
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
250 Broadway, 29th Floor, New York, N.Y. 10007.

Volume 98, Nos. 26-28

July 17, 2013

DIRECTORY

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DOCKETS

New Case Filed Up to July 9, 2013

178-13-BZ

21-41 Mott Avenue, Southeast corner of intersection with Beach Channel Drive, Block 15709, Lot(s) 101, Borough of **Queens, Community Board: 14**. Special Permit (§73-243) for an eating and drinking establishment with an existing accessory drive-through facility contrary to section 32-31 of the Zoning Resolution CI-2 district.

179-13-BZ

933-939 Est 24th Street, East side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot(s) 29&(31) tenanted, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) for the enlargement of a single family residence in an R2 zoning district, contrary to sections 23-141, 23-461 and 23-47 zoning resolution. R2 district.

180-13-A

56 Pearl Street, End of Pearl Street past Calvin Place, Block 613, Lot(s) 103, Borough of **Staten Island, Community Board: 1**. WAIVER TO GCL 36: Proposed to build a single family home on an unmapped street contrary to GCL 36 of the General City Law. R2(HS) district.

181-13-A

102 Pearl Street, End of Pearl Street past Calvin Place, Block 611, Lot(s) p/p1, p/o 10, Borough of **Staten Island, Community Board: 1**. WAIVER TO GCL 36: Proposed to build a single family home on an unmapped street contrary to GCL 36 of the General City Law R2(HS) district.

182-13-A

103 Pearl Street, End of Pearl Street past Calvin Place, Block 611, Lot(s) 30, Borough of **Staten Island, Community Board: 1**. WAIVER OF GCL 36: Proposed to build a single family home on an unmapped street contrary to Section 36 of the General City Law. R2(HS) district.

183-13-A

108 Pearl Street, End of Pearl Street past Calvin Place, Block 611, Lot(s) p/o 10, Borough of **Staten Island, Community Board: 1**. WAIVER OF GCL 36: proposed to build a single family home on an unmapped street contrary to GCL 36 of the General City Law. R2(HS) district.

184-13-A

114 Pearl Street, End of Pearl Street past Calvin Place, Block 611, Lot(s) p/o 10, Borough of **Staten Island, Community Board: 1**. WAIVERS OF GCL 36: Proposed to build a single family home on an unmapped street contrary to GCL 36 of the General City Law. R2(HS) district.

185-13-BZ

97 Franklin Avenue, Franklin Avenue, Between Park and Myrtle Avenue, Block 899, Lot(s) 22, Borough of **Brooklyn, Community Board: 3**. Variance (§72-21) to permit the development of a proposed three story, two-unit residential development, contrary to section 42-00 of the zoning resolution. M1-1 zoning district 72-21 district.

202-10-A

1359 Davies Road, Located on the southeast corner of Davies Road and Caffrey Avenue, Block 15622, Lot(s) 15, Borough of **Queens, Community Board: 14**. AMENDMENT; to extend the period to complete construction and secure Certificates of Occupancy R4-1 district.

186-13-BZ

117 Gelston Avenue, east side 125'-13/8" south of 90th Street and 92nd Street., Block 6089, Lot(s) 19, Borough of **Brooklyn, Community Board: 10**. Special Permit (§73-622) to erect a two-story enlargement to an existing single family home, contrary to side yard regulations (Section 23-461) of the zoning resolution R5-B district.

187-13-BZ

1024-1030 Southern Boulevard, located on the east side of Southern Boulevard approximately 134 feet north of the intersection formed by Aldus Street and Southern Boulevard, Block 2743, Lot(s) 6, Borough of **Bronx, Community Board: 2**. Special Permit (§73-36) to allow the operation of a physical culture establishment (Fitness Center), and Special Permit (Section 73-52) to extend commercial use 25'-0" into the R7-1 portion of the lot. C4-4 district.

188-13-BZ

20 Dea Court, South side of Dea Court, 101 West of intersection of Dea Court and Madison Avenue, Block 3377, Lot(s) 100, Borough of **Staten Island, Community Board: 2**. Special Permit (§73-125) to permit a ambulatory diagnostic or treatment health care facility contrary to §22-

DOCKETS

14. R3-1 zoning district. R3-1 district.

189-13-A

20 Dea Court, South side of Dea Court, 101' west of intersection of Dea Court and Mason Avenue, Block 3377, Lot(s) 100, Borough of **Staten Island, Community Board: 2**. Proposed construction for a three-story building not fronting on legally mapped street pursuant to Section 36 Article 3 of the General City Law. zoning district. R3-1 district.

190-92-BZ

180 East End Avenue, 180 East End Avenue, Block 1585, Lot(s) 23, Borough of **Manhattan, Community Board: 8**. Extension of Term to allow the use of surplus parking spaces for transient parking which was granted contrary to Section 60, Sub. 1b of the Multiple Dwelling Law which expires on October 5, 2013. R10A and R8B zoning district. R10A & R8B district.

190-13-A

107 Arcadia Walk, East of Ardadia Walk 1106' South Rockaway Point Boulevard, Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14**. Proposed reconstruction of a single-family dwelling in the bed of a mapped street, contrary to Article 3, Section 35 of the General City Law, and the proposed upgrade of an existing septic system contrary to DOB policy. R4 zoning district. R4 district.

191-13-A

3161 Richmond Terrace, North side of Richmond Terrace at intersection of Richmond Terrace and Grandview Avenue, Block 1208, Lot(s) 15, Borough of **Staten Island, Community Board: 1**. Proposed construction of a three story office building within the bed of a mapped street pursuant to Article 3 of General City Law 35. M3-1 zoning district. M3-1 district.

191-92-A

180 East End Avenue, North side between East 88th Street and East 89th Streets, Block 1585, Lot(s) 23, Borough of **Manhattan, Community Board: 8**. Extension of Term to allow the use of surplus parking spaces for transient parking which was granted contrary to Section 60, Sub. 1b of the Multiple Dwelling Law R10A & R8B district.

192-13-BZ

354/361 West Street, West street between Clarkson and Leroy Streets, Block 601, Lot(s) 1,4,5,8,10, Borough of **Manhattan, Community Board: 2**. Variance (§72-21) to permit the construction of a mixed use primarily residential building for a 12 story residential and accessory parking contrary to §42-10. M1-5 zoning district. 72-21 district.

193-13-BZ

4770 White Plains Road, White Plains Road between Penfield Street and East 242nd Street, Block 5114, Lot(s) 14, Borough of **Bronx, Community Board: 12**. Special Permit (§73-44) seeking to vary §36-21 to permit a reduction in the required parking for the proposed use group 6 office use in parking requirement category B1. C2-2/R6A & R-5 zoning districts. C2-2/R6A & R-5 district.

194-13-A

36 Savona Court, #Deleted, Block 7534, Lot(s) 320, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street contrary to General City Law 36, R3X(SSRD) zoning district. R3X district.

195-13-A

35 Savona Court, West side of Svona Ct distant 326.76' south of the corner form by Station Avenue and Savona Ct., Block 7534, Lot(s) 321, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street contrary to General City Law 36, R3X(SSRD) zoning district. R3X district.

196-13-A

31 Savona Court, East side of Savona Ct distant 326.76' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 322, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street contrary to General City Law 36, R3X(SSRD) zoning district. R3X district.

197-13-A

27 Savona Court, East side of Savona Ct. distant 247.05' south of the corner formed by Station Avenue and Savona Ct., Block 7534, Lot(s) 323, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street contrary to General City Law 36, R3X(SSRD) zoning district. R3X district.

DOCKETS

198-13-A

23 Savona Court, East side of Savona Ct distant 197.05' south of the corner formed by Satation Avenue and Savona Ct, Block 7534, Lot(s) 324, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street contrary to General City Law 36, R3X(SSRD) zoning district. R3X district.

199-13-A

19 Savona Court, East side of Savona Ct distant 147.05' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 325, Borough of **Staten Island, Community Board: 3**. Proposed construction of a single detached residence not fronting on a legally mapped street contrary to General City Law 36, (R3X(SSRD) zoning district R3X district.

200-13-A

15 Savona Court, East side of Savona Ct distant 97.05' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 326, Borough of **Staten Island, Community Board: 3**. Proposed construction of a single detached residence, not fronting a legally mapped street, contrary to General City Law 36, R3X (SSRD) zoning district. R3X district.

200-10-A

1359 Davies Road, Located on the southeast corner of Davies Road and Caffrey Avenue, Block 15622, Lot(s) 15, Borough of **Queens, Community Board: 14**. Extension of Time to Obtain a Certificate of Occupancy for a single-family home to continue construction commenced under the prior R5 zoning district. R4-1 zoning district. R4-1 district.

201-13-A

11 Savona Court, East side of Savona Ct distant 47.05' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 327, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street contrary to General City Law 36, R3X(SSRD) zoning district. R3X district.

202-13-A

12 Savona Court, West side of Savona Ct distant 71.05' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 330, Borough of **Staten Island, Community Board: 3**. Proposed construction of a single detached residence not fronting on a legally mapped street, contrary to General City Law 36, R3X (SSRD) zoning district. R3X district.

203-13-A

16 Savona Court, West side of Savona Ct distant 118.05' south of the corner formed by Station Avenue and Savona Ct., Block 7534, Lot(s) 331, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street, contrary to General City Law 36 R3X (SSRD) zoning district R3X district.

203-10-A

1359 Davies Road, Located on the southeast corner of Davies Road and Caffrey Avenue, Block 15622, Lot(s) 15, Borough of **Queens, Community Board: 14**. Extension of Time to Obtain a Certificate of Occupancy for a single-family home to continue construction commenced under the prior R5 zoning district. R4-1 zoning district. R4-1 district.

204-13-A

20 Savona, West side of Savona Ct distant 165.05' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 332, Borough of **Staten Island, Community Board: 3**. Proposed construction of single detached residence not fronting on a legally mapped street, contrary to General City Law 36 R3X (SSRD) zoning district R3X district.

204-10-A

1365 Davies Road, Located on the southeast corner of Davies Road and Caffrey Avenue, Block 15622, Lot(s) 13, Borough of **Queens, Community Board: 14**. AMENDMENT: to extend the period to complete construction and secure Certificates of Occupancy R4-1 district.

205-13-A

24 Savona Court, West side of Savona Ct distant 212.51' south of the corner formed by Station Avenue and Savona Ct, Block 7534, Lot(s) 335, Borough of **Staten Island, Community Board: 3**. Proposed construction of a single detached residence, not fronting on a legally mapped street, contrary to General City Law 36, R3X (SSRD) zoning district. R3X district.

205-10-A

1367 Davies Road, Located on the southeast corner of Davies Road and Caffrey Avenue, Block 15622, Lot(s) 12, Borough of **Brooklyn, Community Board: 14**. Extension of Time to Obtain a Certificate of Occupancy for a single-family home to continue construction commenced under the prior R5 zoning district. R4-1 zoning district. R4-1 district.

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206-13-BZ

605 West 42nd Street, Located on the eastern portion of the city block bounded by West 42nd St, West 43rd St., 11th Avenue and 12th Avenue, Block 1090, Lot(s) 29,23,7501, Borough of **Manhattan, Community Board: 4**. Special Permit (§73-36) to permit the operation of a physical culture establishment within an existing building, contrary to Section 32-31. 32-31&73-36 district.

207-13-BZ

177 Hastings Street, East side of Hastings Street, between Oriental Boulevard and Hampton Avenue, Block 8751, Lot(s) 456, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) to permit the enlargement of an existing single family home, contrary to floor area regulation (23-141(b)), R3-1 zoning district. R3-1 district.

208-13-BZ

1601 Gravesend Neck Road, Located on Gravesend Neck Road Between East 16th and East 17th Street., Block 7377, Lot(s) 29, Borough of **Brooklyn, Community Board: 3**. Special Permit (§73-36) to permit the legalization of a physical culture establishment (Fitness Gallery) located on the second floor of the two story commercial building. C8-1/R4 zoning district C8-1/R4 district.

209-13-BZ

12 West 21st Street, Located on West 21st Street between 5th Avenue and 6th Avenue, Block 822, Lot(s) 49, Borough of **Manhattan, Community Board: 5**. Special Permit (§73-36) to allow a physical culture establishment (NY Physical Training Fitness Studio) within the existing building, contrary to C6-4-A zoning district C6-4A district.

210-13-BZ

43-12 50th Street, Located on the west side of 50th Street between 43rd Avenue and Queens Boulevard, Block 138, Lot(s) 25, Borough of **Queens, Community Board: 2**. Variance (§72-21) to legalize the operation of the existing physical culture establishment (The Physique) on the basement level of a building. C1-4/R7A zoning district. R7A/C1-4 district.

211-13-BZ

346 Broadway, Block bounded by Broadway, Leonard and Lafayette Streets & Catherine Lane, Block 170, Lot(s) 6, Borough of **Manhattan, Community Board: 1**. Reinstatement (§11-411) of a previously approved variance, which permitted the use of the cellar and basement levels of a 12-story building as a parking garage, which expired in

1971; Amendment to permit a change to the curb-cut configuration; Waiver of the rules. C6-4A zoning district. C6-4A 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

JULY 23, 2013, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 23, 2013, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

327-88-BZ

APPLICANT – Eric Palatnik, P.C., for George Hui, owner.
SUBJECT – Application October 4, 2012 – Amendment to a previously granted Variance (ZR72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (Jade Asian Restaurant). C4-3 zoning district.

PREMISES AFFECTED – 136-36 39th Avenue aka 136-29 & 136-35A Roosevelt Avenue, between Main Street and Union Street, Block 4980, Lot 14, Borough of Queens.

COMMUNITY BOARD #7Q

APPEALS CALENDAR

220-10-BZY

APPLICANT – Goldman Harris LLC, Orchard Hotel LLC, c/o Maverick Real Estate Partners, vendee, DAB Group LLC, owner.

SUBJECT – Application March 11, 2013 – Extension of time to complete construction and obtain a Certificate of Occupancy under ZR§ 11-332 of a previously approved Board approval which expires on March 15, 2013. Prior zoning district C6-1. C4-4A zoning district.

PREMISES AFFECTED – 77, 79, 81 Rivington Street, a/k/a 139, 141 Orchard Street, northern p/o block bounded by Orchard Street to the east, Rivington Street to the north, Allen Street to the west, and Delancy Street to the south, Block 415, Lot 61-63, 66, 67, Borough of Manhattan.

COMMUNITY BOARD #3M

272-12-A

APPLICANT – Michael Cetera, for Aaron Minkowicz, owner.

SUBJECT – Application September 6, 2012 – Appeal challenging Department of Buildings' determination that an existing non-conforming single family home may not be enlarged as per ZR 52-22. R2 zoning district.

PREMISES AFFECTED – 1278 Carroll Street, between Brooklyn Avenue and Carroll Avenue, Block 1291, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #9BK

127-13-A

APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for Brusco Group, Inc., owner.

SUBJECT – Application May 1, 2013 – Application filed pursuant to Section 310 of the Multiple Dwelling Law "MDL" and requests that the Board vary MDL Sections 171-2(a) and 2(f) to allow for the vertical enlargement of the building. R8 Zoning District.

PREMISES AFFECTED – 332 West 87th Street, south side of West 87th Street between West end Avenue and Riverside Drive, Block 1247, Lot 48 Borough of Manhattan.

COMMUNITY BOARD #7M

190-13-A

APPLICANT – Zygmunt Staszewski, for The Breezy Point Cooperative, Inc., owner; Tracey McEachern, lessees.

SUBJECT – Application June 27, 2013 – Proposed reconstruction of a single family dwelling in the bed of a mapped street is contrary to Article 3, Section 35 of the General City Law and the proposed upgrade of an existing septic system contrary to DOB policy. R4 zoning district.

PREMISES AFFECTED – 107 Arcadia Walk, East of Arcadia Walk 106' South Rockaway Point Boulevard, Block 16350, Lot p/o 400, Borough of Queens.

COMMUNITY BOARD #14Q

ZONING CALENDAR

54-12-BZ

APPLICANT – Gerald J. Caliendo, R.A., AIA, for Llana Bangiyev, owner.

SUBJECT – Application March 9, 2012 – Variance (§72-21) to permit for the construction of a community facility and residential building contrary to lot coverage, lot area, front yard, side yard and side yard setback. R5 zoning district.

PREMISES AFFECTED – 65-39 102nd Street, north side of 102nd Street, northeast corner of 66th Avenue, Block 2130, Lot 14, Borough of Queens.

COMMUNITY BOARD #6Q

62-12-BZ

APPLICANT – Akerman Senterfitt LLP, for VBI Land Inc., owner.

SUBJECT – Application March 19, 2012 – Variance (§72-21) to allow for the construction of commercial building contrary to use regulations 22-00. R7-1 zoning district.

PREMISES AFFECTED – 614/618 Morris Avenue, northeastern corner of Morris Avenue and E 151th Street, Block 2411, Lot 1, Borough of Bronx.

COMMUNITY BOARD #1BX

CALENDAR

86-13-BZ

APPLICANT – Eric Palatnik, P.C., for Yefim Portnov, owner.

SUBJECT – Application March 6, 2013 – Special Permit (§73-621) to permit, in an R2 zoning district, the enlargement of an existing one-family dwelling which will not provide the required open space ratio, and which exceeds the maximum permitted floor area (ZR 23-141). R-2 zoning district.

PREMISES AFFECTED – 65-43 171st Street, between 65th Avenue and 67th Avenue, Block 6912, Lot 14, Borough of Queens.

COMMUNITY BOARD #8Q

101-13-BZ

APPLICANT – Dennis D. Dell'Angelo, for Meira N. Sussman, owner.

SUBJECT – Application April 10, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to open space and floor area (ZR §23-141); side yards (ZR 23-461) and less than the required rear yard (ZR §23-47). R-2 zoning district.

PREMISES AFFECTED – 1271 East 23rd Street, East side 190' north of Avenue "M", Block 7641, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JULY 9, 2013
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

256-82-BZ

APPLICANT – Vito J. Fossella, P.E., for Philip Mancuso, owner.

SUBJECT – Application December 24, 2012 – Extension of Term of a previously granted Special Permit (§73-44) for the continued operation of a veterinary clinic and general UG6 office use in an existing two (2) story building with a reduction of the required parking which expired on November 23, 2012. C2-1/R3-1 zoning district.

PREMISES AFFECTED – 1293 Clove Road, north side of Clove Road, corner formed by the intersection of Glenwood Avenue and Clove Road, Block 605, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #2SI

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 an extension of term of a special permit authorizing a reduction in required parking in connection with offices (Use Group 6), which expired on November 23, 2012; and

WHEREAS, a public hearing was held on this application on May 14, 2013, after due notice by publication in *The City Record*, with a continued hearing on June 11, 2013, and then to decision on July 9, 2013; and

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

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

WHEREAS, the subject site is located on the southeast corner of the intersection of Clove Road and Glenwood Avenue, within an R2 (C2-1) zoning district within the Special Hillside Preservation District; and

WHEREAS, the site has approximately 100 feet of frontage along Glenwood Avenue and 60 feet of frontage along Clove Road, and a total lot area of 6,000 sq. ft.; and

WHEREAS, the site is occupied by a two-story commercial building with accessory parking for 12 automobiles; and

WHEREAS, the Board has exercised jurisdiction over the site since November 30, 1982, when, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-44 authorizing a reduction in the number of accessory parking spaces required by ZR § 36-21; and

WHEREAS, subsequently, the term was extended; and

WHEREAS, most recently, on February 11, 2003, the Board extended the term of the special permit for ten years, to expire on November 23, 2012; and

WHEREAS, the applicant now seeks an extension of the term; and

WHEREAS, the applicant notes that the site has been rezoned from R3-1 (C2-1) to R2 (C2-1) since the prior extension of the term; in addition, the Use Group 6 use has changed from a dental laboratory and office to veterinarian, clerical and lending offices; however, there is no change to the building or site characteristics and the parking category will remain category (B); and

WHEREAS, at hearing, the Board directed the applicant to: (1) plant trees along the Glenwood Avenue frontage; (2) remove the garbage container from the parking area; and (3) amend the plans to reflect the existing conditions at the site; and

WHEREAS, in response, the applicant submitted an amended site plan showing the existing conditions at the site and an additional tree along the Glenwood Avenue frontage; in addition, the applicant submitted photographs showing the removal of the garbage container and the newly-planted tree; and

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated November 30, 1982, so that as amended this portion of the resolution shall read: “to grant an extension of the special permit for a term of ten years until November 23, 2022; on condition that all work shall substantially conform to drawings marked ‘Received April 26, 2013’ – (4) sheets and ‘June 25, 2013’-(1) sheet, and on further condition:

THAT the term of this grant will expire on November 23, 2022;

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

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

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

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

THAT a certificate of occupancy will be obtained within one year of the date of this grant;

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

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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”. (DOB Application No. 500577949)

Adopted by the Board of Standards and Appeals, July 9, 2013.

103-91-BZ

APPLICANT – Davidoff Hatcher & Citron, LLP for 248-18 Sunrise LLC, owner.

SUBJECT – Application October 18, 2012 – Extension of term of approved variance permitting an auto laundry use (UG 16B); Amendment to permit changes to the layout and extend hours of operation. C2-1/R3-2 zoning district.

PREMISES AFFECTED – 248-18 Sunrise Highway, south side of Sunrise Highway, 103’ east of the intersection of Hook Creek Boulevard, Block 13623, Lot 19, Borough of Queens.

COMMUNITY BOARD #13Q

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 term of a previously granted variance for an automobile laundry (Use Group 16) in an R3-2 (C2-1) zoning district, which expires on February 23, 2014, and an amendment to allow an enlargement, renovations to the existing building, site modifications, and an expansion of the hours of operation; and

WHEREAS, a public hearing was held on this application on January 29, 2013, after due notice by publication in *The City Record*, with continued hearings on February 26, 2013, April 23, 2013, May 14, 2013 and June 11, 2013 and then to decision on July 9, 2013; and

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

WHEREAS, the subject site is located on the south side of Sunrise Highway between Hook Creek Road and West Circle Drive, within an R3-2 (C2-1) zoning district; and

WHEREAS, the site has a total area of approximately 9,800 sq. ft., with 140 feet of frontage along Sunrise Highway; and

WHEREAS, the site is occupied by a one-story building with 4,169 sq. ft. of floor area; the applicant states that an automobile laundry has operated within the building since

1994; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 2, 1958 when, under BSA Cal. No. 939-57-BZ, the Board granted a variance pursuant to 1916 Zoning Resolution § 21, authorizing in the former E-1 Area District the building’s encroachment into the required rear yard; and

WHEREAS, subsequently, under the subject calendar number, the Board, on February 23, 1994, granted a variance pursuant to ZR § 72-21, authorizing the alteration, enlargement, and conversion of a bakery and cabaret into an automobile laundry; and

WHEREAS, the applicant now seeks to extend the term of the variance for ten years; and

WHEREAS, the applicant also requests an amendment to permit: (1) enclosure of an open storage area at the rear of the building; (2) the installation of opaque windows at the rear; (2) installation of an outdoor heating fan; (3) relocation of vacuum machinery from the rear property line to the cellar to minimize noise; (4) rearrangement and renovation of the accessory retail store; (5) installation of new washing equipment, including water recycling machinery, new doors, lighting, ceiling material and flooring; (6) installation of an accessible ramp at the entrance; (7) removal of security gates from windows and doors; (8) installation of a new canopy; (9) new landscaping on the site; (10) installation of a sound-attenuating fence at the rear property line; and (11) modification of the driving lanes; and

WHEREAS, the applicant represents that the proposed renovations and site modifications will reduce the impact of the use upon the neighboring residential area; and

WHEREAS, in addition, the applicant seeks to amend the hours of operation from 7:00 a.m. to 8:00 p.m., seven days per week to Monday through Saturday from 7:00 a.m. to 12:00 a.m., and Sunday from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant represents that the existing restrictions on the auto laundry’s hours of operation increasingly hamper the operator’s ability to maintain a profitable business; and

WHEREAS, the applicant submitted statements in support of the expanded hours from the four neighbors directly adjacent to the site; and

WHEREAS, at hearing, the Board raised concerns about accessory signage at the site, noting that it was well in excess of the signage permitted under the C2-1 district regulations; and

WHEREAS, in response, the applicant submitted photographs of the removal of all excessive signs except the “menu boards” and the directional signs, which the applicant states are essential to the operation of an auto laundry; the applicant also submitted photographs of other automobile laundries, which maintain similar “menu boards” and directional signs; and

WHEREAS, the Board agrees with the applicant that there is a conflict between allowing the automobile laundry within the C2-1 district, where it is not permitted as-of-right, but applying the sign regulations applicable within a C2-1

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zoning district, which do not contemplate the signage typically found with automobile-oriented uses; further, the Board is persuaded that limiting the accessory signage would prevent the applicant from announcing its service in a manner that is familiar to patrons of automobile laundries, which would be detrimental to its business; and

WHEREAS, in addition, the Board agrees with the applicant that directional signs are essential to maintaining a safe and orderly traffic flow on the site; and

WHEREAS, accordingly, the Board finds that, in addition to 150 sq. ft. of accessory signage permitted as-of-right in the C2-1 zoning district, the menu boards and the directional signage, as set forth in the approved drawings, are justified by the use variance and appropriate under the circumstances; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment are appropriate with certain conditions as set forth below; and

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on February 23, 1994, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from July 9, 2013, to expire on July 9, 2023, and to permit the noted modifications to the site; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received February 13, 2013’-(5) sheets and ‘May 30, 2013’-(2) sheets; and *on further condition*:

THAT the term of this grant will expire on July 9, 2023;

THAT landscaping, site trees and fencing will be provided and maintained in accordance with the BSA-approved plans;

THAT site lighting will be directed downward and away from adjacent residential uses;

THAT the surface area of accessory signage will be limited to 150 sq. ft., except menu boards and directional signs, in accordance with the BSA-approved plans, will be permitted;

THAT there will be no open storage on the lot;

THAT reservoir space for at least ten motor vehicles will be provided;

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

THAT a new certificate of occupancy will be obtained by July 9, 2014;

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. 420602903)

Adopted by the Board of Standards and Appeals, July 9,

2013.

102-94-BZ

APPLICANT – C.S. Jefferson Chang, for BL 475 Realty Corp., owner.

SUBJECT – Application January 9, 2013 – Extension of Term of a previously granted Variance (§72-21) for the continuous (UG 6) grocery store which expired on June 20, 2005; Waiver of the Rules. R-5 zoning district.

PREMISES AFFECTED – 475 Castle Hill Avenue, south side of Lacombe Avenue and West of the corner formed by the intersection of Lacombe Avenue and Castle Hill Avenue, Block 3510, Lot 34, Borough of Bronx.

COMMUNITY BOARD #9BX

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, an extension of term of a previously granted variance for a retail grocery store (Use Group 6) in a residence district, which expired on June 20, 2005, and an amendment to legalize minor interior layout changes; and

WHEREAS, a public hearing was held on this application on May 14, 2013, after due notice by publication in *The City Record*, with a continued hearing on June 11, 2013, and then to decision on July 9, 2013; and

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

WHEREAS, the subject site is located on the southwest corner of Lacombe Avenue and Castle Hill Avenue, within an R5 zoning district; and

WHEREAS, the site has a total area of approximately 5,423 sq. ft. and is occupied by a one-story building with approximately 1,567 sq. ft. of floor area and accessory parking for six automobiles; the building is occupied by a retail grocery store (Use Group 6); and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 20, 1995 when, under the subject calendar number, the Board granted a variance to legalize the conversion of a gasoline service station (Use Group 16) to a retail grocery store (Use Group 6) for a term of ten years, to expire on June 20, 2005; and

WHEREAS, the applicant now seeks to extend the term of the variance for ten years; and

WHEREAS, the applicant also requests an amendment to permit minor interior layout changes and a reduction in the size of the accessory sign; and

WHEREAS, at hearing, the Board raised concerns about

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the poor state of the site, including the presence of an unauthorized trailer, unlawful parking of commercial vehicles, a pigeon coop, tarpaulins, and barbed wire atop the fence enclosing the site; in addition, the Board noted that the accessory signage was in excess of that permitted under the variance; and

WHEREAS, in response, the applicant submitted photographs showing that the barbed wire and trailer were removed, the site was cleaned up, and the accessory sign was reduced to a complying size; and

WHEREAS, based upon its review of the record, the Board finds the requested extension of term and amendment are 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 June 20, 1995, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from July 9, 2013, to expire on July 9, 2023, and to permit the noted modifications to the site; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked ‘Received June 5, 2013’-(3) sheets; and *on further condition*:

THAT the term of this grant will expire on July 9, 2023;

THAT a new certificate of occupancy will be obtained by July 9, 2014;

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. 210040926)

Adopted by the Board of Standards and Appeals, July 9, 2013.

240-01-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Lionshead 110 Development LLC, owner; Lionshead 110 Development LLC, lessee.

SUBJECT – Application December 11, 2012 – Extension of term of a Special Permit (§73-36) for a physical culture establishment, which expired on December 17, 2012. C6-4(LM) zoning district.

PREMISES AFFECTED – 110/23 Church Street, southeast corner of intersection of Church Street and Murray Street, Block 126, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #1M

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 an extension of term of a Physical Culture Establishment (“PCE”), which expired on December 17, 2012; and

WHEREAS, a public hearing was held on this application on June 4, 2013, after due notice by publication in *The City Record*, and then to decision on July 9, 2013; and

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

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

WHEREAS, the subject site is located on the northwest corner of the intersection of Church Street and Park Place, within a C6-4 zoning district; and

WHEREAS, the site is occupied by a 21-story mixed residential and commercial building; and

WHEREAS, the PCE is located on portions of the first and second floors of the building; and

WHEREAS, on December 17, 2002, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36 to permit the operation of a physical culture establishment on portions of the first and second floors of the 21-story mixed residential and commercial building at the site; and

WHEREAS, the term of the original grant expired on December 17, 2012; and

WHEREAS, the applicant now seeks an extension of the term; and

WHEREAS, the PCE will continue to be operated as Equinox Tribeca; and

WHEREAS, the applicant notes that the hours of operation of the PCE established in the original grant are Monday through Thursday, 5:30 a.m. to 11:00 p.m., Friday, 6:00 a.m. to 10:00 p.m., and Saturday and Sunday, 8:00 a.m. to 9:00 p.m.; and

WHEREAS, based on its review of the record, the Board finds that the proposed ten-year extension of term is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated December 17, 2002, so that as amended this portion of the resolution shall read: “to grant an extension of the special permit for a term of ten years until December 17, 2022; *on condition* that all work shall substantially conform to drawings marked ‘Received June 25, 2013’ – (1) sheet, and *on further condition*:

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant will be limited to a term of ten years, to expire on December 17, 2022;

THAT the hours of operation shall be limited to Monday through Thursday, 5:30 a.m. to 11:00 p.m., Friday, 6:00 a.m.

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to 10:00 p.m., and Saturday and Sunday, 8:00 a.m. to 9:00 p.m.;

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

THAT a certificate of occupancy will be obtained within one year of the date of this grant;

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. 103343561)

Adopted by the Board of Standards and Appeals, July 9, 2013.

292-01-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Villa Mosconi Restaurant, owner.

SUBJECT – Application January 17, 2013 – Extension of Term of a previously-granted Variance (§72-21) which permitted the legalization of a new dining room and accessory storage for a UG6 eating and drinking establishment (*Villa Mosconi*), which expired on January 7, 2013. R7-2 zoning district.

PREMISES AFFECTED – 69/71 MacDougal Street, west side of MacDougal Street between Bleecker Street and West Houston Street, Block 526, Lot 33, 34, Borough of Manhattan.

COMMUNITY BOARD #2M

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 an extension of term for the continued use of an eating and drinking establishment, which expired on January 14, 2013; and

WHEREAS, a public hearing was held on this application on April 23, 2013, after due notice by publication in *The City Record*, with continued hearings on May 21, 2013, and then to decision on July 9, 2013; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application, on condition that the applicant remove the advertising sign on the south wall of the

building; and

WHEREAS, the subject site is an interior lot located on the west side of MacDougal Street between Houston Street and Bleecker Street, within an R7-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 14, 2003, when under the subject calendar number, it granted a variance to legalize the enlargement of a non-conforming eating and drinking establishment at the ground floor of the building at the site; the enlargement consisted of a new dining room at the rear of the building and a new accessory cellar level storage space; the term of the grant was for ten years, to expire on January 14, 2013; and

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

WHEREAS, the applicant notes that under the terms of the grant, the applicant was required to obtain a certificate of occupancy by January 14, 2004; however, a certificate of occupancy was not obtained until 2006; and

WHEREAS, at hearing, the Board directed the applicant to determine whether the advertising sign on the south wall of the building was lawful; and

WHEREAS, in response, the applicant submitted photographs showing that the sign had been removed; and

WHEREAS, based upon the above, the Board finds that 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 *reopens* and *amends* the resolution, dated January 14, 2003, so that as amended this portion of the resolution shall read: “to extend the term for ten years from the prior expiration, to expire on January 14, 2023; *on condition* that the use and operation shall substantially conform to the previously approved drawings; and *on further condition*:

THAT the term of the grant will expire on January 14, 2023;

THAT an amended certificate of occupancy will be obtained by July 9, 2014;

THAT signage will comply with C1 district regulations;

THAT the above conditions will be listed on the certificate of occupancy;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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. 102321952)

Adopted by the Board of Standards and Appeals, July 9, 2013.

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102-95-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 50 West Realty Company LP, owner; Renegades Associates/dba Splash Bar, lessee.

SUBJECT – Application April 22, 2013 – Extension of Term of a Special Permit (§73-244) for the continued operation of a UG12 Easting/Drinking Establishment (*Splash*) which expired on March 5, 2013; Amendment to modify the interior of the establishment. C6-4A zoning district.

PREMISES AFFECTED – 50 West 17th Street, south side of West 17th Street between 5th Avenue and 6th Avenue, Block 818, Lot 78, Borough of Manhattan.

COMMUNITY BOARD #5M

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

45-08-BZ

APPLICANT – Rampulla Associates Architects, for 65 Androvetta Street, LLC, owner.

SUBJECT – Application June 10, 2013 – Extension Time to Complete Construction of Variance (§72-21) to construct a new four-story, 81 unit age restricted residential facility which expired on May 19, 2013. M1-1 (Area M), SRD & SGMD zoning district.

PREMISES AFFECTED – 55 Androvetta Street, North side of Androvetta Street at the corner of Manley Street, Block 7407, Lot 1, 80, 82 (tentative 1), Borough of Staten Island.

COMMUNITY BOARD #3SI

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

111-13-BZY thru 119-13-BZY

APPLICANT – Sheldon Lobel, P.C., for Chapel Farm Estates, Inc., lessee.

SUBJECT – Applications April 24, 2013 – Extension of time (§11-332b) to complete construction of a major development commenced under the prior Special Natural Area zoning district regulations in effect on October 2004. R1-2/NA-2 zoning district.

PREMISES AFFECTED – 5031, 5021 Grosvenor Avenue, Lots 50, 60, 70, 5030 Grosvenor Avenue, Block 5830, Lot 3930, 5310 Grosvenor Avenue, Block 5839, Lot 4018, 5300 Grosvenor Avenue, Block 5839, Lot 4025, 5041 Goodridge Avenue, Block 5830, Lot 3940, 5040 Goodridge Avenue, Block 5829, Lot 3635, 5030 Goodridge Avenue, Block 5829, Lot 3630. Borough of Bronx

COMMUNITY BOARD #8BX

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 under ZR § 11-332(b), to permit an extension of time to complete construction and obtain certificates of occupancy for nine single-family dwellings currently under construction on nine separate lots within a major development at the subject site; and

WHEREAS, a public hearing was held on this application on June 4, 2013, after due notice by publication in *The City Record*, and then to decision on July 9, 2013; and

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

WHEREAS, Community Board 8, Bronx, recommends approval of this application; and

WHEREAS, the subject site, known as Villanova Heights or Chapel Farm Estates, is located in the Fieldston section of the Bronx, on an approximately 15-acre parcel within an R1-2 zoning district within Special Natural Area District 2 (“SNAD”); and

WHEREAS, the site is located within: the arcing portion of Grosvenor Avenue that begins at West 250th Street, crosses Longview Place and West 252nd Street, and terminates at Iselin Avenue; the portion of Goodridge Avenue between West 250th Street and West 252nd Street; and the portion of West 252nd Street between Grosvenor Avenue and Goodridge Avenue; and

WHEREAS, the site is a major development comprising 12 lots, nine of which are the subject of this application; one single-family home is proposed on each of the nine lots; the applicant notes that the three lots that are not the subject of this application have been completed; and

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WHEREAS, each of the nine buildings within the major development comply with a prior version of the SNAD requirements set forth in Zoning Resolution Article X, Chapter 5; and

WHEREAS, however, on February 2, 2005 (hereinafter, the “Enactment Date”), the City Council voted to adopt a text amendment, which affected the SNAD regulations and resulted in non-compliances; and

WHEREAS, as of that date, the applicant had obtained permits for all nine homes under New Building Permit Nos. 200922528, 200922537, 200922546, 200922555, 200922564, 200922591, 200922608, 200922617, and 200922626 (“the New Building Permits”), and it had completed the foundation for one home, such that the right to continue construction was vested pursuant to ZR § 11-331, which allows the Department of Buildings (“DOB”) to determine that construction may continue under such circumstances; and

WHEREAS, however, only two years are allowed for completion of construction of the entire development and to obtain certificates of occupancy; and

WHEREAS, accordingly, because the two-year time limit expired and construction was still ongoing, on April 24, 2007, under BSA Cal. Nos. 20-07-BZY through 31-07-BZY, the Board granted the applicant relief pursuant to ZR § 11-30 *et seq.*, renewing the New Building Permits for one term of two years; and

WHEREAS, consistent with BSA Cal. Nos. 20-07-BZY through 31-07-BZY, the Board renewed the New Building Permits for two additional two-year terms by letters dated June 15, 2009 and June 22, 2011; as a consequence, on June 22, 2013, the New Building Permits lapsed; and

WHEREAS, the applicant notes that since the last renewal of the New Building Permits in 2011, it has performed infrastructure related work on Lots 50, 60, 70, 3930, 3940, 3630, 3635, 4018 and 4025, including the installation of: (1) roadway asphalt; (2) cul-de-sac grading and curbs; (3) a gray water sprinkler system; (4) utility connections for each lot from lines installed in the roadway beds; (5) electrical conduits for the street lamp system; and (6) partial landscaping; during that same time period, the applicant has expended approximately \$8,921,405, including soft costs; and

WHEREAS, the applicant now seeks an additional extension of time to complete construction and obtain certificates of occupancy pursuant to ZR § 11-332(b); and

WHEREAS, pursuant to ZR § 11-332(b), where construction that was permitted to continue has not been completed at the expiration of extended terms pursuant to ZR § 11-332(a), the Board may grant an additional one-year extension if it finds that: (1) the applicant has been prevented from completing construction by hardship or circumstances beyond the applicant’s control; (2) the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable Zoning Resolution

amendment(s); and (3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable amendment(s) to the Zoning Resolution; and

WHEREAS, as a threshold issue, per ZR § 11-31(a), the Board must determine that proper permits were issued; and

WHEREAS, the applicant represents—and the Board previously recognized in BSA Cal. Nos. 20-07-BZY through 31-07-BZY—that all of the relevant DOB permits were lawfully issued to the owner of the subject premises prior to the Enactment Date and have been timely renewed since initial issuance; and

WHEREAS, turning to the findings of ZR § 11-332(b), the applicant states that the scope of the project and the limited availability of commercial financing are hardships that have prevented completion of construction; and

WHEREAS, the applicant notes that its original intention was to build and sell the homes two or three at a time, however, the 2008 credit crisis and subsequent downturn in the housing market have prevented the applicant from selling the homes at the originally-projected price point; as such, the applicant has been forced to finance construction with a trickle of rent payments, rather a series of sales; and

WHEREAS, in addition, the applicant states that in January 2011, a contractor filed a mechanic’s lien against the site for \$1,566,000; the applicant defended against the lien for approximately 15 months; ultimately, the lien was settled and discharged; however, while the matter was pending, the applicant was unable to secure financing, which delayed the pace of construction; and

WHEREAS, based on these assertions and on the supporting documentation in the record, the Board finds that the applicant has been prevented from completing construction by hardship and by circumstances beyond the applicant’s control; and

WHEREAS, the applicant represents that it has not recovered all or substantially all of the financial expenditures incurred in construction, nor is it able to recover substantially all of the financial expenditures incurred through development that complies with the SNAD requirements; and

WHEREAS, the applicant represents recovery of its financial expenditures is dependent on completing construction on the site as originally designed, and the applicant notes that only three out of 12 of the homes on the site have been completed; and

WHEREAS, the applicant also states that if the site were to be subject to the SNAD requirements, no as-of-right development would be permitted; instead, all unfinished homes on the site would be subject to City Planning Commission (“CPC”) actions, which the applicant states are difficult to predict; and

WHEREAS, the applicant contends that fewer homes would be permitted by CPC, which would result in a substantial redesign of the site, at significant cost, including

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sums already spent for infrastructure that might not be utilized; and

WHEREAS, accordingly, the Board finds that the applicant would not be able to recover all or substantially all of its financial expenditures through development that complies with the SNAD requirements; and

WHEREAS, finally, the applicant represents that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the New Building Permits that indicate an overriding benefit to the public in enforcement of the SNAD requirements; and

WHEREAS, the Board agrees with the applicant that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the New Building Permits that indicate an overriding benefit to the public in enforcement of the SNAD requirements; and

WHEREAS, therefore, the Board finds that the applicant has satisfied all the requirements of ZR § 11-332(b), and that the owner is entitled to the requested reinstatement of the permits, and all other permits necessary to complete the proposed development; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a one-year extension of time to complete construction, pursuant to ZR § 11-332(b).

Therefore it is Resolved that this application made pursuant to ZR § 11-332(b) to renew Building Permit Nos. 200922519, 200922528, 200922537, 200922546, 200922555, 200922564, 200922573, 200922582, 200922591, 200922608, 200922617, and 200922626, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete the proposed development for one term of one year from the date of this resolution, to expire on July 9, 2014.

Adopted by the Board of Standards and Appeals, July 9, 2013.

172-13-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative, Inc., owner; Margaret & Robert Turner, lessees.

SUBJECT – Application June 11, 2013 – Proposed reconstruction of a single family home and installation of the disposal system located partially in the bed of a mapped street, contrary to Article 3, Section 35 of the General City Law. R4 zoning district.

PREMISES AFFECTED –175 Ocean Avenue, East side of Ocean Avenue, 40' North of Breezy Point Boulevard, Block 16350, Lot p/o 400, Borough of Queens.

COMMUNITY BOARD #14Q

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 June 6, 2013, acting on Department of Buildings (“DOB”) Application No. 420830998, reads in pertinent part:

A1- The proposed building to be altered lies within the bed of a mapped street contrary to General City Law Article 3, Section 35.

A2- The proposed upgrade of the private disposal system partially in the bed of the mapped street is contrary to General City Law Article 3, Section 35 and the Department of Buildings policy; and

WHEREAS, a public hearing was held on this application on July 9, 2013, after due notice by publication in the *City Record*, and then to decision on the same date; and

WHEREAS, by letter dated June 13, 2013 the Fire Department states that it has reviewed the subject proposal and has no objections; the Fire Department also states that it requires that DOB-approved drawings indicate that the building will be fully sprinklered; and

WHEREAS, the record reflects that the applicant has provided a site plan indicating that the building will be fully sprinklered and smoke alarms will be interconnected to the existing hard-wired electrical system; and

WHEREAS, by letter dated June 13, 2013, the Department of Environmental Protection states that it has no objection to the subject proposal; and

WHEREAS, by letter dated June 20, 2013, 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 June 6, 2013, acting on DOB Application No. 420830998, 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 June 11, 2013”- 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 will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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

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THAT the home will be fully-sprinklered and will be provided with interconnected smoke alarms in accordance with the BSA-approved plans;

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, July 9, 2013.

29-12-A

APPLICANT – Vincent Brancato, owner
SUBJECT – Application February 8, 2012 – Appeal seeking to reverse Department of Building’s padlock order of closure (and underlying OATH report and recommendation) based on determination that the property’s commercial/industrial use is not a legal non-conforming use. R3-2 Zoning district.

PREMISES AFFECTED – 159-17 159th Street, Meyer Avenue, east of 159th Street, west of Long Island Railroad, Block 12178, Lot 82, Borough of Queens.

COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Laid over to September 17, 2013, at 10 A.M., for continued hearing.

268-12-A thru 271-12-A

APPLICANT – Eric Palatnik, P.C., for Mr. Frank Naso, owner.

SUBJECT – Application September 6, 2012 – Proposed construction of a single family semi-detached building not fronting a mapped street, contrary to General City Law Section 36. R3-1 zoning district.

PREMISES AFFECTED – 8/10/16/18 Pavillion Hill Terrace, corner of Homer Street and Swan Street, Block 569, Lot 318, 317, 316, 285, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Laid over to August 13, 2013, at 10 A.M., for adjourned hearing.

308-12-A

APPLICANT – Francis R. Angelino, Esq., for LIC Acorn Development LLC, owner.

SUBJECT – Application November 8, 2012 – Request that the owner has a common law vested right to continue construction and obtain a Certificate of Occupancy under the prior M1-3 zoning district. M1-2/R5D zoning district.

PREMISES AFFECTED – 39-27 29th Street, east side 29th Street, between 39th and 40th Avenues, Block 399, Lot 9, Borough of Queens.

COMMUNITY BOARD #1Q

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

75-13-A

APPLICANT – Law Office of Fredrick A. Becker, for 5 Beekman Property Owner LLC by Ilya Braz, owner.

SUBJECT – Application February 20, 2013 – Appeal of §310(2) of the MDL relating to the court requirements (MDL §26(7)) to allow the conversion of an existing commercial building to a transient hotel. C5-5(LM) zoning district.

PREMISES AFFECTED – 5 Beekman Street, south side of Beekman Street from Nassau Street to Theater Alley, Block 90, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to August 13, 2013, at 10 A.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.

ZONING CALENDAR

321-12-BZ

CEQR #13-BSA-061K

APPLICANT – Dennis D. Dell'Angelo, for Jay Lessler, owner.

SUBJECT – Application December 6, 2012 – 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 (§23-141); perimeter wall height (§23-631) and rear yard (§23-47) regulations R3-1 zoning district.

PREMISES AFFECTED – 22 Girard Street, west side of Girard Street, 149.63' south of Shore Boulevard, Block 8745, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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

5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated November 9, 2012, acting on Department of Buildings Application No. 320586781, reads in pertinent part:

1. The proposed FAR is contrary to Section 23-141 of the Zoning Resolution;

MINUTES

2. The proposed enlargement provides less than the required rear yard, contrary to Section 23-47 of the Zoning Resolution;
3. The proposed perimeter wall height is contrary to Section 23-631(b) of the Zoning Resolution; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement and conversion of a two-family home, which does not comply with the zoning requirements for floor area ratio ("FAR"), rear yard, and maximum permitted wall height, contrary to ZR §§ 23-141, 23-47, and 23-631; and

WHEREAS, a public hearing was held on this application on March 19, 2013, after due notice by publication in *The City Record*, with continued hearings on April 16, 2013, May 21, 2013, and June 18, 2013, and then to decision on July 9, 2013; and millennium

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 15, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Girard Street, between Shore Boulevard and Hampton Avenue, within an R3-1 zoning district; and

WHEREAS, the subject site has a total lot area of 5,356 sq. ft. and is occupied by a two-family home with a floor area of 2,623 sq. ft. (0.49 FAR); and

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

WHEREAS, the applicant proposes to enlarge the subject building and convert it from a two-family dwelling to a single-family dwelling; and

WHEREAS, the applicant seeks an increase in the floor area from of 2,623 sq. ft. (0.49 FAR) to 3,380 sq. ft. (0.63 FAR); the maximum permitted floor area is 2,687 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to maintain the existing non-complying rear yard depth of 27'-5" in the proposed enlargement of the second story; the minimum required rear yard depth is 30 feet; and

WHEREAS, the applicant proposes to decrease the existing non-complying perimeter wall height from 24'-3" to 23'-5" and extend the wall at the front and at the rear of the building; the maximum permitted perimeter wall height is 21'-0"; and

WHEREAS, the Board notes that ZR § 73-622(3) allows the Board to waive the perimeter wall height only in instances where the proposed perimeter wall height is equal to or less than the height of the adjacent building's non-complying perimeter wall facing the street; and

WHEREAS, the applicant represents that the proposed perimeter wall height (23'-5") is less than the height of the adjacent building's non-complying perimeter walls facing the

street (23'-6 3/8"), and the applicant submitted a survey in support of this representation; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood and will not impair the future use or development of the surrounding area; and

WHEREAS, based upon its review of the record, 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 Board finds that 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 ZR §§ 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 ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement and conversion of a two-family home, which does not comply with the zoning requirements for floor area ratio ("FAR"), rear yard, and maximum permitted wall height, contrary to ZR §§ 23-141, 23-47, and 23-631; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received December 6, 2012"-(3) sheets and "June 25, 2013"-(8) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 3,380 sq. ft. (0.63 FAR), a rear yard with a minimum depth of 27'-5", and a maximum perimeter wall height of 23'-5", as illustrated on the BSA-approved plans;

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 will be considered approved only for the portions related to the specific relief granted;

THAT substantial construction be completed in accordance with ZR § 73-70; 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, July 9,

MINUTES

2013.

62-13-BZ

CEQR #13-BSA-094X

APPLICANT – Sheldon Lobel, P.C., for BXC Gates, LLC, owner.

SUBJECT – Application February 7, 2013 – Special Permit (§73-243) to legalize the existing eating and drinking establishment (*Wendy's*) with an accessory drive-through facility. C1-2/R6 zoning district.

PREMISES AFFECTED – 2703 East Tremont Avenue, property fronts on St. Raymond's Avenue to the northwest, Williamsbridge Road to the northeast, and East Tremont Avenue to the southwest, Block 4076, Lot 12, Borough of Bronx.

COMMUNITY BOARD #10BX

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 Bronx Borough Commissioner, dated January 25, 2013, acting on Department of Buildings Application No. 220245759, reads:

Eating and drinking establishment with accessory drive-through facility in an R6 (C1-2) zoning district is contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-243 and 73-03, to permit, on a site within an R6 (C1-2) zoning district, the legalization of an accessory drive-through facility on the site in conjunction with an as-of-right eating and drinking establishment (Use Group 6), contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 14, 2013, with a continued hearing on June 4, 2013, and then to decision on July 9, 2013; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application; and

WHEREAS, the subject site is located on the northeast corner of the intersection of East Tremont Avenue and St. Raymond's Avenue within an R6 (C1-2) zoning district; and

WHEREAS, the site has approximately 138 feet of frontage along East Tremont Avenue, approximately 188 feet of frontage along St. Raymond's Avenue and approximately 100 feet of frontage along Williamsbridge Road; and

WHEREAS, the site has a total lot area of 18,487.21 sq. ft. and is occupied by a one-story eating and drinking establishment (Use Group 6) operated by Wendy's, an accessory drive-through and 23 accessory parking spaces; and

WHEREAS, the Board previously exercised jurisdiction over the site when, on October 22, 1985, under BSA Cal. No. 88-85-BZ, it granted a special permit for the operation of a drive-through for a term of five years; and

WHEREAS, the term of the grant under BSA Cal. No. 88-85-BZ was renewed on May 14, 1991 for an additional five years, to expire on October 22, 1995; after 1995, the grant was never renewed; and

WHEREAS, the applicant states that it purchased the property in February 2006, was unaware of the requirement for the special permit and only became aware of the requirement when it sought to obtain a permit from DOB to perform façade repairs; and

WHEREAS, the applicant seeks to legalize the existing drive-through and reduce the number of accessory parking spaces at the site from 23 to 21 in order to accommodate a dedicated travel lane around the drive-through queuing lane; and

WHEREAS, a special permit is required for the proposed accessory drive-through facility in the R6 (C1-2) zoning district, pursuant to ZR § 73-243; and

WHEREAS, under ZR § 73-243, the applicant must demonstrate that: (1) the drive-through facility provides reservoir space for not less than ten automobiles; (2) the drive-through facility will cause minimal interference with traffic flow in the immediate vicinity; (3) the eating and drinking establishment with accessory drive-through facility complies with accessory off-street parking regulations; (4) the character of the commercially-zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle; (5) the drive-through facility will not have an undue adverse impact on residences within the immediate vicinity; and (6) there will be adequate buffering between the drive-through facility and adjacent residential uses; and

WHEREAS, the applicant submitted a site plan indicating that the drive-through facility provides reservoir space for at least 10 vehicles; and

WHEREAS, the applicant represents that the facility will cause minimal interference with traffic flow in the immediate vicinity of the subject site; and

WHEREAS, in support of this representation, the applicant states that the site has three curb cuts, one on each frontage, and that each curb cut is located a sufficient distance from any intersection and will not adversely affect traffic flow on the streets; and

WHEREAS, in addition, the applicant represents that the proposed reconfiguration of the site to accommodate a travel lane will further improve the traffic flow; and

WHEREAS, the applicant notes that the restaurant has operated a drive-through since 1985; therefore, the drive-through is well-established in the neighborhood and will not create new traffic patterns in the vicinity; and

WHEREAS, the applicant represents that the facility fully complies with the accessory off-street parking regulations for the R6 (C1-2) zoning district; and

WHEREAS, in support of this representation, the applicant submitted a proposed site plan providing 21

MINUTES

accessory off-street parking spaces, which complies with ZR § 36-21; and

WHEREAS, the applicant represents that the facility conforms to the character of the commercially zoned street frontage within 500 feet of the subject premises, which reflects substantial orientation toward the motor vehicle; and

WHEREAS, the applicant states that both East Tremont Avenue and Williamsbridge Road are heavily-travelled commercial thoroughfares occupied by a variety of uses, including restaurants, drug stores, supermarkets, banks, offices and retail stores; and

WHEREAS, the applicant states that such uses and the surrounding residential neighborhoods they support are substantially oriented toward motor vehicle use; and

WHEREAS, the Board notes that the applicant has submitted photographs of the site and the surrounding streets, which supports this representation; and

WHEREAS, the applicant represents that the drive-through facility will not have an undue adverse impact on residences within the immediate vicinity of the subject premises; and

WHEREAS, the applicant states that the impact of the drive-through upon residences is minimal, in that most of the surrounding properties are occupied by commercial uses and that the properties containing both commercial and residential uses are located across a four-lane commercial thoroughfare from the site; and

WHEREAS, the applicant also states that a drive-through facility has been in operation on the site for approximately 28 years, and the proposed reconfiguration will substantially improve current conditions; and

WHEREAS, the applicant represents that there will be adequate buffering between the drive-through facility and adjacent residential uses, in that: (1) the site fronts on three streets, two of which are busy commercial thoroughfares (East Tremont Avenue and Williamsbridge Road); (2) the only adjacent building is occupied by a bank; and (3) the nearest residential uses are located on the upper floors of a mixed-use building across a four-lane commercial thoroughfare; and

WHEREAS, accordingly, the applicant represents that the drive-through facility satisfies each of the requirements for a special permit under ZR § 73-243; and

WHEREAS, the applicant represents that the community is not adversely impacted by the legalization and modification of the existing drive-through; and

WHEREAS, the applicant states that the restaurant is well-established in the neighborhood and has existed with a drive-through for approximately 28 years; and

WHEREAS, the applicant notes that the drive-through window does not increase the number of vehicular visits to the site but rather decreases the amount of time that restaurant patrons spend at the site; and

WHEREAS, the applicant represents that the proprietor of the restaurant maintains a clean and orderly site and that providing a drive-through is essential to the operation of the Wendy's franchise; and

WHEREAS, at hearing, the Board raised concerns about

the landscaping and striping (the painted markings for circulation, drive-through and parking spaces) of the site; and

WHEREAS, in response, the applicant represented that, upon the grant of the special permit, new landscaping will be installed and the lot will be re-striped; 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, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-243 and 73-03; and

WHEREAS, the project is classified as an unlisted action pursuant to 6 NYCRR Part 617.2 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. 13BSA094X dated February 5, 2013; 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; and

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 each and every one of the required findings under ZR §§ 73-243 and 73-03 to permit, on a site within an R6 (C1-2) zoning district, the legalization of an accessory drive-through facility on the site in conjunction with an as-of-right eating and drinking establishment (Use Group 6), contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 2, 2013"- four (4) sheets; and *on further condition*:

THAT the term of this grant will expire on July 9, 2018;

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

THAT parking and queuing space for the drive-through

MINUTES

will be provided as indicated on the BSA-approved plans;

THAT all landscaping and/or buffering will be maintained as indicated on the BSA-approved plans;

THAT exterior lighting will be directed away from the nearby residential uses;

THAT all signage shall conform to C1-2 zoning district regulations;

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

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

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

Adopted by the Board of Standards and Appeals, July 9, 2013.

85-13-BZ

CEQR #13-BSA-109K

APPLICANT – Rothkrug Rothkrug & Spector LLP, for St. Matthew's Roman Catholic Church, owner; Blink Utica Avenue, Inc., lessee.

SUBJECT – Application March 5, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*Blink Fitness*) within existing building. C4-3/R6 zoning district.

PREMISES AFFECTED – 250 Utica Avenue, northeast corner of intersection of Utica Avenue and Lincoln Place, Block 1384, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #8BK

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 Executive Zoning Specialist, dated February 5, 2013, acting on Department of Buildings Application No. 320373546, reads in pertinent part:

Proposed Physical Culture Establishment on the 3rd floor, within C4-3 district portion of zoning lot split by district boundary is not permitted as-of-right; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C4-3 zoning district, the operation of a physical culture establishment (“PCE”) on portions of the first and third stories of a four-story mixed commercial and community facility building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on June 4, 2013, after due notice by publication

in *The City Record*, and then to decision on July 9, 2013; and

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

WHEREAS, Community Board 8, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the northwest corner of the intersection of Utica Avenue and Lincoln Place; and

WHEREAS, the site, identified as Tax Lot 51, is part of a single zoning lot comprising Tax Lots 51 and 52; Lot 51 is entirely within the C4-3 zoning district and Lot 52 is entirely within the R6 zoning district; and

WHEREAS, a four-story new building is under construction at the site; upon completion, the building will be occupied by commercial and community facility uses; and

WHEREAS, the site has 150 feet of frontage along Lincoln Place and 100 feet of frontage along Utica Avenue; the subject zoning lot has a total lot area of 32,028.64 sq. ft.; and

WHEREAS, the proposed PCE will occupy a total of 337 sq. ft. of floor area on the first story and 14,000 sq. ft. of floor area on the third story; and

WHEREAS, the PCE will be operated as Blink; and

WHEREAS, the applicant represents that the services at the PCE include facilities for instruction and programs for physical improvement; and

WHEREAS, the hours of operation for the proposed PCE will be Monday through Saturday, from 5:30 a.m. to 11:00 p.m. and Sunday, from 7:00 a.m. to 9:00 p.m.; and

WHEREAS, accordingly, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the PCE 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 ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant

MINUTES

information about the project in the Final Environmental Assessment Statement, CEQR No. 13BSA109K, dated February 25, 2013; and

WHEREAS, the EAS documents that the operation of the PCE 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, 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 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 ZR §§ 73-36 and 73-03 to permit, on a site located within a C4-3 zoning district, the operation of a PCE on portions of the first and third stories of a four-story mixed commercial and community facility building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 27, 2013" – Six (6) sheets and *on further condition*:

THAT the term of this grant will expire on July 9, 2023;

THAT there will be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

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

THAT the hours of operation will not exceed Monday through Saturday, from 5:30 a.m. to 11:00 p.m. and Sunday, from 7:00 a.m. to 9:00 p.m.;

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

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

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT substantial construction will be completed in accordance with ZR § 73-70;

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

THAT the approved plans will 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 the 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, July 9, 2013.

72-12-BZ

APPLICANT – Raymond H. Levin, Wachtel Masyr & Missry, LLP, for Lodz Development, LLC, owner.

SUBJECT – Application March 28, 2012 – Variance (§72-21) to allow for the construction of a new mixed use building, contrary to off-street parking (§25-23), floor area, open space, lot coverage (§23-145), maximum base height and maximum building height (§23-633) regulations. R7A/C2-4 and R6B zoning districts.

PREMISES AFFECTED – 213-223 Flatbush Avenue, southeast corner of Dean Street and Flatbush Avenue. Block 1135, Lot 11. Borough of Brooklyn.

COMMUNITY BOARD #6BK

ACTION OF THE BOARD – Laid over to September 24, 2013, at 10 A.M., for adjourned hearing.

113-12-BZ

APPLICANT – Mitchell S. Ross, Esq., for St. Paul CongHa-Sang R.C. Church, owners.

SUBJECT – Application April 23, 2012 – Variance (§72-21) to permit a proposed church (*St. Paul's Church*), contrary to front wall height (§§24-521 & 24-51). R2A zoning district.

PREMISES AFFECTED – 32-05 Parsons Boulevard, northeast corner of Parsons Boulevard and 32nd Avenue, Block 4789, Lot 14, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to July 16, 2013, at 10 A.M., for adjourned hearing.

195-12-BZ

APPLICANT – The Law Offices of Eduardo J. Diaz, for Garmac Properties LLC, owner.

SUBJECT – Application June 15, 2012 – Re-instatement (§11-411) of a previously approved variance which allowed a two-story office building (UG6) and four parking spaces, which expired on May 13, 2000. Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 108-15 Crossbay Boulevard, between 108th and 109th Avenues. Block 9165, Lot 291. Borough of Queens.

COMMUNITY BOARD #10Q

THE VOTE TO CLOSE HEARING –

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

MINUTES

Negative:.....0
ACTION OF THE BOARD – Laid over to August 13, 2013, at 10 A.M., for decision, hearing closed.

236-12-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Thomas Savino, owner.

SUBJECT – Application July 31, 2012 – Variance (§72-21) to permit the extension of an existing medical office, contrary to use (§ 22-10) and side yard regulations (§24-35). R2 zoning district.

PREMISES AFFECTED – 1487 Richmond Road, northwest corner of intersection of Richmond Road and Norden Street, Block 869, Lot 372, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Laid over to August 13, 2013, at 10 A.M., for adjourned hearing.

338-12-BZ

APPLICANT – Eric Palatnik, P.C., for 164-20 Northern Boulevard, LLC, owner; Northern Gym, Corp., lessee.

SUBJECT – Application December 13, 2012 – Special Permit (§73-36) to allow the legalization of a physical culture establishment (*Metro Gym*) located in an existing one-story and cellar commercial building. C2-2/R5B zoning district.

PREMISES AFFECTED – 164-20 Northern Boulevard, west side of the intersection of Northern Boulevard and Sanford Avenue, Block 5337, Lot 17, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to August 13, 2013, at 10 A.M., for continued hearing.

13-13-BZ & 14-13-BZ

APPLICANT – Slater & Beckerman, P.C., for The Green Witch Project LLC, owners.

SUBJECT – Application January 25, 2013 – Variance (§72-21) to allow two single-family residential buildings, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 98 & 96 DeGraw Street, north side of DeGraw Street, between Columbia and Van Brunt Streets, Block 329, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #6BK

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

50-13-BZ

APPLICANT – Lewis E. Garfinkel, for Mindy Rebenwurz, owner.

SUBJECT – Application January 29, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461); and rear yard (§23-47) regulations. R2 zoning district.

PREMISES AFFECTED – 1082 East 24th Street, west side of East 24th Street, 100' north of corner of Avenue K and East 24th Street, Block 7605, Lot 79 Brooklyn.

COMMUNITY BOARD #14BK

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

57-13-BZ

APPLICANT – Eric Palatnik, P.C., for Lyudmila Kofman, owner.

SUBJECT – Application February 2, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141); and rear yard (§23-47) regulations. R3-1 zoning district.

PREMISES AFFECTED – 282 Beaumont Street, south of Oriental Boulevard, Block 8739, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

81-13-BZ

APPLICANT – Nasir J. Khanzada, for Aqeel Klan, owner.

SUBJECT – Application February 28, 2013 – Re-Instatement (§11-411) of a variance which permitted an auto service station (UG16B), with accessory uses, which expired on November 6, 1992; Amendment (§11-413) to permit the change of use from auto service station to auto repair (UG 16B) with accessory auto sales; Waiver of the Rules. R2 zoning district.

PREMISES AFFECTED – 264-12 Hillside Avenue, Block 8794, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

ACTION OF THE BOARD – Laid over to August 20, 2013, at 10 A.M., for continued hearing.

MINUTES

84-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 184 Kent Avenue Fee LLC, owner; SoulCycle Kent Avenue, LLC, lessee.

SUBJECT – Application March 5, 2013 – Special Permit (§73-36) to allow a physical culture establishment (*SoulCycle*) within portions of an existing cellar and seven-story mixed-use building. C2-4/R6 zoning district.

PREMISES AFFECTED – 184 Kent Avenue, northwest corner of intersection of Kent Avenue and North 3rd Street, Block 2348, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #1BK

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

94-13-BZ

APPLICANT – Vinod Tewari, for Peachy Enterprise, LLC, owner.

SUBJECT – Application March 25, 2013 – Special Permit (§73-19) to allow a school, contrary to use regulation (§42-00). M1-3 zoning district.

PREMISES AFFECTED – 11-11 40th Avenue aka 38-78 12th Street, Block 473, Lot 473, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to September 10, 2013, at 10 A.M., for continued hearing.

96-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Urban Health Plan, Inc., owner.

SUBJECT – Application April 2, 2013 – Variance (§72-21) to permit construction of ambulatory diagnostic treatment health facility (UG4), contrary to rear yard regulations (§23-47). R7-1 and C1-4 zoning districts.

PREMISES AFFECTED – 1054 Simpson Street, 121.83 feet north of intersection of Westchester Avenue, Block 2727, Lot 4, Borough of Bronx.

COMMUNITY BOARD #2BX

ACTION OF THE BOARD – Laid over to August 13, 2013, at 10 A.M., for continued hearing.

108-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for EOP-Retail, owner; Equinox 1095 6th Avenue, Inc, lessee.

SUBJECT – Application April 19, 2013 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Equinox*). C5-3, C6-6, C6-7 & C5-2 (Mid)(T) zoning districts.

PREMISES AFFECTED – 100/28 West 42nd Street aka

101/31 West 41st Street, West side of 6th Avenue between West 41st Street and West 42nd Street, Block 00994, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #5M

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 August 13, 2013, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.