
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 90, Nos. 35

August 25, 2005

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

JOEL A. MIELE, SR.

JAMES CHIN

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET562

CALENDAR of September 20, 2005

Morning563

Afternoon563/564

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, August 16, 2005**

Morning Calendar565

Affecting Calendar Numbers:

130-59-BZ 45-17 Little Neck Parkway, Queens
199-97-BZ 130-38 Horace Harding Expressway, Queens
294-00-BZ 501 Broadway and 72 Mercer Street, Manhattan
359-02-BZ 53-55 Beach Street, Manhattan
95-05-A 605 East Ninth Street, Manhattan

Afternoon Calendar567

Affecting Calendar Numbers:

321-04-BZ 842 Lefferts Avenue, Brooklyn
352-04-BZ 1845 Richmond Avenue, Staten Island
6-05-BZ 3046 Bedford Avenue, Brooklyn
13-05-BZ 614-626 Sheepshead Bay Road, Brooklyn
39-05-BZ 6 Lee Avenue, Brooklyn
69-05-BZ 1557 East 27th Street, Brooklyn
101-05-BZ 377 Greenwich Street, Manhattan
41-04-BZ 338 East 109th Street, a/k/a 2113 First Avenue, Manhattan
245-04-BZ 102/04 Franklin Avenue, Brooklyn
302-04-BZ 40 Woodhull Street, Brooklyn
361-04-BZ 75-48 Parsons Boulevard, Queens
362-04-BZ 25-84 31st Street, Queens
395-04-BZ 1232 54th Street, Brooklyn
402-04-BZ 2461 Knapp Street, Brooklyn
405-04-BZ 1734 East 27th Street, Brooklyn
46-05-BZ 1797 Coney Island Avenue, Brooklyn
88-05-BZ 2015 East 22nd Street, Brooklyn

DOCKETS

New Case Filed Up to August 16, 2005

188-05-A B.M. 44-50 East Street,
South side of 50th Street, 193' East of Madison Avenue and
128' West of Park Avenue, Block 1285, Lot 43-46, Borough
of Manhattan. Applic. #N/A. Application pursuant to Ch.
666 of the City Charter and Z.R. §72-21 for an interpretive
appeal of §1266(8) of the NYS Public Authorities Law,
applicable §'s of the Z.R. and the NYC Building Code
regarding the MTA's proposed ventilation facility.

COMMUNITY BOARD #5M

189-05-A B.M. 240 Riverside Blvd.,
between West 72nd Street and Riverside Avenue, Block
1171, Lot 120, Borough of Manhattan, Applic.#. Letter
dated August 12, 2005. Appeal to challenge the DOB denial
dated August 12, 2005 to revoke the May 5, 2005 TCO'S

COMMUNITY BOARD #6M

190-05-A B.Q. 28-38 215th Street, East
side of 215th Street between 28th and 29th Avenues, Block
6016, Lot 56, Borough of Queens, Applic. #409095032.
Administrative Appeal pursuant to the common law doctrine
of vested rights requesting a determination that the owner
has completed substantial construction and incurred
financial expenditures prior to a zoning amendment and
therefore should be permitted to complete construction in
accordance with the previously approved building permits.

COMMUNITY BOARD #11Q

191-05-A B.Q. 12-09 116th Street, between
the intersection of 116th Street and 12th Avenue, Block 4023,
Lot 44, Borough of Queens, Applic. #402188066. Propose
new building in the bed of a mapped street is contrary to
General City Law Sec. 35.

COMMUNITY BOARD #7Q

192-05-A B.Q. 12-11 116th Street,
between the intersection of 116th Street and 12th Avenue,
Block 4023, Lot 45, Borough of Queens, Applic.
#402188057. Propose new building in the bed of a mapped

street is contrary to General City Law Sec. 35.

COMMUNITY BOARD #7Q

193-05-BZ B.M. 32 East 31st Street,
East 31st Street between Park & Madison Avenues, Block
860, Lot 55, Borough of Manhattan, Applic. #103761671.
Special permit to allow the operation of a physical culture
establishment in the cellar, first floor and first floor
mezzanine of a ten story commercial building which is
contrary to § 32-21 Z.R.

COMMUNITY BOARD #5M

194-05-BZ B.S.I. 5525 Amboy Road,
North side 442.44' West of Huguenot Avenue, Block 6815,
Lot 85, Borough of Staten Island, Applic. #500621348.
Extending the term of variance which expired on November
6, 1997 to permit in an R3-X the continued use of a one
story building for retail sales with accessory parking.
(Jurisdictional § 72-21)

COMMUNITY BOARD #3SI

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

CALENDAR

SEPTEMBER 20, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 20, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

SPECIAL ORDER CALENDAR

163-63-BZ

APPLICANT - Steve Sinacori / Stadtmauer Bailkin, LLP, for 116 Central Park South Condominium, owner.
SUBJECT - Application August 11, 2005 - Extension of Term/Waiver of a variance for the continued use of transient parking of unused spaces located in the garage of a multiple dwelling. The premise is located in a R-10/C5-1 zoning district.

PREMISES AFFECTED - 125/131 West 58th Street, south side of Central Park South and north side of West 58th Street, between 6th and 7th Avenue, Block 1011, Lot 7503, Borough of Manhattan.

COMMUNITY BOARD #5M

272-03-BZ

APPLICANT - Rampulla Associates Architects, for 4102 Hylan Realty, LLC, owner.
SUBJECT - Application June 28, 2005 - Reopening for an amendment to a variance to modify the design of the building and to add a bank teller drive through window. The premise is located in an R3-1 SRD zoning district.

PREMISES AFFECTED - 4106 Hylan Boulevard, south side of Hylan Boulevard and Goodall Street, Block 5307, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #3SI

391-04-BZ

Moshe M. Friedman, for Meilech Fastag, owner.
Application August 2, 2005 - Reopening for an amendment to a Special Permit, ZR 73-622, the proposed plans are contrary to the previously approved BSA plans in that the proposed alteration for the first floor extends further into the rear yard exceeding the previous 20'-0" grant, the second floor and attic will remain as existing. The premise is located 100' from a corner, as per ZR 23-541 no rear yard is required. The premise is located in an R-2 zoning district. 2610 Avenue L, south side of Avenue L 60' east of intersection of Avenue L and East 26th Street, Block 7644, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

SEPTEMBER 20 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 20, 2005, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, NY 10006, on the following matters:

ZONING CALENDAR

386-04-BZ

APPLICANT – Rothkrug Rothkrug Weinberg & Specter, for PSCH, Inc., owner.

SUBJECT – Application December 9, 2004- under Z.R.§72-21, to permit the proposed enlargement and development of an existing community facility, located in M1-1 zoning district, which does not comply with the zoning requirements for accessory off-street loading berth, waterfront yards, total height and parking, is contrary to Z.R. §44-52, §62-331, §62-34, §62-441 and §44-21.

PREMISES AFFECTED - 22-44 119TH Street, corner of 23rd Avenue, Block 4194, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

18-05-BZ

APPLICANT – The Agusta Group, for Monirul Islam & Jong Sohn, owner.

SUBJECT – Application January 28, 2005 - under Z.R.§72-21 to permit the proposed reduction in the requirements for side yard footage and the minimum distance between windows, for a proposed one family dwelling with an accessory garage, is contrary to Z.R.§23-461 and §23-44.

PREMISES AFFECTED - 87-25 Clover Place, east side, between Foothill Avenue and Clover Hill Road, Block 10509, Lot 31, Borough of Queens.

COMMUNITY BOARD #8Q

38-05-BZ

APPLICANT – Eric Palatnik, P.C., for John Genovese, contract vendee.

SUBJECT – Application February 24, 2005- under Z.R.§72-21 to permit the proposed construction of a one story, Use Group 6 drugstore, located in a C1-2/R4 zoning district, which does not comply with the required number of parking spaces, and does not contain the required loading berth, is contrary to Z.R. §36-62 and §36-21.

PREMISES AFFECTED - 80-01 Elliot Avenue, bounded by 80th Street, Eliot and Caldwell Avenues and 81st Street, Block 2921, Lot 40, Borough of Queens.

COMMUNITY BOARD #5Q

CALENDAR

70-05-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Yaakov Adler, owner.

SUBJECT – Application March 23, 2005 - under Z.R. §73-622 to permit an enlargement of a single family home to vary sections ZR 23-141(a) for open space ratio & floor area, ZR 23-461 for minimum side yard requirement. The premise is located in a R-2 zoning district.

PREMISES AFFECTED – 2905 Avenue M, northside of Avenue M, 25' easterly of intersection of Avenue M and 29th Street, Block 7647, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #14BK

102-05-BZ

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Cornerstone Residence, LLC, owner.

SUBJECT – Application May 4, 2005 - under Z.R. §72-21 to permit the proposed construction of a two family dwelling on a corner lot that does not provide one of the required front yards, to vary section ZR 23-45. The vacant lot is located in an R-5 zoning district.

PREMISES AFFECTED – 259 Vermont Street aka 438 Glenmore Avenue, southeast corner of Vermont Street and Glenmore Avenue, Block 3723, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #13BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, AUGUST 16, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 10, 2005, were approved as printed in the Bulletin of May 19, 2005, Volume 90, Nos. 21-22.

SPECIAL ORDER CALENDAR

130-59-BZ

APPLICANT – Joseph P. Morsellino, for Doyle B. Shaffer, Inc., owner.

SUBJECT – Application March 18, 2005 – Extension of Term/Wavier of an existing parking area accessory to a funeral home. The premises is located in C1-2 in a R3-2 zoning district.

PREMISES AFFECTED – 45-17 Little Neck Parkway, Pembroke Avenue and Little Neck Parkway, Block 8260, Lot 98, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES – None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on July 19, 2005, after due notice by publication in *The City Record*, and then to decision on August 16, 2005; and

WHEREAS, Community Board 11, Queens, and the Queens Borough President recommend approval of this application; and

WHEREAS, on October 14, 1959, under the subject calendar number, the Board granted an application to permit an accessory parking lot on the subject site; and

WHEREAS, at various times since 1959, the Board has reopened the application to allow for other extensions of term, the last being granted on August 1, 1995; and

WHEREAS, the most recent term of variance expired on January 28, 2005; and

WHEREAS, the applicant now seeks an extension of term of the variance pursuant to Z.R. § 11-411; and

WHEREAS, the applicant states that the reason for the late filing of its application is due to a change in the zoning district of the subject site to a C1-2 overlay where the use is

permitted; the Department of Buildings, however, determined that the parking lot must remain under the Board’s jurisdiction since the parking is accessory to a use that is not permitted in the C1-2 zoning district; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of an extension of term with the conditions listed below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, adopted on October 14, 1959, so that as amended this portion of the resolution shall read: “to extend the term of the variance for 10 years from January 28, 2005; *on condition* that all work shall substantially conform to drawings as filed with this application, marked ‘Received July 28, 2005’ – (1) sheet; and *on further condition*:

THAT the term of this grant shall be for 10 years, to expire on January 28, 2015;

THAT there shall be a maximum of 17 parking spaces;

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

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

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

THAT conditions from prior resolution(s) not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(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 No. 401839882)

Adopted by the Board of Standards and Appeals, August 16, 2005.

199-97-BZ

APPLICANT - Sheldon Lobel. P.C., for Corey Marcus, owner.

SUBJECT - Extension of Time to Complete Construction and Obtain a Certificate of Occupancy, for a variance, granted on May 27, 1998, allowing an enclosed florist shop in an R3-2 zoning district. A previous extension of time to obtain a Certificate of Occupancy was granted on October 1, 2002.

PREMISES AFFECTED - 130-38 Horace Harding Expressway, south side of Horace Harding Expressway, west of the intersection with Lawrence Avenue, Block 6451, Lots 12 and 16, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

MINUTES

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening and an extension of time to complete construction; and

WHEREAS, a public hearing was held on this application on July 26, 2005, after due notice by publication in *The City Record*, and then to decision on August 16, 2005; and

WHEREAS, on May 27, 1998, under the subject calendar number, the Board permitted, within an R3-2 zoning district, the legalization of an existing enclosed florist shop, as well as an enlargement of the shop, for a term of 20 years; and

WHEREAS, a previous extension of time to obtain a certificate of occupancy (“CO”) was granted for two year period on October 1, 2002, which expired on October 2, 2004; and

WHEREAS, the applicant states that the reason for the failure to complete construction or secure the CO was due to financial considerations; specifically, an inability to obtain financing; and

WHEREAS, the applicant also states that the site is within a proposed rezoning that would result in the shop conforming with the proposed zoning; the applicant represents that this would aid the owner in obtaining financing, as the termed BSA grant could be surrendered; and

WHEREAS, the Board has determined that the evidence in the record supports a grant of an extension of term with the conditions listed below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, adopted on May 27, 1998, and previously amended on October 1, 2004, so that as amended this portion of the resolution shall read: “to extend the time to complete construction and obtain a certificate of occupancy for two (2) years from the date of this grant, to expire on August 16, 2007; on condition:

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(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 No. 401839882)

Adopted by the Board of Standards and Appeals, August 16, 2005.

294-00-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Broadway Partners, LLC, owners.

SUBJECT – Application June 7, 2005 – Extension of time to complete substantial construction on a mixed use, commercial/residential building. The premise is located in an M1-5B zoning district.

PREMISES AFFECTED – 501 Broadway and 72 Mercer Street, west side of Broadway and east side of Mercer Street, 120’ north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to August 23, 2005, at 10 A.M., for decision, hearing closed.

359-02-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Wegweiser & Enrich, LLC, owner.

SUBJECT – Application October 18, 2004 – Amendment to a previous variance ZR §72-21 that allowed the operation of a school on the first floor and cellar in a six story building; the amendment is to relocate the operation of the school from the cellar floor to the second floor and to maintain the use on the first floor. The premises is located an M1-5 (TMU) zoning district.

PREMISES AFFECTED – 53-55 Beach Street, North side of Beach Street, west of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Fredrick Becker, Jan Gould and Eric Wegweiser.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to August 23, 2005, at 10 A.M., for decision, hearing closed.

95-05-A

APPLICANT – Anderson Kill & Olick, P.C., for 9th & 10th Street, LLC, owner.

Subject – Application April 20, 2005 – An appeal challenging the Department of Buildings’ decision dated March 21, 2005, as to whether they have sufficient documentation to determine the proposed use of said premises as a college student dormitory.

PREMISES AFFECTED – 605 East Ninth Street, between

MINUTES

East Ninth and East Tenth Streets, 93' east of Avenue "B",
Block 392, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Jeffrey Clen and Ross Moskowitz.

For Opposition: Susan Stetzer for Congressman Velazquez,
Matt Viggiano for Senator Martin Connor, Council Member
Margarita Lopez, Gregory Brender for Assembly Member
Click, David McWater for Community Board No. 3, Bury
Nusbacher for Assembly Member Sanders, Jim Sim, Andrew
Berman, Robert Slaughter, Michael Rosen, Elizabeth Ruf-
Maldonado, Judith Zaborovoski, Stephen DePiero, Cathy
McCandless, Laurel Van Horn, Larry Saltzman, Barbara
Cyporale, Roland Legiardi, Howard Zipser, Miguel
Maldonado, Frank Morales, Eric Rosi, Gregory Ballard,
Carlos Bernales, Rebecca Moore, Bob Ortiz, Bill Jones, Dana
Maisel,, Pastor Philip Tynky and others.

For Administration: Felicia Miller, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to October
18, 2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:20 P.M.

REGULAR MEETING

TUESDAY AFTERNOON, AUGUST 16, 2005

1:30 P.M.

Present: Chair Srinivasan, Vice Chair Babbr,
Commissioner Miele and Commissioner Chin.

ZONING CALENDAR

321-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Blake Lefferts
Co., owner; The Montgomery Academy, lessee.

SUBJECT - Application September 23, 2004 - under
Z.R.§73-19 to allow the conversion of an existing
commercial building (Use Group 6) to School (Use Group 3)
which is contrary to section 32-00, located in a C8-2 zoning
district.

PREMISES AFFECTED - 842 Lefferts Avenue, south side,
262'-1/2" west of Utica Avenue, Block 1430, Lot 22,
Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES –

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough
Commissioner, dated September 20, 2004, acting on
Department of Buildings Application No. 301793691, reads:

“Conversion of existing commercial building (Use
Group 6) to school (Use Group 3) is contrary to: ZR
32-00 – Use Group; and requires a Special Permit
from the Board of Standards and Appeals as per
Section 73-19”; and

WHEREAS, a public hearing was held on this application
on July 26, 2005 after due notice by publication in the City
Record, and then to decision on August 16, 2005; and

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

WHEREAS, Community Board 9, Brooklyn, recommends
approval of the subject application; and

WHEREAS, this is an application to permit the operation of a
proposed school without sleeping accommodations (Use Group
3), within a C8-2 zoning district, which requires a special permit
pursuant to Z.R. §§ 73-19 and 73-03; and

WHEREAS, the subject premises is located on Lefferts
Avenue between Schenectady Avenue and Utica Avenue, and is
currently improved upon with a three-story building that is
vacant; and

WHEREAS, the applicant represents that the site has been
used as a dairy, an ice plant, a warehouse, and most recently,
offices of the New York City Board of Education; and

WHEREAS, the school, Montgomery Academy (the
“School”), currently provides education to children from the
surrounding community up to eighth grade; and

WHEREAS, the applicant represents that the School
integrates performing arts with music and dance to aid in
teaching to help the students feel comfortable functioning in a

MINUTES

school environment, and notes further that the School serves many recent immigrants from the Caribbean Islands; and

WHEREAS, the School's primary building is presently located at 414 Utica Avenue, around the corner from the subject premises; and

WHEREAS, the applicant represents that the subject special permit, if granted, would allow the School to accommodate the current student body and others who want to attend the School; and

WHEREAS, the applicant states that a building with a floor area of at least 18,000 sq. ft. is necessary in order to meet the anticipated enrollment of 300 students; and

WHEREAS, the applicant further states that a building with floor plates of at least 4,000 sq. ft. and four to five stories is necessary to accommodate the student body; in addition, the new building must be located near the current building because 80% of the School's pupils are located in the surrounding neighborhood; and

WHEREAS, the applicant represents that a search was conducted in the R7-1 zoning district across from the subject premises to find a suitable building; and

WHEREAS, the applicant has submitted a letter from a real estate broker that substantiates that a search was conducted in the surrounding area; and

WHEREAS, the applicant represents that available sites were ultimately rejected due to cost prohibitions, lack of appropriate size, operational concerns, and/or poor building condition; the applicant further states that the current building is in good condition and ready to use; and

WHEREAS, the applicant maintains that the results of the site search shows that there is no practical possibility of obtaining a site of adequate size for the school in a district where it is permitted as of right; and

WHEREAS, the Board agrees that the applicant has demonstrated difficulty in obtaining land for the development of a school within the neighborhood to be served and with an adequate size, within districts where the school is permitted as-of-right, sufficient to meet the programmatic needs of the school; and

WHEREAS, therefore, Board finds that the requirements of Z.R. §73-19 (a) are met; and

WHEREAS, evidence in the record indicates that the proposed school is located within approximately 50'-0" feet from an R7-1 zoning district, where a school is permitted as-of-right; thus the Board finds that the requirements of Z.R. § 73-19 (b) are met; and

WHEREAS, the applicant represents that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district will be provided through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot; and

WHEREAS, the applicant has submitted evidence supporting the above representation; and

WHEREAS, based upon this evidence, the Board finds that the requirements of Z.R. § 73-19 (c) are met; and

WHEREAS, the applicant represents that Lefferts

Avenue is wide enough to allow school buses to load and unload passengers while not impeding the flow of traffic; and

WHEREAS, additionally, the applicant represents that crossing guards will be provided to control the movement of traffic and to ensure the safety of students who walk to and from the School; and

WHEREAS, initially, in a letter dated November 3, 2004, the Department of Transportation ("DOT") expressed concern that the School will be located near two major intersections, including one at Lefferts Avenue/Utica Avenue and one at East New York Avenue/Utica Avenue/Ramsen Avenue; and

WHEREAS, in response to DOT concerns, the applicant submitted a traffic study that recommended that a school crossing guard be present at the western crosswalk of Empire Boulevard/Lefferts Avenue and Utica Avenue intersection during the morning arrival and afternoon departure time of students to and from the School; and

WHEREAS, DOT, in a letter dated May 11, 2005, requested that the applicant provide additional mitigating measures to reduce accidents in the study area, and identify the assigned routes which will be used by students walking to and from the School; and

WHEREAS, the applicant responded by mapping out the walking routes, and noting that in addition to the presence of a crossing guard set forth in an earlier submission, it would be open to any other conditions imposed by DOT or the Board to mitigate accidents; and

WHEREAS, the applicant also noted that the intersections near the school are signalized, thus providing an additional accident mitigation measure; and

WHEREAS, at hearing, the applicant represented that DOT will visit the site if the School is approved by the Board and will implement additional safety measures, if necessary; and

WHEREAS, therefore, Board finds that the requirements of Z.R. §73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 73-19; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Parts 617.5 and 613 and §§5-02(a), 5-02 (b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§ 73-19 and 73-03 and grants a special permit, to allow the operation of a proposed school without sleeping accommodations (Use

MINUTES

Group 3), within a C8-2 zoning district, which requires a special permit pursuant to Z.R. §§ 73-19 and 73-03; *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 "August 2, 2005"- (10) sheets; and *on further condition*:

THAT school crossing guards shall be present at appropriate nearby intersections as recommended by the applicant's environmental consultant and DOT;

THAT the applicant shall comply with all safety measures recommended by DOT;

THAT all interior partitions and exits shall be as approved by DOB;

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

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

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

Adopted by the Board of Standards and Appeals, August 16, 2005.

352-04-BZ

APPLICANT - Eric Palatnik, P.C., for R. Randy Lee, owner.
SUBJECT - Application November 4, 2004 - Under Z.R. §72-21 - to modify the previous approval by the BSA (118-01-BZ) by altering the configuration of the subject building and to permit a change in use from Use Group 6 office use to Use Group 6 retail use, within an R3-1 Zoning District and to vary Section 22-00 of the Resolution.

PREMISES AFFECTED - 1845 Richmond Avenue, East side of Richmond Avenue, 500 feet south of Eaton Place, Block 2030, Lot 57, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 12, 2004, acting on Application No. 500531123, reads, in pertinent part:

"1. Proposed construction of a two story retail establishment (Use Group 6) within zoning district R3-1 is contrary to Section 22-00 of the NYC Zoning Resolution and previously approved BSA case (Calendar # 118-01-BZ);"

WHEREAS, a public hearing was held on this application on April 12, 2005 after due notice by publication in *The City Record*, with continued hearings on June 7, 2005 and July 26, 2005, and then to August 16, 2005 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Commissioner Chin; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, in an R3-1 zoning district, on a site previously before the Board, the proposed reconfiguration of a two-story building and the proposed change in use from UG 6 office to UG 6 retail, contrary to Z.R. § 22-00; and

WHEREAS, the subject site is located on the east side of Richmond Avenue, 500 feet south of Eaton Place, and has a total lot area of 18,875 sq. ft.; and

WHEREAS, on July 17, 2001, under BSA Cal. No. 118-01-BZ, the Board approved a variance under Z.R. § 72-21, permitting the proposed development of a 26-9' high, one and one half story office building, with a cellar and sub-cellar and a total floor area of 3,600 sq. ft., within the subject residential district, to contain UG 6 offices; 27 parking spaces were also proposed; and

WHEREAS, the applicant represents that in the past three years, the owner has been unable to find tenants or a purchaser for the proposed property; thus, in spite of the prior grant, the owner has not been able to make a reasonable return from the property; and

WHEREAS, in support of the contention that the prior grant did not lead to a feasible development opportunity for the owner, the applicant has submitted documentary evidence of marketing efforts to rent or sell the previously approved building; the applicant states that none of these efforts were successful; and

WHEREAS, thus, the applicant now proposes to develop the site with a 30' high, two-story with cellar retail building, with 7200 sq. ft. of total floor area and 27 parking spaces; and

WHEREAS, the applicant states that although the instant application reflects double the zoning floor area of the prior grant, the prior grant actually allowed 10,600 sq. ft. of usable office area, as both the cellar and sub-cellar were proposed to be put to office use; and

WHEREAS, the applicant represents, and the Board agrees, that because the Board previously found in the prior matter that the subject site met the uniqueness finding for a variance, the uniqueness features associated with site that lead to hardship have already been established and may be relied upon in this proceeding to satisfy the finding set forth at Z.R. § 72-21(a); and

WHEREAS, the applicant has submitted a financial analysis which discusses an as-of-right residential development, and concludes that such a development would not realize a reasonable return; and

WHEREAS, the Board has determined that because of the subject lot's unique conditions, there is no reasonable possibility

MINUTES

that development in strict conformance with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant states that the properties that immediately surround the area contain many commercial uses, including a bank immediately adjacent to the premises, as well as a restaurant under construction two doors away; and

WHEREAS, the Board agrees that the proposed retail use of the premises will not negatively impact the character of the neighborhood; and

WHEREAS, the applicant also notes that the proposed building will occupy substantially the same footprint, height and bulk as that previously approved by the Board under the prior grant; and

WHEREAS, the Board agrees that the bulk of the proposed building is contextual with the surrounding properties; and

WHEREAS, the Board requested that the applicant demonstrate that the proposed 27 parking spaces are sufficient to service the proposed retail uses; and

WHEREAS, in response, the applicant submitted two parking and traffic analyses; and

WHEREAS, these studies, when assessed together, establish that available on-site parking and available on-street parking within a 400 ft. radius can accommodate the anticipated future parking demand to be generated by the proposed retail and restaurant uses; and

WHEREAS, specifically, the second study concludes that there is a minimum of 55 available parking spaces during the evening peak hour time period for weekdays, and maximum of 68 spaces during the midday peak hour time period for weekdays; and

WHEREAS, this same study concludes that there is a minimum of 99 spaces during the later afternoon peak hour time period for weekends, and a maximum of 119 spaces during the midday peak hour time period for weekends; and

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

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

WHEREAS, the applicant submitted a financial analysis of a one-story retail building, which showed that such development was not feasible; and

WHEREAS, thus, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA057R dated 1/10/05; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, as noted above, Parking Surveys were conducted on June 21, 2005 and July 2, 2005 which determined that there would be sufficient on-street parking to accommodate the proposed project;

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

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 variance to permit, in a R3-1 zoning district, on a site previously before the Board, the proposed reconfiguration of a two-story office building and the proposed change in use from UG 6 office to UG 6 retail, contrary to Z.R. § 22-00, *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 August 15, 2005"– (9) sheets and *on further condition*:

THAT a total of 27 parking spaces shall be provided;

THAT the second floor restaurant shall have a maximum capacity of 100 persons;

THAT the above conditions shall be listed on the Certificate of Occupancy;

THAT all conditions from the prior resolution not waived herein shall remain in effect;

THAT the total floor area shall be a maximum of 7,200 sq. ft.;

THAT all exiting requirements, as well as the layout of the attended parking area, shall be as reviewed and 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 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)/ configuration(s) not

MINUTES

related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2005.

6-05-BZ

APPLICANT – Eric Palatnik, P.C., for Isaac and Renee Sasson, owners.

SUBJECT – Application January 14, 2005 – under Z.R. §73-622 an enlargement to a single family home to vary sections Z.R. §23-141 for open space and floor area, Z.R. §23-46 for side yards and Z.R. §23-47 for rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 3046 Bedford Avenue, between Avenues “I and J”, Block 7588, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT:

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 27, 2004, acting on Department of Buildings Application No. 301874531, reads, in pertinent part:

1. Proposed plans are contrary to Z.R. 23-141(a) in that the proposed Floor Area Ratio (FAR) exceeds the permitted 50%.
 2. Proposed plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150%.
 3. Proposed plans are contrary to Z.R. 23-461(a) in that the proposed side yards are less than the total of 13’-0”.
 4. Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than 30’-0”;
- and

WHEREAS, a public hearing was held on this application on June 14, 2005 after due notice by publication in *The City Record*, with a continued hearing on July 26, 2005, and then to decision on August 16, 2005; and

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

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards and rear yard, contrary to

Z.R. §§ 23-141(a), 23-461(a) and 23-47; and

WHEREAS, the subject lot is located on Bedford Avenue, between Avenues I and J; and

WHEREAS, the subject lot has a total lot area of approximately 4,000 sq. ft.; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant states that the subject premises is improved upon with an existing single-family home; and

WHEREAS, the applicant seeks an increase in the floor area from 2,408 sq. ft. (0.60 Floor Area Ratio or “FAR”) to 3,347 sq. ft. (0.84 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to decrease the Open Space Ratio (“OSR”) from 135% to 86% (minimum OSR of 150% is required); and

WHEREAS, the proposed enlargement will maintain one existing non-complying side yard of 3’-0”, which does not comply with the 5’-0” minimum side yard requirement; and

WHEREAS, the proposed enlargement will increase the other side yard from 8’-5” to 8’-9”, which, when aggregated with the other side yard dimension, still does not comply with the 13’-0” total side yard requirement; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the proposed enlargement will reduce the existing non-complying rear yard from 27’-9” to 20’-0”; the minimum rear yard required is 30’-0”; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20’-0” of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is 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. §§ 73-622 and 73-03.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-622 and 73-03, to permit, in an R-2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio, side yards and rear yard, contrary to Z.R. §§ 23-141(a), 23-461(a) and 23-47; *on*

MINUTES

condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received July 11, 2005"- (8) sheets and "July 28, 2005"-(2) sheets; and *on further condition:*

THAT there shall be no habitable room in the cellar;

THAT the total FAR on the premises, including the attic, shall not exceed 0.84;

THAT the attic floor area shall not exceed 457 sq. ft., and shall be approved by DOB; and

THAT the above conditions shall be set forth in the certificate of occupancy;

THAT the use and layout of the cellar shall be as approved by the Department of Buildings;

THAT the existing garage shall be as approved by DOB;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2005.

13-05-BZ

APPLICANT – Stuart Klein for GIM Management & Sheepshead Bay Spa Center, lessee.

SUBJECT – Application January 25, 2005 – under Z.R. §§73-03 and 73-36 – approval sought for a proposed physical cultural establishments to be located on the first and second of a three story commercial building. The proposed PCEs use will contain 39,505 gross square feet. The site is located in a C8-02(OP) Special District.

PREMISES AFFECTED – 614-626 Sheepshead Bay Road, bound by West 8th and West 6th Street, Block 7279, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Gregory Chillino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 11, 2005, acting on Department of Buildings Application No. 301566712, reads:

“Proposed adult physical culture establishment

requires BSA special permit per ZR §§ 32-31, 73-36.”; and

WHEREAS, a public hearing was held on this application on July 26, 2005 after due notice by publication in *The City Record*, and then to decision on August 16, 2005; and

WHEREAS, Community Board 13, Brooklyn, recommends approval of this application; and

WHEREAS, the New York City Fire Department has no objection to this application; and

WHEREAS, this is an application, under Z.R. §§ 73-36 and 73-03, to permit, in a C8-2 zoning district within the Special Ocean Parkway District, a physical culture establishment (“PCE”) to be located within a proposed three-story building, contrary to Z.R. § 32-00; and

WHEREAS, the PCE will occupy a total of total of 37,221 sq. ft. of floor area, on the first and second floors, and mezzanine level, of a proposed three-story plus mezzanine building currently under construction; and

WHEREAS, the applicant represents that the spa portion of the PCE will occupy 20,654 sq. ft. of the ground floor and 2,302 sq. ft. of the mezzanine, and that the gym portion of the PCE will occupy 14,625 sq. ft. of the second floor; and

WHEREAS, the applicant states that the spa portion will contain facilities for sauna and massage; and

WHEREAS, the applicant further states that the gym portion will contain facilities for weight machines, and two studios for aerobics and other classes; and

WHEREAS, only this area within the proposed three-story building is subject to the instant grant, and the Board is not approving the bulk of the building, or any other uses therein; and

WHEREAS, specifically, the Board notes that the special permit granted hereunder will cover only the PCE, but that no Board approval is required for the restaurant on the third floor or the garage at the first floor; and

WHEREAS, the applicant represents that all masseurs and masseuses employed within the facility will be New York State licensed; and

WHEREAS, the applicant asserts that the entire facility will be equipped with an automatic wet sprinkler system and a fire alarm system that is connected to a Fire Department-approved central monitor system; and

WHEREAS, the PCE will have hours of operation as follows: health club facility - 6 a.m. to 11 p.m., seven days a week; spa – 8 a.m. to 11 p.m., seven days a week; and

WHEREAS, the applicant represents that the area where the PCE will be located is predominantly a commercial area with some residential and hotel uses; and

WHEREAS, the Board finds that the PCE, given the proposed uses and the hours of operation, will not have any significant impact on the residential use in the building or adjacent residential uses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor

MINUTES

will it be detrimental to the public welfare; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner(s) and operators of the establishments and the principals thereof, and issued a report which the Board has determined to be satisfactory; 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 is 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 requisite findings pursuant to Z.R. § 73-36; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement 05-BSA- 086K dated March 1, 2005; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. §§ 73-36 and 73-03, to permit, in a C8-2 zoning district within the Special Ocean Parkway District, a physical culture establishment (“PCE”) to be located within a proposed three-story building, contrary to Z.R. § 32-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “August 16, 2005” – (3) sheets; and *on further condition*

THAT this grant shall be limited to a term of ten years from August 16, 2005, expiring August 16, 2015;

THAT all massages will be performed only by New York State licensed massage therapists;

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

the Board;

THAT the hours of operation shall be limited to: health club facility - 6 a.m. to 11 p.m., seven days a week; spa – 8 a.m. to 11 p.m., seven days a week

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

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

THAT fire safety measures shall be as installed and maintained on the Board-approved plans;

THAT an interior fire alarm system shall be provided as set forth on the BSA-approved plans and approved by DOB;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed 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 of applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2005.

39-05-BZ

APPLICANT – Eric Palatnik, P.C., for Yeshivas Ahavas Israel Inc., owner.

SUBJECT – Application February 24, 2005 – under Z.R. §72-21 – to permit the enlargement of the existing Use Group 3 Yeshiva, in an R6 Zoning District and to vary Sections 24-11 (Lot coverage), 24-35(b) (Side yard), and 24-522 (Perimeter wall height, setback, and sky exposure plane) of the Resolution.

PREMISES AFFECTED – 6 Lee Avenue, West side of Lee Avenue between Clymer and Taylor Streets, Block 2173, Tentative Lot 35 (Formerly Lots 31 and 35), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 9, 2005, acting on Department of Buildings Application No. 301886911, reads, in pertinent part:

1. Proposed lot coverage is contrary to Z.R. § 24-11.
2. Proposed side yard is contrary to Z.R. § 24-34(B).

MINUTES

3. Proposed sky exposure plane is contrary to Z.R. § 24-522.
4. Proposed setback is contrary to Z.R. § 24-522.
5. Proposed perimeter wall is contrary to Z.R. § 24-522.”; and

WHEREAS, a public hearing was held on this application on July 19, 2005, after due notice by publication in *The City Record* and then to decision on August 16, 2005; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner Chin; and

WHEREAS, Community Board 1, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an R6 zoning district, the proposed enlargement of an existing religious school and Synagogue, contrary to Z.R. §§ 24-11, 24-34(B) and 24-522; and

WHEREAS, this application is brought on behalf of Yeshivas Ahavas Israel, Inc., a not-for-profit entity (hereinafter, the “School”); and

WHEREAS, the site is located on the western side of Lee Avenue between Clymer and Taylor Streets, has a total lot area of 10,000 sq. ft., and was formerly comprised of two individual tax lots (lots 31 and 35); and

WHEREAS, the subject site is currently improved upon with two separate structures, each of which is two and three stories in height; the two structures house the existing religious school and Synagogue; and

WHEREAS, the applicant states that the school has an enrollment of 350 students and the Synagogue has a congregation of 200 individuals; the School desires to increase the enrollment to 500 students and the congregation to 500 individuals; and

WHEREAS, the applicant proposes to enlarge both structures to five stories, thereby creating additional space (a total floor area of 41,310 sq. ft.) for both uses; the floor area complies with the district regulations and no parking is required; and

WHEREAS, construction of the enlargement as currently proposed will result in the following non-compliances: side yards of 3’-½” and 5’-0” (no side yards or minimum 8’-0” side yards are required); no setback above 60’-0” (a 20’-0” setback is required); lot coverage of 90% (70% is the maximum); street wall height of 76’-1 ¼” (street wall height of 60 ft. is the maximum permitted); and no sky exposure plane; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the existing building has insufficient space to accommodate the current congregation and student enrollment, or the anticipated increases in both, and the proposed building, which contemplates a floor area below the floor area permitted by the zoning resolution, could not be built in compliance with the existing side yard, lot coverage, setback, wall height, or sky

exposure plane requirements while still fulfilling the basic programmatic needs of the School; and

WHEREAS, the applicant states that the following are the programmatic needs of the School: (1) creation of 24 classrooms, as opposed to the existing 15; (2) creation of a full dining room, and kitchen at the cellar level; (3) more worship space; (4) creation of a multi-purpose room for student use; and (5) creation of administrative offices and mechanical areas; and

WHEREAS, the applicant states that the existing structures can not accommodate the school enrollment or the congregation, which has led to over-crowding and an inability to accept new students or to grow the congregation; and

WHEREAS, the applicant further states that the variances are necessary to accommodate a building large enough to house an efficient interior layout, suitable to address the above-mentioned programmatic needs; and

WHEREAS, specifically, the applicant states that the setback waiver is necessary because without it, the proposed staircase at the upper floors would have to be relocated or split in location, which would result in shifted floor plates, leaving less open floor space and eliminating needed office and recreation space; and

WHEREAS, additionally, the applicant states that the side yard waiver is necessary because the enlargement is being constructed to match existing side yard non-compliances, thereby squaring off the floor plates, which will allow the most efficient and beneficial interior configuration for classroom space; and

WHEREAS, additionally, the applicant states that the side yard waiver is necessary because the enlargement is being constructed to match existing side yard non-compliances, thereby squaring off the floor plates, which will allow the most efficient and beneficial interior configuration for classroom space; and

WHEREAS, the Board agrees that, based upon the submitted evidence, the enlargement is necessary in order to meet the programmatic needs of the School; and

WHEREAS, therefore, the Board finds that the cited unique physical condition, when considered in conjunction with the programmatic needs of the School, creates practical difficulties and unnecessary hardship in developing the site in strict compliance with the applicable zoning regulations; and

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

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood, nor impact adjacent uses; and

WHEREAS, the applicant represents that the proposed building was designed to only address the programmatic needs of the School; and

WHEREAS, the Board notes that the proposed building will be located at a major intersection, where the impact of the proposed bulk non-compliances will be negligible; and

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

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

WHEREAS, the Board finds that this proposal is the

MINUTES

minimum necessary to afford the School relief; and

WHEREAS, thus, 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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA096K dated April 27, 2005; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes the required findings under Z.R. § 72-21, to permit, within an R6 zoning district, the proposed enlargement of an existing religious school and Synagogue, contrary to Z.R. §§ 23-141, 23-464, 23-47, 23-631(d), 113-30, 25-18 and 25-31; *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 August 2, 2005" – (11) sheets; and *on further condition*:

THAT the bulk parameters of the proposed building shall be as reflected on the BSA-approved plans;

THAT the location of handicapped ramps and steps is subject to the review and approval of the Department of Transportation;

THAT compliance with exiting, occupancy, and Local Law 58/87 requirements is subject to the review and approval of DOB;

THAT this approval is limited to the relief granted by the Board, in response to specifically cited and filed 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2005.

69-05-BZ

APPLICANT - Moshe M. Friedman, P.E., for Renee Devor, owner.

SUBJECT - Application March 22, 2005 - under Z.R. §73-622 to permit the enlargement to a single family home to vary sections ZR §23-141(b) for FAR, lot coverage, open space and ZR §23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED - 1557 East 27th Street, 527.8' north of Avenue "P", Block 7688, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 15, 2005, acting on Department of Buildings Application No. 30198628, reads:

“Extension to existing 1 family dwelling is contrary to:

ZR 23-141(b) Floor Area Ratio,

ZR 23-141(b) Open Space,

ZR 23-141(b) Lot Coverage,

ZR 23-47 Rear Yard

And requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622;” and

WHEREAS, a public hearing was held on this application on July 26, 2005 after due notice by publication in *The City Record*, and then to closure and decision on August 16, 2005; and

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

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit, in an R3-2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area ratio, lot coverage, and side and rear yards, contrary to Z.R. §§ 23-141, 23-461(a) and 23-47; and

WHEREAS, the subject lot is located on East 27th Street, north of Avenue P; and

WHEREAS, the subject lot has a total lot area of approximately 2,667 sq. ft.; and

MINUTES

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant seeks an increase in the floor area from 1,840.5 sq. ft. (0.69 Floor Area Ratio or "FAR") to 2,863.7 sq. ft. (1.07 FAR); the maximum floor area permitted is 1,333.3 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will increase the lot coverage from 38% to 46%; the maximum lot coverage permitted is 35%; and

WHEREAS, the proposed enlargement will decrease the Open Space Ratio ("OSR") from 62% to 54%; the maximum permitted OSR is 65%; and

WHEREAS, the proposed enlargement will maintain one existing non-complying side yard of 2'-11", which does not comply with the 5' minimum side yard requirement; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the proposed enlargement will reduce the rear yard from 24'-6 1/2" to 20'-1 1/2"; the minimum rear yard required is 30'-0"; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20'-0" of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is 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. §§ 73-622 and 73-03.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-622 and 73-03, to permit, in an R3-2 zoning district, the proposed enlargement of an existing single-family dwelling, which does not comply with the zoning requirements for floor area ratio, lot coverage, and side and rear yards, contrary to Z.R. §§ 23-141, 23-461(a) and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received August 2, 2005"-(11) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the total FAR on the premises, including the attic, shall not exceed 1.07;

THAT the total attic floor area shall not exceed 243.6 sq. ft., as confirmed by the Department of Buildings;

THAT the above conditions shall be set forth in the

certificate of occupancy;

THAT the use and layout of the cellar shall 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 objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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 the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2005.

101-05-BZ

APPLICANT – Irving J. Gotbaum, Esq., by Friedman & Gotbaum, LLP., for 377Greenwich LLC, owner.

SUBJECT – Application April 26, 2005 - under Z.R. §72-21 to permit the proposed development of a seven-story, plus penthouse, transient hotel, located in a C6-2A/TMU(A-1) zoning district, which does not comply with the zoning requirements for floor area ratio, also maximum base height and setback requirements, is contrary to Z.R. §111-104 and §35-24.

PREMISES AFFECTED – 377 Greenwich Street, southeast corner of North Moore Street, Block 187, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Elena Aristova.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 25, 2005, acting on Application No. 102666394, reads, in pertinent part:

- "1. The proposed building's FAR exceeds that which is allowed and is contrary to ZR 111-104.
2. The proposed building does not comply with ZR 35-24 (proposed building violates requirements for maximum base height and setback of front walls);" and

WHEREAS, a public hearing was held on this application on July 12, 2005 after due notice by publication in *The City Record*, and then to August 16, 2005 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Commissioner Chin; and

MINUTES

WHEREAS, Community Board 1, Manhattan, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, in a C6-2A/TMU(A-1) zoning district, the proposed development of a seven-story plus penthouse transient hotel, which does not comply with the zoning requirements for floor area ratio, maximum base height and setback, contrary to Z.R. §§ 111-04 and 35-24; and

WHEREAS, the subject site is located on the southeast corner of Greenwich and North Moore Streets, and has a total lot area of 10,085 square feet; and

WHEREAS, the site was previously used as a parking facility; and

WHEREAS, the proposed development contemplates the construction of a seven-story, 94-room, transient hotel, with a floor area of 59,821 sq. ft. and a total height of approximately 108'-0"; and

WHEREAS, the applicant seeks the following waivers: floor area ratio ("FAR") of 5.9 (5.0 FAR maximum permitted); base wall height of 92'-10" (maximum wall height of 85'-0" permitted); and no setbacks on North Moore Street (required setback of 15'-0") or Greenwich Street (required setback of 15'-0"); and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in constructing a complying building: (1) unusual subsurface conditions; (2) contamination on the site from past uses and the existence of underground storage tanks; (3) location adjacent to the 500-year flood zone; and (4) high water table that will require dewatering and sealing of the building's subcellar; and

WHEREAS, the applicant conducted a Phase I Environmental Assessment on the site in July of 2003 which documented that contaminated soil is located throughout the site; and

WHEREAS, the City of New York Department of Environmental Protection ("DEP") issued a Notice to Proceed to the City of New York Department of Buildings ("DOB") on June 29, 2004 with respect to the site's remediation, and the site was remediated in accordance with DEP and other applicable requirements; and

WHEREAS, the applicant submitted a letter from the general contractor that remediated the site that indicates that the total premium costs for site remediation were approximately \$1,700,000; and

WHEREAS, the applicant represents that due to the poor soil conditions, the site had to be excavated and the soil removed; in addition, two sub-surface tanks were removed from the site; and

WHEREAS, the applicant also represents that other premium costs were incurred during the excavation process because of the poor soil conditions on the site, including underpinning and the drilling of soldier piles to prevent damaging ground vibrations; and

WHEREAS, the applicant also represents that the construction of the site's sub-cellar and cellar levels will require

temporary dewatering because of the site's location within a floodplain, and the foundation of the building will require a pressure slab/mat in lieu of conventional spread footings; and

WHEREAS, the Board questioned the applicant as to whether the location of the site in the floodplain is unique since the entire area surrounding the site is subject to the same condition; accordingly, all properties surrounding the subject site would require dewatering prior to construction; and

WHEREAS, the applicant responded that although dewatering would be required for most foundation construction in the vicinity of the site, this particular site is also burdened with other unique environmental and geological factors, including the presence of two underground storage tanks on the site and contaminated soil across the entire depth and breadth of the site; and

WHEREAS, the Board finds that certain of the aforementioned unique physical conditions, specifically, the poor soil conditions and the presence of underground storage tanks on the site, when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformity with the current applicable zoning regulations; and

WHEREAS, the applicant has submitted a feasibility study analyzing the following as-of-right alternatives: (1) a 5.0 FAR office building; (2) 5.0 FAR, 80-room, six-story hotel; and (3) a 5.0 FAR, six-story residential building with ground floor retail; and

WHEREAS, the applicant concluded that none of the complying scenarios would yield the owner a reasonable return; and further represents that with the addition of an extra floor and 14 rooms to the proposed hotel scenario, the owner will be able to realize a reasonable rate of return given the \$1,700,000 in premium costs attributable to the unique conditions on the site; and

WHEREAS, the applicant represents that as part of its financing it is receiving tax-free bonds under the Liberty Bond Financing Program, and that it would be unable to receive Liberty Bond Financing if it developed condominiums; and

WHEREAS, the Board questioned the need for the Liberty Bonds and asked why the applicant would be unable to use the bonds in a condominium development scenario; and

WHEREAS, the applicant responded that initially the project was contemplated as an as-of-right hotel, and Liberty Bonds were part of the financing for the project; subsequent to the drawing down of the bonds and excavation of the property, the owner discovered a significant amount of environmental contamination that exceeded what the owner found in prior borings; and

WHEREAS, the applicant further responded that it was at that point that the applicant came before the Board to seek bulk waivers, so that a reasonable return could be realized on the property despite the soil conditions; and

WHEREAS, the applicant further represents that a condition to the receipt of the Liberty Bond Financing is that the bonds must be held for 30 years, and, during that period, the holder must have a unified underlying asset as surety for their

MINUTES

repayment, thereby precluding a condominium scenario; and

WHEREAS, at the request of the Board, the applicant also prepared a financial analysis of the proposed hotel without the Liberty Bonds, which reflects that the costs savings from using the Liberty Bonds is equal to \$1,800,000 during construction and \$800,000 annually in interest payments; and

WHEREAS, 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 applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant notes that it received an initial Certificate of Appropriateness ("COA") from the New York City Landmarks Preservation Commission ("LPC") for a six-story version of the proposed hotel on August 19, 2003, and received an updated COA on November 29, 2004 for the current version of the hotel; and

WHEREAS, the updated COA states that the LPC found that the proposed seven-story hotel related well to the scale of the adjacent building on Greenwich Street, and to the district as a whole; and

WHEREAS, the applicant has submitted a map of the surrounding buildings that indicates that behind the site is an eight-story building, next to the site is a five-story building, and across the street from the site on Greenwich Street is a 39-story building; therefore, the applicant represents that the height of the building will match the character of the neighborhood; and

WHEREAS, the applicant represents that in a sampling of nearby mid-block residential and residential/commercial buildings, FAR ranges from 5.53 to 8.7; and in a sampling of nearby corner block residential and mixed-use buildings, FAR ranges from 6.93 to 13.26; and

WHEREAS, the applicant notes that the proposed building height of 108'-0" is below the maximum permitted total building height in the zoning district of 120'-0"; and

WHEREAS, the Board finds that the bulk and height of the proposed building is compatible with the surrounding built context; and

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

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

WHEREAS, the Board further finds that this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the project is classified as a Type I action pursuant to Sections 617.6(h) and 617.2(h) of 6NYCRR; and

WHEREAS, the subject site is located within the Tribeca

West Historic District and as previously noted in this resolution, a COA has been issued for this proposal by the LPC on November 29, 2004; and

WHEREAS, pursuant to CEQR No. 95DCP010M, the City Planning Commission issued an "E" Designation (E-61) for potential hazardous materials and noise impacts for the subject property; and

WHEREAS, the Notice to Proceed issued by DEP, as previously noted in this resolution, states that the applicant has adequately addressed the terms of this "E" Designation; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05BSA137M dated July 6, 2005; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

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 variance to permit, in a C6-2A/TMU(A-1) zoning district, the proposed development of a seven-story plus penthouse transient hotel, which does not comply with the zoning requirements for floor area ratio, maximum base height and setback, contrary to Z.R. §§111-04 and 35-24, *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 27, 2005"- (15) sheets; and *on further condition*:

THAT the FAR shall not exceed 5.9; and the base wall height shall not exceed 92'-10";

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 16, 2005.

MINUTES

41-04-BZ

APPLICANT – Sheldon Lobel, P.C., for 2113 First Avenue, LLC, owner.

SUBJECT – Application February 23, 2004 – Pursuant to Z.R. §72-21 – to permit the proposed legalization of the existing auto laundry, lubritorium, and accessory retail building in a C2-5 overlay within R7-2 Zoning District, and to vary Sections 33-00 and 22-00 of the Resolution.

PREMISES AFFECTED – 338 East 109th Street, a/k/a 2113 First Avenue, First Avenue between East 108th and East 109th Streets, Block 1680, Lots 27 and 32, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES –

For Applicant: Sheldon Lobel, Dominick Answini and Michael Lage.

ACTION OF THE BOARD – Laid over to October 18, 2005, at 1:30 P.M., for continued hearing.

245-04-BZ

APPLICANT – Agusta & Ross, for Mark Stern, owner.

SUBJECT – Application July 6, 2004 – under Z.R. §72-21 – to permit the proposed five-story, nine unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED – 102/04 Franklin Avenue, west side, 182’ south of Park Avenue, Block 1898, Lots 45 and 46, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Mitchell Ross.

ACTION OF THE BOARD – Laid over to September 27, 2005, at 1:30 P.M., for continued hearing.

302-04-BZ

APPLICANT – Martyn & Don Weston for Regina Formisano, owner.

SUBJECT – Application September 10, 2004 – under Z.R. §72-21 – to permit the proposed construction of a residential building on a vacant lot, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED – 40 Woodhull Street, south side, 85’ west of Hicks Street, Block 363, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Don Weston.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 13, 2005, at 1:30 P.M., for decision, hearing closed.

361-04-BZ

APPLICANT – Eric Palatnik, P.C. for Parsons Estates, LLC, owners.

SUBJECT – Application November 17, 2004 – under Z.R. §72-21 – to permit a proposed three-story residential building in an R4 district which does not comply with the zoning requirements for floor area, wall height, sky exposure plane, open space, lot coverage and the number of dwelling units; contrary to Z.R. §23-141c, 23-631 and 23-22.

PREMISES AFFECTED – 75-48 Parsons Boulevard, 168.40’ north of 75th road, at the intersection of 76th Avenue; Block 6810, Lot 44, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik, Robert Pauls and David Shteyrenan.

ACTION OF THE BOARD – Laid over to October 18, 2005, at 1:30 P.M., for continued hearing.

362-04-BZ

APPLICANT – The Agusta Group for South Long Island Realty Management, Owner.

SUBJECT – Application November 18, 2004 – under Z.R. §72-21 – to permit the proposed conversion of a vacant three-story building to commercial use; contrary to Z.R. §32-421 (Limitation on floors occupied by non-residential uses) in an R6/C2-4 district.

PREMISES AFFECTED – 25-84 31st Street, west side, 339’ north of Newtown Avenue, Block 598, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Sal Korman.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to September 20, 2005, at 1:30 P.M., for decision, hearing closed.

395-04-BZ

APPLICANT – Moshe M. Friedman, P.E., for Congregation Imrei Yehudah, owner.

SUBJECT – Application May 24, 2005 – under Z.R. §72-21 – to permit the proposed synagogue and rectory, Use Group 4, located in an R4 zoning district, which does not comply with the zoning requirements for front wall, sky exposure, side and front yards, also parking, is contrary to Z.R. §24-521; §24-35(a), §24-34 and §25-31.

PREMISES AFFECTED – 1232 54th Street, southwest side, 242’6” southeast of the intersection formed by 54th Street and

MINUTES

12th Avenue, Block 5676, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 27, 2005, at 1:30 P.M., for decision, hearing closed.

402-04-BZ

APPLICANT – Steven Sinacori/Stadtmauer Bailkin LLP for Knapp Street Entertainment Center Inc., owner; Public Storage Inc., lessee.

SUBJECT – Application December 28, 2004 – under Z.R. §72-21 – to permit the change of use from an enclosed amusement arcade (Use Group 15) to self-storage facility (Use Group 16) in an R6 Zoning District and to vary Sections 24-11 (Lot coverage), 24-35(b) (Side Yard), and 24-522 (Perimeter wall height, setback, and sky exposure plane) of the Resolution.

PREMISES AFFECTED – 2461 Knapp Street, east side, between Avenue “X and Y”, Block 8833, Lot 200, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Steven Sinacori, Jack Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 13, 2005, at 1:30 P.M., for decision, hearing closed.

405-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Kim Stavrach, owner.

SUBJECT – Application December 30, 2004 – under Z.R. §73-622 – for an enlargement of a single family residence to vary Z.R. 23-141 for open space and floor area, Z.R. §23-461 for side yards and Z.R. §23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 1734 East 27th Street, west side, between Quentin Road and, Avenue “R”, Block 6809, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September

13, 2005, at 1:30 P.M., for decision, hearing closed.

46-05-BZ

APPLICANT – Boris Saks, Esq., for 1795 Coney Island, LLC, owner; Women’s Kosher Gym of Brooklyn, Inc., lessee.

SUBJECT – Application February 28, 2005 – under Z.R. §73-36 – to permit the proposed physical culture establishment, located in a C8-2 zoning district.

PREMISES AFFECTED – 1797 Coney Island Avenue, eastside, 305’ north of Avenue “O”, Block 6749, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Boris Saks.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 20, 2005, at 1:30 P.M., for decision, hearing closed.

88-05-BZ

APPLICANT – Sheldon Lobel, P.C., for David and Margaret Hamm, owners.

SUBJECT – Application April 8, 2005 – under Z.R. §73-622 – to permit the enlargement of a single family residence which exceeds allowable floor area ratio, lot coverage and open space ratio pursuant to Z.R. §23-141, and less than the minimum side yards pursuant to Z.R. §23-461. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 2015 East 22nd Street, east side, between Avenue “S and T”, Block 7301, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 13, 2005, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

MINUTES

Adjourned: 3:40 P.M