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AND APPEALS

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April 1, 2015

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Tuesday, March 24, 2015**

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DOCKETS

New Case Filed Up to March 24, 2015

46-15-A

170-178 Beach 26th Street, eas side of Beach 26th Street, 200 feet south of the intersection with Seagirt Avenue, Block 15817, Lot(s) 41 (41 Tent), Borough of **Queens, Community Board: 14**. Application is made to obtain authorization to continue and complete construction of five three-family homes under the elements of common law vested rights. R3A district.

47-15-A

170-178 Beach 26th Street, eas side of Beach 26th Street, 200 feet south of the intersection with Seagirt Avenue, Block 15817, Lot(s) 41 (42 Tent), Borough of **Queens, Community Board: 14**. Application is made to obtain authorization to continue and complete construction of five three-family homes under the elements of common law vested rights. R3A district.

48-15-A

170-178 Beach 26th Street, eas side of Beach 26th Street, 200 feet south of the intersection with Seagirt Avenue, Block 15817, Lot(s) 41 (43 Tent), Borough of **Queens, Community Board: 14**. Application is made to obtain authorization to continue and complete construction of five three-family homes under the elements of common law vested rights. R3A district.

49-15-A

170-178 Beach 26th Street, eas side of Beach 26th Street, 200 feet south of the intersection with Seagirt Avenue, Block 15817, Lot(s) 41 (44 Tent), Borough of **Queens, Community Board: 14**. Application is made to obtain authorization to continue and complete construction of five three-family homes under the elements of common law vested rights. R3A district.

50-15-A

170-178 Beach 26th Street, eas side of Beach 26th Street, 200 feet south of the intersection with Seagirt Avenue, Block 15817, Lot(s) 41 (45 Tent), Borough of **Queens, Community Board: 14**. Application is made to obtain authorization to continue and complete construction of five three-family homes under the elements of common law vested rights. R3A district.

51-15-BZ

1348 East 26th Street, between Avenues M & N, Block 07661, Lot(s) 0081, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) for the enlargement of single family home. R2 zoning district. R2 district.

52-15-BZ

102-16 Liberty Avenue, Southwest corner of intersection of Liberty Avenue and 103rd Street, Block 09523, Lot(s) 5, Borough of **Queens, Community Board: 10**. Special Permit (§73-36) to permit a physical culture establishment (PCE) Blink Fitness within a cellar and one-story commercial building, located within an C2-3/R6B zoning district. C2-3(R6B) district.

53-15-BZ

10 East 53rd Street, South side of east 53rd St., 125 feet west of intersection of East 53rd Street and 5th Avenue., Block 01288, Lot(s) 7, Borough of **Manhattan, Community Board: 5**. Special Permit (§73-36) to permit a physical culture establishment within an existing building, located within an C5-2.5(MID)+C.3MID)(F) zoning district. C5-2.5+C5-3MID district.

54-15-A

172 5th avenue, Site is situated on the Northwest corner of the intersection of Fifth Avenue and West 22nd Street, Block 0824, Lot(s) 36, Borough of **Manhattan, Community Board: 5**. Interpretative Appeals: file pursuant to MDL310 to vary MDL 211(1), to allow for a one-story vertical enlargement of the existing six-story and cellar mixed-use tenement building located within an C6-4M zoning district. C6-4M district.

55-15-BZ

405 West 55th Street, Located on the northwest corner of Ninth Avenue and West 55th Street, Block 01065, Lot(s) 29, Borough of **Manhattan, Community Board: 4**. Variance (§72-21) to allow for the enlargement of a Alvin Alley Dance foundation's existing building to provide additional dance studios, classrooms, and offices, located within an R8/C!-5, C6-2 Clinton Preservation Area zoning distract. R8/Cl-5,C6-2CPA district.

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56-15-BZ

2124 Avenue J, Southwest corner of Avenue J and East 22nd Street, Block 07603, Lot(s) 49, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) to permit the enlargement of a three story one family home and waive the floor are requirement located within an R2 zoning district. R2 district.

57-15-BZ

482 Logan Street, Logan Street, between Pitkin Avenue and Belmont Avenue, Block 04227, Lot(s) 30, Borough of **Queens, Community Board: 5**. Variance (§72-21) to permit the development of a three-story, three family residential and to waive the side yard open space of the existing premises, located within an R5/C1-3 zoning district. R5/C1-3 district.

58-15-A

139-141 Orchard, Through-block lot with frontage on Orchard Street, Rivington Street and Allen Street, Block 0415, Lot(s) 61,626366,67, Borough of **Manhattan, Community Board: 3**. Vested Rights-under common-law doctrine to complete construction pursuant to lawfully issued DOB permit based on prior zoning designation, located within an C4-4A zoning district. C4-4A district.

59-15-BZ

80 Fifth Avenue, Southwest corner of West 14th Street, Block 0577, Lot(s) 39, Borough of **Manhattan, Community Board: 2**. Special Permit (§73-36) to allow for a physical culture establishment (PCE Fitness Place) at the existing building, located within an C6-M4 zoning district. C6-M4 district.

60-15-BZ

111 Fulton Street, Fulton Street between William Street and Nassau Street, Block 091, Lot(s) 7502, Borough of **Manhattan, Community Board: 1**. Special Permit (§73-36) to allow for a Physical Culture Establishment (Cross Fit, within the cellar of a ten story mixed use building located within anC6-4/LM zoning district. C6-4/LM district.

61-15-BZ

540 West 26th Street, An interior lot on the south side of West 26th Street 100;east of intersection of 11th Avenue and West 26th Street, Block 0697, Lot(s) 56, Borough of **Manhattan, Community Board: 4**. Special Permit (73-19) to permit the operation of a portion of a school known as Avenues(The School) Use Group 3A, located in a M1-5 zoning district. M1-5 SWCD district.

62-15-BZ

139 Bay Street, Bay Street between Slosson terrace and Central Avenue, Block 01, Lot(s) 10,17,18,19, Borough of **Staten Island, Community Board: 1**. Variance (§72-21) enlargement of a mixed use building contrary floor area regulations, lot coverage, balconies below third story, distance from legally required windows t lot lines and side yard regulation, located within an C4-2/SG zoning district. C4-2/SG district.

63-15-BZ

35 Sutton Place, Corner through-lot with frontage on 59th Street between Sutton Place and Riverview Terrace, Block 01372, Lot(s) 73, Borough of **Manhattan, Community Board: 6**. Variance (§72-21) to legalize the three existing enclosures of portions of the terrace of Unit PHC located on the penthouse floor of the premises, located within an R10 zoning district. R10 district.

64-15-BZ

39 Clarkson Street, north side of Clarkson Street, 117 feet east of the corner formed by intersection of Greenwich Street and Clarkson Street, Block 00601, Lot(s) 0072, Borough of **Manhattan, Community Board: 2**. Variance (§72-21) to permit the conversion of a former manufacturing building to residential use contrary to 42-10. M1-6 zoning district. M1-5 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

APRIL 14, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 14, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

APPEALS CALENDAR

218-14-A

APPLICANT – Paul F. Bonfilio, R.A., for Bo Qian, owner.
SUBJECT – Application September 4, 2014 – Proposed construction of a four-story residential building for eleven units within the bed of 45th Avenue at its intersection within a bed of unmapped street, contrary to GCL 35. R5 zoning district.

PREMISES AFFECTED – 46-03 88th Street, 45th Avenue at intersection of 88th Street, Block 1584, Lot 16, Borough of Queens.

COMMUNITY BOARD #4Q

320-14-A

APPLICANT – Dean Heitner, Esq., for PWV owner LLC c/o The Chevrolet Group, owner.

SUBJECT – Application December 8, 2014 – Interpretative Appeals for an open space requirements on a zoning lot for a proposed nursing facility to be constructed by Jewish Home Life Care on West 97th Street. R7-2/C1-8 zoning district.

PREMISES AFFECTED – 125 West 97th Street, between Amsterdam Avenue and Columbus Avenue, Block 1852, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #7M

APRIL 14, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 14, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

29-14-BZ

APPLICANT – Lewis Garfinkel for Leon Goldenberg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-14a); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 1255 East 27th Street, East side of East 27th Street, 325 feet from the North corner of Avenue M. Block 7645, Lot 25. Borough of Brooklyn.

COMMUNITY BOARD #14BK

182-14-BZ

APPLICANT – Eric Palatnik, PC, for Izhak Lati, owner.

SUBJECT – Application August 5, 2014 – Special Permit (§73-622) for the enlargement of an existing single family, two story dwelling contrary to floor area (ZR 23-141(b)); side yards (ZR 23-461) and less than the minimum rear yard (ZR 23-47). R5 zoning district.

PREMISES AFFECTED – 1977 Homecrest Avenue, between Avenue "S" and Avenue "T", Block 7291, Lot 136, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Ryan Singer, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MARCH 24, 2015
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

172-79-BZ

APPLICANT – Alfonso Duarte, for Luciano Utopia LLC.,
owner.

SUBJECT – Application July 16, 2014 – Extension of Term
of a previously approved variance permitting the operation
of a Real Estate office and accessory parking which will
expire on July 24, 2014. R2 zoning district.

PREMISES AFFECTED – 167-04 Northern Boulevard,
southeast corner of 16th Street, Block 5398, Lot 11,
Borough of Queens

COMMUNITY BOARD #4Q

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 May 19,
2015, at 10 A.M., for decision, hearing closed.

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 – Off-Calendar.

26-02-BZ

APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty
LLC, owner.

SUBJECT – Application March 14, 2014 – Extension of
Term of a previously approved Variance (§72-21) which
permitted the operation of an Automotive Service Station
(UG 16B) with accessory uses, which expired on December
10, 2012; Amendment to covert the existing bays into
accessory convenience store and to enlarge the building;
Waiver of the Rules. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 1680 Richmond Avenue aka
3101 Victory Boulevard, northwest corner of Richmond

Avenue and Victory Boulevard, Block 2160, Lot 1, Borough
Staten Island.

COMMUNITY BOARD #2SI

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 April 14,
2015, at 10 A.M., for decision, hearing closed.

150-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Shun K. and Oi-
Yee Fung, owners.

SUBJECT – Application May 2, 2014 – Amendment of a
previously approved variance to permit the construction of a
four-story building with retail space and one-car garage.
C6-2G zoning district.

PREMISES AFFECTED – 129 Elizabeth Street, west side
of Elizabeth Street between Broome and Grand Street,
Block 470, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #2M

ACTION OF THE BOARD – Laid over to May 12,
2015, at 10 A.M., for continued hearing.

51-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Rivoli Realty
Corp., owner; American Dance & Drama, lessee.

SUBJECT – Application July 10, 2014 – Amendment of a
variance (§72-21) which permitted a Physical Culture
Establishment and a dance studio (Use Group 9), contrary to
use regulations. The amendment seeks to enlarge the floor
area utilized by the dance studio on the first floor of the
existing one-story and cellar building. C1-2/R2A zoning
district.

PREMISES AFFECTED – 188-02 Union Turnpike aka 22
Union Turnpike, south side of Union Turnpike between
188th Street and 189th Street, Block 7266, Lot 1, Borough
of Queens.

COMMUNITY BOARD #8Q

ACTION OF THE BOARD – Laid over to June 2,
2015, at 10 A.M., for continued hearing.

APPEALS CALENDAR

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

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2, Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to May 19, 2015, at 10 A.M., for continued hearing.

167-14-A

APPLICANT – Eric Palatnik, P.C., for 250 Manhattan LLC, owner.

SUBJECT – Application July 11, 2014 – Appeal seeking a determination that the owner has obtained a vested right to complete construction commenced under the prior C4-3(R6) zoning district. R6B zoning district.

PREMISES AFFECTED – 250 Manhattan Avenue, between Powers Avenue and Grand Street, Block 2782, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to May 12, 2015, at 10 A.M., for continued hearing.

ZONING CALENDAR

81-12-BZ

CEQR #12-BSA-112Q

APPLICANT – Eric Palatnik, P.C., for McDonald's Real Estate Co., owner.

SUBJECT – Application April 5, 2012 – Special Permit (§73-243) to permit the demolition and reconstruction of an eating and drinking establishment (Use Group 6) with an accessory drive-through and on-site parking. C1-3/R3-2/R3A zoning district.

PREMISES AFFECTED – 98-01/05 Metropolitan Avenue, northeast corner of 69th Road, Block 3207, Lot(s) 26 & 23, Borough of Queens.

COMMUNITY BOARD #6Q

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 Aril 28, 2014, acting on DOB Application No. 420508766, reads:

Proposed reinstatement of existing Use Group – 6 eating and drinking establishment with accessory drive thru, requires special permit pursuant to zoning resolution section 73-243; and

WHEREAS, this is an application under ZR §§ 73-243 and 73-03, to permit, on a site within an R3-2 (C1-3) zoning district, and also within an R3A zoning district, the operation of an existing accessory drive-through facility operating in conjunction with an eating and drinking establishment (Use Group 6), contrary to ZR § 32-15; and

WHEREAS, a public hearing was held on this application on September 16, 2014, with a continued hearing on January 27, 2015, and then to decision on March 24, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

WHEREAS, Community Board 6, Queens, expressed no objection to this application; and

WHEREAS, the subject site located on the north side of Metropolitan Avenue, between 69th Road and 70th Avenue, within an R3-2 (C1-3) zoning district, and also within an R3A zoning district, in Queens; and

WHEREAS, the site has approximately 222 feet of frontage along Metropolitan Avenue, and approximately 23,916 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story eating and drinking establishment (Use Group 6, operated as a McDonald’s franchise) with approximately 4,000 sq. ft. of floor area (0.15 FAR), an accessory drive-through, and 31 on-site accessory parking spaces; and

WHEREAS, the existing accessory drive-through was added to the eating and drinking pursuant to a special permit issued by the Board under BSA Cal. No. 614-83-BZ, the term of which was last extended on November 4, 1998 and which expired on November 3, 2003; and

WHEREAS, BSA Cal. No. 614-83-BZ was granted and subsequently amended at a time when a C1-2 zoning district overlay extended across the site to a depth of 150 feet from Metropolitan Avenue and, as such, the existing accessory drive-through and accessory parking spaces were all located within the C1-2 overlay; and

WHEREAS, on October 29, 2007, the zoning map of the City of New York was amended so that the commercial overlay at the subject site (previously a C1-2 commercial overlay with a depth of 150 feet from Metropolitan Avenue) a C1-3 overlay with a depth of 100 feet from Metropolitan Avenue, thus the R3A portion of the subject zoning lot contains approximately 6 accessory parking spaces, a portion of the existing accessory drive-through and refuse storage enclosures servicing the site; and

WHEREAS, on January 31, 2014, DOB determined, pursuant to ZRD1 Reference No. 28643, filed under DOB Application No. 420508766, that “the commercial accessory uses located within the R3A District portion of the [subject] zoning lot may continue...”; and

WHEREAS, because the previously-issued special permit is expired, the instant application seeks a new special permit, as per §1-07.3(b)(3)(iii) of the Board’s Rules of Practice and Procedure; and

WHEREAS, the Board notes that a special permit is required for the proposed accessory drive-through facility in the R3-2 (C1-3) zoning district, pursuant to ZR § 73-243; and

WHEREAS, under ZR § 73-243, the applicant must demonstrate that: (1) the drive-through facility provides reservoir space for not less than ten automobiles; (2) the drive-through facility will cause minimal interference with traffic

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flow in the immediate vicinity; (3) the eating and drinking establishment with accessory drive-through facility complies with accessory off-street parking regulations; (4) the character of the commercially-zoned street frontage within 500 feet of the subject site reflects substantial orientation toward the motor vehicle; (5) the drive-through facility will not have an undue adverse impact on residences within the immediate vicinity; and (6) there will be adequate buffering between the drive-through facility and adjacent residential uses; and

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

WHEREAS, the applicant represents that the facility will cause minimal interference with traffic flow in the immediate vicinity of the subject site, which has two existing curb cuts on Metropolitan Avenue and another existing curb cut on 69th Road, and notes that the existing facility has been operating since 1984 pursuant to the approval of a special permit by this Board; and

WHEREAS, in addition, the applicant submitted a zoning analysis form reflecting that the facility complies with the accessory off-street parking regulations for the R3-2 (C1-3) zoning district; there are 31 accessory spaces on the site, 14 in excess of the 17 required spaces; and

WHEREAS, the applicant represents that the facility conforms to the character of the commercially zoned street frontage within 500 feet of the subject site, which reflects substantial orientation toward motor vehicles and is predominantly commercial in nature; and

WHEREAS, the applicant notes that Metropolitan Avenue is one of the busiest commercial thoroughfares in Queens and that there are seven other eating and drinking establishments within a mile of the subject site; and

WHEREAS, the applicant represents that the drive-through facility will not have an undue adverse impact on residences within the immediate vicinity of the subject site and there will be adequate buffering between the drive-through facility and adjacent residential uses; and

WHEREAS, the applicant states that the impact of the drive-through upon residences is minimal, in that (a) all curb cuts will be located on Metropolitan Avenue and 69th Road, within the C1-3 overlay, thereby avoiding any adverse traffic impact on neighboring residential uses; (b) the hours of operation of the existing accessory drive-through facility are limited to 6:00 a.m. to 12:00 a.m.; (c) all lighting at the subject site will be directed away from adjacent residential uses; (d) an 8'-0" high fence with slats and landscaping along the property line will provide a buffer between the subject site and the neighboring residential uses; (e) the outdoor menu soundboard utilized by the operator of the subject site will be located 71'-0" from the residential use closest to the subject site, and will feature automatic sound adjustment to decrease with a reduction in ambient sound and will have a maximum sound pressure of 54dBA; (f) cedar planters will be used to close off parking spaces designates as spots 11, 12, 13, and 14 on the BSA-approved plans between the hours of 9:00 p.m. and 8:00 a.m.; (g) waste removal at the site will occur three

times per week; and (h) the trash will be enclosed on three sides by a brick wall, and by a fence; and

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

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-243 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 12-BSA-112Q dated March 23, 2015; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-243 and 73-03 to permit, on a site within an R3-2 (C1-3) zoning district, and also within an R3A zoning district, the operation of an accessory drive-through facility operating in conjunction with an as-of-right eating and drinking establishment (Use Group 6), contrary to ZR §32-15; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 18, 2015"- (7) sheets; and *on further condition*:

THAT the term of this grant will expire on March 24, 2025;

THAT the outdoor menu soundboard utilized by the

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operator of the subject site will be located 71'-0" from the residential use closest to the subject site and will feature automatic sound adjustment to decrease with a reduction in ambient sound and will have a maximum sound pressure of 54dBA;

THAT waste removal at the site will occur three times per week;

THAT parking and queuing space for the drive-through will be provided as indicated on the BSA-approved plans;

THAT cedar planters will be used to close off parking spaces designates as spots 11, 12, 13, and 14 on the BSA-approved plans between the hours of 9:00 p.m. and 8:00 a.m.;

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

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

THAT all signage, including directional signs, will conform to applicable zoning district regulations;

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

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

THAT 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) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 24, 2015.

65-13-BZ

CEQR #13-BSA-097K

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 – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez3

Negative:.....0

Absent: Chair Perlmutter.....1

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated January 24, 2013, acting on DOB Application No. 320704519, reads in pertinent part:

Residential building proposed in M1-1 (zoning district) contrary to 42-00; and

WHEREAS, this is an application under ZR § 72-21, to

permit, on a site partially within an M1-1 zoning district and partially within an M1-2/R6A zoning district, the construction of a three-story multiple dwelling (Use Group 2), contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on December 10, 2013, after due notice by publication in the *City Record*, with subsequent hearings on February 25, 2014, April 29, 2014, June 24, 2014, November 25, 2014, and then to decision on March 24, 2015; and

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

WHEREAS, Community Board 3, Brooklyn, recommends disapproval of this application; 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 comprises Tax Lots 9 and 108; it has 37'-6" of frontage along Franklin Avenue, a depth of 123 feet, and approximately 4,612 sq. ft. of lot area; and

WHEREAS, the site is occupied by a vacant, three-story frame residential building, which dates from the late 19th Century; and

WHEREAS, the applicant notes that residential use became non-conforming at the site as of December 15, 1961, when the M1-1 designation took effect; and

WHEREAS, the applicant states that the existing building at the site is structurally unsound and cannot be rehabilitated; in support of this statement, the applicant submitted a report from a structural engineer, which details the deterioration of the building and contrasts such deterioration with nearby buildings of a similar vintage; and

WHEREAS, because the building cannot be retained, the applicant seeks a use variance to maintain the site's historic residential use by constructing a new three-story multiple dwelling with 8,991 sq. ft. of floor area (1.95 FAR), five dwelling units, 65-percent lot coverage, a rear yard depth of 36'-0", and a building height of 38'-0"; and

WHEREAS, initially, the applicant proposed a five-story multiple dwelling with 13,838 sq. ft. of floor area (3.0 FAR), nine dwelling units, 63-percent lot coverage, a rear yard depth of 30'-0", and a building height of 57'-0"; and

WHEREAS, at the Board's direction, through the hearing process, the proposal was reduced in height, number of stories, number of dwelling units, and FAR; 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 history of residential use and adjacency to residential buildings on all sides and across the street; (2) its narrowness; and (3) the condition of the existing building at the site; and

WHEREAS, the applicant states that a residential building has occupied the site for more than 100 years, and that there are residential buildings directly adjacent to the site on all sides and across the street; and

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WHEREAS, in addition, the applicant notes that a portion of the site is within an M1-2/R6A zoning district, where the proposed use is permitted as-of-right; and

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

WHEREAS, in particular, the applicant states that the site's narrowness yields a conforming manufacturing or commercial building with small, inefficient, and narrow floor plates, which, when considered in conjunction with the adjacent residential uses, would not be attractive to a modern conforming use; and

WHEREAS, in support of its claim that the site is not feasible for modern manufacturing use, the applicant conducted a study of the 13 sites occupied by conforming uses on Franklin Avenue between Flushing Avenue and Myrtle Avenue; and

WHEREAS, based on the study, the applicant states that only two sites are narrower than the subject site and the other 11 are wider, including nine with a width of at least 62 feet; and

WHEREAS, thus, the applicant concludes that the subject site is significantly narrower than the vast majority of nearby sites occupied by conforming uses; and

WHEREAS, as to the uniqueness of the existing residential building itself, the applicant provided an engineer's report that indicates that the building is structurally compromised in a manner that makes renovation infeasible; the report also notes that unlike nearby buildings of a similar vintage with similarly-antiquated construction techniques and materials, the subject building is detached; and

WHEREAS, consequently, the applicant contends that unlike attached (and even semi-detached) buildings from the same era, this building is free to move both laterally and vertically and it is subject to rotation on its foundation, resulting in a building that is uniquely unstable and unsuitable for rehabilitation; and

WHEREAS, to support the assertion that the building's detachedness is unique, the applicant provided a survey, which reflects that within 800 feet of the site, a total of 32 detached buildings were built around the time that the subject building was built, employed similar materials and methods; of these 32 detached buildings, the applicant states that only seven such buildings (less than one percent of the building stock within 800 feet of the site) remain; accordingly, the applicant concludes that existing building on the site contributes to the site's uniqueness and its unsuitability for conforming uses; and

WHEREAS, the Board agrees with the applicant that the site's historic residential use, adjacency to other residential uses, and narrow width, as well as the existing detached building at the site, 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 and the

proposal; and

WHEREAS, according to the study, a one-story building with approximately 4,613 sq. ft. of floor area occupied by a manufacturing use would yield a negative 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 condition, 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 that the subject block is primarily developed with residential buildings; as noted above, a portion of the site is located within an M1-1/R6A zoning district, where the proposed use would be as-of-right; and

WHEREAS, as to adjacent uses, as noted above, there are residential uses on all adjacent lots and across the street; and

WHEREAS, the applicant also notes that the site has historically been occupied by a residential building; thus, the applicant asserts that the site, and the neighboring stretch of Franklin Avenue, have a long-standing residential character despite the site's M1-1 designation; 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 complies in all respects with the R6A bulk regulations; and

WHEREAS, at hearing, the Board expressed concerns regarding: (1) the compatibility of the originally-proposed building height and number of stories with the surrounding residential buildings; and (2) the proposed layouts of the dwelling units; and

WHEREAS, in response, the applicant: (1) reduced the height from 57'-0" to 38'-0" and the number of stories from five to three, and provided a streetscape, which demonstrates that the proposal is consistent with the height of the surrounding residential buildings; and (2) removed the interior partitions from the proposed plans, with the understanding that all interior layouts will be as reviewed and approved by DOB; 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

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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-097K, dated February 15, 2013; and

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

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") reviewed the project for potential archaeological impacts and requested that an archaeological documentary study (Phase 1A) be submitted for review and approval; and

WHEREAS, A Restrictive Declaration for an archaeological study was executed and filed for recording on March 2, 2015; 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 site partially within an M1-1 zoning district and partially within an M1-2/R6A 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 July 21, 2014" –(10) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 8,991 sq. ft. (1.95 FAR),

five dwelling units, a minimum lot coverage of 65 percent, a minimum rear yard depth of 36'-0", and a maximum building height of 38'-0", as indicated on the BSA-approved plans;

THAT the layouts of the dwelling units shall 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 shall be signed off by DOB and all other relevant agencies by March 24, 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 a permit shall not be issued for any grading, excavation, foundation or other permit which involves soil disturbance until, pursuant to the Restrictive Declaration, the LPC has issued to DOB, as applicable, either a Notice of No Objection, Notice to Proceed, Notice of Satisfaction, or Final Notice of Satisfaction;

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, March 24, 2015.

321-13-BZ

APPLICANT – Eric Palatnik, P.C., for Alejandro Finardo, owner.

SUBJECT – Application December 18, 2013 – Variance (§72-21) for the construction of a three family home on a vacant lot, contrary to side yard requirements (§23-462(a)) and the parking space requirements of (§25-32). R5 zoning district.

PREMISES AFFECTED – 37-19 104th Street, between 37th Avenue and 37th Road, Block 1771, Lot 42, Borough of Queens.

COMMUNITY BOARD #3Q

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 November 21, 2013, acting on DOB Application No. 420568406, reads in pertinent part:

1. As per ZR 23-462(a), other than single-or two-family residences, a building containing residences are required to have two (2) side yards each with a minimum width of eight (8) feet.
2. As per ZR 25-23 Group Parking Facilities, for

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all new residences, in a [SIC] R5 district, parking shall be provided for 85% of the total number of residences; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a vacant site within an R5 zoning district, the construction of a three-story, three-family residential building that does not comply with the zoning requirements for side yards and parking, contrary to ZR §§ 23-462 and 25-23; and

WHEREAS, a public hearing was held on this application on November 18, 2014, after due notice by publication in the *City Record*, with continued hearings on January 27, 2015, March 3, 2015, and then to decision on March 24, 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 3, Manhattan, recommends that the instant application be disapproved; and

WHEREAS, the subject site is a rectangular lot located on the east side of 104th Street, between 37th Avenue and 37th Road, within an R5 zoning district, in Queens; and

WHEREAS, the site has 25 feet of frontage along 104th Street, and a depth of 100 feet, and 2,500 sq. ft. of lot area; and

WHEREAS, the site is vacant and located in an R5 zoning district which was rezoned from an R6B zoning district in 2009; and

WHEREAS, the applicant proposes to construct a three-story, three-family residential building, with a cellar, which will contain 3,120 sq. ft. of floor area (FAR 1.24), have a lot coverage of 42 percent, will be 30'-09" in height, will have a front yard of 10'-0", will have a rear yard of 38'-0", side yards of 2'-0" (to the north) and 3'-0" (to the south), with no parking spaces; and

WHEREAS, in order to construct the building as proposed, the applicant seeks the following waivers: (1) side yards with widths of 2'-0" and 3'-0" (per ZR § 23-462, two side yards are required, each with a minimum width of 8'-0"); and (2) zero parking spaces (per ZR § 25-23, three parking spaces are required in an R5 zoning district with three dwelling units); and

WHEREAS, the applicant states that, in accordance with ZR § 72-21(a), the following are unique physical conditions that create practical difficulties and unnecessary hardships in developing the site in compliance with applicable regulations:

(1) the narrow width of the site; and (2) that fact that the site is vacant; and

WHEREAS, the applicant states that the site's narrow width (25'-0") and the fact that it is vacant render the site unique, and sites, in support of that statement, a land use study concluding that within approximately 400 feet of the site, there are six lots (of a total 153 lots) of 35 feet or less in width that are also vacant; and

WHEREAS, the applicant distinguishes the instant site from the five other sites within the 400 foot radius of the site by noting that (1) one of the sites is being developed and will

be occupied by a semi-detached house; (2) two of the sites are utilized as a parking lots for a church on an adjacent site; (3) another one of the sites, currently used for parking, can be improved with a semi-detached building; and (4) one of the lots, while vacant, is under common ownership with an adjacent site; and

WHEREAS, the applicant concludes that for the foregoing reasons, the site is unique in that it is the only vacant site with a width of less than 35 feet which is impacted by the side yard requirements applicable to buildings within an R5 zoning district within an area of approximately 400 feet; and

WHEREAS, the applicant asserts that the site's unique characteristics create unnecessary hardships in developing the site as-of-right; and

WHEREAS, the applicant notes that the site cannot be developed with a one- or two-family home because it does not have the minimum lot area required in an R5 zoning district, as per ZR §23-32, and states that because of the site's narrow width, a complying three-family home would result in a residential building with dwelling units 9'-0" in width; and

WHEREAS, the applicant states further that providing the three required parking spaces on the site would similarly render the development infeasible due to the lot's narrowness; and

WHEREAS, at hearing, the Board questioned whether the required parking could be located in such a way so as not to render a parking compliant three-family home impracticable; and

WHEREAS, in response, the applicant provided drawings depicting parking situated in the rear of the proposed building and demonstrated that a driveway with a minimum width of 8'-0" leading to the rear of the proposed building would result in a building with a width of 15'-0"; and

WHEREAS, the applicant responded further that parking could not be located in front of the proposed building because setting the proposed building back to accommodate the parking spaces would result in an encroachment into the required 30'-0" rear yard and because if three cars were parked in front of the proposed building, they would impede access thereto; and

WHEREAS, the Board agrees that it is not feasible to provide parking on the site; and

WHEREAS, based upon the foregoing, the Board finds that the site's narrow width, and the fact that it is vacant, constitute unique physical conditions that create unnecessary hardships in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant contends that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in compliance with the Zoning Resolution; and

WHEREAS, in addition to the proposal, the applicant studied the feasibility of constructing an as-of-right three-family home which, as discussed above, would feature a 9'-0" wide residential building with a living space that is only 7'-0" wide; and

WHEREAS, the applicant states that the as-of-right makes it impossible for the applicant earn a reasonable return

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on the zoning lot; and

WHEREAS, the applicant also notes that because the adjacent sites to the north and south of the subject site are improved with detached homes it is not feasible to build an attached home in the space; and

WHEREAS, thus, the applicant contends that only the proposal would realize a reasonable rate of return on investment; and

WHEREAS, based upon its review of the applicant's economic analysis, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in compliance with applicable zoning requirements would 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 that the neighborhood is characterized by three-family homes and narrow buildings; and

WHEREAS, the applicant submits a study of three-family homes within 400 feet of the site, which concludes that of the 153 lots within that radius, there are 35 lots occupied by three-family homes (23%); and

WHEREAS, the applicant further submits a study and photographic evidence of narrow and non-compliant side yards and states that the requested side yard waiver will not alter the essential character of the neighborhood in which the site is located; and

WHEREAS, as the applicant performed an analysis of the width of buildings within 400 feet of the subject site and concludes that of the 146 homes that are within 400 feet of the site, 56 (38%) are 20'-0" or less in width and that 44 (30%) are between 20'-0" and 23'-0" in width, thus, the width of the proposed building will be consistent with neighborhood character; and

WHEREAS, with respect to the requested waiver of the applicable parking regulations, the applicant states that the neighborhood in which the subject site is located is well served by public transportation, including the 7 train and E/F/M/R subway lines and the Q23 bus line; 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 due to the peculiarities of the site; and

WHEREAS, the Board also finds that this proposal is the minimum necessary to afford the owner relief, in accordance with ZR § 72-21(e); and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under

ZR § 72-21; 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 Type II, 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 to permit, on a vacant site within an R5 zoning district, the construction of a three-story, three-family residential building that does not comply with the zoning requirements for side yards and parking, contrary to ZR §§ 23-462 and 25-23; *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 7, 2014" – (10) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the proposed building: a maximum of three stories, a maximum of 3,120 sq. ft. of floor area (1.24 FAR), side yards with minimum widths of 2'-0" (to the north) and 3'-0" (to the south), and zero parking spaces;

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 March 24, 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, March 24, 2015.

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28-14-BZ

CEQR #14-BSA-114K

APPLICANT – Eric Palatnik, P.C. for McDonald Corporation, owner; Brooklyn Avenue U Enterprises Corporation, lessee.

SUBJECT – Application February 10, 2014 – Special Permit (§73-243) to permit the continued use and (Use Group 6) eating and drinking establishment with an accessory drive-through. C1-2/R4 zoning district.

PREMISES AFFECTED – 3540 Nostrand Avenue, westside of Nostrand Avenue, between Avenue V and Avenue W. Block 7386, Lot(s) 114 and 117. Borough of Brooklyn.

COMMUNITY BOARD #15BK

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 January 13, 2014, acting on DOB Application No. 320454192, reads:

Eating or Drinking establishment with an accessory drive through facility is not permitted as of right in C1 District contrary to ZR 32-15; and

WHEREAS, this is an application under ZR §§ 73-243 and 73-03, to permit, on a site within an R4 (C1-2) zoning district, the operation of an accessory drive-through facility operating in conjunction with an as-of-right eating and drinking establishment (Use Group 6), contrary to ZR § 32-15; and

WHEREAS, a public hearing was held on this application on October 21, 2014, with continued hearings on January 27, 2015, and March 3, 2015, and then to decision on March 24, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site located on the west side of Nostrand Avenue, between Avenue V and Avenue W, within an R4 (C1-2) zoning district, in Brooklyn; and

WHEREAS, the site has approximately 200 feet of frontage along Nostrand Avenue, and approximately 21,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a one-story eating and drinking establishment (Use Group 6, operated as a McDonald’s franchise) with 3,268 sq. ft. of floor area (0.16 FAR), an accessory drive-through, and 28 accessory parking spaces; and

WHEREAS, the existing accessory drive-through was added to the eating and drinking on pursuant to a special permit issued by the Board on March 13, 1988, under BSA Cal. No. 1217-88-BZ, the term of which was last extended on October 12, 1999 and which expired on March 13, 2005; and

WHEREAS, because the previously-issued special permit is expired, the instant application seeks a new special permit, as per §1-07.3(b)(3)(iii) of the Board’s Rules of Practice and Procedure; and

WHEREAS, the Board notes that a special permit is required for the proposed accessory drive-through facility in the R4 (C1-2) zoning district, pursuant to ZR § 73-243; and

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

WHEREAS, the applicant submitted a site plan indicating that the drive-through facility provides reservoir space for ten automobiles; and

WHEREAS, the applicant represents that the facility will cause minimal interference with traffic flow in the immediate vicinity of the subject site, and notes that the existing facility has been operating since 1990; and

WHEREAS, the applicant further represents that Nostrand Avenue is a wide street which has two lanes of traffic and a parking lane in both directions and that the west side of Nostrand Avenue, where the subject site is located, is characterized primarily by commercial uses; and

WHEREAS, in addition, the applicant submitted a zoning analysis reflecting that the facility complies with the accessory off-street parking regulations for the R4 (C1-2) zoning district; there are 28 spaces on the site, as required; and

WHEREAS, the applicant represents that the facility conforms to the character of the commercially zoned street frontage within 400 feet of the site, which reflects substantial orientation toward automobiles and is predominantly commercial in nature; and

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

WHEREAS, the applicant states that the impact of the drive-through upon residences is minimal, in that (a) the sites to the north and south of the subject site are occupied with commercial uses; (b) Nostrand Avenue, which consists of four traffic lanes and two parking lines, is situated directly east of the subject site; and (c) there is a buffer fence to the west of site; and

WHEREAS, the applicant states that there will continue to be adequate buffering between the drive-through and adjacent uses in the form of a 6’-0” high chain link fence with safety top caps and 4-0” high perennials; and

WHEREAS, accordingly, the applicant represents that the drive-through facility satisfies each of the requirements for

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a special permit under ZR § 73-243; and

WHEREAS, at hearing, the Board raised concerns about the volume of the outdoor menu soundboard at the site, specifically, the volume of the menu board and its impact on neighboring residential uses; and

WHEREAS, in response the applicant explained that the menu soundboard utilizes a Panasonic 2 WX-CS460 outdoor speaker / microphone, which is fully adjustable between zero (0) decibels and sixty (60) decibels, and that the operator of the restaurant manually adjusts the volume to operate the sound board system in a manner that does not adversely impact neighboring residential uses; further, the applicant represents that the operator has agreed to reduce the volume of the soundboard at approximately 7:00 p.m., daily; and

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-243 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 14-BSA-114K dated February 7, 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.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-243 and 73-03 to permit, on a site within R4 (C1-2) zoning district, the operation of an accessory drive-through facility operating in conjunction with an as-of-right eating and drinking

establishment (Use Group 6), contrary to ZR §32-15; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "March 9, 2015"- (5) sheets; and *on further condition*:

THAT the term of this grant will expire on March 24, 2025;

THAT the operator of the restaurant shall remove or cause to be removed the trash from the site no fewer than six (6) times per week;

THAT the fencing at the subject site shall be well maintained and kept in good appearance;

THAT the operator of the restaurant shall cause extermination services to be performed at the site on a bi-monthly (twice a month) basis;

THAT the operator of the restaurant shall maintain the volume of its outdoor soundboard menu so as not to disturb residential neighbors;

THAT parking and queuing space for the drive-through will be provided as indicated on the BSA-approved plans;

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

THAT the planting shown on the Board approved plans shall consist of perennials and shall be well maintained;

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

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

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

THAT 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) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, March 24, 2015.

175-14-BZ CEQR #15-BSA-033M

APPLICANT – Greenberg Traurig, LLP, for 1162 Broadway LLC, owner.

SUBJECT – Application July 24, 2014 – Variance (§72-21) proposed the construction a new 14-story hotel building seeking waivers for setback and side yard requirements, located within a M1-6 zoning district in a historic district.

PREMISES AFFECTED – 1162 Broadway, east side of Broadway between W 27th Street and W 28th Street, Block 829, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #5M

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

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Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 9, 2014, acting on DOB Application No. 122013908, reads in pertinent part:

1. Proposed base height exceeds six stories, contrary to ZR 43-43;
2. No initial setback provided, contrary to ZR 43-43;
3. Open areas extending along each side lot line less than eight feet in width, contrary to ZR 43-25; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within an M1-6 zoning district, within the Madison Square North Historic District, the construction of a 14-story hotel (Use Group 5) that does not comply with the zoning requirements for height and setback and side yards, contrary to ZR §§ 43-25 and 43-43; and

WHEREAS, a public hearing was held on this application on January 27, 2015, after due notice by publication in the *City Record*, with a continued hearing on March 3, 2015, and then to decision on March 24, 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 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is a trapezoidal interior lot located on the east side of Broadway, between West 27th Street and West 28th Street, within an M1-6 zoning district, within the Madison Square North Historic District; and

WHEREAS, the site has 26.44 feet of frontage along Broadway, a lot depth that varies from 95.98 feet to 105.48 feet, and 2,475 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story commercial building (Use Group 6) with approximately 4,950 sq. ft. of floor area (2.0 FAR); and

WHEREAS, the applicant proposes to construct a 14-story hotel with 24,677 sq. ft. of floor area (10.0 FAR), a building height of 150’-0” without setbacks, and, beginning at the second story at 20’-0” above curb level, open areas with widths of 2’-4¼” along the northern and southern side lot lines at the street wall; such open areas will increase in depth—cant away from Broadway—as they extend upward, from a depth of 0’-1¾” at the second story to a depth of 7’-2½” at the fourteenth story; and

WHEREAS, in order to construct the building as proposed, the applicant seeks the following waivers: (1) open area extending along a side lot line (per ZR § 43-25, an open area extending along a side lot line shall have a minimum width of 8’-0”); and (2) height and setback (per ZR § 43-43, the maximum base height is 85’-0” or six stories, whichever is less; above that base, a setback with a minimum depth of 15’-0” is required and a sky-exposure plane of 5.6 to 1 must be maintained above the maximum base height); and

WHEREAS, the applicant states that, in accordance with

ZR § 72-21(a), the following are unique physical conditions that create practical difficulties and unnecessary hardships in developing the site in compliance with applicable regulations:

- (1) narrow width of the site; (2) the site’s small size; and (3) the classification of the existing building at the site as a “no style” building, according to the historic district designation report issued by the Landmarks Preservation Commission (“LPC”) for the Madison Square North Historic District; and

WHEREAS, the applicant states that the site’s narrow width (less than 25’-0”) and small size (less than 2,500 sq. ft. of lot area) are unique among 162 sites within the study area (the subject M1-6 zoning district between Fifth Avenue and Sixth Avenue, extending from West 23rd Street to West 31st Street); and

WHEREAS, the applicant represents that of those 162 sites, only five other sites (tax lots) are as small and narrow as the subject site and are also: (1) located within the historic district; and (2) occupied by a building classified as a “no style” or non-contributing building (sites occupied by contributing buildings were not considered comparably soft sites because, according to the applicant, LPC is unlikely to allow contributing buildings to be demolished or substantially enlarged); and

WHEREAS, the applicant asserts that unlike sites occupied by contributing buildings, LPC will allow the demolition of a “no style” building within a historic district; thus, the applicant contends that the subject site is more analogous to a vacant site than a site occupied by an underbuilt but contributing building; and

WHEREAS, the applicant also states that of the five sites that are similar to the subject site in terms of size, width, and lack of architectural significance, two sites have four or more above-grade stories; in contrast, the subject site has a building with only two stories; thus, two of five sites similar to the subject site are significantly more developed than the subject site; and

WHEREAS, the applicant concludes that because the site has similar characteristics (size, width, lack of architectural significance, and underdevelopment) to only three other sites among 162 sites in the study area, it is unique; and

WHEREAS, the applicant asserts that the site’s unique characteristics create unnecessary hardships in developing the site as-of-right; and

WHEREAS, specifically, the applicant states that due to the small and narrow shape of the site, a complying building—that is, a building with a 15-foot setback beginning at 85 feet—would have a maximum floorplate above the base of 1,362 sq. ft.; in addition, a complying building would rise 16 stories in order to utilize the 10.0 FAR permitted in the subject M1-6 district; as such, the construction costs for the complying building would be higher than for the proposed; and

WHEREAS, the applicant also states that building core (elevator shafts and stairwells) will occupy approximately 600 sq. ft. of the 1,362 sq. ft., leaving only 762 sq. ft. for hotel rooms in each of the eight stories above the maximum base

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height, resulting in three hotel rooms per story above the base and reducing the total number of hotel rooms to 50 (the proposal reflects 52 hotel rooms); accordingly, in addition to higher construction costs, the complying building would yield fewer hotel rooms; and

WHEREAS, as to the open area waiver, the applicant contends that it allows the creation of a significant architectural feature that will give the building a distinctive and recognizable façade, which, the applicant contends, will distinguish the proposed building, which will be occupied as a hotel, from nearby hotels; and

WHEREAS, at hearing, the Board noted that the buildings adjacent to the site are comparatively low-rise and therefore likely to be enlarged or replaced with taller buildings; as such, the Board questioned whether the distinctive architectural feature created by the waiver of ZR § 43-25 would be diminished in significance by higher abutting building walls; and

WHEREAS, in response, the applicant stated that the proposed building was designed with the understanding that the adjacent buildings were underdeveloped and that one or both could rise to a height similar to that proposed; further, the applicant asserted that the façade would remain distinctive even if both buildings were enlarged, because the use of light brick in the sloping wall and dark painted metal bays creates a contrast that is evident irrespective of adjacent building walls; the applicant also notes that neither building would be permitted to match the street wall of the proposed building as-of-right; finally, the applicant observes that any enlargement or redevelopment of the adjacent buildings is subject to the approval of LPC; and

WHEREAS, based upon the above, the Board finds that the site's narrow width, small size, and existing, two-story "no-style" building, in the aggregate, are unique physical conditions that create unnecessary hardships in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant contends that, per ZR § 72-21(b), there is no reasonable possibility of development of the site in compliance with the Zoning Resolution; and

WHEREAS, in addition to the proposal, the applicant studied the feasibility of constructing an as-of-right hotel at the site; as noted above, the as-of-right hotel would be 16 stories tall with a 15'-0" setback at the seventh story (resulting in increased construction costs) and have 50 hotel rooms (resulting in a lower operating income for the hotel); and

WHEREAS, thus, the applicant contends that only the proposal would realize a reasonable rate of return on investment; and

WHEREAS, based upon its review of the applicant's economic analysis, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in compliance with applicable zoning requirements would 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 that the surrounding neighborhood is characterized by medium- and high-density commercial buildings; uses include wholesale establishments, offices, eating and drinking establishments, and hotels; and

WHEREAS, as to adjacent uses, the applicant states that five-story office and retail buildings flank the site to the north and south; directly east of the site is an eight-story mixed residential and commercial building; west of the site, across Broadway, is a large office building with various retail and wholesale establishments at the ground floor; and

WHEREAS, the applicant states that the proposed hotel use is as-of-right in the subject M1-6 district and is entirely compatible with nearby existing uses; and

WHEREAS, turning to bulk, the applicant notes that, aside from the requested waivers, the proposal complies in all respects with the M1-6 bulk regulations, including building height and FAR; and

WHEREAS, the applicant contends that the requested waivers are essential to creating a building that complements the distinctive rowhouses, Art Deco-style towers, and loft buildings that characterize the Madison Square North Historic District, in that such buildings typically rise without setback and contain façade articulations and decorative elements; and

WHEREAS, LPC issued a Certificate of Appropriateness for the proposal dated, September 8, 2014; 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 due to the peculiarities of the site; and

WHEREAS, the Board also finds that this proposal is the minimum necessary to afford the owner relief, in accordance with ZR § 72-21(e); and

WHEREAS, 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 I action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the EAS CEQR No. 15-BSA-033M, dated November 4, 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

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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 Type I 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 to permit, on a site within an M1-6 zoning district, within the Madison Square North Historic District, the construction of a 14-story hotel (Use Group 5) that does not comply with the zoning requirements for height and setback and side yards, contrary to ZR §§ 43-25 and 43-43; *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 20, 2015"– twelve (12) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the proposed building: a maximum of 14 stories, a maximum of 24,677 sq. ft. of floor area (9.97 FAR), a maximum building height of 150'-0" without setbacks, and, beginning at the second story at 20'-0" above curb level, open areas with widths of 2'-4¼" along the northern and southern side lot lines at the street wall, as reflected on the BSA-approved drawings;

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 March 24, 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, March 24, 2015.

350-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Overcoming Love Ministries, owner.

SUBJECT – Application December 31, 2012 – Variance (§72-21) to permit the construction of an 11-story community facility/residential building, contrary to use regulations (§42-00). M3-1 zoning district.

PREMISES AFFECTED – 5 32nd Street, southeast corner of 2nd Avenue and 32nd Street, Block 675, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

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

309-13-BZ

APPLICANT – Law office of Lyra J. Altman, for Miriam Josefovic and Mark Josefovia, owners.

SUBJECT – Application November 22, 2013 – Special Permit (73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141); side yards (23-461) and less than the required rear yard (23-47). R2 zoning district.

PREMISES AFFECTED – 965 East 24th Street, east side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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

8-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Oleg Saitskiy, owner.

SUBJECT – Application January 16, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (23-141); side yards requirements (§23-461) and less than the rear yard requirement (23-47). R3-2 zoning district.

PREMISES AFFECTED – 1824 East 22nd Street, west side of East 22nd Street between Quentin Road and Avenue R, Block 6804, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to April 28, 2015, at 10 A.M., for continued hearing.

60-14-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Sephardic Congregation of Kew Gardens Hills, owners.

SUBJECT – Application April 11, 2014 – Variance (§72-21) to enlarge a community facility (*Sephardic Congregation*), contrary to floor lot coverage rear yard, height and setback (24-00). R4-1 zoning district.

PREMISES AFFECTED – 141-41 72nd Avenue, 72nd Avenue between Main Street and 141st Street, Block 6620, Lot 41, Borough of Queens.

COMMUNITY BOARD #8Q

ACTION OF THE BOARD – Laid over to May 19, 2015, at 10 A.M., for continued hearing.

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64-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Moshe Dov Stern & Goldie Stern, owners.

SUBJECT – Application April 29, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1320 East 23rd Street, west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to April 28, 2015, at 10 A.M., for continued hearing.

94-14-BZ

APPLICANT – Dennis D. Dell'Angelo, for Rivka Shapiro, owner.

SUBJECT – Application May 5, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141) and less than the required rear yard (ZR 23-47). R2 zoning district.

PREMISES AFFECTED – 1150 East 22nd Street, west side of East 22nd Street, 140' north of Avenue "K", Block 7603, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to April 21, 2015, at 10 A.M., for continued hearing.

146-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Fair Only Real Estate Corps., owner; LES Fitness LLC., lessee.

SUBJECT – Application June 23, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Bowery CrossFit*) in the cellar of an existing building. C6-1G zoning district.

PREMISES AFFECTED – 285 Grand Street, south side of Grand Street approximately 25' west of the intersection formed by Grand Street and Eldridge Street, Block 306, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

148-14-BZ

APPLICANT – Sheldon Lobel, P.C., for 11 Avenue A Realty LLC, owner.

SUBJECT – Application June 24, 2014 – Variance (§72-21) to permit multi-family residential use at the premises. R8A/C2-5 zoning districts.

PREMISES AFFECTED – 11 Avenue A, west side of Avenue A between East 1st Street and East 2nd Street, Block 429, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to April 28, 2015, at 10 A.M., for continued hearing.

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 April 28, 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; Wavier 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 May 12, 2015, at 10 A.M., for continued hearing.

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REGULAR MEETING
TUESDAY AFTERNOON, MARCH 24, 2015
1:00 P.M.

Negative:.....0
ACTION OF THE BOARD – Laid over to April 14,
2015, at 10 A.M., for decision, hearing closed.

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

Ryan Singer, Executive Director

ZONING CALENDAR

322-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver,
owner.

SUBJECT – Application December 18, 2013 – Re-
instatement (§11-411) of a previously approved variance
which permitted accessory parking on the zoning lot for the
use Group 6 commercial building, which expired on
September 23, 1990; Waiver of the Rules. R6/C1-2 and R6
zoning district.

PREMISES AFFECTED – 42-01 Main Street, southeast
corner of the intersection of Main Street and Maple Avenue,
Block 5135, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

ACTION OF THE BOARD – Laid over to July 14,
2015, at 10 A.M., for continued hearing.

51-14-BZ

APPLICANT – Lewis E. Garfinkel, for David Freier, owner.

SUBJECT – Application April 2, 2014 – Special Permit
(§73-622) for the enlargement of an existing single family
residence contrary to floor area and open space ZR §23-141;
side yards ZR §23-461 and rear yard ZR §23-47. R2 zoning
district.

PREMISES AFFECTED – 1369 East 28th Street, East side
of East 28th Street, 220' north from Avenue N, Block 7664,
Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to May 12,
2015, at 10 A.M., for continued hearing.

242-14-BZ

APPLICANT – Jay Goldstein, Esq., for Sutton Realty LLC.,
owner; Halevy Life, Inc., lessee.

SUBJECT – Application October 8, 2014 – Special Permit
(§73-36) to allow for operation of a physical culture
establishment (*Halevy Life*) on portions of the cellar and
first floor. C1-9 zoning district.

PREMISES AFFECTED – 212 East 57th Street, between
3rd Avenue and 2nd Avenue on the south side of 57th
Street, Block 1330, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #6M

THE VOTE TO CLOSE HEARING –

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