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AND APPEALS

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November 23, 2011

DIRECTORY

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Affecting Calendar Numbers:

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DOCKET

New Case Filed Up to November 15, 2011

172-11-A

119-43 197th Street, 413.81' south of intersection of east side of 197th Street and south side of 119th Avenue., Block 12653, Lot(s) 42, Borough of **Queens, Community Board: 12.** Appeal seeking determination that the owner of the premises has acquired a common law vested rights to complete construction under the prior R3-2 zoning . R3A zoning district . R3A district.

173-11-A

68-10 58th Avenue, south side of 58th Avenue, 80' east of intersection of 58th Avenue and Brown Place., Block 2777, Lot(s) 11, Borough of **Queens, Community Board: 5.** Appeal seeking determination that the owner of the premises has acquired a common law vested rights to complete construction under the prior R4 zoning . R4-1 Zoning district . R4-1 district.

174-11-BZ

145-15 33rd Avenue, north side of 33rd Avenue approximately 400' east of Parsons Boulevard., Block 4789, Lot(s) 81, Borough of **Queens, Community Board: 7.** Variance (§72-21) to permit a new 23,097sf chapel for Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. The variances include (i) a variance from §24-111 to allow an FAR of 0.95, where 0.5 is permitted, (ii) a variance from §24-33 to allow side yard and rear obstructions consisting of a landscaped deck over a below-grade parking garage, and (iii) a variance from §25-635 to allow a driveway in the front yard with a slope of 13.5%, where 11% is permitted. R2A district.

175-11-BZ

550 West 54th Street, bounded by 11th Avenue, West 54th Street, 10th Avenue and West 53rd Street., Block 1082, Lot(s) 1, Borough of **Manhattan, Community Board: 9.** Special Permit (§73-36) 73-36 to permit the operation of a physical culture establishment. C6-3X district.

176-11-BZ

150 Norfolk Street, between Oriental and Shore Boulevard, Block 8756, Lot(s) 19, Borough of **Brooklyn, Community Board: 15.** Special Permit (§73-622) for the enlargement of an existing single family home contrary to lot coverage and floor area (§23-141(b)); side yards (§23-461(a)) and less than the required rear yard (§23-47). R3-1 zoning district. R3-1 district.

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

CALENDAR

DECEMBER 6, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 6, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

321-63-BZ

APPLICANT – Greenberg Traurig, LLP by Jay A. Segal, Esq., for Verizon New York, Inc., owner; 1775 Grand Concourse LLC, lessee.

SUBJECT – Application October 13, 2011 – Amendment of a previously approved special permit (§73-65) which permitted the construction of an 8-story enlargement of a telephone exchange building. The Amendment seeks to permit portions of the building to be used for uses in Use Groups 6A, 6B and 6C pursuant to §122-10 of the zoning resolution. R8/Special Grand Concourse Preservation District.

PREMISES AFFECTED – 1775 Grand Concourse, west side of the Grand Concourse at the southeast intersection of Walton Avenue and East 175th Street, Block 282, Lot 1001-1004, Borough of Bronx.

COMMUNITY BOARD #5BX

271-71-BZ

APPLICANT – Sheldon Lobel, P.C., for Plaza 400 Owners Corp., owner

SUBJECT – Application October 11, 2011 – Extension of Term for the continued use of transient parking in a residential apartment building which expired on July 6, 2011; waiver of the rules. R10/C1-5 zoning district.

PREMISES AFFECTED – 400 East 56th Street, corner of First Avenue, Block 1367, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

255-00-BZ

APPLICANT – Sheldon Lobel, P.C., for Full Gospel New York Church, owner.

SUBJECT – Application August 12, 2011 – This application seeks to amend the previously granted variance to permit a change of use on the 2nd and 3rd floors of the existing building at the premises from UG4 house of worship to UG3 school.

PREMISES AFFECTED – 130-30 31st Avenue, north side of 31st Avenue, between College Point Boulevard and Whitestone Expressway, block 4360, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

302-01-BZ

APPLICANT – Deirdre A. Carson, Esq., for Creston Avenue Realty, LLC, owner.

SUBJECT – Application October 12, 2011 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance for the continued use of a parking facility accessory to commercial use which expired on April 23, 2033; waiver of the rules. R-8 zoning district.

PREMISES AFFECTED – 2519-2525 Creston Avenue, between East 190th and 191st Streets, Block 3175, Lot 26, Borough of Bronx.

COMMUNITY BOARD #7BX

8-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Adel Kassim, owner.

SUBJECT – Application January 21, 2010 – Dismissal for Lack of Prosecution – Variance (§72-21) to allow the legalization of an existing supermarket, contrary to use regulations, ZR §22-00. R4 zoning district.

PREMISES AFFECTED – 58-14 Beach Channel Drive, northeast corner of the intersection of Beach 59th Street and Beach Channel Drive, Block 16004, Lot 96, Borough of Queens.

COMMUNITY BOARD #14Q

155-10-BZ

APPLICANT – Sive, Paget & Riesel, P.C., for Wayne Hatami, owner.

SUBJECT – Application August 25, 2010 – Dismissal for Lack of Prosecution – Variance (§72-21) to allow for a conversion and enlargement of an existing residential building for community facility use, contrary to side yard (§24-35), front yard (§24-34) and lot coverage (§23-141) regulations. R3-1 zoning district.

PREMISES AFFECTED – 149-61 Willets Point Boulevard, corner parcel bound by Willets Point Boulevard, 150th Street and 24th Avenue, Block 4675, Lot 34, Borough of Queens.

COMMUNITY BOARD #7Q

APPEALS CALENDAR

125-11-A

APPLICANT – Law Offices of Marvin B. Mitzner for 514-516 E. 6th Street, LLC, owner.

SUBJECT – Application August 25, 2011 – Appeal challenging Department of Buildings determination denying the reinstatement of permits that allowed the enlargement to the existing building. R7B zoning district.

PREMISES AFFECTED – 514-516 East 6th Street, south side of East 6th Street, between Avenue A and Avenue B, Block 401, Lot 17, 18, Borough of Manhattan.

COMMUNITY BOARD #3M

CALENDAR

DECEMBER 6, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, December 6, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

42-11-BZ

APPLICANT – Eric Palatnik, P.C., for Winden LLC, owner.

SUBJECT – Application April 12, 2011 – Special Permit (§73-44) to permit the reduction in required parking for an ambulatory or diagnostic treatment facility and for office uses. C4-2 zoning district.

PREMISES AFFECTED – 135-11 40th Road, between Prince and Main Streets, Block 5036, Lot 55, Borough of Queens.

COMMUNITY BOARD #7Q

96-11-BZ

APPLICANT – Law Office of Marvin B. Mitzner, for 514-516 East 6th Street, owners.

SUBJECT – Application June 30, 2011 – Variance (§72-21) to legalize existing residential building contrary to floor area (ZR §23-145) and dwelling units (ZR §23-22). R7B zoning district.

PREMISES AFFECTED – 514-516 East 6th Street, south side of east 6th Street, between Avenue A and Avenue B, Block 401, Lot 17, 18, Borough of Manhattan.

COMMUNITY BOARD #3M

105-11-BZ

APPLICANT – Slater & Beckerman, LLP, for 147 Remsen Street Associates, LLC, owner; Team Wellness Corp., lessee.

SUBJECT – Application July 27, 2011 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Massage Spa Envy*). C5-2A (Special Downtown Brooklyn District) zoning district.

PREMISES AFFECTED – 147 Remsen Street, north side of Remsen Street, between Clinton Street and Court Street, block 250, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #2BK

Jeff Mulligan, Executive Director

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REGULAR MEETING TUESDAY MORNING, NOVEMBER 15, 2011 10:00 A.M.

Present: Chair Srinivasan, Vice-Chair Collins,
Commissioner Ottley-Brown, Commissioner Hinkson and
Commissioner Montanez.

SPECIAL ORDER CALENDAR

727-59-BZ

APPLICANT – Sheldon Lobel, P.C., for Square-Arch Realty Corp., owner.

SUBJECT – Application August 11, 2011 – Extension of Term (§11-411) for transient parking in a multiple dwelling building which expired on July 12, 2011. R10/R6 zoning district.

PREMISES AFFECTED – 2 Fifth Avenue, corner through lot fronting on Fifth Avenue, Washington Square North and West 8th Street. Block 551, Lot 1. Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Elizabeth Bennett.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term of a previously granted variance for a transient parking garage, which expired on June 14, 2011; and

WHEREAS, a public hearing was held on this application on October 18, 2011, after due notice by publication in *The City Record*, and then to decision on November 15, 2011; and

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

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, the subject site is located on the west side of Fifth Avenue, between West 8th Street and Washington Square North, partially within an R10 zoning district and partially within an R6 zoning district; and

WHEREAS, the site is occupied by a 20-story (including penthouse) mixed-use commercial/residential building; and

WHEREAS, the cellar and first floor are occupied by a 146-space accessory garage, with 73 spaces located in the cellar and 73 spaces located on the first floor; and

WHEREAS, on July 12, 1960, under the subject calendar

number, the Board granted a variance to permit a maximum of 15 surplus parking spaces to be used for transient parking for a term of 21 years; and

WHEREAS, subsequently, the grant was amended and the term extended at various times; and

WHEREAS, most recently, on January 15, 2002, the Board granted a ten-year extension of term, which expired on July 12, 2011; and

WHEREAS, the applicant now requests an additional extension of term; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents' right to recapture the surplus parking spaces; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution having been adopted on July 12, 1960, so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the grant for an additional ten years from July 12, 2011, to expire on July 12, 2021; *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 11, 2011" –(2) sheets; and *on further condition*:

THAT this term shall expire on July 12, 2021;

THAT all residential leases shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be located in a conspicuous place within the garage, permanently affixed to the wall;

THAT the above conditions and all relevant conditions from the prior resolutions shall appear on the certificate of occupancy;

THAT the layout of the parking lot 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 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." (Alt. 905/59)

(Alt. 905/59)

Adopted by the Board of Standards and Appeals, November 15, 2011.

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118-95-BZ

APPLICANT – Carl A. Sulfaro, for White Castle System, Incorporated, owner.

SUBJECT – Application April 11, 2011 – Extension of Term of a previously granted Special Permit (§73-243) for the continued operation of a drive-thru facility at an eating and drinking establishment (*White Castle*) which expires on July 25, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on May 22, 2008; Waiver of the rules. C1-2/R6 zoning district.

PREMISES AFFECTED – 89-03 57th Avenue, southeast corner of Queens Boulevard and 57th Avenue, Block 1845, Lot 45, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Application: Steven Sulfaro.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez

Negative:.....5

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term, and an extension of time to obtain a certificate of occupancy for a previously granted variance for a drive-through facility accessory to an existing eating and drinking establishment; and

WHEREAS, a public hearing was held on this application on June 14, 2011, after due notice by publication in *The City Record*, with continued hearings on July 26, 2011, September 13, 2011 and October 25, 2011, and then to decision on November 15, 2011; and

WHEREAS, Community Board 4, Queens, recommends approval of this application; and

WHEREAS, the site is located on the northeast corner of Queens Boulevard and 57th Avenue, within a C1-2 (R7B) zoning district; and

WHEREAS, the site is occupied by an eating and drinking establishment with an accessory drive-through; and

WHEREAS, the site is operated as a White Castle restaurant; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 23, 1996 when, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-243, to permit the construction of a drive-through to be accessory to an existing eating and drinking establishment, for a period of five years; and

WHEREAS, on December 11, 2001, the Board granted a five-year extension of the term; and

WHEREAS, most recently, on May 22, 2007, the Board granted a five-year extension of the term, to expire on July 25, 2011, and an extension of time to obtain a certificate of occupancy, to expire on May 22, 2008; and

WHEREAS, the applicant now seeks an additional extension of the term and an extension of time to obtain a

certificate of occupancy; and

WHEREAS, at hearing, the Board questioned whether the signage on the site complied with C1 district signage regulations; and

WHEREAS, in response, the applicant removed excessive signage from the site and submitted revised signage calculations reflecting that the site is now in compliance with C1 district regulations; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term and extension of time to obtain a certificate of occupancy are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated July 23, 1996, so that as amended this portion of the resolution shall read: “to extend the term of the special permit for a period of five years from July 25, 2011, to expire on July 25, 2016, and to grant a one-year extension of time to obtain a certificate of occupancy, to expire on November 15, 2012; *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 October 17, 2011”–(3) sheets; and *on further condition*:

THAT this grant shall expire on July 25, 2016;

THAT all signage on the site shall comply with C1 district regulations;

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

THAT a new certificate of occupancy shall be obtained by November 15, 2012;

THAT there shall be no change in the operator of the subject eating and drinking establishment without the prior approval of the Board;

THAT the above conditions and all relevant conditions from prior resolutions shall appear on the certificate of occupancy;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB App. No. 402469208)

Adopted by the Board of Standards and Appeals, November 15, 2011.

17-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Cropsey and Mitchell, owners; TSI Brooklyn Belt LLC dba New York Sports Club, lessee.

SUBJECT – Application July 21, 2011 – Extension of Term of a Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*New York Sports Club*), on portions of the first floor and second floor of the subject

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premises, which expired on December 29, 2008; Waiver of the Rules. M3-1 zoning district.

PREMISES AFFECTED – 1736 Leif Ericson Drive, west side of Leif Ericson Drive, south of Bay Parkway, block 6419, Lot 198, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on December 28, 2008; and

WHEREAS, a public hearing was held on this application on October 25, 2011, after due notice by publication in *The City Record*, and then to decision on November 15, 2011; and

WHEREAS, Community Board 11, Brooklyn, recommends approval of this application; and

WHEREAS, the PCE is located on the west side of Leif Ericson Drive, south of Bay Parkway, within an M3-1 zoning district; and

WHEREAS, the PCE occupies a total of 40,067 sq. ft. of floor area in portions of the first floor and second floor of a two-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 9, 1999 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on December 28, 2008; and

WHEREAS, the applicant now seeks to extend the term of the special permit for an additional ten years; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on November 9, 1999, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from December 28, 2008, to expire on December 28, 2018, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked ‘Received July 21, 2011’-(5) sheets; and *on further condition*:

THAT the term of this grant shall expire on December 28, 2018;

THAT the above condition shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions 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 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)/configuration(s) not related to the relief granted.”

(DOB Application No. 300796823)

Adopted by the Board of Standards and Appeals, November 15, 2011.

75-06-BZ

APPLICANT – Eric Palatnik, P.C., for Cord Meyer Development Company, owner.

SUBJECT – Application April 27, 2011 – Extension of Time to complete construction of a variance (§72-21) for a mixed use building contrary to FAR, open space and sky exposure plane regulations, and an amendment to eliminate a sub-cellar and modify the building envelope. C1-2/R7-1 district.

PREMISES AFFECTED – 108-20 71st Avenue, northeast corner of Queens Boulevard and 71st Avenue. Block 2224, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, an extension of time to complete construction and obtain a certificate of occupancy for a previously approved variance, and an amendment to permit certain modifications to the previously-approved plans; and

WHEREAS, a public hearing was held on this application on September 20, 2011, after due notice by publication in *The City Record*, with a continued hearing on October 25, 2011, and then to decision on November 15, 2011; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

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

WHEREAS, certain members of the community provided testimony in opposition to this application; and

WHEREAS, the subject site is located on the northwest corner of Queens Boulevard and 71st Road, with additional frontage on 71st Avenue; and

WHEREAS, the site is irregularly-shaped, with 87.5 feet of frontage on 71st Avenue, 191.45 feet of frontage on Queens

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Boulevard, 91.36 feet of frontage on 71st Road, and a lot area of approximately 27,002 sq. ft.; and

WHEREAS, a small triangular portion of the site along 71st Avenue is within an R7-1 zoning district and the remainder of the site is within a C1-2 (R7-1) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since August 7, 2007 when, under the subject calendar number, the Board granted an application under ZR § 72-21, to permit the construction of a 16-story residential building with 102 units, a community facility, commercial use, and 126 parking spaces, which does not comply with residential floor area and open space regulations, contrary to ZR §§ 23-142, 35-22, and 35-33; and

WHEREAS, substantial construction was to be completed by August 7, 2011 in accordance with ZR § 72-23; and

WHEREAS, the applicant represents that construction has been delayed due to financing concerns; and

WHEREAS, accordingly, the applicant now requests an extension of time to complete construction; and

WHEREAS, the applicant also seeks an amendment to permit certain modifications to the previously-approved plans; and

WHEREAS, specifically, the applicant proposes to: (1) shift the proposed building towards 71st Avenue and away from 71st Road; (2) increase the open space ratio from 15.2 percent to 17.6 percent; (3) eliminate the sub-cellar; (4) decrease the community facility floor area from 2,313 sq. ft. to 800 sq. ft. and provide a corresponding increase in the commercial floor area from 16,065 sq. ft. to 17,578 sq. ft.; (5) increase the number of stories from 16 to 17, while maintaining the previously approved height of 178 feet; and (6) re-design certain building elements related to fire safety and egress to accommodate the new Building Code; and

WHEREAS, the applicant represents that the proposed modifications were deemed necessary to avoid interfering with the existing supermarket business located on the site, which the construction of the previously-approved building would have disrupted; and

WHEREAS, the applicant states that the proposed changes will not result in an increase in the previously-approved floor area, height, or unit count of the building, and will actually increase the open space ratio, thereby bringing it closer to compliance with the required open space ratio of 22 percent; and

WHEREAS, the Board notes that the relocation of the tower will not have an adverse impact on the adjacent residential uses, as it is set back 25'-0" from the street and set back an additional 10'-9" above a height of 159'-0", and the tower complies with all zoning requirements and does not encroach into the required height and setback along 71st Avenue; and

WHEREAS, based upon the above, the Board finds that the requested extension of time and amendment to the plans are appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated August 7,

2007, so that as amended this portion of the resolution shall read: "to grant an extension of time to complete construction and obtain a certificate of occupancy, to expire on November 15, 2015, and to permit the noted modifications to the previously-approved plans; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 7, 2011"- seventeen (17) sheets and *on further condition*:

THAT substantial construction shall be completed and a new certificate of occupancy obtained by November 15, 2015;

THAT all conditions from prior resolutions 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 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 No. 420370592)

Adopted by the Board of Standards and Appeals, November 15, 2011.

789-45-BZ

APPLICANT – Walter T. Gorman, P.E., for Woodside 56 LLC, owner; Getty Properties Corp., lessee.

SUBJECT – Application July 6, 2011 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a (UG16) gasoline service station (*Getty*) which expired on July 13, 2006; Extension of Time to Obtain a Certificate of Occupancy which expired February 4, 2005; Waiver of the Rules. M1-1/R5 zoning district.

PREMISES AFFECTED – 56-02/56-20 Broadway, south east corner of 56th Street, Block 1195, Lot 44, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: John Ronan.

ACTION OF THE BOARD – Laid over to December 13, 2011, at 10 A.M., for continued hearing.

285-52-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Astoria 42, LLC, owner; Neil Tannor, lessee.

SUBJECT – Application July 8, 2011 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a gasoline service station (*Getty*) which expired on October 21, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on March 9, 2000; Waiver of the rules. R-5 zoning district.

PREMISES AFFECTED – 30-14 34th Avenue, southwest corner of the intersection of 34th Avenue and 31st Street, Block 607, Lot 29, Borough of Queens.

COMMUNITY BOARD #1Q

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APPEARANCES –

For Applicant: Hiram Rothkrug.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2011, at 10 A.M., for decision, hearing closed.

188-96-BZ

APPLICANT – Mitchell S. Ross, Esq., for 444 Soundview Services Stations, Incorporated c/o William McCombs, owner; Scott Greco, lessee.

SUBJECT – Application June 22, 2010 – Extension of Term (§11-411) of a variance for the continued operation of a Gasoline Service Station (*Gulf*) with accessory convenience store which expired January 6, 2008; Waiver of the rules. R5 zoning district.

PREMISES AFFECTED – 444 Soundview Avenue, north side of Soundview Avenue and west of Underhill Avenue, Block 3498, Lot 51, Borough of Bronx.

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Mitchell Ross.

ACTION OF THE BOARD – Laid over to December 13, 2011, at 10 A.M., for continued hearing.

185-05-BZ

APPLICANT – John C. Chen for 62-02 Roosevelt Avenue Corporation, owner; Lapchi, Incorporated, lessee.

SUBJECT – Application April 20, 2011 – Extension of Term of a Variance (§72-21) for an eating and drinking establishment with dancing (UG12A) which expired on January 10, 2008; Amendment to permit the enlargement of the dance floor and kitchen; Extension of Time to complete construction which expired on January 10, 2009; waiver of the rules. C1-2/R6 zoning district.

PREMISES AFFECTED – 62-02 Roosevelt Avenue, south side of Roosevelt Avenue 192.59' west side of intersection of 63rd Street/Roosevelt Avenue. Block 1294, Lot 58. Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: John C. Chen.

For Opposition: Patrick A. O'Brien, Community Board 2, Queens.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to December 13, 2011, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

182-06-A thru 211-06-A

APPLICANT – Akerman Senterfitt, LLP, for Boymelgreen Beachfront Community, LLC, owners.

SUBJECT – Application April 18, 2011 – Extension of time to complete construction and obtain a Certificate of Occupancy for a previously-granted Common Law Vesting which expired March 19, 2011. R4A zoning district.

PREMISES AFFECTED – 126, 128, 130, 134, 136, 140, 146, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 161, and 163 Beach 5th Street. 150, 152, 154, 156, 158, 160, and 162 Beach 6th Street and 511 SeaGirt Avenue Block 15609, Lots 1, 3, 6, 8, 10, 12, 14, 16, 18, 58, 63, 64, 65, 66, 67, and 68 and Block 15608, Lots 1, 40, 42, 45, 51, 52, 53, 57, 58, 61, 63, 65, 67, and 69. Borough the Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previous grant to permit an extension of time to complete construction and obtain a certificate of occupancy for a prior Board determination that the owner of the premises obtained the right to complete construction of a multiple-unit residential development under the common law doctrine of vested rights; and

WHEREAS, a public hearing was held on this appeal on July 12, 2011, after due notice by publication in *The City Record*, with continued hearings on September 13, 2011 and October 25, 2011, and then to decision on November 15, 2011; and

WHEREAS, the site was inspected by Chair Srinivasan and Commissioner Ottley-Brown; and

WHEREAS, the appellant states that the subject premises consists of 30 separate tax lots on two separate blocks; and

WHEREAS, the appellant states that 14 of the tax lots are located on the entire northern half of Block 15608, which is bounded by Seagirt Avenue to the north, Beach 5th Street to the east, Beach 6th Street to the west, and Reynolds Channel to the south; and

WHEREAS, the appellant states that 16 of the tax lots are located on the entirety of Block 15609, which is bounded by Seagirt Avenue to the north, Beach 4th Street to the east, Beach 5th Street to the west, and Reynolds Channel to the south; and

WHEREAS, for purposes of this application, appellant referred to Block 15608, Lots 1, 57, 58, 61, 63, 65, 67, and 69 as “Cluster 1”; Block 15608, Lots 40, 42, 45, 51, 52 and 53 as “Cluster 2”; Block 15609, Lots 6, 8, 10, 12, 14, 16 and 18 as “Cluster 3”; and Block 15609, Lots 1, 3, 58, 63, 64, 65, 66, 67 and 68 as “Cluster 4”; and

WHEREAS, the proposed development on these two

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blocks contemplates the construction of 30 attached three-story, two-family homes, one on each lot; and

WHEREAS, the applicant states that when the development commenced in March of 2004, subsequent to the issuance of foundation and piles permits, the site was located within an R5 zoning district; and

WHEREAS, on September 15, 2005 (the "Enactment Date"), the City Council adopted the Far Rockaway and Mott Creek Rezoning, which changed the zoning of the subject site from R5 to R4A; and

WHEREAS, the applicant represents that the development complies with the former R5 zoning district; and

WHEREAS, however, attached homes are not permitted in the current R4A zoning district; and

WHEREAS, because the proposed development is not in compliance with the provisions of the R4A zoning district and work on the foundations was not completed as of the Enactment Date, the permits lapsed by operation of law; and

WHEREAS, subsequently, the applicant filed a request to continue construction pursuant to the common law doctrine of vested rights; and

WHEREAS, on March 20, 2007, the Board determined that, as of the Enactment Date, the owner had undertaken substantial construction and made substantial expenditures on the project, and that serious loss would result if the owner was denied the right to proceed under the prior zoning, such that the right to continue construction was vested under the common law doctrine of vested rights; and

WHEREAS, the Board granted the applicant four years to complete construction and obtain a certificate of occupancy, which expired on March 20, 2011; and

WHEREAS, accordingly, the applicant is now seeking an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, the applicant states that the development was not completed by the stipulated date due to financing delays; and

WHEREAS, however, the applicant summarizes the completed work on the site as follows: (1) Cluster 1 – piles have been driven and excavation has been completed; (2) Cluster 2 – piles have been driven, excavation has been completed, foundations have been poured and framing and roofing for six of the proposed homes have been completed; (3) Cluster 3 – piles have been driven; and (4) Cluster 4 – piles have been driven, and on Lot 1, excavation has been completed and grade beams have been installed; and

WHEREAS, as to expenditures, the applicant states that the owner has expended approximately \$3,800,000 out of a total projected development cost of \$13,000,000, or 29 percent; and

WHEREAS, at hearing, the Board raised questions related to (1) the number of piles driven at the site; (2) the condition and sustainability of the piles previously driven at the site; (3) the projected construction timeline; (4) the prospects of securing financing to complete the project; and (5) site safety; and

WHEREAS, in response, the applicant submitted a plot

plan reflecting that 652 piles have been driven at the site, and a letter from the architect stating that frequent site visits have been performed on the site since the Enactment Date and all of the piles that have been driven are in sound condition; and

WHEREAS, as to the anticipated construction timeline, the applicant represents that the owner expects to resume construction soon after the renewal of the DOB permits, to complete construction within 24 months after it is commenced, and to obtain certificates of occupancy approximately ten months after construction is completed; and

WHEREAS, the applicant submitted a letter from a private financing firm stating that the applicant will likely be able to obtain traditional bank financing at market terms soon after the DOB permits are renewed; and

WHEREAS, as to site safety, the applicant states that the owner has conducted monthly inspections and has performed regular maintenance of the site, including the securing of the perimeter fence, removing debris, and clearing unwanted vegetation and weeds; and

WHEREAS, the Board has reviewed the evidence and has determined that an extension of time is warranted; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a four-year extension of time to complete construction and obtain a certificate of occupancy; and

Therefore it is Resolved that this appeal made pursuant to the common law of vested rights requesting the renewal of DOB Permit Nos. 402146487-01, 402016625-01, 402016634-01, 402016643-01, 402016652-01, 402016661-01, 402016670-01, 402016689-01, 401712759-01, 401712811-01, 401708345-01, 401712740-01, 401712820-01, 401712768-01, 402063217-01, 402063226-01, 402063501-01, 402063510-01, 402063529-01, 402063538-01, 402063547-01, 402146931-01, 402146940-01, 402146959-01, 402146968-01, 402146977-01, 402146986-01, 402146995-01, 402147002-01, and 402147011-01, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy is granted, and the Board hereby extends the time to complete the proposed development and obtain a certificate of occupancy for four years from the date of this grant.

Adopted by the Board of Standards and Appeals, November 15, 2011.

219-10-A

APPLICANT – Sheldon Lobel, P.C., for 74-76 Adelphi Realty LLC, owner.

SUBJECT – Application November 24, 2010 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R6 zoning district. R5B zoning district.

PREMISES AFFECTED – 74-76 Adelphi Street, west side of Adelphi Street, between Park and Myrtle Avenues, Block 2044, Lots 52, 53, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES – None.

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ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, November 15, 2011.

116-11-A

APPLICANT – Deidre Duffy, for Breezy Point Cooperative, Inc., owner; Mary Collins, lessee.

SUBJECT – Application August 15, 2011 – Proposed reconstruction and enlargement of an existing single family home which does not front on a legally mapped street, contrary to General City Law Section 36. R4 zoning district.

PREMISES AFFECTED – 835 Liberty Lane, west side of Liberty Lane, 139’ north of Marshall Avenue, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Deidre Duffy

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated July 21, 2011, acting on Department of Buildings Application No. 420374918, reads in pertinent part:

A1 – The street giving access to the existing building to be reconstructed and enlarged is not duly placed on the official map of the City of New York, therefore:

- A) A Certificate of Occupancy may not be issued as per Art. 3, Sect. 36 of the General City Law;
- B) The building to be reconstructed and enlarged does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space contrary to Section 27-291 of the Administrative Code; and

WHEREAS, a public hearing was held on this application on November 15, 2011 after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated September 1, 2011, the Fire Department states that it has no objection to the subject proposal, with the following conditions: (1) the entire building be fully sprinklered in conformance with the sprinkler provisions of Fire Code § 503.8.2, Local Law 10/99, and Reference Standard 17-2B of the Building Code; and (2) interconnected smoke alarms be installed in accordance with

Building Code § 907.2.10; and

WHEREAS, in response, the applicant submitted plans reflecting that the building will be fully sprinklered and interconnected smoke alarms will be installed in accordance with the Fire Department’s request; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated July 21, 2011, acting on Department of Buildings Application No. 420374918 is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received October 17, 2011”–one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT the building shall be fully sprinklered in accordance with the BSA-approved plans;

THAT interconnected smoke alarms shall be installed in accordance with the BSA-approved plans;

THAT DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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, November 15, 2011.

139-11-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative, Inc., owner; William Diffendale, lessee.

SUBJECT – Application September 8, 2011– Proposed reconstruction and enlargement of an existing single home partially in the bed of the mapped street, contrary to General City Law Section 35. R4 zoning district.

PREMISES AFFECTED – 63 Hillside Avenue, south side Hillside Avenue, east of mapped Beach 178th Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and

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Commissioner Montanez5
Negative:.....0

WHEREAS, the decision of the Queens Borough Commissioner dated August 16, 2011 acting on Department of Buildings Application No. 420462831, reads in pertinent part:

“The existing building to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35;” and

WHEREAS, a public hearing was held on this application on November 15, 2011, after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated October 6, 2011, the Fire Department states that it waives the requirement for a sprinkler system for the subject home and has no further objections to the proposal; and

WHEREAS, by letter dated October 14, 2011, the Department of Environmental Protection states that it has no objection to the subject proposal; and

WHEREAS, by letter dated November 4, 2011, the Department of Transportation (“DOT”) states that it has no objection to the subject proposal; and

WHEREAS, DOT states that the subject lot is not currently included in the agency’s Capital Improvement Program; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated August 16, 2011, acting on Department of Buildings Application No. 420462831, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received September 8, 2011” - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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, November 15, 2011.

148-11-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative, Inc., owner; Mary and Andrew McNermev, lessee.

SUBJECT – Application September 16, 2011 – Proposed reconstruction and enlargement of an existing single family dwelling which does not front on a mapped street, contrary to General City Law Section 36, and the proposed upgrade of an existing non-conforming private disposal system partially in the bed of the service road, contrary to Building Department policy. R4 zoning district.

PREMISES AFFECTED – 32 Kildare Walk, 183’ north of Breezy Point, Block 16350, Lot p/o 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner dated September 9, 2011, acting on Department of Buildings Application No. 420460067, reads in pertinent part:

A1 – The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

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

A2 – The proposed upgraded private disposal system is in the bed of the service lane contrary to Department of Buildings Policy; and

WHEREAS, a public hearing was held on this application on November 15, 2011 after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated October 6, 2011, the Fire Department states that it has no objection to the subject proposal, with the following conditions: (1) the entire building be fully sprinklered in conformance with the sprinkler provisions of Fire Code § 503.8.2, Local Law 10/99, and Reference Standard 17-2B of the Building Code; and (2) interconnected smoke alarms be installed in accordance with Building Code § 907.2.10; and

WHEREAS, the applicant submitted plans reflecting that the building will be fully sprinklered and interconnected smoke alarms will be installed in accordance with the Fire Department’s request; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated September 9, 2011, acting on Department of Buildings Application No. 420460067, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; on condition that construction shall substantially conform to the drawing filed with the application marked "Received September 16, 2011" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

THAT the building shall be fully sprinklered in accordance with the BSA-approved plans;

THAT interconnected smoke alarms shall be installed in accordance with the BSA-approved plans;

THAT DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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, November 15, 2011.

Jeff Mulligan, Executive Director

Adjourned: P.M.

REGULAR MEETING TUESDAY AFTERNOON, NOVEMBER 15, 2011 1:30 P.M.

Present: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.

ZONING CALENDAR

46-10-BZ

CEQR #10-BSA-059K

APPLICANT – Eric Palatnik, P.C., for 1401 Bay LLC, owner.

SUBJECT – Application April 8, 2010 – Special Permit (§73-44) to permit a reduction in required parking for ambulatory and diagnostic treatment center. C4-2 zoning district.

PREMISES AFFECTED – 1401 Sheepshead Bay Road, Avenue Z and Sheepshead Bay Road, Block 7459, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 10, 2010, acting on Department of Buildings Application No. 301625604, reads in pertinent part:

Request for reduction of 50% of the parking spaces for both ambulatory diagnostic or treatment facilities listed in Use Group 4 in parking requirement category B1 and also uses (commercial offices) in parking category B1 in Use Group 6 in a C4-2 zoning district under ZR 73-44 is denied and referred to the NYC Board of Standards and Appeals for review under a special permit application; and

WHEREAS, this is an application under ZR §§ 73-44 and 73-03, to permit, within a C2-4 zoning district, a reduction in the required number of accessory parking spaces for a mixed-use residential/office/community facility building from 77 to 53, contrary to ZR § 36-21; and

WHEREAS, the applicant initially filed a companion application under BSA Cal. No. 54-10-BZ, which would have provided 45 of the subject site's required 53 parking spaces within a proposed building at 1501C Sheepshead Bay Road, and would have permitted an additional reduction in the required number of accessory parking spaces for the

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proposed building at 1501C Sheepshead Bay Road, pursuant to ZR § 73-44; and

WHEREAS, subsequently, the applicant withdrew the companion application filed under BSA Cal. No. 54-10-BZ; and

WHEREAS, a public hearing was held on this application on April 12, 2011, after due notice by publication in The City Record, with a continued hearing on October 18, 2011, and then to decision on November 15, 2011; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 15, Brooklyn, recommended disapproval of the initial application, which included the companion application under BSA Cal. No. 54-10-BZ; and

WHEREAS, certain members of the community provided oral testimony in opposition to this application, citing concerns with its effect on parking in the surrounding neighborhood; and

WHEREAS, the subject site is located on a triangular-shaped corner lot bounded by Sheepshead Bay Road to the south, East 14th Street to the west and Avenue Z to the north, with a total lot area of 6,087 sq. ft.; and

WHEREAS, the site is occupied by a five-story mixed-use residential/commercial/ community facility building, with a total floor area of 28,011 sq. ft., and eight accessory valet parking spaces located at the cellar; and

WHEREAS, the applicant states that the uses at the site are as follows: (1) eight accessory valet parking spaces at the cellar level; (2) retail space (Use Group 6) on the first floor; (3) retail space and ambulatory diagnostic or treatment facility space (Use Group 4) on the second floor; (4) office space (Use Group 6) on the third and fourth floors; and (5) residential space on the fifth floor; and

WHEREAS, pursuant to ZR § 73-44, the Board may, in the subject C2-4 zoning district, grant a special permit that would allow a reduction in the number of accessory off-street parking spaces required under the applicable ZR provision, for ambulatory diagnostic or treatment facilities and the noted Use Group 6 office use in the parking category B1; in the subject zoning district, the Board may reduce the required parking from one space per 300 sq. ft. of floor area to one space per 600 sq. ft. of floor area; and

WHEREAS, pursuant to ZR § 36-21 the total number of required parking spaces for all uses at the site is 77; and

WHEREAS, the applicant represents that the proposed 53 parking spaces are sufficient to accommodate the parking demand generated by the use of the site; and

WHEREAS, the applicant notes that 6,614 sq. ft. of floor area in the building is occupied by retail space and 4,707 sq. ft. of floor area in the building is occupied by residential space, which are not in parking category B1 and therefore the associated 22 required spaces have been excluded from the calculations for the requested reduction in parking; and

WHEREAS, the applicant states that the remaining 16,688 sq. ft. of floor area at the site will be occupied either by ambulatory diagnostic or treatment facility space or professional offices, which are eligible for the parking reduction under ZR § 73-44; at a rate of one required parking space per 300 sq. ft. of floor area, 55 parking spaces are required for these uses; and

WHEREAS, accordingly, the total number of parking spaces which are eligible under the special permit is 55; as noted, the special permit allows for a reduction from one space per 300 sq. ft. of floor area to one space per 600 sq. ft. of floor area, which would reduce the required parking for these uses to 28 spaces; and

WHEREAS, as noted, an additional 22 parking spaces are required for the 6,614 sq. ft. of floor area occupied by retail space, which is not eligible for the special permit; and

WHEREAS, thus, a total of 50 parking spaces are required for the uses on the site; and

WHEREAS, the applicant proposes to provide eight accessory valet parking spaces on the subject site, and an additional 45 accessory parking spaces at an off-site parking lot located at 2554 East 16th Street (Block 7436, Lot 30); and

WHEREAS, the applicant submitted an off-site parking restrictive declaration which reflects that the site located at 2554 East 16th Street will be used to accommodate the parking requirements generated by the subject site; and

WHEREAS, the applicant notes that the proposed total of 53 accessory parking spaces would provide three more spaces than the minimum of 50 required under the special permit; and

WHEREAS, the applicant further notes that pursuant to ZR § 36-43, required off-street parking spaces accessory to commercial or community facility uses may be provided on a zoning lot other than the same zoning lot as such uses, provided that all required spaces are located no further than 600 feet from the nearest boundary of the zoning lot on which such uses are located; and

WHEREAS, the applicant provided a drawing which reflects that 2554 East 16th Street is located 231'-2" from the nearest boundary of the subject zoning lot, and therefore satisfies the requirement of ZR § 36-43; and

WHEREAS, ZR § 73-44 requires that the Board must determine that the ambulatory diagnostic or treatment facility and Use Group 6 use in the B1 parking category are contemplated in good faith; and

WHEREAS, the applicant has submitted an affidavit from the owner of the premises stating that a portion of the second floor will be used as an ambulatory diagnostic and treatment facility, and the third and fourth floors will be used for Use Group 6 professional offices; and

WHEREAS, in addition, the applicant states that any Certificate of Occupancy for the building will state that no subsequent Certificate of Occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius; and

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WHEREAS, the Board finds that the applicant has submitted sufficient evidence of good faith in maintaining the noted uses at the site; and

WHEREAS, however, while ZR § 73-44 allows the Board to reduce the required accessory parking, the Board requested an analysis about the impact that such a reduction might have on the community in terms of available on-street parking; and

WHEREAS, in response, the applicant submitted a trip generation and parking analysis, which reflects that during the peak morning period there is a demand for only 30 parking spaces from all uses in the subject building combined; and

WHEREAS, the parking analysis provided by the applicant further reflects that, throughout the course of the day, there are between 29 and 89 available on-street parking spaces within the immediate vicinity of the site; and

WHEREAS, based upon this study, the Board agrees that the accessory parking space needs can be accommodated even with the parking reduction; and

WHEREAS, based upon the above, 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 ZR §§ 73-44 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; 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. 10BSA059K, dated February 8, 2011; 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 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 ZR §§ 73-44 and 73-03 to permit, within a C2-4 zoning district, a reduction in the required number of accessory parking spaces for a mixed-

use residential/commercial/community facility building from 77 to 53, contrary to ZR § 36-21; on condition that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received November 14, 2011"--one (1) sheet and "Received November 7, 2011"--twelve (12) sheets, and on further condition:

THAT there shall be no change in the operation of the site without prior review and approval by the Board;

THAT a minimum of eight parking spaces shall be provided in the accessory parking garage in the subject building, and a minimum of 45 parking spaces shall be provided in the accessory parking lot located at 2554 East 16th Street;

THAT no certificate of occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius;

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

THAT the layout and design of the accessory parking lot 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 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, November 15, 2011.

31-10-BZ

APPLICANT – Eric Palatnik, P.C., for 85-15 Queens Realty, LLC, owner.

SUBJECT – Application March 16, 2010 – Variance (§72-21) to allow for a commercial building, contrary to use (§22-00), lot coverage (§23-141), front yard (§23-45), side yard (§23-464), rear yard (§33-283), height (§23-631) and location of uses within a building (§32-431) regulations. C1-2/R6, C2-3/R6, C1-2/R7A, R5 zoning districts.

PREMISES AFFECTED – 85-15 Queens Boulevard, aka 51-35 Reeder Street, north side of Queens Boulevard, between Broadway and Reeder Street, Block 1549, Lot 28, 41, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Eric Palatnik, Robert Pauls, Hiram Rothkrug and Roy Chen.

ACTION OF THE BOARD – Laid over to December 13, 2011, at 1:30 P.M., for continued hearing.

MINUTES

231-10-BZ

APPLICANT – Eric Palatnik, PC, for WIEDC (Williamsburg Infant & Early Childhood Development Center), owners.

SUBJECT – Application December 17, 2010 – Variance (§72-21) to permit the development of a six-story school (*Williamsburg Infant and Early Childhood Development center*), contrary to use regulations (§42-11); floor area (§43-122), rear yard (§43-26), and wall height, total height, number of stories, setback, and sky exposure plane (§43-43). M1-1 zoning district.

PREMISES AFFECTED – 430-440 Park Avenue, Between Kent Avenue and Franklin Avenue. Block 1898, Tent. Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Eric Palatnik and Gilly Youner.

ACTION OF THE BOARD – Laid over to December 13, 2011, at 1:30 P.M., for continued hearing.

90-11-BZ & 91-11-BZ

APPLICANT – Malcom Kaye, AIA, for Jian Guo, owner.

SUBJECT – Application June 23, 2011 – Variance (§72-21) to allow the legalization of two semi-detached homes, contrary to lot area and lot width (§23-32), rear yard (§23-47), parking (§25-141) and floor area (§23-141) regulations. R3-1 zoning district.

PREMISES AFFECTED – 23 & 25 Windom Avenue, east side of Windom Avenue, 210' south of Cedar Avenue, Block 3120, Lot 19, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Malcom Kaye and Albert Wesley McKee.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2011, at 10 A.M., for decision, hearing closed.

94-11-BZ

APPLICANT – Victor K. Han, RA, AIA, for 149 Northern Plaza, LLC & Seungho Kim, owners. New York Spa & Sauna Corp., lessee.

SUBJECT – Application June 27, 2011 – Special Permit (§73-36) to allow a physical culture establishment (*New York Spa & Sauna*). C2-2/R6A&R5 zoning district.

PREMISES AFFECTED – 149-06 Northern Boulevard, Southeast of Northern Boulevard, 0' Southeast of 149th. Block 5017, Lot 11, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Victor K. Han.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2011, at 10 A.M., for decision, hearing closed.

101-11-BZ

APPLICANT – Dennis D. Dell' Angelo, for Edward Stern, owner.

SUBJECT – Application July 12, 2011 – Special Permit (§73-622) for the enlargement of an existing two-family home, to be converted to a single-family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1152 East 24th Street, west side of East 234th Street, 400' south of Avenue K, Block 623, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Dennis D. Dell' Angelo.

For Opposition: Jerome Katz.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to December 6, 2011, at 10 A.M., for decision, hearing closed.

106-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Tag Court Square, LLC, owner; Long Island City Fitness Group, LLC, owner.

SUBJECT – Application August 2, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*). M1-5/R7-3/Long Island City zoning district.

PREMISES AFFECTED – 27-28 Thomson Avenue, triangular zoning lot with frontages on Thomson Street and Court Square, adjacent to Sunnyside Yards. Block 82, Lots 7501 (1001), Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to December 13, 2011, at 1:30 P.M., for continued hearing.

123-11-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr LLP, for Harrison Retail Associates LLC, owner, SoulCycle 350 Amsterdam, LLC, lessee.

SUBJECT – Application August 24, 2011 – Special Permit (ZR §73-36) to allow the operation of a physical culture

MINUTES

establishment (*SoulCycle*). C2-7A & C4-6A zoning districts.
PREMISES AFFECTED – 350 Amsterdam Avenue, west side Amsterdam Avenue between West 76th Street and West 77th Street. Block 1168, Lots 1001/7501, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: EllenHay

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to December 13, 2011, at 10 A.M., for decision, hearing closed.

124-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Wagner Associates LLC, owner, 2480 Grand Concourse Fitness Group, LLC, lessee.

SUBJECT – Application August 24, 2011 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*). C4-4 zoning district.

PREMISES AFFECTED – 2488 Grand Concourse, located on the east side of Grand Concourse between East 188th Street and Fordham Road. Block 3153, Lot 9, Borough of Bronx.

COMMUNITY BOARD #5BX

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to December 13, 2011, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.