
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 100, No. 8

February 18, 2015

DIRECTORY

MARGERY PERLMUTTER, *Chair*

SUSAN HINKSON, *Vice-Chair*

DARA OTTLEY-BROWN

EILEEN MONTANEZ

Commissioners

Vacant, Executive Director

John Egnatios-Beene, *Counsel*

OFFICE -	250 Broadway, 29th Floor, New York, N.Y. 10007
HEARINGS HELD -	22 Reade Street, Spector Hall, New York, N.Y. 10007
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 386-0009
FAX - (646) 500-6271

CONTENTS

DOCKET	100
CALENDAR of March 3, 2015	
Morning	101
Afternoon	101

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, February 10, 2015**

Morning Calendar102

Affecting Calendar Numbers:

25-57-BZ	221-18 Merrick Boulevard, Queens
164-94-BZ	84 Hugh Grant Circle, Bronx
76-12-BZ	148 Norfolk Street, Brooklyn
32-14-A	2560 Forest Avenue, Staten Island
300-08-A	39-35 27 th Street, Queens
140-14-A	1016 East 16 th Street, Brooklyn
153-14-A	200 Cambridge Avenue, Staten Island
192-14-A thru 198-14-A	10, 12, 18, 20, 26, 30, 32 Winslow Place, Staten Island
185-13-BZ	97 Franklin Avenue, Brooklyn
26-14-BZ	45 East 75 th Street, aka 42-76 East 76 th Street, Manhattan
141-14-BZ	2465 Broadway, Manhattan
246-14-BZ	210 Joralemon Street, aka 45-63 Court Street, Brooklyn
285-14-BZ	84 McLaughlin Street, Staten Island
288-14-BZ	131 Cedar Grove Avenue, Staten Island
297-14-BZ & 298-14-A	6 Topping Street, Staten Island
299-14-BZ & 300-14-A	28 Topping Street, Staten Island
307-14-BZ	540 Hunter Avenue, Staten Island
308-14-BZ	179 Kiswick Street, Staten Island
312-14-BZ	65 Hempstead Avenue, Staten Island
65-13-BZ	123 Franklin Avenue, Brooklyn
248-13-BZ	1179 East 28 th Street, Brooklyn
264-13-BZ	257 West 17 th Street, Manhattan
329-13-BZ	145 Girard Street, Brooklyn
45-14-BZ	337 99 th Street, Brooklyn
59-14-BZ	114-122 Jackson Street, Brooklyn
122-14-BZ	1318 East 28 th Street, Brooklyn
203-14-BZ	18 West 8 th Street, Manhattan

Afternoon Calendar127

Affecting Calendar Numbers:

249-14-BZ	200 Baychester Avenue, Bronx
186-14-BZ	51-63 Bond Street, aka 252-270 Schermerhorn Street, Brooklyn
238-14-BZ	98-100 Franklin Street, Manhattan

Correction129

Affecting Calendar Numbers:

104-14-BZ	282 South 5 th Street, aka 287 Broadway, Manhattan
-----------	---

DOCKETS

New Case Filed Up to February 10, 2015

20-15-BZ

461 Avenue X, between Ocean Parkway and East 4th Street, Block 7180, Lot(s) 75, Borough of **Brooklyn, Community Board: 4**. Variance (§72-21) to permit the construction of a Use Group 4A house of worship at the premises contrary to floor area, open space ratio, lot coverage side yards rear yard and parking regulations. R4(OP) zoning district. R4(OP) district.

21-15-BZ

112-35 69th Avenue, 69th Avenue, between 112th Street and Grand Central Parkway Service Road W., Block 2241, Lot(s) 48, Borough of **Queens, Community Board: 6**. Special Permit (73-621) to ;allow the enlargement of an existing on-family dwelling which will not provide the required open space ratio, located within an R1-2A zoning district. R1-2A district.

22-15-BZ

219 26th Street, 26th Street between 4th Avenue and 5th Avenue, Block 655, Lot(s) 55, Borough of **Brooklyn, Community Board: 7**. Variance (72-21) to pro posed to construct a residential building on a small lot at premises ,located in an M1-1D zoning district, contrary to (Section 42-00) not permitted as of right.. M1-1D district.

23-15-BZ

158 Beach 114th Street, Located approximately 400 feet south of the intersection of Rockaway Beach Blvd., and Beach 114th Street, Block 16186, Lot(s) 60, Borough of **Queens, Community Board: 14**. Variance (72-21) to permit the legalization of the Use Group 5 Transient Hotel located at the premises, as well as the Use Group 6 eating and drinking establishment on the ground floor, located within an R5A zoning district. R5A 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

MARCH 3, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 3, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

APPEALS CALENDAR

126-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for McAllister Maritime Holdings, LLC, owner.
SUBJECT – Application June 5, 2014 – Proposed construction of a warehouse building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 of the General City Law. M3-1 zoning district.
PREMISES AFFECTED – 3153 Richmond Terrace, north side of Richmond Terrace at intersection of Richmond Terrace and Grandview Avenue, Block 1208, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #1SI

MARCH 3, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 3, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

303-13-BZ

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for SoBro Development Corporation, owner.
SUBJECT – Application November 15, 2013 – Variance (§72-21) to allow a new mixed use building with 36 residential units and community facility space. R6 & C1-4 zoning districts.
PREMISES AFFECTED – 506-510 Brook Avenue, east side of Brook Avenue between 147th and 148th Street, Block 2274, Lot(s) 6, 7 and 8, Borough of Bronx.
COMMUNITY BOARD #1BX

37-14-BZ

APPLICANT – Eric Palatnik, P.C., for FHM Roosevelt FLP, owner;
Executive Fitness Gym Inc., lessee.
SUBJECT – Application February 28, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Enterprise Fitness Gym*), which will occupy a portion of

the second floor of a two story building. C2-3/R6 zoning district.

PREMISES AFFECTED – 86-10 Roosevelt Avenue, west corner of Elbertson Street and Roosevelt Avenue, Block 1502, Lot 6, Borough of Queens.
COMMUNITY BOARD #4Q

127-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Sean Banayan, owner.
SUBJECT – Application June 5, 2014 – Variance (§72-21) to permit construction of a cellar and two-story, two-family dwelling on a vacant lot that does not provide two required side yards, and does not provide two off street parking spaces. R4 zoning district.
PREMISES AFFECTED – 32-41 101st Street, east side of 101st, 180' north of intersection with Northern Boulevard, Block 1696, Lot 48, Borough of Queens.
COMMUNITY BOARD #3Q

289-14-BZ

APPLICANT – Sheldon Lobel, P.C., 22-32 31st Street LLC, owner.
SUBJECT – Application November 6, 2015 – Special Permit (§73-42) to extend the conforming Use Group 6 restaurant use located partially within a C4-2A zoning district into the adjacent R5B zoning district.
PREMISES AFFECTED – 22-32/36 31st Street, located on the west side of 31st Street. Block 844, Lot 49, 119, 149. Borough of Queens.
COMMUNITY BOARD #1Q
ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

324-14-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, for Kulwanty Pittam, owner.
SUBJECT – Application December 15, 2014 – Reinstatement (§11-411) for an automotive repair facility (UG 16B) granted under Cal. No. 909-52-BZ, expiring January 29, 2000; Amendment to permit the sale of used cars; Waiver of the Rules. C2-2/R5 zoning district.
PREMISES AFFECTED – 198-30 Jamaica Avenue, Southwest corner of Jamaica Avenue. Block 10829, Lot 56. Borough of Queens.
COMMUNITY BOARD #12Q
ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 10, 2015
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

25-57-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for
221-016 Merrick Blvd. Associates, LLC, owner.

SUBJECT – Application July 31, 2014 – Amendment (§11-
413) to permit a change in use (UG 6 retail use) of an
existing commercial building in conjunction with alteration
of an existing commercial building, demolition of three
existing commercial buildings and construction of a new
commercial building located within a C2-3 and R3A zoning
district.

PREMISES AFFECTED – 221-18 Merrick Blvd, southwest
corner of intersection of Merrick Blvd. and 221st Street,
Block 13100, Lot(s) 22 & 26, Borough of Queens.

COMMUNITY BOARD #13Q

ACTION OF THE BOARD – Laid over to March
10, 2015, at 10 A.M., for continued hearing.

164-94-BZ

APPLICANT – Jeffrey Chester, Esq., for Tuckahoe Realty
LLC., owner; LRHC Park Chester NY Ink., lessee.

SUBJECT – Application March 28, 2014 – Extension of
Term of a previously approved Variance (§72-21) which
permitted the operation of physical culture establishment
(*Lucille Roberts*), which expired on March 1, 2014. C1-
2/R6 zoning district.

PREMISES AFFECTED – 84 Hugh Grant Circle, Cross
Bronx Expressway Sr. South, Block 3794, Lot 109, Borough
of Bronx.

COMMUNITY BOARD #9BX

ACTION OF THE BOARD – Laid over to March
24, 2015, at 10 A.M., for continued hearing.

76-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Alexander and
Inessa Ostrovsky, owners.

SUBJECT – Application April 25, 2014 – Amendment to
modify the previously granted special permit (§73-622) for
the enlargement of an existing single-family detached
residence. R3-1 zoning district.

PREMISES AFFECTED – 148 Norfolk Street, west side of
Norfolk Street between Oriental Boulevard and Shore
Boulevard, Block 8756, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to March

10, 2015, at 10 A.M., for continued hearing.

APPEALS CALENDAR

32-14-A

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for
Little Morrow LLC, owner.

SUBJECT – Application February 13, 2014 – Proposed
construction of a retail/warehouse building located partially
within the bed of a mapped street contrary to Article 3,
Section 35 of the General City Law and waiver of bulk
non-compliances under §72-01-(g). M-2-1 Zoning District.
PREMISES AFFECTED – 2560 Forest Avenue, southwest
corner of intersection of Forest Avenue and Elizabeth Grove
Road, Block 1384, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson,
Commissioner Montanez and Commissioner Ottley-
Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island
Commissioner Borough Commissioner, dated January 24,
2014, acting on Department of Buildings Application No.
520144683, reads in pertinent part:

Proposed construction located in the bed of a
mapped street is contrary to section 35 of the
General City Law. Therefore, Board of Standards
and Appeals approval is required; and
Proposed new building has bulk non-compliances
resulting from the location of such mapped street
obtain BSA approval; and

WHEREAS, this is an application to allow the
construction of a one-story retail /warehouse space located on
the southern portion of the subject zoning lot. The proposed
building will be located partially in the bed of a mapped but
unbuilt portion of Morrow Street; and

WHEREAS, a public hearing was held on this
application on December 9, 2014, after due notice by
publication in *The City Record*, with a continued hearing on
January 27, 2015, and then to decision on February 10, 2015;
and

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

WHEREAS, the subject site has 142.99 ft. of frontage
on the south side of Forest Avenue, 170.44 ft. of frontage on
the west side of Elizabeth Grove Road, and 100 ft. of frontage
on the north side of Morrow Street for a total lot area of
12,497 sq. ft., and is located within an M2-1 zoning district
within Community Board 1, Staten Island; and

WHEREAS, by letter dated October 16, 2014, the Fire

MINUTES

Department states that it has reviewed the proposal and has offered no objections; and

WHEREAS, by letter dated March 14, 2014, the Department of Environmental Protection (“DEP”) states that (1) there are no existing City sewers in the bed of Morrow Street; (2) there is an existing 12” inch diameter City water main in the bed of Morrow Street between Forest Avenue and Elizabeth Grove Road; and (3) City Drainage Plan No. D9-2, Amendment D-9 (R-4), sheet 2 of 6, dated March 5, 1968, for the above-referenced location calls for a future 10-inch diameter sanitary sewer and a 39”/42” diameter storm sewer in the bed of Morrow Street east of Forest Avenue; and

WHEREAS, DEP further states that it requires the applicant to submit a survey/plan (1) showing the width of mapped Morrow Street, the width of the widening portion of the street, and the width of the traveled portion of the street at the above-referenced location; (2) providing the location of the hydrants and the distances from the hydrants to the lot lines of tentative lot #1; and (3) providing the distance between the 12” diameter water main and the lot line of tentative lot #1 in Morrow Street; and

WHEREAS, in response to DEP’s request, the applicant submitted a topographical survey which shows 70’ of the adopted width of the mapped Morrow Street at the above-referenced location, and the 27.6’ of the width to the edge of the pavement of the street at the narrowest point, which will be available for the installation, maintenance and or reconstruction of the existing and future water mains and sewers; and

WHEREAS, by letter dated June 30, 2014, DEP states that, based on the drawing submitted by the applicant, it has no objection to the proposed application; and

WHEREAS, by correspondence dated December 9, 2014, the Department of Transportation (“DOT”) requested that the applicant (1) provide information regarding the number of vehicles entering and exiting out of the parking area and commercial delivery vehicles for warehouses and the daily anticipated left turns in and out of this development; (2) address what effect this development will have on the level of service on Forest Avenue; (3) perform a title search of the street and, when title issues are resolved, provide an 8 ft. wide uniform sidewalk along Elizabeth Grove Road, maintaining the existing roadway width; (4) provide a 20 ft. wide sidewalk along Forest Avenue and keep the same alignment as on Block 1380 east of Elizabeth Grove Road; and (5) provide a 5 ft. wide continuous uniform sidewalk along Morrow Street frontage, aligning the sidewalk on Block 1380 east of Elizabeth Grove Road; and

WHEREAS, by letter dated January 14, 2015 in response to DOT’s request, the applicant submitted a revised plan (1) demonstrating that the proposed building would be in compliance with applicable M1-2 yard regulations; (2) depicting proposed street trees; (3) showing proposed sidewalks, including a 20 ft. sidewalk along Forest Avenue, a 5 ft. sidewalk along Morrow Street, and an 8 ft. sidewalk along Elizabeth Grove Road; and (4) showing that the widening line of Morrow Street has been extended; and

WHEREAS, the applicant also states that although no specific tenants are in place at this time they do not reasonably anticipate any adverse impacts, on Forrest Avenue or surrounding streets, from the planned as-of-right use of the premises; and

WHEREAS, the applicant notes that notwithstanding that the initially proposed development included building within the bed of mapped Elizabeth Grove Road, the applicant no longer plans to build within the bed of Elizabeth Grove Road were abandoned; and

WHEREAS, the applicant represents that Morrow Street is not part of the City’s ten-year capital improvement plan; and

WHEREAS, there are other structures along Morrow Street that would require demolition if the street were mapped to its full width; and

WHEREAS, the Board notes that pursuant to GCL Section 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street, that such bulk waivers will be only as necessary to address non-compliances resulting from the location of construction within and outside of the mapped street, and that the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

Therefore it is Resolved, that the decision of the Staten Island Borough Commissioner, dated January 24, 2014 acting on Department of Buildings Application No. 520144683 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, and that the Board also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal; *on condition* that construction will substantially conform to the drawings filed with the application marked “Received February 6, 2015,” one (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations will 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);

THAT DOT confirms in writing that Morrow Street is not a part of the City’s ten-year capital improvement plan;

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution, including planting strip requirements;

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 other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of

MINUTES

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

Adopted by the Board of Standards and Appeals on February 10, 2015.

300-08-A

APPLICANT – Law office of Marvin B. Mitzner LLC, for Steven Baharestani, owner.

SUBJECT – Application April 24, 2014 – Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district.

PREMISES AFFECTED – 39-35 27th Street, east side of 27th Street between 39th and 40th Avenues, Block 397, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to March 24, 2015, at 10 A.M., for continued hearing.

140-14-A

APPLICANT – Eric Palatnik, P.C., for 1016 East 13th Realty, LLC, owner.

SUBJECT – Application June 16, 2014 – Appeal seeking a determination that the owner has acquires a common law vested rights to complete construction under the prior C4-3A/R6 zoning district. R5 zoning district

PREMISES AFFECTED – 1016 East 16th 13th Street, Block 6714, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 10, 2015, at 10 A.M., for continued hearing.

153-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Rabbi Jacob Joseph School, owner.

SUBJECT – Application July 1, 2014 – Proposed construction of a community facility building school located partially within the bed of a unbuilt mapped street pursuant to Article 3 Section 35 of the General City Law and waive of bulk regulations under ZR Section 72-01-(g). R3-2 Zoning district.

PREMISES AFFECTED – 200 Cambridge Avenue, 114.71' north of intersection on of Auburn Avenue and Cambridge Avenue, Block 1511, Lot 210, Borough of Staten Island.

COMMUNITY BOARD

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 3, 2015, at 10 A.M., for decision, hearing closed.

192-14-A thru 198-14-A

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

SUBJECT – Application August 15, 2014 – Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-2(SRD) zoning district.

PREMISES AFFECTED –

10 Winslow Place, Block 6373, Lot 40
12 Winslow Place, Block 6373, Lot 42
18 Winslow Place, Block 6373, Lot 43
20 Winslow Place, Block 6373, Lot 45
26 Winslow Place, Block 6373, Lot 145
30 Winslow Place, Block 6373, Lot 146
32 Winslow Place, Block 6373, Lot 147

COMMUNITY BOARD #3SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to February 24, 2015, at 10 A.M., for decision, hearing closed.

ZONING CALENDAR

185-13-BZ

CEQR #13-BSA-159K

APPLICANT – Eric Palatnik P.C., for 97 Franklin Avenue LLC, owner.

SUBJECT – Application June 20, 2013 – Variance (§72-21) to permit the development of a proposed three story, two-unit residential development, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 97 Franklin Avenue, Franklin Avenue, Between Park and Myrtle Avenue, Block 899, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 24, 2013, acting on DOB Application No. 320574295, reads in pertinent part:

ZR42-00 Residential building proposed in [M1-1] [zoning district] [SIC] is not permitted per section...; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-1 zoning district, the construction of a three-story multiple dwelling (Use Group 2), contrary to ZR § 42-00; and

MINUTES

WHEREAS, a public hearing was held on this application on July 15, 2014, after due notice by publication in the *City Record*, with subsequent hearings August 19, 2014, October 7, 2014, December 9, 2014, and to decision on February 10, 2015; and

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

WHEREAS, the subject site is located on the east side of Franklin Avenue, between Park Avenue and Myrtle Avenue, within an M1-1 zoning district; and

WHEREAS, the site has 26 feet of frontage along Franklin Avenue, a depth of 100 feet, and approximately 2,600 sq. ft. of lot area; and

WHEREAS, the site is vacant; and

WHEREAS, the applicant notes that residential use of the subject zoning district was disallowed as of December 15, 1961, when the M1-1 designation took effect; and

WHEREAS, the applicant seeks a use variance consistent with the character and historic residential use of surrounding area to permit the construction of a new three-story, two-family residential building with 4,933 sq. ft. of floor area (1.9 FAR), 64 percent lot coverage, a front yard of 6'-0", no side yards, a rear yard depth of 30'-0", and a building height of 40'-0"; and

WHEREAS, the applicant represents that, per ZR § 72-21(a), the following are unique physical conditions which create unnecessary hardship in developing the site in conformance with applicable regulations: (1) the site's narrowness, small size, and vacancy; and (2) the adjacency of residential uses; and

WHEREAS, the applicant states that the site is too narrow and too small to accommodate a conforming use; and

WHEREAS, in particular, the applicant contends that the site's narrowness yields a conforming manufacturing or commercial building with small, inefficient, and narrow floor plates; and

WHEREAS, in addition, the applicant asserts that unlike sites with conforming uses in the surrounding area, the site lacks an existing building that was constructed to accommodate a conforming use; and

WHEREAS, the applicant also represents that there are residential buildings adjacent to the site on all sides and throughout the subject block and surrounding area; as such, the site is not desirable for modern manufacturing and commercial uses; and

WHEREAS, the Board agrees with the applicant that the fact that the site is vacant, its adjacency to other residential uses (the predominant use on the block), and narrow width and small size are unique physical conditions, which, in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, to satisfy ZR § 72-21(b), the applicant submitted a feasibility study which analyzed the rate of return on an as-of-right industrial building at the site as well as the

rate of return on the proposed development; and

WHEREAS, according to the study, a one-story building with approximately 2,600 sq. ft. of floor area occupied by a manufacturing use would yield an unreasonable rate of return; the proposed residential building, on the other hand, would realize a reasonable return; and

WHEREAS, based upon its review of the feasibility study, the Board has determined that because of the subject site's unique physical conditions, there is no reasonable possibility that development in strict conformance with applicable use requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states, as noted above, that the subject block is primarily developed with residential buildings; and

WHEREAS, as to adjacent uses, as noted above, there are residential uses on all adjacent lots and throughout the subject block and surrounding area; and

WHEREAS, accordingly, the applicant contends that the proposal is more consistent with the neighborhood character than a conforming use would be; and

WHEREAS, as to bulk, the applicant states that the building is consistent with the character of the district in which it is located and presented the Board with a land use study which provides examples of 16 residential buildings in the area surrounding the subject site of four stories or more; and

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

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is rather a function of the site's unique physical conditions; and

WHEREAS, finally, the Board finds that the proposal is the minimum variance necessary to afford relief, as set forth in ZR § 72-21(e); and

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

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

WHEREAS, the Board conducted an environmental review of the proposed action and documented relevant information about the project in the Final Environmental Assessment Statement ("EAS") CEQR No. 13-BSA-159K, dated June, 10, 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;

MINUTES

Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative declaration, with conditions as stipulated below, 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 § 72-21, and grants a variance to permit, on a vacant site within an M1-1 zoning district, the construction of a three-story multiple dwelling (Use Group 2), contrary to ZR § 42-00; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 11, 2014" – ten (10) sheets; and *on further condition*:

THAT the following are the bulk parameters of the building: a maximum of 4,933 sq. ft. of floor area (1.9 FAR), two dwelling units, a maximum lot coverage of 64 percent, a minimum rear yard depth of 30'-0", a minimum front yard depth of 6'-0" and a maximum building height of 40'-0", as indicated on the BSA-approved plans;

THAT the layouts of the dwelling units will be as reviewed and approved by DOB;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

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

Adopted by the Board of Standards and Appeals, February 10, 2015.

26-14-BZ

CEQR #14-BSA-112M

APPLICANT – Francis R. Angelino, Esq., for The Hewitt School, owner.

SUBJECT – Application February 6, 2014 – Variance (§72-21) to permit the enlargement of an existing community facility (*Hewitt School*), contrary to maximum building height (24-591); street wall height (§24-592); and rear yard requirements (§24-36). R8B zoning district.

PREMISES AFFECTED – 45 East 75th Street aka 42-76 East 76th Street, north side, East 75th Street through block to south side E 76th between Park & Madison Avenues, Block 1390, Lot(s) 28, 46, Borough of Manhattan.

COMMUNITY BOARD #8M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated January 15, 2014, acting on DOB Application No. 121333878, reads in pertinent part:

1. ZR 24-591 – The proposed vertical addition exceeds the maximum height; contrary to ZR 24-591;
2. ZR 24-592 – The proposed vertical addition for the street wall less than 45'-0" wide on Lot 46 exceeds height permitted; contrary to ZR 24-592;
3. ZR 24-382(a) – The proposed building portion above 23'-0" in height occurs in the required rear yard equivalent for the through lot portion; contrary to ZR 24-382(a);
4. ZR 24-36 – The proposed building portion above 23'-0" in height occurs in the required rear yard for the interior lot portion; contrary to ZR 24-36; and
5. ZR 24-11 – The proposed building portion above 23'-0" in height in the rear yard equivalent exceeds the maximum lot coverage; contrary to ZR 24-11; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an R8B zoning district, within a Limited Height District (LH-1A), within the Upper East Side Historic District, the conversion and enlargement of an existing building to be occupied as a school (Use Group 3), which does not comply with zoning regulations for lot coverage, rear yard, rear yard equivalent, and height and setback, contrary to ZR §§ 24-11, 24-36, 24-382, 24-591, and 24-592; and

WHEREAS, a public hearing was held on this application on October, 28, 2014, after due notice by publication in the *City Record*, with subsequent hearings held December 9, 2014 and January 6, 2015, then to decision on

MINUTES

February 10, 2015; and

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

WHEREAS, Community Board 8, Manhattan, recommends approval of the application; and

WHEREAS, this application is brought on behalf of the Hewitt School (the "School"), a nonprofit educational institution for girls, which serves students from grades kindergarten through 12; and

WHEREAS, the subject site is an interior through lot located on the block bounded by Madison Avenue, East 75th Street, Park Avenue, and East 76th Street; it comprises Tax Lots 28 and 46 and is within an R8B zoning district, within a Limited Height District (LH-1A), within the Upper East Side Historic District; and

WHEREAS, the site has 51 feet of frontage along East 75th Street, 58 feet of frontage along East 76th Street, and approximately 11,136 sq. ft. of lot area; and

WHEREAS, the site is occupied by three buildings, two of which currently comprise the School's campus and are classified within Use Group 3: the four-story building located at 45 East 75th Street (Lot 46), which was the original School building; the five-story building located at 44-46 East 76th Street (Lot 46), which was acquired by the School in 1966; and the five-story multiple dwelling (Use Group 2) located at 42 East 76th Street (Lot 28) (the "Townhouse"), which was acquired in 2011; and

WHEREAS, the applicant represents that the buildings have a combined existing floor area of approximately 37,754 sq. ft. (3.4 FAR) and the applicant notes that the maximum permitted floor area of the site is 56,796 sq. ft. (5.1 FAR); and

WHEREAS, the applicant states that the School proposes to renovate and vertically and horizontally enlarge the Townhouse and combine it with the existing School buildings; specifically, the proposal reflects the construction of a sixth story atop the Townhouse, resulting in an increase in building height from 61'-10" to 69'-11" and an increase in floor area from 37,754 sq. ft. (3.4 FAR) to 39,261 sq. ft. (3.5 FAR); in addition, the existing approximately 6'-0" x 10'-0" court at the rear of the Townhouse will be filled in, with the rear wall being extended to the eastern lot line (which is the western lot line of Lot 28); and

WHEREAS, the applicant states that the renovated Townhouse will accommodate the following: (1) at the cellar, a dance room, a changing room, a restroom, and storage and mechanical rooms; (2) at the first story, offices, a lobby, a choir room with related storage, and a conference room; (3) at the second story, a science classroom and laboratory space; (4) at the third story, a digital arts room, and a drama room; (5) at the fourth story, faculty office space and a conference room; (6) at the fifth story, two multipurpose rooms; and (7) at the sixth story, a dedicated art studio for the Lower School (kindergarten through grade five); and

WHEREAS, the applicant states that proposal requires the following waivers: (1) height and setback, in that the

proposed building height (69'-11") is contrary to ZR §§ 24-591 and 24-592 (which permit a maximum building height of 60'-0"); (2) rear yard, in that, within the interior lot portion of the site and above a height of 23'-0" and one story, the proposed depth of 24'-7¼" is contrary to ZR § 24-36 (which requires a minimum depth of 30'-0"); (3) rear yard equivalent, in that, within the through lot portion of the site and above a height of 23'-0" and one story, the proposed depth of 24'-7¼" is contrary to ZR § 24-382 (which requires an open area with a minimum depth of 30'-0"); and (4) lot coverage, in that within the through lot portion of the site and above a height of 23'-0" and one story, the proposed lot coverage is 90 percent, contrary to ZR § 24-11 (which permits a maximum lot coverage of 70 percent); and

WHEREAS, the applicant notes that the rear yard and rear yard equivalent waivers are required only for a small portion of the Townhouse at the second and third stories (approximately 65 sq. ft. on each story) and that the fourth, fifth, and sixth stories would be—in terms of yard provisions—as-of-right, in that each provides a rear setback with a depth of 30'-0"; as to lot coverage, the applicant states that with the inclusion of the Townhouse, the site's non-complying lot coverage will be reduced from 95 percent to 90 percent; and

WHEREAS, because the enlargement does not comply with the applicable bulk regulations in the subject zoning district, the applicant seeks the requested variance; and

WHEREAS, the applicant states that the variance is necessary to meet the School's programmatic need to expand and improve existing classroom space and create new adjacencies and additional classrooms, all of which will result in a significantly more efficient use of the School buildings and enable the School to remain competitive—in terms of resources, faculty office space, and classroom square footage-per-student—with similar institutions, such as the Spence School, the Nightingale-Bamford School, and the Chapin School; and

WHEREAS, the applicant also notes that the proposal is to accommodate the School's existing needs and is not intended to facilitate an increase in enrollment; and

WHEREAS, the applicant asserts that while the as-of-right configuration is similar to the proposal, it does not fully satisfy the School's programmatic needs; and

WHEREAS, specifically, the applicant states that the as-of-right configuration results in the following: (1) the loss of the entire sixth story, which provides a new arts classroom that is specifically designed for younger children and adjacent to Lower School classrooms in the existing School Building; and (2) the loss of significant program space in the science classroom on the second story and the digital arts/drama classroom on the third story, where the Townhouse's existing rear wall configuration creates unusable space and reduces the number of students below the School's standard 16-18 students per class; and

WHEREAS, thus, the applicant contends that the requested waivers are both modest and essential to the School's full utilization of the Townhouse for its

MINUTES

programmatic needs; and

WHEREAS, the applicant also contends that, per ZR § 72-21(a), the site is uniquely burdened by an unusual lot shape and a history of piecemeal development, which create practical difficulties in developing the site in compliance with the Zoning Resolution; and

WHEREAS, the applicant states that particularly with the inclusion of Lot 28, the site has an irregular shape, with multiple rear lot lines, and both interior and through lot portions; and

WHEREAS, in addition, as noted above, the applicant states that the School has expanded at different times within different existing buildings over the past 60 years, which has resulted in a disjointed maze of inaccessible, narrow, and winding hallways connecting the north and south ends of the School that are impractical and that interfere with the unity of the school; and

WHEREAS, the Board acknowledges that the School, as an educational institution, is entitled to significant deference under the law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, specifically, as held in *Cornell Univ. v Bagnardi*, 68 NY2d 583 (1986), an educational institution's application is to be permitted unless it can be shown to have an adverse effect upon the health, safety, or welfare of the community, and general concerns about traffic, and disruption of the residential character of a neighborhood are insufficient grounds for the denial of an application; and

WHEREAS, based upon the above, the Board finds that the programmatic needs of the School along with the existing constraints of the site create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the School is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that, pursuant to ZR § 72-21(c), the variance, if granted, will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, the applicant states that the immediate neighborhood is characterized by medium-density residential and community facility uses in the mid-block and higher-density mixed residential, commercial, and community facility uses on the avenues; and

WHEREAS, the applicant notes that the site is located within a Limited Height District (LH-1A) within the Upper East Side Historic District and the applicant states that the proposal was designed to be consistent with the appearance and bulk of the surrounding buildings; and

WHEREAS, in addition, the applicant states that the proposed sixth story of the Townhouse will be virtually

invisible from all sightlines and that the second and third story enlargement will result from the horizontal extension of an existing, non-complying rear wall; and

WHEREAS, the applicant also notes that the proposed 39,261 sq. ft. of floor area (3.5 FAR) is well below the maximum permitted at the site (56,796 sq. ft. (5.1 FAR)) and that the inclusion of the Townhouse (Lot 28) decreases the non-compliance of the site with respect to lot coverage; and

WHEREAS, finally, the applicant states, as noted above, that the proposal is not intended to allow an increase in the number of students at the School; thus, the applicant does not anticipate any changes to pedestrian or vehicular traffic; and

WHEREAS, accordingly, the applicant asserts that the proposal will have no negative impacts on the surrounding neighborhood; and

WHEREAS, because the site is within the Upper East Side Historic District, the applicant has obtained Certificate of Appropriateness No. 16-7281 from the Landmarks Preservation Commission ("LPC"), dated January 26, 2015; and

WHEREAS, the Board agrees with the applicant that the proposal will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the applicant states that the hardship was not self-created, and that no as-of-right development that would meet the programmatic needs of the School could occur given the existing conditions of the School buildings and the site; and

WHEREAS, accordingly, the Board finds that the hardship herein was not created by the owner; and

WHEREAS, the applicant represents that, consistent with ZR § 72-21(d), the requested waivers are the minimum necessary to accommodate the School's current and projected programmatic needs; and

WHEREAS, the Board finds that the requested relief is the minimum necessary to allow the School to fulfill its programmatic needs; and

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

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist, 14-BSA-112M dated February 6, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues Appeals issues a Type II determination 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 § 72-21 and grants a variance to permit, on a site within an R8B zoning district, within a Limited Height District (LH-1A), within the Upper East Side Historic District,

MINUTES

the conversion and enlargement of an existing building to be occupied as a school (Use Group 3), which does not comply with zoning regulations for lot coverage, rear yard, rear yard equivalent, and height and setback, contrary to ZR §§ 24-11, 24-36, 24-382, 24-591, and 24-592, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received September 22, 2014”– seventeen (17) sheets; and *on further condition*:

THAT the site shall be limited to a maximum floor area of 39,261 sq. ft. (3.5 FAR) and the total building height of the Townhouse shall be limited to 69’-11”, exclusive of bulkheads and parapets, as illustrated on the BSA-approved plans;

THAT any change in the use, occupancy, or operator of the School shall require the Board’s approval;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

THAT all construction shall be in conformance with the LPC Certificate of Appropriateness No. 16-7281, dated January 26, 2015;

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

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

THAT DOB 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, February 10, 2015.

141-14-BZ

CEQR #14-BSA-181M

APPLICANT – Rothkrug Rothkrug & Spector LLP., for 24655 Broadway Associates, owner; Soul Cycle 2465 Broadway, LLC, lessee.

SUBJECT – Application June 23, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*SoulCycle*) on the first floor of an existing commercial building, contrary to (§32-31). C4-6A zoning district.

PREMISES AFFECTED – 2465 Broadway, east side of Broadway, 50ft. south of intersection of West 92nd Street, Block 1239, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated January 12, 2015, acting on DOB Application No. 100795917, reads, in pertinent part:

The proposed Physical Culture Establishment, including the extension of 25 ft. into a Residential District, requires special permits pursuant to [the Zoning Resolution]...; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to allow the proposed operation, on a site a portion of which is located within a C4-6A zoning district and also within a Special Enhanced Commercial District and another portion of which is located within an R8 zoning district, of a physical culture establishment (“PCE”) on a portion the first floor and cellar of a three-story commercial building, contrary to ZR § 32-10; and

WHEREAS, this is also an application under ZR § 73-52, to permit the extension of the proposed PCE 25 feet into the R8 district; and

WHEREAS, a public hearing was held on this application on October 7, 2014, after due notice by publication in the *City Record*, and then to decision on February 10, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioners Montanez and Ottley-Brown performed an examination of the premises and surrounding area and neighborhood; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the site is an irregularly shaped lot with approximately 101 feet of frontage along Broadway in Manhattan, with a depth, for approximately 50 feet at the northerly half of the site, of 100 feet, and of approximately 150 feet at the southerly half of the site, consisting of approximately 12,550 sq. ft. of lot area; and

WHEREAS, a portion of the site is located within a C4-6A zoning district and also within a Special Enhanced Commercial District and a portion of the site is located within an R8 zoning district not within the Special Enhanced Commercial District; and

WHEREAS, approximately 10,100 sq. ft. of the site’s lot area is located within the C4-6A zoning district; and

WHEREAS, the site is occupied by a three-story commercial building; and

WHEREAS, ZR § 73-52 provides that when a zoning lot that is (a) in single ownership as of December 15, 1961 and (b) divided by district boundaries in which two or more uses are permitted, the Board may permit a use which is permitted in the district in which more than 50 percent of the lot area of the zoning lot is located to extend not more than 25 feet into the remaining portion of the zoning lot where such use is not permitted, provided that: (1) without any such extension, it would not be economically feasible to use or develop the remaining portion of the zoning lot for a permitted use; and (2) such extension will not cause impairment of the essential character or the future use or development of the surrounding area; and

WHEREAS, the applicant submitted documents reflecting the history of ownership of the subject lot and has

MINUTES

demonstrated to the satisfaction of the Board that the zoning lot was in single ownership prior to December 15, 1961; and

WHEREAS, as to the 50-percent lot area requirement, the applicant submitted a site plan indicating that approximately 10,100 sq. ft. of the site's 12,550 sq. ft. of lot area (approximately 80 percent) is located within a C4-6A zoning district; and

WHEREAS, accordingly, the Board finds that the site meets the threshold requirements for ZR § 73-52; and

WHEREAS, as to economic feasibility, the applicant represents that it would not be economically feasible to use or develop the R8 portion of the site for a permitted use; specifically, the applicant states that use of the remainder of the zoning lot for a permitted use would necessitate additional entry to and corridors through the existing building which would interrupt the commercial use thereof; and

WHEREAS, accordingly, absent the requested extension of the PCE into the residential space, a substantial portion of the building would be unusable and remain vacant; and

WHEREAS, the Board agrees that it would not be economically feasible to use or develop the remaining portion of the zoning lot, zoned R8, for a permitted use; and

WHEREAS, as to the extension's effect on the surrounding area, the applicant states that the proposed extension is consistent with existing land use conditions and anticipated projects in the immediate area, in that the area surrounding the site is predominated by high-density commercial and residential uses; further, the proposed PCE will be entirely within the existing building; and

WHEREAS, accordingly, the Board finds that the proposed extension of the C4-6A zoning district portion of the lot into the R8 portion will not impair the essential character or the future use or development of the surrounding area, nor will it be detrimental to the public welfare; and

WHEREAS, the Board, therefore, has determined that the evidence in the record supports the requisite findings pursuant to ZR § 73-52; and

WHEREAS, the applicant maintains that absent the proposed special permit pursuant to ZR § 73-52, it would not be feasible to use or develop that portion of the zoning lot located within the R8 zoning district for a permitted use; and

WHEREAS, extending the PCE use into the R8 portion of the lot will not impair the essential character or the future use or development of the surrounding area; and

WHEREAS, the PCE shall operate as SoulCycle, and shall occupy 2,710 sq. ft. of floor area on the ground floor of the building and an additional 460 sq. ft. of floor space at the cellar level of the building; and

WHEREAS, the PCE's hours of operation shall be Monday through Saturday 5:30 a.m. to 11:00 p.m., and Sunday 7:00 a.m. to 9:00 p.m.; 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; 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 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, 73-03, and 73-52; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist No. 14-BSA-181M, dated June 17, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination 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 a portion of which is located within a C4-6A zoning district and also within a Special Enhanced Commercial District and another portion of which is located within an R8 zoning district, the operation of a PCE on the cellar and ground floor of a three-story commercial building, contrary to ZR §32-10; and under ZR § 73-52, to permit the extension of the proposed PCE 25 feet into the R8 district; *on condition* that all work will substantially conform to drawings filed with this application marked "Received January 28, 2015"- Three (3) sheets; *on further condition*:

THAT the PCE shall not extend further than 25 ft. into that portion of the subject lot that is within the R8 zoning district;

THAT the term of the PCE grant will expire on February 10, 2025;

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

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

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

THAT accessibility 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;

MINUTES

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

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

THAT DOB 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, February 10, 2015.

246-14-BZ

CEQR #15-BSA-084K

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for NYC DCAS, owner; SoulCycle, Joralemon Street, LLC, lessee.

SUBJECT – Application October 10, 2014 – Special Permit (§73-36) to operate a physical culture establishment (*Soul Cycle*) within an existing landmarked building. C5-2A (DB), C5- zoning districts.

PREMISES AFFECTED – 210 Joralemon Street aka 45/63 Court Street, southwest corner formed by Joralemon Street and Court Street, Block 266, Lot 7501, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated October 6, 2014, acting on DOB Application No. 320447370, reads, in pertinent part:

A Physical Culture Establishment requires Board of Standards and Appeals permit as per ZR-73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C5-2A zoning district and partially within a C5-4 zoning district, within the Borough Hall Skyscraper Historic District, within the Special Downtown Brooklyn District, a physical culture establishment (the “PCE”) on the cellar and first story of a 15-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 27, 2015 after due notice by publication in the *City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, the subject site is a corner and through lot with approximately 273.75 feet of frontage on Joralemon Street, 180.04 feet of frontage on Court Street, and 36.17 feet of frontage on Livingston Street, consisting of approximately 62,930 sq. ft.; and

WHEREAS, the site is located within a C5-2A / C5-4 zoning district, within the Borough Hall Skyscraper Historic District, within the Special Downtown Brooklyn District; and

WHEREAS, the site is occupied by a 15-story commercial building which contains approximately 533,333 sq. ft. of floor area;

WHEREAS, the proposed PCE shall occupy 1,348 sq. ft. of floor space in the cellar of the building and 2,439 sq. ft. of floor area on the first floor of the building; and

WHEREAS, the proposed PCE shall operate as SoulCycle; and

WHEREAS, the hours of operation for the 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, 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE will not interfere with any pending public improvement project; 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 Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect No. 16-4292, dated October 29, 2014; 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 a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 15-BSA-084K, dated October 10, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in

MINUTES

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 legalize, on a site partially within a C5-2A and partially within a C5-4 zoning district, within the Borough Hall Skyscraper Historic District, within the Special Downtown Brooklyn District, the operation of a PCE on the first story and cellar of a 15-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received January 28, 2015”-(5) sheets; and *on further condition*:

THAT the term of the PCE grant shall expire on February 10, 2025;

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT accessibility compliance shall be as reviewed and approved by DOB;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by February 10, 2019;

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

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

THAT DOB 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, February 10, 2015.

285-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 84 McLaughlin Street, Block 0341, Lot 20049. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear and side yards, contrary to ZR §§ 23-45, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on December 16th, 2015, after due notice by publication in *The City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the west side of McLaughlin Street between Agnes Place and Olympia Boulevard, within an R3X zoning district; and

WHEREAS, the site has 20 feet of frontage along McLaughlin Street and 2,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged, one-story, single-family home with 502 sq. ft. of floor area (0.25 FAR); the existing site has the following yard non-compliances: one side yard (southern side yard) with a width of 3’-3” (the requirement is two side yards with minimum widths of 5’-0”, and a minimum distance between adjacent buildings along a side lot line of 8’-0”, per ZR § 23-461); and a rear yard depth of 0’-5” (a minimum rear yard depth of 30’-0” is required, per ZR § 23-47); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961, and/or the date of any applicable

MINUTES

subsequent amendment of the Zoning Resolution; as such, the Board acknowledges the applicability of ZR §54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-48; and

WHEREAS, the applicant proposes to demolish the existing building and construct a one-story, single-family home with 839 sq. ft. of floor area (0.42 FAR); the new building will provide a front yard depth of 13'-11", a rear yard depth of 13'-1", a northern side yard width of 3'-2½", and southern side yard width of 3'-2½"; and

WHEREAS, in addition, the applicant states that the proposed building may be less than 8'-0" from the buildings directly north and south of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a front yard depth of 13'-11", a rear yard depth of 13'-1", side yards with minimum widths of 3'-2½", and a minimum distance of less than 8'-0" from the buildings directly north and south of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings: (a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side

and rear yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested front, side, and rear yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, an increase in rear yard depth from 0'-5" to 13'-1", an increase in the width of one side yard, and the inclusion of two parking spaces; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear and side yards, contrary to ZR §§ 23-45, 23-46 and 23-47; *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 January 22, 2015"- four (4) sheets; and *on further condition*:

MINUTES

THAT the following shall be the bulk parameters of the building: a maximum floor area of 839 sq. ft. (0.42 FAR), a minimum front yard depth of 13'-11", a minimum rear yard depth of 13'-1", and side yards with widths of 3'-2½", as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the buildings directly north and south of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

THAT DOB 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, February 10, 2015.

288-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 131 Cedar Grove Avenue, Block 0408, Lot 70002. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear and side yards, contrary to ZR §§ 23-45, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, and then to decision on

February 10, 2015; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the subject site is located on the west side of Cedar Grove Avenue between Garibaldi Avenue and Cedar Grove Court, within an R3X zoning district; and

WHEREAS, the site has 20 feet of frontage along Cedar Grove Avenue and 2,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged, one-story, single-family home with 616 sq. ft. of floor area (0.30 FAR); the existing site has the following yard non-compliances: a front yard depth of 7'-8¾" (a minimum front yard depth of 18'-0" is required, per ZR § 23-45); one side yard (northern side yard) with a width of 5'-8" (the requirement is two side yards with minimum widths of 5'-0", and a minimum distance between adjacent buildings along a side lot line of 8'-0", per ZR § 23-461); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961, and/or the date of any applicable subsequent amendment of the Zoning Resolution; as such, the Board acknowledges the applicability of ZR § 54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-48; and

WHEREAS, the applicant proposes to demolish the existing building and construct a one-story, single-family home with 839 sq. ft. of floor area (0.42 FAR); the new building will provide a front yard depth of 14'-2", a rear yard depth of 24'-0", a northern side yard width of 3'-2½", and southern side yard width of 3'-2½"; and

MINUTES

WHEREAS, in addition, the applicant states that the proposed building may be less than 8'-0" from the buildings directly north and south of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a front yard depth of 14'-2", a rear yard depth of 24'-0", side yards with minimum widths of 3'-2½", and a minimum distance of less than 8'-0" from the buildings directly north and south of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side and rear yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested front, side, and rear yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus,

the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, an increase in front yard depth from 7'-8¾" to a 14'-2", an increase in the widths of both side yards, and the inclusion of two parking spaces; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear and side yards, contrary to ZR §§ 23-45, 23-461 and 23-47; *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 February 4, 2015"- four (4) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 839 sq. ft. (0.42 FAR), a minimum front yard depth of 14'-2", a minimum rear yard depth of 24'-0", and side yards with widths of 3'-2½", as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the buildings directly north and south of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by

MINUTES

February 10, 2019;

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

THAT DOB 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, February 10, 2015.

297-14-BZ & 298-14-A

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy. (GCL 36) waiver for properties located on an unmapped street on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 6 Topping Street, between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot 50042 Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front and side yards, contrary to ZR §§ 23-45 and 23-461; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the south side of Topping Street between Dustan Street and Cedar Grove Avenue, within an R3X zoning district; and

WHEREAS, the site has 40 feet of frontage along Topping Street, a lot depth of 62 feet, and 2,480 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged, one-story, single-family home with 948 sq. ft. of floor area (0.38 FAR); the existing site has the following yard non-compliances: a front yard with a depth of 2’-4 1/8” (a minimum front yard depth of 18’-0” is required, per ZR § 23-45); and one side yard with a width of 3’-11 7/8” (western side yard) and one side yard with a width of 10’-8” (eastern side yard) (the requirement is two side yards with minimum widths of 5’-0”, a minimum combined width of 13’-0”, and a minimum distance between adjacent buildings along a side lot line of 8’-0”, per ZR § 23-461); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961 and/or the date of any applicable subsequent amendment of the Zoning Resolution; as such, the Board acknowledges the applicability of ZR §54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-52; and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 1,272 sq. ft. of floor area (0.51 FAR); the new building will provide a front yard depth of 14’-1”, a rear yard depth of 22’-0”, a western side yard width of 4’-0”, an eastern side yard width of 11’-7”, and two parking spaces; and

WHEREAS, in addition, the applicant states that the proposed building may be less than 8’-0” from the building directly west of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a front yard depth of 14’-1”, one side yard with minimum width of 4’-0”, and a minimum distance of less than 8’-0” from the building directly west of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow

MINUTES

for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side and front yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested front and side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding

neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, an increase in front yard depth from 2'-4 1/8" to 14'-1", increases in the widths of both side yards, and the inclusion of two parking spaces; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front and side yards, contrary to ZR §§ 23-45 and 23-461; *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 February 4, 2015"- four (4) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 1,272 sq. ft. (0.51 FAR), a minimum front yard depth of 14'-1", a minimum rear yard depth of 22'-0", and side yards with widths of 4'-0" and 11'-7", as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the building directly west of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

THAT DOB 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,

MINUTES

February 10, 2015.

299-14-BZ & 300-14-A

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 6, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy. (GCL 36) waiver for properties located on an unmapped street on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 28 Topping Street, between Roma Avenue and Cedar Grove Avenue, Block 0408, Lot 50043. Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for rear and side yards, contrary to ZR §§ 23-461, 23-47, and 23-52; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the south side of Topping Street between Dustan Street and Cedar Grove Avenue, within an R3X zoning district; and

WHEREAS, the site has 40 feet of frontage along Topping Street, a lot depth of 62 feet, and 2,480 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged,

one-story, single-family home with 1,093 sq. ft. of floor area (0.44 FAR); the existing site has the following yard non-compliances: a front yard with a depth of 9’-7” (a minimum front yard depth of 18’-0” is required, per ZR § 23-45); a rear yard depth of 4’-7” (a minimum front yard depth of 22’-0” is required, per ZR §§ 23-47 and 23-52; and one side yard with a width of 3’-6” (western side yard) and one side yard with a width of 10’-0” (eastern side yard) (the requirement is two side yards with minimum widths of 5’-0”, a minimum combined width of 13’-0”, and a minimum distance between adjacent buildings along a side lot line of 8’-0”, per ZR § 23-461); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961 and/or the date of any applicable subsequent amendment of the Zoning Resolution; as such, the Board acknowledges the applicability of ZR §54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-52; and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 1,272 sq. ft. of floor area (0.51 FAR); the new building will provide a front yard depth of 18’-0”, a rear yard depth of 18’-1¼”, a western side yard width of 5’-0”, an eastern side yard width of 10’-5¼”, and two parking spaces; and

WHEREAS, in addition, the applicant states that the proposed building may be less than 8’-0” from the building directly west of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a rear yard depth of 18’-1¼”, and a minimum distance of less than 8’-0” from the building directly west of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant

MINUTES

to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the rear and side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested rear and side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, an increase in front yard depth from 9'-7" to 18'-", increases in the widths of both side yards, an increase in the rear yard depth from 4'-7" to 18'-1¼" and an increase in the number of parking spaces from one to two; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3X zoning district, the construction of a single-family home, which does not comply with the zoning requirements for rear and side yards, contrary to ZR §§ 23-461, 23-47, and 23-52; *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 January 22, 2015"- four (4) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 1,272 sq. ft. (0.51 FAR), a minimum front yard depth of 18'-0", a minimum rear yard depth of 18'-1¼", and side yards with widths of 5'-0" and 10'-5¼", as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the building directly west of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

THAT DOB 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, February 10, 2015.

MINUTES

307-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 540 Hunter Avenue, Block 0379, Lot 60024 Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for side yards, contrary to ZR §§ 23-461 and 23-48; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the south side of Hunter Avenue between Grimbsy Street and Freeborn Street, within an R3-1 zoning district; and

WHEREAS, the site has 20 feet of frontage along Hunter Avenue and 2,160 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged, one-story, single-family home with 1,140 sq. ft. of floor area (0.53 FAR); the existing site has the following yard non-compliances: a front yard with a depth of 6’-9 5/8” (a minimum front yard depth of 18’-0” is required, per ZR § 23-45); no side yards (the requirement is two side yards with minimum widths of 5’-0” and a minimum distance between adjacent buildings along a side lot line of 8’-0”, per ZR §

23-461); and a rear yard depth of 21’-4 7/8” (a minimum rear yard depth of 30’-0” is required, per ZR § 23-47); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961, and/or the date of any applicable subsequent amendment of the Zoning Resolution; as such, the Board acknowledges the applicability of ZR §54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-48; and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 1,430 sq. ft. of floor area (0.55 FAR); the new building will provide a front yard depth of 18’-0”, a rear yard depth of 35’-8”, a western side yard width of 3’-0”, an eastern side yard width of 3’-5”, and two parking spaces; and

WHEREAS, in addition, the applicant states that the proposed building may be less than 8’-0” from the building directly west of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with side yards with widths of 3’-0” and 3’-5” and a minimum distance of less than 8’-0” from the buildings directly east and west of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant

MINUTES

construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, substantial increases in the depths and widths of all yards, including the provision of a complying front yard and a rear yard with a depth of more than 35 feet; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and
Therefore it is Resolved, that the Board of Standards

and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for side yards, contrary to ZR §§ 23-461 and 23-48; *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 November 10, 2014"- four (4) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 1,430 sq. ft. (0.55 FAR), a minimum front yard depth of 18'-0", a minimum rear yard depth of 35'-8", side yards with widths of 3'-0" and 3'-5", and two parking spaces, as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the buildings directly east and west of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

THAT DOB 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, February 10, 2015.

308-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 179 Kiswick Street, Block 50042, Lot 60024 Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson,

MINUTES

Commissioner Montanez and Commissioner Ottley-Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for side yards, contrary to ZR §§ 23-461 and 23-48; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, and then to decision on February 10, 2015; and

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development (“HPD”) on behalf of the owner and in connection with the Mayor’s Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner’s Authorization); and

WHEREAS, the subject site is located on the west side of Kiswick Street between Bedford Avenue and Midland Avenue, within an R3-1 zoning district; and

WHEREAS, the site has 30 feet of frontage along Kiswick Street and 3,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged, one-story, single-family home with 1,052 sq. ft. of floor area (0.35 FAR); the existing site has the following yard non-compliances: no front yard (a minimum front yard depth of 18’-0” is required, per ZR § 23-45); side yards with widths of 1’-5” (southern side yard) and 3’-0” (northern side yard) (the requirement is two side yards with minimum widths of 5’-0” and a minimum distance between adjacent buildings along a side lot line of 8’-0”, per ZR § 23-461); and a rear yard depth of 9’-0” (a minimum rear yard depth of 30’-0” is required, per ZR § 23-47); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961 and/or the date of any applicable subsequent amendment of the Zoning Resolution; as such,

the Board acknowledges the applicability of ZR §54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-48; and

WHEREAS, the applicant proposes to demolish the existing building and construct a two-story, single-family home with 1,506 sq. ft. of floor area (0.50 FAR); the new building will provide a front yard depth of 18’-0”, a rear yard depth of 38’-1¼”, side yards with widths of 3’-8 5/8”, and two parking spaces; and

WHEREAS, in addition, the applicant states that the proposed building will be less than 8’-0” from the buildings directly north and south of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with side yards with widths of 3’-8 5/8” and a minimum distance of less than 8’-0” from the buildings directly north and south of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood’s potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the

MINUTES

proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested side yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, substantial increases in the depths and widths of all yards, including the provision of a complying front yard and a rear yard with a depth of more than 38 feet, and the inclusion of two parking spaces, where none were previously provided; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for side yards, contrary to ZR §§ 23-461 and 23-48; *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 January 23, 2015"- four (4) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the

building: a maximum floor area of 1,506 sq. ft. (0.50 FAR), a minimum front yard depth of 18'-0", a minimum rear yard depth of 38'-1¼", side yards with widths of 3'-8 5/8", and two parking spaces, as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the buildings directly north and south of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

THAT DOB 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, February 10, 2015.

312-14-BZ

APPLICANT – Department of Housing Preservation and Development, for Build it Back Program.

SUBJECT – Application November 10, 2014 – Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.

PREMISES AFFECTED – 65 Hempstead Avenue, Block 0381, Lot 00008, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and a special permit, pursuant to ZR § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear and side yards, contrary to ZR §§ 23-45, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, and then to decision on February 10, 2015; and

MINUTES

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

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

WHEREAS, this application is brought by the Department of Housing Preservation and Development ("HPD") on behalf of the owner and in connection with the Mayor's Office of Housing Recovery Operations and the Build it Back Program, which was created to assist New York City residents affected by Superstorm Sandy; and

WHEREAS, in order to accept the application from HPD on behalf of the owner, the Board adopts a waiver of 2 RCNY § 1-09.4 (Owner's Authorization); and

WHEREAS, the subject site is located on the north side of Hempstead Avenue between Baden Place and Patterson Avenue, within an R3-1 zoning district; and

WHEREAS, the site has 30 feet of frontage along Hempstead Avenue and 2,342 sq. ft. of lot area; and

WHEREAS, the site is occupied by a flood-damaged, one-story, single-family home with 933 sq. ft. of floor area (0.40 FAR); the existing site has the following yard non-compliances: a front yard depth of 10'-7" (a minimum front yard depth of 18'-0" is required, per ZR § 23-45); side yards widths of 2'-7³/₄" (eastern side yard) and 4'-2 1/8" (western side yard) (the requirement is two side yards with minimum widths of 5'-0", and a minimum distance between adjacent buildings along a side lot line of 8'-0", per ZR § 23-461); and

WHEREAS, the applicant represents and the Board accepts that all information regarding the size and location of the existing building at the site and the existing buildings at adjacent sites are based on MapPLUTO and Department of Finance records; as such, the distances between the existing building and the neighboring buildings are estimates; and

WHEREAS, similarly, the applicant represents and the Board accepts that the existing building has certain lawful non-compliances as depicted in the site plan, which existed as of December 15, 1961, and/or the date of any applicable subsequent amendment of the Zoning Resolution; as such, the Board acknowledges the applicability of ZR §54-00 to the site and to the building; and

WHEREAS, finally, the applicant represents and the Board accepts that the site was owned separately and individually from all other adjoining tracts of land on December 15, 1961; as such, provided that the site remains in separate and individual ownership on the date of application for a building permit, the site shall be governed by ZR §§ 23-33 and 23-48; and

WHEREAS, the applicant proposes to demolish the existing building and construct a one-story, single-family home with 839 sq. ft. of floor area (0.36 FAR); the new building will provide a front yard depth of 18'-0", a rear yard depth of 14'-5", side yards with widths of 3'-0", and two parking spaces; and

WHEREAS, in addition, the applicant states that the proposed building may be less than 8'-0" from the buildings directly east and west of the site; and

WHEREAS, thus, the applicant seeks a special permit to allow construction of the new building with a rear yard depth of 14'-5", side yards with minimum widths of 3'-0", and a minimum distance of less than 8'-0" from the buildings directly east and west of the site; and

WHEREAS, pursuant to ZR § 64-92, in order to allow for alterations, developments, and enlargements in accordance with flood-resistant construction standards, the Board may permit modifications of ZR §§ 64-30 and 64-40 (Special Bulk Regulations for Buildings Existing on October 28, 2012), 64-60 (Design Requirements), 64-70 (Special Regulations for Non-conforming Uses and Non-complying Buildings), as well as all other applicable bulk regulations except floor area ratio; and

WHEREAS, in order to grant a special permit pursuant to ZR § 64-92, the Board must make the following findings:

(a) that there would be a practical difficulty in complying with flood-resistant construction standards without such modifications, and that such modifications are the minimum necessary to allow for an appropriate building in compliance with flood-resistant construction standards; (b) that any modification of bulk regulations related to height is limited to no more than ten feet in height or ten percent of the permitted height as measured from the flood-resistant construction elevation, whichever is less; and (c) the proposed modifications will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the Board may also prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, the applicant states that there would be a practical difficulty complying with the flood-resistant construction standards without the modification of the side and rear yard requirements, in accordance with ZR § 64-92(a); and

WHEREAS, specifically, the applicant states that the proposed building is required to have exterior walls that are 12 inches thick, which diminishes the amount of interior floor space; thus, the proposed side yard waivers allow the construction of a flood-resistant building with a viable building footprint to compensate for the loss of interior space; and

WHEREAS, the Board agrees that there would be a practical difficulty complying with the flood-resistant construction standards without the requested front, side, and rear yard waivers; and

WHEREAS, the applicant notes and the Board finds that the proposal does not include a request to modify the maximum permitted height in the underlying district; thus, the Board finds that the ZR § 64-92(b) finding is

MINUTES

inapplicable in this case; and

WHEREAS, the applicant states that, pursuant to ZR § 64-92(c), the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, the applicant states that the surrounding neighborhood is characterized by one- and two-story, single- and two-family homes; as such, the applicant states that the proposal is consistent with the existing context; and

WHEREAS, the applicant also contends that the proposal reflects a smaller footprint, an increase in front yard depth from 10'-7" to a 18'-0", an increase in the width of one side yard and the rear yard, and the inclusion of two parking spaces; and

WHEREAS, the Board finds that the proposed modification will not alter the essential character of the neighborhood in which the building is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with flood-resistant construction standards; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 64-92; and

Therefore it is Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, 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 § 64-92, to permit, on a site within an R3-1 zoning district, the construction of a single-family home, which does not comply with the zoning requirements for front, rear and side yards, contrary to ZR §§ 23-45, 23-461 and 23-47; *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 February 4, 2015"- four (4) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 839 sq. ft. (0.36 FAR), a minimum front yard depth of 18'-0", a minimum rear yard depth of 14'-5", and side yards with widths of 3'-0", as illustrated on the BSA-approved plans;

THAT the building may be located less than 8'-0" from the buildings directly east and west of the site;

THAT this approval shall be limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objections(s);

THAT this approval shall be limited to the Build it Back program;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

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

THAT DOB 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, February 10, 2015.

65-13-BZ

APPLICANT – Eric Palatnik, Esq., for Israel Rosenberg, owner.

SUBJECT – Application February 12, 2013 – Variance (§72-21) to permit a residential development, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 123 Franklin Avenue, between Park and Myrtle Avenues, Block 1899, Lot 108, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over without date for decision.

248-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Moshe Benefeld, owner.

SUBJECT – Application August 23, 2014 – Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area and open space (23-141a); side yards (23-461). R2 zoning district.

PREMISES AFFECTED – 1179 East 28th Street, east side of East 28th Street, approximately 127' north of Avenue L, Block 7628, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 10, 2015, at 10 A.M., for continued hearing.

264-13-BZ

APPLICANT – Francis R. Angelino, Esq., for David Lowenfeld, owner; BB Fitness dba Brick Crossfit NYC, lessee.

SUBJECT – Application September 6, 2013 – Special Permit (§73-36) to legalize a physical culture establishment (*Brick CrossFit*) on the ground floor and cellar of an existing 10-story building. C6-2A zoning district.

PREMISES AFFECTED – 257 West 17th Street, north side, West 17th Street, between 7th & 8th Avenues, Block 767, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #4M

ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for continued hearing.

MINUTES

329-13-BZ

APPLICANT – Alexander Levkovich, for Sam Ravit, owner.

SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141). R3-1 zoning district.

PREMISES AFFECTED – 145 Girard Street, east side of Girard Street, appoximately 600’ south of intersection with Hampton Avenue, Block 8750, Lot 386, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 3, 2015, at 10 A.M., for decision, hearing closed.

45-14-BZ

APPLICANT – Eric Palatnik, P.C., for Athina Orthodoxou, owner.

SUBJECT – Application March 18, 2014 – Special Permit (§73-622) to enlarge an existing semi-detached two story dwelling and to vary the floor area ratio requirements, and to convert the one family home into a two family home. R4-1 zoning district.

PREMISES AFFECTED – 337 99th Street, between 3rd and 4th Avenues, Block 6130, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #10BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 10, 2015, at 10 A.M., for decision, hearing closed.

59-14-BZ

APPLICANT – Caroline G. Harris, for School Settlement Association Ink., owner.

SUBJECT – Application April 10, 2014 – Variance (§72-21) to permit the construction of a four-story plus penthouse community facility (UG 4), contrary to (24-11). R6B zoning district.

PREMISES AFFECTED – 114-122 Jackson Street, located on the SW corner of the Intersection of Jackson Street and Manhattan Avenue. Block 2748, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to February 10, 2015, at 10 A.M., for continued hearing.

122-14-BZ

APPLICANT – Lewis E Garfinkel, for Ariel Boiangiu,

owner.

SUBJECT – Application October 21, 2014 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached home contrary to floor area and open space ZR 23-141; side yards ZR 23-461 and less than the required rear yard ZR 23-47. R2 zoning district.

PREMISES AFFECTED – 1318 East 28th Street, west side of 28th Street 140 feet of Avenue M, Block 7663, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 10, 2015, at 10 A.M., for continued hearing.

203-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 16 West 8th LLC, owmer; 305 Fitness, lessee.

SUBJECT – Application August 25, 2014 – Special Permit §73-36 to permit a physical culture establishment (*305 Fitness*) within portions of an existing commercial building. C4-5 zoning district.

PREMISES AFFECTED – 18 West 8th Street, South side of West 8th Street, 97.2 feet east of intersection of West 8th Street and MacDougal Street. Block 551, Lot 23. Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 10, 2015, at 10 A.M., for decision, hearing closed.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 10, 2015
1:00 P.M.**

Present: Chair Perlmutter, Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez

ZONING CALENDAR

249-14-BZ

CEQR #15-BSA-089X

APPLICANT – Akerman LLP, for Sam Shalem, owner;
Capital fitness-"Bay Plaza LLC, lessee.

SUBJECT – Application October 15, 2014 – Special Permit
(§73-36) to obtain a special permit to operate a physical
culture establishment (*X Sport Fitness*) within an existing
commercial building. (C4-3) zoning district.

PREMISES AFFECTED – 200 Baychester Avenue,
Hutchinson River Parkway and Baychester Avenue, Block
5141, Lot 6, Borough of Bronx.

COMMUNITY BOARD #10BX

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter, Vice Chair Hinkson,
Commissioner Montanez and Commissioner Ottley-
Brown.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of
Buildings (“DOB”), dated August 11, 2014, acting on DOB
Application No. 220140274, reads, in pertinent part:

Proposed Physical Culture Establishment in a C4-3
zoning district is contrary to Section 42-10 Zoning
Resolution [SIC]...; and

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

WHEREAS, a public hearing was held on this
application on February 10, 2015, after due notice by
publication in the *City Record*, and then to decision on the
same date; and

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

WHEREAS, the subject site is located within a C4-3
zoning district and is part of the Mall at Bay Plaza, which is
comprised of lots 1, 3, 6, 8, 9, 11, 12, 15, and 17 on block
5141, in the Bronx; and

WHEREAS, the site has approximately 581.5 feet of
frontage along the Hutchinson River Parkway, is located north
of Baychester Avenue and south of Bartow Avenue, and
consists of 201,720 sq. ft. of lot area; and

WHEREAS, the site is occupied by a four-story

commercial building; and

WHEREAS, the PCE shall operate as Capital Fitness –
Bay Plaza, LLC d/b/a Export Fitness, and shall occupy
18,366sq. ft. of floor area on the third floor of the subject
building and 19,222 sq. ft. of floor area on the fourth floor of
the subject building, for a total floor area of 37,588 sq. ft.; and

WHEREAS, the PCE shall operate seven days a week,
24 hours a day; 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 Fire Department states that it has no
objection to the proposal; and

WHEREAS, the PCE does not interfere with any
pending public improvement project; 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 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
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.15-BSA-089X, dated
October 15, 2014 ; 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 determination prepared
in accordance with Article 8 of the New York State

MINUTES

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 within a C4-3 zoning district, the operation of a PCE on the third and fourth floors of a four-story commercial building, contrary to ZR §32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received December 23, 2014"-(6) sheets; *on further condition*:

THAT the term of the PCE grant will expire on February 10, 2025;

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

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

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

THAT accessibility 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 all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by February 10, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

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

THAT DOB 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, February 10, 2015.

186-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Bond Street Owner, LLC, owners.

SUBJECT – Application August 15, 2014 – Variance (§72-21) to permit the construction of a new hotel building with ground floor retail contrary to allowable commercial floor area (ZR 33-122) located within C6-1/R6B District in the Downtown Brooklyn Special District.

PREMISES AFFECTED – 51-63 Bond Street aka 252-270 Schermerhorn Street, southeast corner of Bond Street and Schermerhorn Street, Block 172, Lot(s) 5, 7, 10, 13, 14, 15, 109, Borough of Brooklyn.

COMMUNITY BOARD #2BK

ACTION OF THE BOARD – Laid over to March 24, 2015, at 10 A.M., for continued hearing.

238-14-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for DDG 100 Franklin, LLC., owner.

SUBJECT – Application October 1, 2014 – Variance (§72-21) to permit the construction of two mixed residential and commercial buildings on a single zoning lot contrary to §§35-21 & 23-145 (Lot Coverage), 35-24c (Height and setback), 35-52 and 33-23 (minimum width of open area along a side lot line and permitted obstruction regulations), 35-24b (Street wall location). C6-2A Zoning District, Historic District.

PREMISES AFFECTED – 98-100 Franklin Street, Bounded by Avenue of the Americas, Franklin and White Streets, West Broadway, Block 00178, Lot 0029, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director

MINUTES

CORRECTION

This resolution adopted on November 18, 2014, under Calendar No. 104-14-BZ and printed in Volume 99, Bulletin Nos. 45-47, is hereby corrected to read as follows:

104-14-BZ

CEQR #14-BSA-155K

APPLICANT – Warshaw Burnstein, LLP., for Sam Spikes, LLC, owner; 287 Broadway Fitness Group, LLC., lessee.

SUBJECT – Application May 15, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) on a portion of the ground and second floors of a new building, contrary to (§32-31). C4-3 zoning district.

PREMISES AFFECTED – 282 South 5th Street aka 287 Broadway, between Broadway and West of Marcy Avenue, Block 2460, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 7, 2014, acting on DOB Application No. 320377454, reads, in pertinent part:

Proposed physical culture establishment use is not permitted as-of-right in a C4-3 zoning district, per ZR Section 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C4-3 zoning district, the operation of a physical culture establishment (“PCE”) in portions of the first and second stories of a 13-story mixed residential, community facility, and commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on October 7, 2014 after due notice by publication in the *City Record*, and then to decision on November 18, 2014; and

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

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

WHEREAS, the subject site is a through lot with frontages along South Fifth Street (140’-2”) and Broadway (140’-2”), between Marcy Avenue and Havemeyer Street, within a C4-3 zoning district; the site has 28,046 sq. ft. of lot area; and

WHEREAS, under construction at the site is a 13-story mixed residential, community facility, and commercial building with 105,906 sq. ft. of floor area (3.78 FAR); and

WHEREAS, the PCE will occupy a total 17,878 sq. ft.

of floor area, with 2,008 sq. ft. of floor area on the first story and 15,870 sq. ft. of floor area on the second story; and

WHEREAS, the PCE will operate as Planet Fitness; and

WHEREAS, the PCE’s hours of operation will 24 hours per day, seven days per week; 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; 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, at hearing, the Board directed the applicant to clarify its proposed sound attenuation measures; and

WHEREAS, in response, the applicant submitted amended plans to reflect the proposed sound attenuation measures, which include a buffer space between the PCE and the community facility space on the second story; the applicant also notes that no dwelling will share a demising wall with the PCE; 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 a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Checklist action discussed in the CEQR Checklist No. 14-BSA-155K, dated May 15, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination 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 within a C4-3 zoning district, the operation of a PCE in portions of the first and second stories of a 13-story mixed residential, community facility, and commercial building, contrary to ZR § 32-10; on condition that all work will substantially conform to drawings filed with this application marked “Received February 10, 2015”- (4) sheets; on further condition:

MINUTES

THAT the term of the PCE grant will expire on November 18, 2024; THAT there will be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by November 18, 2018;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

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

THAT DOB 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, November 18, 2014.

The resolution has been amended to correct the Approved Plans date, which read “Received November 5, 2014”-Two (2) sheets” now reads “Received February 10, 2015”-(4) sheets”. Corrected in Bulletin No. 8, Vol. 100, dated February 18, 2015.