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# BULLETIN

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

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Volume 89, No. 15

April 8, 2004

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### DIRECTORY

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**Tuesday, March 30, 2004**

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400-70-BZ	134-07 Cross Bay Boulevard, Queens
923-77-BZ	1905 McDonald Avenue, Brooklyn
724-56-BZ	42-42 Francis Lewis Boulevard, Queens
269-98-BZ	70 East 184 <sup>th</sup> Street, a/k/a 2363 Morris Avenue, Bronx
144-00-BZ	210 East 77 <sup>th</sup> Street, Manhattan
263-01-BZ	85-101 N. 3 <sup>rd</sup> Street, Brooklyn
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**Affecting Calendar Numbers:**

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194-03-BZ	739 East New York Avenue, Brooklyn
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273-03-BZ thru 285-03-BZ	211-51/49/47/45/43/41/54/52/50/48/46/44/42 94 <sup>th</sup> Road, Queens
290-03-BZ	1097 Second Avenue, Manhattan
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377-03-BZ	25 Bond Street, Manhattan
384-03-BZ	804 East 138 <sup>th</sup> Street, Bronx

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# DOCKETS

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New Case Filed Up to March 30, 2004

**135-04-BZ** B.Q. 91-22 188<sup>th</sup>  
Street,  
northeast corner of Jamaica Avenue, Block 9910,  
Tentative Lot 43 (part of lot 1), N.B. 401598829.  
Proposed erection and maintenance of an automobile  
showroom with offices, Use Group 6, located in an R2 and  
C2-2(R5) zoning district, is contrary to Z.R. §22-00.  
**COMMUNITY BOARD #12BK**

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**136-04-BZ** B.BK. 3132 Fort Hamilton  
Parkway, between McDonald Avenue and East Second  
Street, Block 5315, Lot 1, Borough of Brooklyn. N.B.  
301272833. Proposed redevelopment of gasoline service  
station, with an accessory convenience store, located in an  
C2-3 within an R-5 zoning district, is contrary to Z.R. §32-  
00.  
**COMMUNITY BOARD #12BK**

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**137-04-BZ** B.BK. 1755 East 28<sup>th</sup>  
Street,  
between Quentin Road and Avenue "R", Borough of  
Brooklyn. Applic. #301677031. Proposed enlargement of  
an existing single family residence, located within an R3-2  
zoning district, which exceeds the allowable floor area, lot  
coverage, perimeter wall height, and side yard and rear  
yards, is contrary to Z.R. §23-141, §23-631, §23-48 and  
§23-47.  
**COMMUNITY BOARD #15BK**

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**138-04-BZ** B.BK. 6101/23 16<sup>th</sup>  
Avenue,  
between 61<sup>st</sup> and 62<sup>nd</sup> Streets, Block 5524, Lot 1, Borough  
of Brooklyn. Applic. #301444168. Proposed school, Use  
Group 3, located within an M1-1 zoning district, is contrary  
to Z.R. §42-00.  
**COMMUNITY BOARD #11BK**

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**139-04-BZ** B.BK. 1259 East 28<sup>th</sup>  
Street,  
between Avenues "M" and "L", Block 7646, Lot 21,  
Borough of Brooklyn. Alt. #301688911. Proposed  
enlargement of an existing single family residence, located  
within an R2 zoning district, which does not comply with the  
zoning requirement for allowable floor area, open space  
and rear yard, is contrary to Z.R. §23-141 and §23-47.  
**COMMUNITY BOARD #14BK**

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**140-04-A** B.BK. 500 Clinton Street,  
southwest corner of Third Place, Block 320, Lot 27,  
Borough of Brooklyn. Applic. #301562903. Appeal of the

Department of Buildings' letter dated March 18, 2004, in  
which the Department refused to revoke approval and  
underlying permit for subject premises.

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**141-04-BZ** B.Q. 94-34 45<sup>th</sup> Avenue,  
south side, between Junction Boulevard and 94<sup>th</sup> Street,  
Block 1602, Lot 18, Borough of Queens. Applic.  
#401759548. Proposed second story enlargement to an  
existing one-story warehouse building, Use Group 6,  
located within an R6-B zoning district, is contrary to §52-  
40.  
**COMMUNITY BOARD #4Q**

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**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.**

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# CALENDAR

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**MAY 11, 2004, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, May 11, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### **707-56-BZ, Vol. II**

APPLICANT - Walter T. Gorman, P.E., for Jewell Mallinson/Leonard Mallinson, owners; Amoco Oil Company, lessee.

SUBJECT - Application January 13, 2004 - reopening for an extension of term of variance which expired April 21, 2004.

PREMISES AFFECTED - 1500/10 Williamsbridge Road, northeast corner of Eastchester Road, Block 4082, Lot 5, Borough of The Bronx.

**COMMUNITY BOARD #11BX**

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### **40-80-BZ**

APPLICANT - Sheldon Lobel, P.C., for 35 West 23rd Street Corp., owner; Patrick Montgomery, lessee.

SUBJECT - Application February 9, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 35-37 West 23rd Street, between Fifth Avenue and Avenue of the Americas, Block 825, Lot 7501, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### **1038-80-BZ**

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing, LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2004 - reopening for an extension of term of variance which expired January 6, 2004.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4327-4367, Lot 1, Borough of Queens.

**COMMUNITY BOARD #7Q**

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### **295-01-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, owner.

SUBJECT - Application January 22, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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**MAY 11, 2004, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday*

### **393-03-A**

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative Inc., owner; Phillip & Stacey Benoit, owners.

SUBJECT - Application December 23, 2003 - Proposed enlargement and alteration to an existing one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law. The building is not considered within 100' of a corner, therefore, 30'0" rear yard is required for second story enlargement.

PREMISES AFFECTED - 2 Roxbury Avenue, southeast corner of Marshall Avenue, Block 16340, Lot 50, Borough of Queens.

**COMMUNITY BOARD #14Q**

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### **395-03-A & 396-03-A**

APPLICANT - Zaki Turkieh, for Aryeh Realty, LLC, owner.

SUBJECT - Application December 26, 2003 - proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 253-06 Rockaway Boulevard, located on Rockaway Boulevard and corner of East Dock Street, Block 13921, Lot 84, Borough of Queens.

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### **27-04-A**

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for City of New York, owner; Unconvention Center, Inc., lessee.

SUBJECT - Application February 11, 2004 - Proposed rehabilitation and renovation of Pier 94, for use as an exhibition hall for mid-size trade shows, which seeks relief from the requirements of §27-369(f) of the NYC Building Code with respect to protection of an exterior corridor, and §27-771.01(b) of the NYC Building Code with respect to mechanical system providing less than (6) six air changes per hour.

PREMISES AFFECTED - 755 12th Avenue, west side, between West 53rd and 55th Streets, Block 1109, Lot 5, Borough of Manhattan.

**COMMUNITY BOARD #4M**

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*afternoon*, May 11, 2004, at 1:30 P.M., at 40 Rector Street, 6<sup>h</sup> Floor, New York, N.Y. 10006, on the following matters:

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# MINUTES

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## ZONING CALENDAR

### **229-03-BZ**

APPLICANT - David L. Businelli, for PIC Legacy Realty, Inc., owner.

SUBJECT - Application July 3, 2003 - under Z.R. §72-21 to permit the proposed erection of a one family detached residence, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

PREMISES AFFECTED - 303 Crystal Avenue, southeast corner of Watchogue Road, Block 472, Lot 149, Borough of Staten Island.

**COMMUNITY BOARD #ISI**

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### **314-03-BZ**

APPLICANT - Deirdre A. Carson, Esq., for 17-18 Management Co. LLC, c/o White, Inc., owner; AMAC, lessee.

SUBJECT - Application October 16, 2003 - under Z.R. §§73-01, 73-03 & 73-19 to permit the legalization of an existing school, Use Group 3A, located in an 11 story loft building, in an M1-6M zoning district, is contrary to Z.R. §42-00 and §42-12.

PREMISES AFFECTED - 18 West 18th Street, a/k/a 25 West 17th Street, a through lot, 356' west of the intersection of Fifth Avenue and 17th and 18th Streets, Block 819, Lot 56, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### **327-03-BZ**

APPLICANT - Harold Weinberg, P.E., for Frank Galeano, owner.

SUBJECT - Application November 4, 2002 - under Z.R. §72-21 to permit the proposed erection of a four story, four family residence, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 82 Union Street, south side, 266'-0" west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

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### **343-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Pasquale Pescatore, owner.

SUBJECT - Application November 12, 2003 - under Z.R. §72-21 to permit the proposed construction of seven story, nineteen unit, residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 90 Havemeyer Street, between Hope Street and Metropolitan Avenue, Block 2368. Lot 26(Former Lots 26, 27 and 28), Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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### **390-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Dobbins Street, LLC, owner.

SUBJECT - Application December 18, 2003 - under Z.R. §72-21 to permit the legalization of residential use on the second floor, of a two story mixed use building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 95 Dobbins Street, between Norman and Messerole Avenues, Block 2616, Lot 18, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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*Pasquale Pacifico, Executive Director*

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# MINUTES

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**REGULAR MEETING  
TUESDAY MORNING, MARCH 30, 2004  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 3, 2004, were approved as printed in the Bulletin of February 12, 2004, Volume 89, No. 7.

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**SPECIAL ORDER CALENDAR**

**973-57-BZ**

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application October 16, 2003 - reopening for an extension of term of variance which expired October 28, 2003.

PREMISES AFFECTED - 60-04 Metropolitan Avenue on the southwest corner of 60th Street, Block 3492, Lot 45, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Janice Cahalane.

**ACTION OF THE BOARD** - Application re-opened and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 27, 2004, after due notice by publication in *The City Record*, with a continued hearing on March 9, 2004 and laid over to March 30, 2004 for decision; and

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance which expired on October 28, 2003; and

WHEREAS, on October 28, 1958, the Board granted an application to permit, in a retail and residential use district, the erection and maintenance of a gasoline service station, lubritorium, motor vehicle repairs of minor adjustment with hand tools only, automatic auto laundry, simonizing room and parking of vehicles awaiting service; and

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

Resolved, that the Board of Standards and Appeals, pursuant to §Z.R. 11-411, *reopens and extends the term of the variance*, said resolution having been adopted October 28, 1958, so that as amended this portion of the resolution

WHEREAS, a public hearing was held on this application on February 3, 2004, after due notice by publication in *The City Record*, with a continued hearing on March 2, 2004, and then laid over to March 30, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules

shall read: "to permit the extension of the term of the variance for an additional ten (10) years from the October 28, 2003 to expire on October 28, 2013, *on condition* that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received February 24, 2004"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

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 six feet high buffering in the form of appropriate fencing will be provided on the sides of the subject lot abutting residential uses;

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

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

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

(DOB # 401712107)

Adopted by the Board of Standards and Appeals, March 30, 2004.

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**85-58-BZ**

APPLICANT - Maxfield Blaufeux & Heywood Blaufeux, for Estate of Hyman Badzanower, owner; Westfield second Associates, owner

SUBJECT - Application October 7, 2003 - reopening for an extension of term of variance which expired September 9, 2003.

PREMISES AFFECTED - 20/24 2nd Avenue a/k/a 30/32 East 1st Street, northeast corner of 2nd Avenue and East 1st Street, Block 443, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #3M**

APPEARANCES - None.

**ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution amended and term of variance extended.**

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on September 9, 2003, and an amendment to the resolution; and

WHEREAS, the applicant seeks to legalize an accessory convenience store on the premises; and

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# MINUTES

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WHEREAS, on July 24, 1958, the Board granted an application to permit the erection of a gasoline service station with accessory uses; and

WHEREAS, since the original grant, the applicant has obtained subsequent minor amendments and extensions of the term of the variance, the most recent extension being granted on July 7, 1994; and

WHEREAS, by letter dated November 26, 2003, Community Board No. 3, Manhattan, recommends approval of this application, provided that the station make a better effort to keep the sidewalks to which it is adjacent unobstructed.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, pursuant to Zoning Resolution §11-411, extends the term of the variance which expired on September 9, 2003, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the variance for an additional ten (10) years from September 9, 2003 expiring on September 9, 2013, and to legalize the addition of an accessory convenience store; *on condition* that all work shall substantially conform to drawings as filed with this application, marked “Received October 7, 2003”-(1) sheet and “March 30, 2004”-(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 sidewalks abutting the subject property will be kept unobstructed and that no parking of vehicles is allowed on the sidewalks;

THAT a legible sign be posted in the convenience store in a location visible to customers stating “Customers parking on the sidewalk will NOT be served”;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the 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 #103571733)

Adopted by the Board of Standards and Appeals, March 30, 2004.

## 400-70-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corporation, owner.

SUBJECT - Application November 7, 2003 - reopening for an

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 all signage will be as approved by the Department of Buildings;

THAT landscaping shall be provided and maintained in accordance with BSA approved plans, as submitted with the

amendment to the resolution.

PREMISES AFFECTED - 134-07 Cross Bay Boulevard (formerly 134-15 Cross Bay Boulevard) Cross Bay Boulevard at northeast corner of Linden Boulevard, Block 11493, Lots 79 and 87, Borough of Queens.

## COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Janice Cahalane.

**ACTION OF THE BOARD** - Application re-opened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on January 27, 2004, after due notice by publication in The City Record, with a continued hearing on March 9, 2004, and then laid over to March 30, 2004 for decision; and

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; and

WHEREAS, on November 24, 1970, the BSA granted a variance under §72-21 to permit in a C1-2 within an R4 zoning district, the erection and maintenance of an automotive service station with accessory uses; and

WHEREAS, on November 25, 1997, the resolution was amended to permit modernization of the site; and

WHEREAS, the subject application seeks to demolish the existing kiosk on the site and construct a 2,480 square foot convenience store, of which 1,354 square feet will be used as sales area, to relocate the existing gasoline dispensers and canopy, alter the existing signage and to include nine (9) parking spaces.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this portion of the resolution shall read: “to permit the to demolition of the existing kiosk on the site and construction of a 2,480 square foot convenience store, of which 1,354 square feet will be used as sales area, relocation the existing gasoline dispensers and canopy, alteration of the existing signage and the inclusion of nine (9) parking spaces; on condition that all work shall substantially conform to drawings as filed with this application, marked “Received March 12, 2004”- (7) sheets; and on further condition;

THAT the term of this variance shall be limited to ten (10) years from the date of this resolution to expire on March 30, 2014;

instant application on Sheet 2, dated “Received March 12, 2004”;

THAT all lighting shall be directed toward Cross Bay Boulevard, and away from residential homes;

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

THAT the Department of Buildings must ensure

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compliance with all other applicable provisions of the Zoning Resolution, the 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 #401636253)

Adopted by the Board of Standards and Appeals, March 30, 2004.

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## 923-77-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Matthew Percia, owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 31, 2003.

PREMISES AFFECTED - 1905 McDonald Avenue, east side of McDonald Avenue, 105' south of Quentin Road, Block 6658, Lot 86, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

#### APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

#### THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

#### THE RESOLUTION -

**WHEREAS, a public hearing was held on this application on March 2, 2004 after due notice by publication in *The City Record*, and laid over to March 30, 2004 for decision; and**

**WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure and an extension of the term of the granted variance, which expired on May 31, 2003; and**

**WHEREAS, on July 2, 1963, the Board permitted an erection of a one story manufacturing building in an R5 zoning district for a term of 15 years; and**

**WHEREAS, the on March 8, 1994 the Board amended the variance to permit maintenance of an interior mezzanine and to extend the term for 10 years, to expire May 31, 2003.**

**Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, and extends the term of the variance which expired on May 31, 2003, pursuant to Z.R. §72-21, so that as amended this portion of the resolution shall read:**

**“to permit the extension of the term of the variance**

PREMISES AFFECTED - 70 East 184<sup>th</sup> Street, a/k/a 2363 Morris Avenue, south side of East of East 184<sup>th</sup> Street, corner formed by the intersection of Morris Avenue, Block 3183, Lot 42, Borough of The Bronx.

### COMMUNITY BOARD #5BX

APPEARANCES - None.

#### THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**for an additional ten (10) years from May 31, 2003 expiring on May 31, 2013; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 13, 2004”- (3) 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 parking layout in the subject garage will be as approved by the Department of Buildings;**

**THAT this approval 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 # 301549377)

Adopted by the Board of Standards and Appeals, March 30, 2004.

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## 724-56-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Anthony Nicovic, owner.

SUBJECT - Application December 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 42-42 Francis Lewis Boulevard, south of 42nd Road, Block 5373, Lot 26, Borough of Queens.

### COMMUNITY BOARD #11Q

#### APPEARANCES -

For Applicant: Hiram A. Rothkrug.

**ACTION OF THE BOARD - Laid over to May 11, 2004, at 10 A.M., for continued hearing.**

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## 269-98-BZ

APPLICANT - Mothiur Rahman, for Mothiur Rahman, owner.

SUBJECT - Application December 9, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

Negative:.....0

**ACTION OF THE BOARD - Laid over to April 13, 2004, at 10 A.M., for decision, hearing closed.**

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## 144-00-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Birch Wathen Lenox School, owner.

SUBJECT - Application January 28, 2004 - reopening for an amendment to the resolution.

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PREMISES AFFECTED - 210 East 77th Street, south side of 77th Street, 145 East of Third Avenue, Block 1431, Lot 41, Borough of Manhattan.

## COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Adam Rothkrug, Michael Specter, Michael Delsordo, Frank Carnabuci, Elizabeth Levethal, Janine Hopley, Chris Carlin and Jonathan Theobald.

### THE VOTE TO CLOSE HEARING -

**Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5**

**Negative:.....0**

**ACTION OF THE BOARD** - Laid over to April 13, 2004, at 10 A.M., for decision, hearing closed.

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## 263-01-BZ

APPLICANT - Francis R. Angelino, Esq., for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., Lessee. SUBJECT - Application January 7, 2004 - reopening for an extension of time to obtain a Certificate of Occupancy which expired on January 7, 2003.

PREMISES AFFECTED - 85-101 N. 3<sup>rd</sup> Street, northeast corner of intersection of North 3<sup>rd</sup> Street and Whythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Francis R. Angelino.

### THE VOTE TO CLOSE HEARING -

**Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5**

**Negative:.....0**

**ACTION OF THE BOARD** - Laid over to April 13, 2004, at 10 A.M., for decision, hearing closed.

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## 32-02-BZ

APPLICANT - Martyn & Don Weston, for Winchester Realty Group, LLC, owner.

SUBJECT - Application December 12, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 176-182 Johnson Street, southwest corner of 92-102 Prince Street, Block 2049, Lot 15, Borough of

## 263-03-A

APPLICANT - John W. Carroll, Wolfson & Carroll, for Ben Bobker, owner.

SUBJECT - Application August 20, 2003 - An administrative appeal challenging the Department of Buildings' final determination dated August 13, 2003, in which the Department refused to revoke the certificate of occupancy, on the basis that the applicant had satisfied all objections regarding said premises.

PREMISES AFFECTED - 1638 Eighth Avenue, west side, 110-5' east of Prospect Avenue, Block 1112, Lot 52, Borough of Brooklyn.

## COMMUNITY BOARD #7BK

APPEARANCES -

Brooklyn.

## COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

### THE VOTE TO CLOSE HEARING -

**Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5**

**Negative:.....0**

**ACTION OF THE BOARD** - Laid over to April 20, 2004, at 10 A.M., for decision, hearing closed.

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## 103-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc., owner. SUBJECT - Application December 2, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1516 East 24th Street, East 24th Street, 105'south of Avenue O and Kings Highway, Block 6770, Lot 12, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

**ACTION OF THE BOARD** - Laid over to April 13, 2004, at 10 A.M., for continued hearing.

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## 193-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Park and Kent Associates, Inc. SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 824-834 Kent Avenue, south side of Park Avenue, east of Taafee Place, Block 1897, Lot 31, Borough of Brooklyn.

## COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Jim Plotkin.

**ACTION OF THE BOARD** - Laid over to April 13, 2004, at 10 A.M., for continued hearing.

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For Administration: Lisa M. Orrantia, Department of Buildings.

**ACTION OF THE BOARD** - Laid over to May 25, 2004, at 10 A.M., for postponed hearing.

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## 311-03-A thru 313-03-A

APPLICANT - Rudolf J. Beneda, A.I.A., for M.Y.H.P. Building Corp., owner.

SUBJECT - Application October 9, 2003 - Proposed two-story, two family dwelling, not fronting on a legally mapped street, in contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

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# MINUTES

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140 Jackson Avenue, west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island.  
144 Jackson Avenue, west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island.  
146 Jackson Avenue, west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island.

*Pasquale Pacifico, Executive Director.*

Adjourned: 11:05 A.M.

## COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: R. J. Beneda.

### THE VOTE TO CLOSE HEARING -

**Affirmative:** Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**Negative:**.....0

**ACTION OF THE BOARD** - Laid over to April 13, 2004, at 10 A.M., for decision, hearing closed.

## REGULAR MEETING

TUESDAY AFTERNOON, MARCH 30, 2004

2:00 P.M.

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

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## ZONING CALENDAR

### 44-04-A

APPLICANT -NYC Department of Buildings.

OWNER OF RECORD: Martin Suss

LESSEE: William J. Newstad; Endeavor Abstract; Paladin Abstract.  
SUBJECT - Application February 25, 2004 - Application to revoke or modify Certificate of Occupancy No. 500353422, issued on 2/28/00, on the grounds that the CO was issued with the mistaken understanding that the non-conforming use was continuous, thus improperly allowing a retail store in a residential zoning district.

PREMISES AFFECTED - 1491 Richmond Road, bounded by Norden Street and Forest Road, Block 869, Lot 374, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 10 A.M., for postponed hearing.

### 92-03-BZ

#### CEQR #03-BSA-152M

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.

SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot with 3 three story, three family attached dwellings, on a vacant lot divided by an R7-2 and M1-1 district boundary, which is contrary to Z.R. §43-10 and which requires a special permit to allow the extension of the residential use to a 25 foot portion of the lot within the M1-1 zoning district.

PREMISES AFFECTED - 472 West 130<sup>th</sup> Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.

### COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Janice Cahalane.

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

WHEREAS, the Housing Land Use Committee of Community Board 9, Manhattan, does not object to the subject proposal; and

WHEREAS, this is an application under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot with 3 three story, three family attached dwellings, on a vacant lot divided by an R7-2 and M1-1 district boundary, which is contrary to Z.R. §43-10 and which requires a special permit to allow the extension of the residential use to a 25 foot portion of the lot within the M1-1 zoning district; and

### THE VOTE TO GRANT -

**Affirmative:** Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**Negative:**.....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 11, 2003, acting on Department of Buildings Application No. 103157003, reads:

“1. Proposed residential use is not permitted as of right in a M1-1 district. It is contrary to Section 43-10 Z.R.”; and

WHEREAS, a public hearing was held on this application on November 5, 2003 after due notice by publication in the City Record; with continued hearings on December 9, 2003, December 23, 2003, February 3, 2004, March 2, 2004, and then laid over for decision to March 30, 2004; and

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

WHEREAS, the zoning lot has an area of 5,140 square feet, and is comprised of three tax lots (lot 64, 67 and 68); these lots have been combined into one zoning lot through a Zoning Lot Merger; and

WHEREAS, tax lot 64 is 2,405 square feet in area and is located in that section of the zoning lot that is within the M1-1 zoning district; tax lots 67 and 68 have a combined area of 2,735 square feet and are located in that section of the zoning lot that is within the R7-2 zoning district; and

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# MINUTES

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WHEREAS, the applicant proposes the erection of 3 three story, three family dwellings, one on each tax lot; the three dwellings will be attached; and

WHEREAS, Z.R. §73-52 provides that when a zoning lot, in single ownership as of 1961, is divided by district boundaries in which two or more uses are permitted, the Board may permit a use which is permitted in the district in which more than 50 percent of the lot area of the zoning lot is located to extend not more than 25 feet into the remaining portion of the zoning lot where such use is not permitted, provided: (a) that, without any such extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot for a permitted use; and (b) that such extension will not; and

WHEREAS, the applicant has provided sufficient evidence showing that the zoning lot was in common ownership prior to 1961 and continuously from that time onward; and

WHEREAS, the applicant represents that without the extension of the R7-2 zoning district provisions into the tax lot within the M1-1 zoning district (tax lot 64), this tax lot would not be feasible to develop with a conforming use; and

WHEREAS, the Board notes that it would not be feasible to develop tax lot 64 with a conforming M1-1 use on such a small parcel of land, and in close proximity to conforming residential buildings; and

WHEREAS, the applicant represents that tax lot 64 will be developed in accordance with the uses currently in the surrounding area; and

WHEREAS, the Board finds that the surrounding area is best characterized as mixed use, with multiple dwellings

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 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed residential development of an entire zoning lot with 3 three story, three family attached dwellings, on a vacant lot divided by an R7-2 and M1-1 district boundary, which is contrary to Z.R. §43-10 and which requires a special permit to allow the extension of the residential use to a 25 foot portion of the lot within the M1-1 zoning district; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 9, 2003"-(1) sheet and "March 25, 2004"-(10) sheets; and *on further condition*:

adjoining the zoning lot, and across the street, and with some warehouse uses and a public school in the immediate vicinity; and

WHEREAS, the Board notes that the grant of the special permit would allow the entire zoning lot to be developed for residential use, which would add to the mixed-use character of the neighborhood; and

WHEREAS, the Board finds that the proposed extension will not cause impairment of the essential character or the future use or development of the surrounding area and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use are outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-52 and 73-03; and

WHEREAS, the applicant has answered to the Board's satisfaction its concerns regarding the applicability of Z.R. §23-711(c), which regulates the minimum distance between buildings on a single zoning lot; and

WHEREAS, the Board notes that any development on the subject zoning lot must conform to all applicable R7-2 zoning district regulations and other zoning and Building Code requirements, as determined and approved by the Department of Buildings; and

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, March 30, 2004.

142-03-BZ

CEQR #03-BSA-180Q

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 and

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# MINUTES

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11-413, to permit in C2-2 within an R3-2 zoning district, the reestablishment of a variance granted by the board, to allow for the continued operation of an automotive repair establishment (Use Group 7), and to permit a 384 square foot enlargement of the existing structure, in order to accommodate an additional service bay.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142<sup>nd</sup> Avenue, Block 12592, Lot 315, Borough of Queens.

## COMMUNITY BOARD #12Q

### APPEARANCES -

For Applicant: Phaniel Soba.

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

### THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

### THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

### THE VOTE TO GRANT -

WHEREAS, on April 14, 1953, under Calendar Number 807-52-BZ, the Board granted an application permitting the erection and maintenance of a gasoline service station, lubritorium, car washing, motor vehicle repair, storage and sale of accessories, office use, and parking and storage of motor vehicles on the unbuilt portion of the lot; and

WHEREAS, since the original grant in 1953, the Board has granted several extensions of term, most recently of which was on November 3, 1978, extending the term of the variance to September 26, 1988; and

WHEREAS, the applicant has provided evidence that the sale of gasoline was discontinued and the gasoline tanks were removed in 1985; and

WHEREAS, the subject application seeks only to allow the continued operation of the site as an automotive service establishment (Use Group 7) and a 384 square foot expansion which would accommodate an additional service bay; and

WHEREAS, the subject site is a 11,888 square foot lot that fronts on Farmers Boulevard and 142<sup>nd</sup> Avenue, and is currently improved with a one-story 1,176 square foot building containing two service bays; and

WHEREAS, the most recent Certificate of Occupancy, issued on April 30, 1968, and certified on September 16, 1998, lists the use of the site as a "gasoline service station, lubritorium, car washing, minor adjustments with hand tools only, storage, office & sales, parking and storage of motor vehicles"; and

WHEREAS, the record indicates that the automotive

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 31, 2003, acting on Department of Buildings Application No. 401218446, reads:

"Proposed use group 16 is not permitted in C2-2 district, as per 32-00. Requires BSA approval."; and

WHEREAS, a public hearing was held on this application on October 28, 2003 after due notice by publication in the *City Record*, with continued hearings on November 25, 2003, January 6, 2004, February 10, 2004, March 9, 2004, and then laid over to March 30, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §§11-412 and 11-413, on a site previously before the Board, to permit the reestablishment and amendment of a previously granted variance allowing a gasoline service station (Use Group 16), on a lot located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-00; and  
service/repair/lubritorium use has been continuous since 1952; and

WHEREAS, the record indicates that the instant proposal does not increase the size of the subject zoning lot and that all activity is contained on the zoning lot as originally approved by the Board; and

WHEREAS, the record indicates that the continued use of the site as an automotive service establishment will not impair the essential character or future use of development of the area, because the essential character of the area within the vicinity of the subject site is more commercial than residential, as evidenced by the numerous commercial uses along Farmers Boulevard; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§11-412 and 11-413; and

WHEREAS, both the Queens Borough President as well as Community Board #12Q have recommended approval of this application; 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.

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# MINUTES

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*Resolved* that the Board of Standards and Appeals issues a negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§11-412 and 11-413, on a site previously before the Board, to permit in C2-2 within an R3-2 zoning district, the reestablishment of a variance granted by the board, to allow for the continued operation of an automotive repair establishment (Use Group 7), and to permit a 384 square foot enlargement of the existing structure, in order to accommodate an additional service bay; *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 1, 2003"-(2) sheets and "March 30, 2004"-(1) sheet; and *on further condition*;

THAT the term of the variance shall be limited to ten (10) years from March 30, 2004, expiring on March 30, 2014;

THAT there shall be no curb cuts on the property along 142<sup>nd</sup> Avenue;

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

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

## 217-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mr. Vincenzo Adragna, owner.

SUBJECT - Application June 24, 2003 - under Z.R. §72-21 to permit in an R5 zoning district, the proposed expansion of a one story and cellar building which was the subject of a variance previously granted by the Board under calendar number 48-90-BZ, and which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 140/42 Pennsylvania Avenue, southeast corner of Liberty Avenue, Block 3703, Lot 21, Borough of Brooklyn.

## COMMUNITY BOARD #5BK

### APPEARANCES -

For Applicant: Richard Lobel.

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

### THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 28, 2003, acting on Department of Buildings Application No. 301521333, reads

"Enlargement of existing building in R-5 district is contrary to section 52-22 of the zoning resolution"; and

WHEREAS, a public hearing was held on this application on December 23, 2003 after due notice by publication in *The*

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

THAT all applicable fire safety measure will be complied with;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, March 30, 2004.

*City Record*, with continued hearings on February 3, 2004 and March 2, 2004 and then to March 30, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the proposed expansion of a one story and cellar building which was the subject of a variance previously granted by the Board under calendar number 48-90-BZ, and which is contrary to Z.R. §52-22; and

WHEREAS, the subject lot is a corner lot adjacent to a subway entrance and an M1-1 district, and across the street from a C8-2 zoning district; and

WHEREAS, a portion of the lot is improved with a non-conforming commercial building with frontages on Liberty Avenue and Pennsylvania Avenue; and

WHEREAS, on June 29, 1993, the Board granted an application under Calendar number 48-90-BZ, to permit the proposed enlargement of an existing non-conforming food store; and

WHEREAS, the applicant now seeks to improve the existing building and add additional retail space; and

WHEREAS, the applicant represents that in addition to the proximity to commercial and manufacturing zoning districts, the site is burdened with a building which is functionally inadequate for its existing use; and

WHEREAS, the applicant states that the proposed enlargement is located on the corner of two busy commercial thoroughfares; and

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# MINUTES

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WHEREAS, the Board finds that the aforementioned unique physical conditions, including the location of the lot on the corner of two heavily trafficked commercial thoroughfares, and the history of development on the site, when considered in the aggregate as to this particular building, create practical difficulties in developing the site in strict conformity with current zoning; and

WHEREAS, the applicant has submitted a feasibility study purporting to demonstrate that developing the entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the applicant has presented evidence of explored as-of-right alternatives and has subsequently determined that no such alternative was feasible, thus necessitating the need for a variance; and

WHEREAS, based upon its review of the record, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

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

*Resolved*, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §-21, to permit, in an R5 zoning district, the proposed expansion of a one story and cellar building which was the subject of a variance previously granted by the Board under calendar number 48-90-BZ, and which is contrary to Z.R. §52-22; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 29, 2003"- (5) sheets and "Received February 17, 2004"- (2) sheets, and *on further condition*:

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

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

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

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

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

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

THAT the Department of Buildings must ensure

WHEREAS, the applicant claims that the location of the site near two busy commercial thoroughfares minimizes any adverse affect on other uses in the immediate vicinity; and

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

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

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

WHEREAS, therefore, 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

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

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## 303-03-BZ

### CEQR #04-BSA-053K

APPLICANT - Moshe M. Friedman, P.E., for Leon Farhi, owner.  
SUBJECT - Application December 8, 2004 - under Z.R. §72-21 to permit the proposed reconstruction of a four-story residential building, Use Group 2, within an R5 zoning district, which does not comply with the zoning requirements for floor area, lot size, perimeter wall height, number of dwelling units, front and side yards, and parking, and is contrary to Z.R. §§23-141(a), 23-22, 23-32, 23-45, 23-462, 23-631 and 25-23.

PREMISES AFFECTED - 433 Columbia Street, northeast corner of Columbia Street and West 9<sup>th</sup> Street, Block 534, Lot 4, Borough of Brooklyn.

### COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

### THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION-

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# MINUTES

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WHEREAS, the decision of the Borough Commissioner, dated November 13, 2003, acting on Application No. 301643327, reads:

“Proposed reconstruction of four story residential building that existed at this location and was demolished by the City of New York is contrary to  
ZR 23-141(a) Floor Area,  
ZR 23-22 Dwelling Units  
ZR 23-32 Lot Size,  
ZR 23-45 Front Yard  
ZR 23-462 Side Yards  
ZR 23-631 Height & Setback, and  
ZR 25-23 Parking

and requires a variance from the Board of Standards and Appeals as per ZR 72-21.”; and

WHEREAS, a public hearing was held on this application

WHEREAS, the record indicates that the premises had previously been improved with a four story residential building which was altered in 1961, and issued a Certificate of Occupancy (number 178344) by the Department of Buildings (“DOB”) on January 22, 1962; and

WHEREAS, the building sustained damage during a fire in 1996 and issued an unsafe building violation # 060396UB3130; and

WHEREAS, subsequently, an application was filed with DOB in 1997 to restore and renovate the building (DOB application no. 300607868); and

WHEREAS, the applicant represents that after the current owner purchased the building in September 2000, a change of the owner of record was approved by DOB on April 18, 2001; and

WHEREAS, the applicant states that while the owner then began to negotiate with contractors for the renovation to the building, the City of New York (“City”) began proceedings to demolish the building, unbeknownst to the owner; and

WHEREAS, the applicant further states that the owner did not receive any notice of these proceedings, because the City claimed that it did not have the correct mailing address for the owner; and

WHEREAS, the record indicates that when the City began to demolish the building in January of 2002, the owner saw the demolition crews working at the site and immediately hired an engineer to meet with the Brooklyn Borough Commissioner and prevent the demolition of the building; and

WHEREAS, the applicant represents that although the City halted the demolition, the building had already been damaged beyond repair by the demolition crews; and

WHEREAS, the applicant asserts that the 20’ width of the site is well short of the 40’ minimum lot width for an R5 district and creates a practical difficulty in complying with the 8’ side yard; and

WHEREAS, the Board finds that the aforementioned

on March 9, 2004 after due notice by publication in *The City Record* and then to March 30, 2004 for decision; and

WHEREAS, on December 10, 2003, Community Board #6, Brooklyn, recommended approval of this application; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed reconstruction of a four story residential building, Use Group 2, within an R5 zoning district, which does not comply with the zoning requirements for floor area, lot size, perimeter wall height, number of dwelling units, front and side yards, and parking, and is contrary to Z.R. §§23-141(a), 23-22, 23-32, 23-45, 23-462, 23-631 and 25-23; and

WHEREAS, the subject zoning lot is located on the East Side of Columbia Street, 60 feet north of the northeast corner of Columbia Street and West 9<sup>th</sup> Street; and history of the site and the narrowness of the lot create a unique physical condition resulting in an unnecessary 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 applicant states that the proposed building does not have a front yard because the Community Board requested that the building line up with the existing buildings on the street frontage; and

WHEREAS, the Board notes that other buildings on the block are built to the property line in a similar manner; and

WHEREAS, the Board notes that the site is located in a residential district and was formerly improved with a building of nearly identical size; and

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

WHEREAS, the 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, therefore, 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

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a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited above, to permit the proposed reconstruction of a four-story residential building, Use Group 2, within an R5 zoning district, which does not comply with the zoning requirements for floor area, lot size, perimeter wall height, number of dwelling units, front and side yards, and parking, and is contrary to Z.R. §§23-141(a), 23-22, 23-32, 23-45, 23-46, 23-631 and 25-23, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked

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

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

## 309-03-BZ

### CEQR #04-BSA-059M

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setbacks, contrary to Z.R. §§23-145 and 23-633 (and Table A thereof).

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11<sup>th</sup> Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES - None.

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

### THE VOTE TO GRANT -

**Affirmative:** Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**Negative:**.....0

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 24, 2003, acting on Department of Buildings Application No. 103433009, reads:

1. Section Zr 23-145, Proposed plan indicate floor area exceeding maximum permitted floor area for this new building hence not permitted.
2. Section Ze (sic) 23-633, proposed building height

“Received December 8, 2003”- (6) 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 premises shall comply with all applicable fire safety measures;

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

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

(sic) and setback limit per Table A hence [not] permitted”; and

WHEREAS, a public hearing was held on this application on December 9, 2003 after due notice by publication in the City Record; with continued hearings on January 27, 2004 and March 2, 2004, and then laid over for decision on March 30, 2004; and

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

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection of a six story residential building, Use Group 2, on a zoning lot divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setbacks, contrary to Z.R. §§23-145 and 23-633 (and Table A thereof); and

WHEREAS, the subject premises is on the west side of Greenwich Street between Perry and West 11<sup>th</sup> Streets, has a total lot area of approximately 4,650 square feet, is located partially within an R6 zoning district and partially within an C6-1 zoning district, and is currently occupied by a one story (with mezzanine) building with a legal use as a photographic studio, as well as a small one story triangular shaped building with a legal use as a doctor’s office; and

WHEREAS, approximately 1067 square feet of the lot area is within the C6-1 zoning district, while the remaining 3583 square feet is within the R6 zoning district; and

WHEREAS, the subject zoning lot is also within the Greenwich Village Historic District, and the proposed building received a Certificate of Appropriateness from the City’s Landmarks Preservation Commission (“LPC”) on September 9, 2003; and

WHEREAS, under Calendar No. 995-BZ, the Board permitted the conversion and the enlargement of a former one story garage to a photographic studio, which is contrary to applicable residential use regulations, finding that the subject lot’s “irregular shape and history of development gave rise to

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an unnecessary hardship”); and

WHEREAS, the subject zoning lot is irregularly shaped, being bounded by seven lot lines, and shallow, and has a frontage of approximately 89 feet on Greenwich Street, with a depth ranging from a minimum of 9.75 feet to a maximum of 91 feet; and

WHEREAS, the subject zoning lot is proposed to be developed with a five dwelling unit six story residential

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the lot is irregular in shape and is shallow, and is divided by a district boundary separating the lot between two zoning districts; and

WHEREAS, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant has submitted a feasibility study purporting to demonstrate that developing the entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, during the course of the public hearing process, opposition to the proposed development contended that a rental alternative could be viable, that the assumed construction loan interest rate as utilized in the submitted feasibility study was too high, that it was inappropriate to include the value of an existing onestory building in estimating the overall property value, and that the comparables in the feasibility study were inappropriate; and

WHEREAS, in response to this allegation, the applicant submitted supplementary materials from its financial expert, explaining: 1) why a rental alternative would lead to an unacceptably low return on investment; 2) that the construction loan interest rate was appropriate and further, that this rate’s effect on the overall feasibility of the proposal was minimal; 3) that the one-story building reflected an improvement to the property, and that it is reasonable that the value of the building would be recognized by a seller or owner and reflected in the transaction price, and 4) that the comparables provided fell within acceptable real estate practice; and

WHEREAS, the Board has reviewed the supplementary materials and find that they provide a sufficient and credible response to the concerns of the opposition; and

WHEREAS, the Board finds sufficient and credible the supplementary evidence submitted by the applicant pertaining to the viability of the existing photographic studio located at the premises and marketing efforts that were unsuccessful in obtaining a conforming user for the existing building; and

WHEREAS, based upon its review of the record, the

building, with a floor area of 15,977.42 square feet, and a height of 65 feet; and

WHEREAS, the requested bulk waiver is for approximately 3,477 square feet of floor area over the permitted 11,500 square feet; the requested perimeter wall waiver is for approximately 10 feet above the permitted 45 feet; and the requested height waiver is for approximately 10 feet above the permitted 55 feet; and

Board has determined that because of the subject lot’s unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant states that in the immediate neighborhood there are numerous buildings occupied by both commercial and residential uses, with heights comparable to or higher than the proposed building ; and

WHEREAS, the applicant further states that the massing of the proposed building is in scale with the buildings in the immediate vicinity, and that existing buildings adjacent to the zoning lot having a greater FAR; and

WHEREAS, the applicant notes that the bulk of the proposed building is less than what would be permitted as of right, was specifically designed to be contextual to the neighbors and the historic character of the neighborhood, and designed with a garden space on one side of the building so that the adjacent properties will receive light and air rather than constructing the building to directly abut said properties; and

WHEREAS, at hearing, the opposition raised concerns about the height of the proposed building, its shadow effect, and its massing in terms of the context of the surrounding neighborhood; and

WHEREAS, the applicant submitted supplemental evidence, including a revised shadow study, showing that: 1) a majority of adjacent buildings are above the height of the proposed building, 2) the building’s shadow effect is minimal, and 3) the massing of the building is contextual to the surrounding neighborhood, and was massed to address functionality and contextual design concerns; and

WHEREAS, the Board finds sufficient and credible both the revised shadow analysis, which shows that the difference between the effect of the proposed building and an as of right building would be minimal, and as the supplemental submissions concerning height and massing, which show that the proposed building is contextual in both respects; and

WHEREAS, the Board notes that the massing and height of the proposed building has been approved by the LPC, in terms of its compatibility wit the historic district; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be

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

*Resolved*, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setbacks, contrary to Z.R. §§23-145 and 23-633 (and Table A thereof); *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "March 4, 2004"-(13) sheets; and *on further condition*:

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

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

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

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

340-03-BZ

CEQR #04-BSA-072M

APPLICANT - Davidoff & Malito, LLP, by Howard B. Weiss, Esq., for Ramirez Properties, LLC, owner.

SUBJECT - Application November 5, 2003 - under Z.R. §72-21 to permit the proposed erection of a nine-story mixed use building, Use Groups 2 and 6, located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, contrary to Z.R. §§42-00, 43-12 and 43-42.

PREMISES AFFECTED - 408 Greenwich Street, a/k/a 22/24 Hubert Street, between Laight and Hubert Streets, Block 217,

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.

Lot 23, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Howard Weiss and David Malito.

For Opposition: Doris Diether, Robin Forst, Richard Barreit, Jon Steinberg, Donald Foest, Adam R. Dresner, Gloria Jacobs and Carole DeSaram.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5  
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 20, 2003, acting on Department of Buildings Application No. 103447646, reads:

1. Proposed building is not a permitted obstruction in (setback) as per Section 43-42(ZR).
2. The proposed (Use Group (2), Class (A) apartments is not permitted within a M1-5 (M2-4 as per Section 111-104d) zoning district as per Section 42-00.
3. The F.A.R. for the proposed commercial use is contrary to Section 43-12 (ZR) in that it exceeds the (Max) rectify.
4. The proposed building front wall (Max) height and setback in a (M1-5), (M2-4) as per Section 111-104(D) (ZR) is contrary to Sec. 43-12 (ZR)

WHEREAS, a public hearing was held on this application on January 13, 2004 after due notice by publication in the City Record; with continued hearings on February 24, 2004, March 9, 2004, and then laid over for decision on March 30, 2004; and

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

WHEREAS, Community Board 2, Manhattan, recommended disapproval of this application; and

WHEREAS, the following elected officials appeared in opposition to this application: Assemblymember Glick and Councilmember Gerson; and

WHEREAS, this application received support from the

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Lower Manhattan Development Corporation; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection of a nine story mixed use building, Use Groups 2 and 6, located in an M1-5 zoning

WHEREAS, the subject premises is a corner lot, located on the north side of Greenwich Street between Laight and Hubert Streets, has a total lot area of approximately 4,296 square feet, is located within an M1-5 zoning district, and is currently occupied by a one story (with mezzanine), 18 feet high garage building; and

WHEREAS, the applicant represents that the existing building was used a freight terminal in the 1950s, an auto repair shop in the 1960s, and was most recently used as a glass sales and installation shop; and

WHEREAS, the subject zoning lot is within the Special Tribeca Mixed-Use District (“TMU”); and

WHEREAS, the zoning lot is also within the Tribeca North Historic District, and a Certificate of Appropriateness was issued for the proposed building on June 13, 2003 from the City’s Landmarks Preservation Commission (“LPC”); and

WHEREAS, the subject zoning lot is proposed to be developed with a nine-story mixed use building, with a gross floor area of 40,064 square feet, including 17,203 square feet of commercial space; retail space will be located on the ground floor of the building, offices will be located on floors two through five, and the residences will be located on floors six through nine; the height to the roof line is 114 feet, and to the top of the mechanical penthouse is 131 feet; and

WHEREAS, five accessory parking spaces will be provided in the cellar of the proposed building; and

WHEREAS, the applicant states that the requested variance would: (1) allow an increase in the total permitted FAR on the site from 5.0 to 7.99, with the inclusion of a residential FAR of 3.66 that is not permitted as of right; (2) waive the setbacks along Greenwich and Hubert Streets required by the TMU regulations; (3) allow a perimeter wall height 30 feet higher than allowed; and (4) allow a waiver of the sky exposure plane requirements; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: (1) the lot is small in shape, does not allow for development of the larger floor plates manufacturing and commercial uses typically require, and results in increased development costs due to the high façade to floor area ratio; (2) the site’s subsurface conditions consist of loose fill material underlain by loose to medium dense sand, which results in the necessity of an expensive deep foundation system; (3) a single underground storage tank must be closed and removed in accordance with applicable NYC Department of Environmental Protection procedures; and (4) the basement will require

district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, contrary to Z.R. §§42-00, 43-12 and 43-42; and

dewatering during construction, resulting in premium costs; and

WHEREAS, opposition to the subject application contends that: (1) the lot size is not unique to the immediate vicinity; (2) the subsurface conditions are not unique to properties in the immediate vicinity; (3) the need for underpinning is not unusual given that most buildings in Manhattan are built to the property line; (4) the allegation of an underground tank is unsupported by documentation; and (5) the dewatering required is due to a generally applicable condition found on most properties in the neighborhood; and

WHEREAS, in response to the contentions of the opposition, the applicant states: (1) that a site investigation was undertaken by an engineering firm which showed that the soil conditions discovered on the lot are found in less than 20% of properties in the neighborhood; (2) the subsurface conditions necessitate the drilling of piles into sand at a cost of three times the cost of driving piles; (3) that the need for the underpinning and the dewatering arises from the conditions inherent to the sites to the east and the north of the site, which possess similar soil conditions, thus creating the need for more intensive underpinning; (4) the existence of an underground tank is evidenced by an environmental site evaluation and the presence of vent pipes within the building; and (5) the lot is one of less than 10% of lots in the immediate neighborhood affected by the 100-year flood zone, and one of less than 15% of the lots so affected within the 500-year flood zone, and that foundation waterproofing, at a premium cost, is therefore required; and

WHEREAS, the Board notes that although other lots in the neighborhood are as small or smaller than the lot in question, as opposition contends, most of these lots are not underdeveloped to the degree that the subject lot is, and the smaller lots are narrower and deeper than the subject lot, and are not on a corner, and thus do not pose the same problematic construction issues; and

WHEREAS, the applicant has consistently maintained that the subject lot is uniquely afflicted by the specific combination of the various physical features outlined above, and the degree to which they affect the site; and

WHEREAS, the Board finds unpersuasive opposition’s argument that there are other lots in the immediate neighborhood that possess most of the above-mentioned physical conditions, and notes that no evidence of other similar lots was presented during hearing; and

WHEREAS, the Board has reviewed the supplemental submissions of the applicant, particularly the engineering report, and finds that they are sufficient and credible and

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support the applicant's statements regarding the subsurface soil conditions, as well as the need for extensive and premium

WHEREAS, therefore, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant has submitted a feasibility study purporting to demonstrate that developing the entire premises with a conforming use would not yield the owner a reasonable return, due to the unique physical conditions existing on the zoning lot; and

WHEREAS, during the course of the public hearing process, various opponents to the proposed development made contentions or expressed doubts concerning the credibility of, or methodology of, the financial analysis of the proposal as provided by the applicant's financial expert; and

WHEREAS, the applicant has provided a detailed written response to each of these contentions, as set forth in their March 16, 2004 submission; and

WHEREAS, the Board finds sufficient and credible the applicant's written responses as set forth in the March 16 submission; and

WHEREAS, in response to concerns expressed by the Board regarding the cost impact of the proposed accessory parking in the cellar, the applicant has submitted a separate letter from the applicant's financial expert, dated March 10, 2004, explaining that elimination of the accessory parking would not affect the profitability of the proposal, and would not affect the feasibility analysis; and

WHEREAS, other concerns of the Board concerning square footage cost and purchase price were also responded to by the applicant to the Board's satisfaction; and

WHEREAS, the Board finds sufficient and credible the explanation given as to the accessory parking issues as contained in the applicant's feasibility expert's March 10 letter; and

WHEREAS, the applicant's feasibility study also showed that alternative variances, such as a nine story office building or eight story mixed use business, did not bring a reasonable return on equity; and

WHEREAS, based upon its review of the record, the Board determines that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant states that the proposed building is compatible with immediately surrounding uses and buildings in the Tribeca neighborhood; that there are other similar mixed use buildings on the western portion of the subject block; and that the proposal is compatible with office uses located on blocks to the east and southwest, as well as

cost dewatering, underpinning, and foundation construction; and  
the mixed uses on surrounding blocks to the southeast, west and north; and

WHEREAS, the applicant further states that the building is similar in height or shorter than: a nine story building and 40 story building directly across Hubert Street, eleven, ten and nine story buildings across Washington Street, as well as other buildings to the north and northeast of the site; and

WHEREAS, the applicant notes that the building has been designed to be compatible with the character of both the TMU and the Tribeca North and Tribeca West Historic Districts, and that a Certificate of Appropriateness has been issued by LPC; and

WHEREAS, the proposal contemplates creation of a light well of 250 square feet in area between the proposed building and the building at 399 Washington Street; and

WHEREAS, the applicant has submitted plans showing that the shadow impacts of the proposed building will not be perceptibly greater than the impacts of an as-of-right development; and

WHEREAS, opposition has made various claims about the proposed building's impact on the character of the neighborhood, suggesting that the applicant cited buildings only in the adjacent C6-4 zoning district to establish neighborhood context; and

WHEREAS, the applicant, through its March 16 submission, has responded to these concerns to the satisfaction of the Board; and

WHEREAS, the Board has conducted its own site visit and has ascertained that the proposed building will be contextual with the as built conditions in the immediate and surrounding area; and

WHEREAS, the Board finds that the residential use of the proposed building is not incompatible with other uses in the area, and notes that there are other mixed use and residential buildings in the immediate and surrounding area; and

WHEREAS, the Board notes that the massing and height of the proposed building has been approved by LPC, in terms of its compatibility with the historic district; and

WHEREAS, in response to expressed concerns of the community as to the potential problems related to the proposed dewatering, the applicant has stated that all appropriate measures will be taken to ensure safety and protection of adjoining property, and has agreed to a condition in this resolution mandating the use of appropriate construction sensors; and

WHEREAS, in response to expressed concerns of the opposition as to the requirements related to separation of commercial and residential uses, the applicant has agreed to a condition in this resolution deferring an evaluation of such

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requirements to the Department of Buildings; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

WHEREAS, therefore, 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 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection of a nine-story mixed use building, Use Groups 2 and 6, located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, contrary to Z.R. §§42-00, 43-12 and 43-42; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "November 5, 2003"- (10) sheets, "February 3, 2004"- (2) sheets, "February 12, 2004"- (1) sheet and "March 16, 2004"- (1) sheet; and on further condition:

THAT the Department of Buildings will review and determine the applicability of all requirements related to the separation of commercial and residential uses;

THAT appropriate construction sensors to monitor and minimize changes in ground water elevation; seismic impact on adjoining existing structures; and movement of adjoining existing structures will be utilized during construction of the building pursuant to standard construction industry practice;

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

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

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

THAT the Department of Buildings must ensure

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

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## 386-03-BZ

### CEQR #04-BSA-105M

APPLICANT - Steven M. Sinacori/Stadtmauer Bailkin, for Jean E. Manas & Rebecca Haile, owners.

SUBJECT - Application December 12, 2003 - under Z.R. §72-21 to permit within an R7B zoning district, the proposed conversion of approximately 630 square feet of vacant medical office space located at the rear of the basement level within an existing residential building to living space which is contrary to Z.R. sections 23-44, 23-145 and 54-31. PREMISES AFFECTED - 326 East 18th Street, south side, between First and Second Avenues, Block 923, Lot 50, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES - None.

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

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 9, 2003, acting on Department of Buildings Alt 1 No. 103513672, reads:

"1. ZR 23-44 PORTION OF PROPOSED RESIDENTIAL FLOOR AREA IS LOCATED WITHIN 30' REQUIRED REAR YARD [AS PER ZR 23-47] AND THEREFORE IS CONTRARY TO ZR 23-44, RESIDENTIAL FLOOR AREA IS NOT PERMITTED OBSTRUCTION IN A REQUIRED REAR YARD AND CREATES A NEW DEGREE OF NON COMPLIANCE IS CONTRARY TO ZR 54-31.

2. ZR 23-145 AS PER ZR 23-145 PROPOSED LOT COVERAGE OF 73% EXCEEDS ALLOWABLE COVERAGE OF 65% AND CREATES A NEW DEGREE OF NON COMPLIANCE IS CONTRARY TO ZR 54-31."; and

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WHEREAS, a public hearing was held on this application on March 2, 2004 after due notice by publication in *The City Record*, and laid over to March 30, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, within an R7B zoning district, the proposed conversion of approximately 630 square feet of vacant medical office space located at the rear of the basement level within an existing residential building to living space which is contrary to Z.R. sections 23-44, 23-145 and 54-31; and

WHEREAS, Community Board #6, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a 1,932 square foot zoning lot, located on the south side of 18<sup>th</sup> Street between First and Second Avenue, and is improved with a landmarked building, currently occupied as a single family residence; and

WHEREAS, the record indicates that the subject lot is 92 feet deep, and that the existing building is set back approximately 24 feet 7 inches from the front zoning lot line; and

WHEREAS, the existing building is a three story and cellar building, constructed in 1853 with a legally non-complying 20 foot, 1 inch rear yard; and

WHEREAS, the applicant represents that in 1985, the original basement level was extended 20 feet 1 inch to the zoning lot's rear line for use as a doctor's office, with a terrace on the roof of the basement extension serving as the building's rear yard; and

WHEREAS, the applicant now seeks to convert the vacant doctor's office in the basement of the Building to residential use and to incorporate that basement space into the one-family residential use on the first and second floors; and

WHEREAS, the applicant notes that the proposed conversion of the doctor's office into residential use would be as-of-right, except that a portion of the building's existing basement encroaches into the zoning lot's rear yard and the conversion would also result in a exceedance of the underlying lot coverage regulation; and

WHEREAS, the basement level consists of approximately 1416 square feet, of which 630 square feet would be required to remain medical office use without approval of this variance; and

WHEREAS, the applicant represents that without this variance, this 620 square foot space would remain vacant due to its small size, or alternatively, the owner would have to demolish the space and restore the rear wall of the building; and

WHEREAS, the Board finds that the history of

development of the lot creates a practical difficulty in developing the site in strict conformity with current zoning; and

WHEREAS, the Board notes that this application pertains to a single family home which does not trigger the need for a feasibility study as per §72-21(b); and

WHEREAS, the proposed conversion would be consistent with the character of the neighborhood as well as the underlying residential zoning district; and

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

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

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

WHEREAS, therefore, 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 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, within an R7B zoning district, the proposed conversion of approximately 630 square feet of vacant medical office space located at the rear of the basement level within an existing residential building to living space which is contrary to Z.R. sections 23-44, 23-145 and 54-31; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "December 12, 2003"- (5) sheets, "February 13, 2004"-(1) sheet and "March 9, 2004"-(1) sheet and *on further condition*:

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

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## 139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side, 225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

### COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Alfonso Duarte.

For Opposition: Angela Angregliaso, Carol Gomez, Richard Hellenbrecht and others.

**ACTION OF THE BOARD** - Laid over to April 27, 2004, at 1:30 P.M., for continued hearing.

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## 194-03-BZ

APPLICANT - Sheldon Lobel, P.C., for B'nos Menachem Inc., owner.

SUBJECT - Application June 13, 2003 - under Z.R. §72-21 to permit the proposed catering establishment, Use Group 9, in the cellar of an existing one story, basement and cellar building (school for girls), located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 739 East New York Avenue, between Troy and Albany Avenues, Block 1428, Lot 47, Borough of Brooklyn.

### COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Richard Lobel.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 1:30 P.M., for continued hearing.

## 261-03-BZ

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

SUBJECT - Application August 18, 29003 - under Z.R. §72-21 to permit the legalization of an existing one story building, as an auto

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## 211-03-BZ

APPLICANT - Eric Palatnik, P.C., for Simon Blitz, Contract Vendee.

SUBJECT - Application June 20, 2003 - under Z.R. §72-21 to permit the proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R. §43-12, §43-43 and §42-10.

PREMISES AFFECTED - 529-535 48<sup>th</sup> Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

### THE VOTE TO REOPEN HEARING -

**Affirmative:** Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**Negative:** .....0

### THE VOTE TO CLOSE HEARING -

**Affirmative:** Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**Negative:** .....0

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 1:30 P.M., for decision, hearing closed.

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## 218-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., for TTW Realty LLC, owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the proposed nine-story mixed use building with residential, commercial and community facility uses, located in an M1-1 zoning district, which does not comply with the zoning requirements for the uses, permitted floor area, total height and perimeter wall, is contrary to Z.R. §42-00, §23-141 and §23-631.

PREMISES AFFECTED - 19-73 38th Street, corner of 20th Avenue, Steinway Street and 38th Street, Block 811, Lot 1, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES -

for Applicant: Gerald J. Caliendo.

**ACTION OF THE BOARD** - Laid over to May 25, 2004, at 1:30 P.M., for continued hearing.

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repair shop, Use Group 16, located in an R7-1 zoning district, which is contrary to Z.R. §23-00.

PREMISES AFFECTED - 1404/06 Stebbins Avenue, northeast corner of East 170th Street, Block 2965, Lot 36, Borough of The

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# MINUTES

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Bronx.

## COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Richard Lobel, Eugene Pelle and Elsworth Elvin.

**ACTION OF THE BOARD** - Laid over to May 11, 2004, at 1:30 P.M., for continued hearing.

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## 273-03-BZ thru 285-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 211 Building Corp., owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141 (a) and §23-141.

PREMISES AFFECTED -

211-51 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 92, Borough of Queens.

211-49 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 93, Borough of Queens.

211-47 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 94, Borough of Queens.

211-45 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 95, Borough of Queens.

211-43 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 96, Borough of Queens.

211-41 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 97, Borough of Queens.

211-54 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 98, Borough of Queens.

211-52 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 99, Borough of Queens.

211-50 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 100, Borough of Queens.

## 307-03-BZ

APPLICANT - Fried, Frank Harris, Shriver & Jacobson, by Adrienne W. Bernard, Esq., for Clatco Company, LLC, 543 Realty Co., LLC and Broadway 110 Developers, LLC, owners.

SUBJECT - Application October 2, 2003 - under Z.R. §72-21 to permit the proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot

Queens.

211-48 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 101, Borough of Queens.

211-46 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 102, Borough of Queens.

211-44 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 103, Borough of Queens.

211-42 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 104, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES -

For Opposition: Amelia A. Kent, Joseph Gormlez, Thomas Burton, Marc R. Cloutier, R.A. Clouter, John Stiller and Robert Hellenbrecht.

**ACTION OF THE BOARD** - Laid over to May 18, 2004, at 1:30 P.M., for continued hearing.

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## 290-03-BZ

APPLICANT - Petraro & Jones, LLP, for Graceful Services, Inc., owner; Joseph B. Rosenblatt, lessee.

SUBJECT - Application September 3, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor of a four story building, in a C2-8 (TA special district), which requires a special permit as per Z.R. §73-36. PREMISES AFFECTED - 1097 Second Avenue, west side, 40' south of East 56<sup>th</sup> Street, Block 1331, Lot 126, Borough of Manhattan.

## COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Patrick Jones.

## THE VOTE TO CLOSE HEARING -

**Affirmative:** Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

**Negative:** .....0

**ACTION OF THE BOARD** - Laid over to April 20, 2004, at 1:30 P.M., for decision, hearing closed.

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coverage, maximum building height, street walls and setback, and is contrary to Z.R. §35-24, §23-633 and §23-145.

PREMISES AFFECTED - 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan.

## COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Steven Lelkowitz, Jack Freeman, Adrienne

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# MINUTES

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**Bernard, Ray Dove, Erin McCluskey, Paul Byard and Barbara Mohol.**

**For Opposition: Marta B. Varela, Walter South, Carol Kent, Daniel Margulies, Jonathan Schachter, Sara Giller, Michael Bernard, Robert E. Roistacher, Steven Goldschmidt and Jack Weeser.**

**ACTION OF THE BOARD - Laid over to May 18, 2004, at 1:30 P.M., for continued hearing.**

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### **308-03-BZ**

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

SUBJECT - Application October 6, 2003 - under Z.R. §73-211 to permit the proposed extension to an existing gasoline service station, to include an accessory convenience store, also the addition of another lot that, will be used for accessory parking, which is contrary to a previous variance granted under Cal. No.193-50-BZ and Z.R. §32-25.

PREMISES AFFECTED - 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx.

### **COMMUNITY BOARD #4BX**

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Livingstone Gibson, Keith Walcott and James Williams.

**ACTION OF THE BOARD - Laid over to May 18, 2004, at 1:30 P.M., for continued hearing.**

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### **339-03-BZ**

APPLICANT - Snyder and Snyder, LLP, for United Hebrew Cemetery, Inc., owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application October 31, 2003 - under Z.R. §73-30 to permit the proposed installation of a non-accessory radio tower, disguised as an eighty-two feet (82') flagpole, together with related equipment at the base thereof ("facility"), on said premises, located in SUBJECT - Application December 4, 1993 - under Z.R. §72-21 to permit the proposed mixed-use building, located in an M1-5B zoning district, which creates non-compliance with regards to residential and retail uses, also public parking and floor area, which is contrary to Z.R. §42-00, §42-14, §32-17 and §43-12.

PREMISES AFFECTED - 25 Bond Street, south side, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

### **COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis, Jack Freeman and William Fegan.

For Opposition: Marilynn Geyer.

an R3-2 zoning district, which requires a special permit.

PREMISES AFFECTED - 122 Arthur Kill Road, between Clarke and Newvale Avenues, Blocks 4475 and 4463, Lots 1 and 175, Borough of Staten Island.

### **COMMUNITY BOARD #3S.I.**

APPEARANCES -

For Applicant: Robert Gaudiano.

**ACTION OF THE BOARD - Laid over to April 27, 2004, at 1:30 P.M., for continued hearing.**

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### **363-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Audubon Housing Development Fund Corp., owner.

SUBJECT - Application November 21, 2003 - under Z.R. §72-21 to permit the proposed seven story residential building, Use Group 2, containing 116 units, located in an M1-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 480 East 176<sup>th</sup> Street, between Bathgate and Washington Avenues, Block 2917, Lots 17, 20, 23, 25 and 27, Borough of The Bronx.

### **COMMUNITY BOARD #6BX**

APPEARANCES -

For Applicant: Sheldon Lobel, Carol Jackson, Diane C. Louard-Michel and Amy Larovere.

For Opposition: Mivna Muniz, Migual A. Muniz, Leslie Lyga and Amy Lamirce.

### **THE VOTE TO CLOSE HEARING -**

**Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5**

**Negative: .....0**

**ACTION OF THE BOARD - Laid over to May 11, 2004, at 1:30 P.M., for decision, hearing closed.**

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### **377-03-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Bond Street Garage I, LLC, owner; Tribeach Holdings, LLC, contract vendee.

**ACTION OF THE BOARD - Laid over to April 20, 2004, at 1:30 P.M., for continued hearing.**

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### **384-03-BZ**

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Renewal Arts Realty Corp., owner; Albert Einstein College of Medicine of Yeshiva University, lessee.

SUBJECT - Application December 10, 2003 - under Z.R. §72-21

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# MINUTES

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to permit the proposed operation of a Use Group 4A health facility, on a portion of a zoning lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-11.

PREMISES AFFECTED - 804 East 138<sup>th</sup> Street, south side, 155.52' east of Willow Avenue, Block 2589, Lots 15 and 16, Borough of The Bronx.

**COMMUNITY BOARD #1BX**

APPEARANCES -

For Applicant: Albert Fredericks, Gary Tarnoff, Lawrence Watts and Ira Marion.

For Opposition: Leslie Lyga and Boyd Adelman.

**ACTION OF THE BOARD** - Laid over to April 27, 2004, at 1:30 P.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 8:40 P.M.