and East 60th Place, Block 8470, Lot 1110, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Carl Kruger, Dorothy Turano, Sol Needle, Roberta Sherman, Judith Gargano and Stephen F. Gordon.

ACTION OF THE BOARD - Application granted on condition.

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in The City Record, and laid over to July 22, 2003 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-1 and C2-2 zoning district, a physical culture establishment located in a portion of an existing one-story building, which is contrary to Z.R.§22-00; and

WHEREAS, the premises is located on Strickland Avenue between Mill Avenue and East 60th Place, improved with a one-story structure currently used as a bowling alley, Use Group 12, with 53,335 square feet of floor area and 100 accessory parking spaces; and

WHEREAS, the applicant represents that in 2002, the aforementioned bowling alley opted to lease only a portion of the building rather than the entire building, leaving approximately 19,900 square feet of space unutilized; and

WHEREAS, it is the 19,900 square foot space which is proposed to be used for the physical culture establishment; and

WHEREAS, the applicant represents that the subject site is shaped like an irregular pentagon, and split between an R3-1 zoning district, and a C2-2 commercial overlay; and

WHEREAS, approximately 15,000 square feet of the proposed PCE space is located within the C2-2 district (which allows PCE use as-of-right) while 4,900 square feet of the space is located in the R3-1 district which requires a zoning variance; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the split zoning designation and the irregular pentagon shape, create an unnecessary hardship and practical difficulty in developing the site in conformity of the underlying zoning regulations, thus satisfying the requirements of §72-21(a); and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the rear portion of the lot, with a conforming development would not yield a reasonable return; and

WHEREAS, the applicant represents that there will be no changes to the existing buildings height or floor area, and that all the proposed changes are interior, with the exception of the addition of a gym entrance, 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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 31, 2003 acting on ALT 1 Application No. 301521921 reads in pertinent part:

"Obtain variance per ZR 72-21 for physical culture/health establishment in R3-1 zoning district."; 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.

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 R3-1 and C2-2 zoning district, a physical culture establishment located in a portion of an existing one-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 May 20, 2003"- (3) sheets and "July 10, 2003" -(1) sheet, and on further condition;

THAT the hours of operation for the PCE shall be limited to 5:30 a.m. to 11:00p.m. on weekdays, and 8:00 a.m. to 10:00p.m. on Saturday /Sunday;

THAT there shall be no boxing ring and no boxing matches shall occur in the PCE;

THAT there shall be no private parties or parties open to the general public in the PCE;

THAT the installation of the PCE at the subject property shall not warrant, nor shall the management of the PCE seek, an increase in the maximum number of persons permitted pursuant to the current certificate of occupancy;

THAT there shall be no loitering;

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

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the 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.

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Adopted by the Board of Standards and Appeals, July 22, 2003.

234-03-BZY

APPLICANT - Jay A. Segal, Esq., of Greenberg Traurig, for Greenwich Renwick, LLC, owner.

SUBJECT - Application July 7, 2003 - under Z.R. §11-331 for an extension of time to complete construction for a minor development.

PREMISES AFFECTED - 499 Greenwich Street, east side of Greenwich Street, 41' south of Spring Street, Block 594, Lots 29 and 37, Borough of Manhattan.

APPEARANCES -

For Applicant:

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 30, 2003 acting on NB Application No. 102493204 reads in pertinent part:

"THE REQUEST FOR A SIX MONTH EXTENSION TO COMPLY WITH THE REQUIREMENTS FOR VESTING PURSUANT TO SECTION 11-331 AND 11-31 OF THE NEW YORK CITY ZONING RESOLUTION FOR THE ABOVE REFERENCED BUILDING BASED UPON CPC APPROVAL OF THE PROPOSED ZONING CHANGE FOR THE HUDSON SQUARE RE-ZONING AND EXPECTED ENACTMENT ON JULY 25, 2003 REQUIRES A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, a public hearing was held on this application on July 22, 2003 after due notice by publication in The City Record, and a decision handed down on July 22, 2003; 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a minor development under construction thereon, pursuant to a variance, BSA Calendar Number 162-01-BZ, issued by the Board; and

WHEREAS, on December 18, 2001 the Board granted a variance to permit, in an M1-6 zoning district, the construction of a new fourteen-story and cellar residential building with retail use on a

Therefore, it is Resolved that this application is granted to renew New Building permit No. 103413735-01 pursuant to §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this

portion of the first floor; and

WHEREAS, on June 18, 2003 the City Planning Commission approved an application filed by the Department of City Planning to rezone an area encompassing the subject site from an M1-6 zoning district to C6-2A zoning district; and

WHEREAS, the applicant represents that the City Council is expected to approve the rezoning measure on July 23, 2003; and

WHEREAS, a rezoning of the subject zoning district would effectively cause the applicant's building permit to lapse and construction to discontinue, and for all subsequent construction to comply with the new underlying zoning regulations; and

WHEREAS, based upon unique conditions and unnecessary hardships inherent to the subject zoning lot the Board permitted construction on the site with an FAR of 9.76, while the new C6-2A zoning district regulations permit a maximum FAR of 6.02; and

WHEREAS, although the building permits are still valid at the time of the granting of this application, the applicant requests that the Board preemptively approve a renewal of the building permits and an extension of time to complete the required foundations pursuant to §11-331 of zoning resolution so as to permit construction to continue without shutdown and re-startup that would otherwise occur at great additional expense and neighborhood inconvenience; and

WHEREAS, the records shows that on March 21, 2003 a building permit to allow for the construction of a new building was lawfully issued to the applicant; and

WHEREAS, the record shows that the building permit for the subject property was issued to Greenwich Renwick LLC, which has a possessory interest in the zoning lot; and

WHEREAS, the applicant represents that excavation on the site is complete; and

WHEREAS, the applicant states that a portion of the excavation pit has been graded at an angle for the movement of workers and equipment, the proposed cellar will not encompass the entire excavation site, and soil from the ramp and any other loose fill will eventually be used to backfill the site; and

WHEREAS, the Board notes that the presence of loose fill on the excavation site is part of ordinary construction practice and foundation work;

WHEREAS, the applicant represents that all of the foundation engineering design is complete, all of the piles have been driven, adjacent structures have been supported, the placement of the pile caps are one-quarter complete, and a majority of the well points have been sunk and dewatering has begun; and

WHEREAS, as of June 27, 2003, the applicant states that 82% of the foundation has been completed and it would take approximately 34 more days to complete the foundation; and

WHEREAS, the Board finds that the applicant has adequately satisfied all the requirements of '11-331.

resolution, to expire on January 22, 2004; on condition that all work shall substantially conform to previously approved BSA plans, and that the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the

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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 22, 2003

297-01-BZ

APPLICANT - Eric Palatnik, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application October 24, 2001 - 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: Janice Cahalane.

ACTION OF THE BOARD - Laid over to October 7, 2003, at 2 P.M., for continued hearing.

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.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

156-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 8021 APPEARANCES -

For Applicant: Jerry Johnson and Jesse Masyr.

For Opposition: Kenneth K. Fisher, David Sweeney and Paul Parkhill.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

15th Avenue Corp., owner; Aspen Ford, lessee.

SUBJECT - Application May 15, 2002 - under Z.R. §11-411 to permit the reestablishment of a variance previously granted under Cal. No.606-85-BZ, which permitted the maintenance of a new and used car sales lot with an accessory office and parking, located in a C2-3 within and R5 zoning district.

PREMISES AFFECTED - 964/70 65th Street, south side, 100' west of Tenth Avenue, Block 5750, Lot 47, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

178-02-BZ

APPLICANT - Dominick Salvati & Son Architects, for Diego Salazar, owner.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21 to permit 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.

PREMISES AFFECTED - 57 Eagle Street aka 233 Franklin Street, northwest corner, Block 2494, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO GRANT -

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

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

258-02-BZ

APPLICANT - Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Inex Fulton, owner.

SUBJECT - Application September 24, 2002 - under Z.R. §72-21 to permit 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.

PREMISES AFFECTED - 7/13 Ash Street, a/k/a 1164/66 Manhattan Avenue, northeast corner, Block 2477, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §72-21 to permit 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, which is contrary to Z.R. §42-00.

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PREMISES AFFECTED - 160 North Fourth Street, between Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Girard Owens, Richard Drake and Beatice Hanson.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

315-02-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for 225-227 West 60th Street, LLC, owner.

SUBJECT - Application October 25, 2002 - under Z.R. §72-21 to permit the 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.

PREMISES AFFECTED - 223/27 West 60th Street, north side, between Amsterdam and West End Avenues, Block 1152, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Weiss.

For Opposition: Eric Wilson, Shampa Chanda and Hope Cohen.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the 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, SUBJECT - Application January 16, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ration, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.

PREMISES AFFECTED - 1179 East 28th Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel and Lewis Garfinkel.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,

requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant:

THE VOTE TO REOPEN HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

29-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Seymour Benefeld, as Trustee, owner.

Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for decision, hearing closed.

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.

SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two-story non-

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confirming commercial use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and others.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for decision, hearing closed.

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner. SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Gary R. Tarnoff, Samuel H. Lindenbaum, Richard S. Thomas and William Friedland.

ACTION OF THE BOARD - Laid over to September 16, 2003, at 1:30 P.M., for postponed hearing.

363-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Rohith Rheddy, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the 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.

PREMISES AFFECTED - 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for deferred decision.

75-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Deborah Raymond, owner. SUBJECT - Application February 27, 2003 - under Z.R. § 72-21 to permit the legalization of the residential use, Use Group 2, on the second through fifth floors, of a mixed-use building, located in an M1-6 zoning district, which is contrary to §42-00.

PREMISES AFFECTED - 326 Seventh Avenue, between West 28th and 29th Streets, Block 778, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Isabella Caruso.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to September 9, 2003, at 1:30 P.M., for decision, hearing closed.

326-02-BZ

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 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.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

376-02-BZ

APPLICANT - Harold Weinberg, P.E., for Joseph Stern, owner. SUBJECT - Application December 30, 2002 - under Z.R. §73-622 to permit the proposed two story rear 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 and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 916 East 23rd Street, west side,

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100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

Pasquale Pacifico, Executive Director.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Adjourned: 3:20 P.M.

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

145-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Juliana Vincenti, owner.

SUBJECT - Application May 8, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. §23-141, §23-48 and §23-141.

PREMISES AFFECTED - 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.

151-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Alan Shrem, owner.

SUBJECT - Application May 15, 2003 - 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 yard and lot coverage, is contrary to Z.R. § 23-141 and §23-48.

PREMISES AFFECTED - 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for decision, hearing closed.
