
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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Volume 86, No. 11

March 15, 2001

DIRECTORY

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CONTENTS

DOCKET	142
CALENDAR of April 3, 2001	
Morning	144
Afternoon	144

CONTENTS

MINUTES of Regular Meetings,

Tuesday, March 6, 2001

Morning Calendar145

Affecting Calendar Numbers:

240-55-BZ	207-22 Northern Boulevard, Queens
651-70-BZ	500 Baychester Avenue, Bronx
137-85-BZ	40-27/33 215 th Place, Queens
826-86-BZ thru 828-86-BZ	269-10/270-10/271-10 Grand Central Parkway, Queens
144-89-BZ	1800 Second Avenue, Manhattan
283-90-BZ	1400 Clove Road, a/k/a 2 Oswego Street, Staten Island
49-91-BZ	1845 Richmond Avenue, Staten Island
84-99-BZ	158/60 12 th Street and 137/63 13 th Street, Brooklyn
154-50-BZ	5213/29 Flatlands Avenue, a/k/a 1260/64 East 53 rd Street, Brooklyn
808-55-BZ	35-04 Bell Boulevard, Queens
87-69-BZ	104-09 Atlantic Avenue, Queens
271-71-BZ	1006/20 First Avenue, a/k/a 400/416 East 56 th Street, Manhattan
41-97-BZ	5566 Kings Highway, Brooklyn
122-99-A	91-70 Metropolitan Avenue, Queens
278-00-A	234 West 42 nd Street, Manhattan
258-00-A	225 East 43 rd Street, Manhattan
260-00-A thru 262-00-A	39/45/49 Weiner Street, Staten Island
281-00-A thru 285-00-A	417/419/421/423/425 Father Capodanno Boulevard, Staten Island
297-00-A	5 West 21 st Street, Manhattan

CONTENTS

Afternoon Calendar	151
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Affecting Calendar Numbers:

168-99-BZ thru 170-99-BZ	1/11/21 Hooper Street, Brooklyn
173-99-BZ	43-60 Ditmars Boulevard, a/k/a 43-02 Ditmars Boulevard, Queens
126-00-BZ	151 Kent Avenue, Brooklyn
192-00-BZ	144-43 Farmers Boulevard, Queens
289-00-BZ	160 Water Street, Manhattan
73-99-BZ	3901 Richmond Avenue, Staten Island
137-99-BZ	165/67 Norfolk Street, Brooklyn
186-99-BZ	74-24 Rockaway Boulevard, Queens
281-99-BZ	6055 Strictland Avenue, Brooklyn
174-00-BZ	79 Worth Street, Manhattan
186-00-BZ	2301 Avenue L, Brooklyn
193-00-BZ	87-26 Lefferts Boulevard, Queens
200-00-BZ	107-24 37 th Avenue, Queens
211-00-BZ	252 Norman Avenue, Brooklyn
212-00-BZ	640-666 Conduit Boulevard, a/k/a 600/608 Grant Avenue, Brooklyn
229-00-BZ	1840 58 th Street, Brooklyn
252-00-BZ	104-02/104-10 Rockaway Beach Boulevard, Queens
263-00-BZ	19 East 77 th Street, Manhattan
264-00-BZ	65-45 Fresh Meadow Lane, Queens
265-00-BZ	44 West 106 th Street, a/k/a 142 Manhattan Avenue, Manhattan

DOCKET

New Case Filed Up to March 6, 2001

99-01-A B.Q. 37-18 74th Street,
west side, 161.107' south of 37th Avenue, Block 1284, Lot 47,
Borough of Queens. Applic. #400883763. The legalization of
the conversion of a two story and cellar frame two family
dwelling to stores, Use Group 6, is contrary to §27-296 and
Table 4-1 of the New York City Building Code.

100-01-A B.S.I. 114 Churchill Avenue,
north side, 354.29' east of Veterans Road East, Block 7356,
Loot 80, Borough of Staten Island. Applic. #500466373.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

101-01-A B.S.I. 116 Churchill Avenue,
north side, 329.29' east of Veterans Road East, Block 7356,
Lot 81, Borough of Staten Island. Applic. #500466364.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

102-01-A B.S.I. 118 Churchill Avenue,
north side, 304.29' east of Veterans Road East, Block 7356,
Lot 82, Borough of Staten Island. Applic.#500466355.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

103-01-A B.S.I. 120 Churchill Avenue,
north side, 279.29' east of Veterans Road East, Block 7356,
Lot 83, Borough of Staten Island. Applic. #500466346.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

104-01-A B.S.I. 124 Churchill Avenue,
north side, 254.29' east of Veterans Road East, Block 7356,
Lot 84, Borough of Staten Island. Applic. #500466337.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

105-01-A B.S.I. 126 Churchill Avenue,

north side, 229.29' east of Veterans Road East, Block 7356,
Lot 85, Borough of Staten Island. Applic. #500466328.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

106-01-A B.S.I. 128 Churchill Avenue,
north side, 204.29' east of Veterans Road East, Block 7356,
Lot 86, Borough of Staten Island. Applic. #500466319.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

107-01-A B.S.I. 130 Churchill Avenue,
north side, 179.29' east of Veterans Road East, Block 7356,
Lot 87, Borough of Staten Island. Applic. #500466300.
Proposed construction of a two family dwelling not fronting
on a legally mapped street is contrary to Section 36, Article
3 of the General City Law.

108-01-A B.Q. 56 Bedford Avenue,
west side, 187.60' north of 12th Avenue, Block 16350, Lot 300,
Borough of Queens. Alt.1 #401075872. Proposed
enlargement of an existing one family dwelling, not fronting
on a legally mapped street and located partially within the
bed of a mapped street, is contrary to Sections 35 and 36,
Article 3 of the General City Law.

109-01-A B.Q. 69 Reid Avenue,
north side, 343.78' west of Rockaway Point Boulevard, Block
16350, Lot 300, Borough of Queens. Alt. 1 #40119538.
Proposed enlargement of an existing one family dwelling,
not fronting on a legally mapped street and located partially
within the bed of a mapped street, is contrary to Sections 35
and 36, Article 3 of the General City Law.

110-01-A B.Q. 108 Beach 219th Street,
west side, 120' south of Breezy Point Boulevard, Block
16350, Part of Lot 400, Borough of Queens. Applic.
#401287317. Proposed enlargement of an existing one family
dwelling, not fronting on a legally mapped street, is contrary
to Section 36, Article 3 of the General City Law.

DOCKET

111-01-BZ B.BK. 9001 Ditmas Avenue,
west side, between Remsen Avenue and East 91st Street,
Block 8108, Lot 6, Borough of Brooklyn. Applic.
#301128232. Proposed accessory drive-thru facility, for a
proposed eating and drinking establishment, located in a C1-
2 within an R2 zoning district, requires a special permit from
the Board as per Z.R. §73-243.

COMMUNITY BOARD #17BK

112-01-BZ B.BK. 1402/06 59th Street
(Tentative 1402 59th Street), corner of 59th Street and 14th
Avenue, Block 5713, Lots 8 and 10 (Tentative Lot 8),
Borough of Brooklyn. Applic. #301109066. Proposed
enlargement to an existing community facility, Use Group 4,
located in an R5 zoning district, which does not comply with
the zoning requirements for side yards and off-street parking
spaces, is contrary to Z.R. § §24-35 and 25-18.

COMMUNITY BOARD #12BK

113-01-A B.S.I. 23 Kinsey Place,
aka Woodcliff Avenue, southeast corner, Block 1290, Lot 61,
Borough of Staten Island. Applic. #500469860. Proposed
construction of a one story building to be used for the
storage of motor vehicles, not fronting on a legally mapped
street is contrary to Section 36, Article 3 of the General City
Law.

**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 3, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 3, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

234-56-BZ

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

617-80-BZ

APPLICANT -Sheldon Lobel, P.C., for Joseph Fekete, Pres J.S. Simcha Inc.

SUBJECT - Application September 29, 2000 - reopening for an extension of the term of variance which expired December 9, 2000 and for an amendment to legalize the changes.

PREMISES AFFECTED -770/780 Mc Donald Avenue, Block 5394, Lots 11,1 Borough of Brooklyn .

COMMUNITY BOARD #12BK

80-97-BZ

APPLICANT -Joseph P. Morsellino, Esq, for George Korakis., owner, KMKLN LTD., lessee

SUBJECT - Application January 5, 2001 - a reopening for an extension of the term of variance which expired January 27, 2001.

PREMISES AFFECTED -41-08 Queens Boulevard, Block 192, Lot 25, Borough of Queens.

COMMUNITY BOARD #2Q

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 3, 2001, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

142-00-BZ

APPLICANT - Sheldon Lobel, P.C., for R.E. Holding Co., owner.

SUBJECT - Application May 23, 2000 - under Z.R. §72-21, to permit the legalization of the residential occupancies of two floors, and the conversion of a vacant floor to residential, in a four story manufacturing facility, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 240 Wythe Avenue, northwest corner of North Third Street, Block 2349, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #1BK

255-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Full Gospel N.Y. Church, owner.

SUBJECT - Application October 24, 2000 - under Z.R. §72-21, to permit the proposed alteration and expansion of an existing church (Use Group 4) located in an M3-1 zoning district, which is contrary to a previous approval under Cal. No. 181-97-BZ and Z.R. §42-00.

PREMISES AFFECTED - 130-30 31st Avenue, through block 31st Avenue to 30th Avenue, Block 4360, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

287-00-BZ

APPLICANT - Jesse Masyr, Wachtel and Masyr, for Washington Street Associates, LLC, owner.

SUBJECT - Application November 28, 2000 - under Z.R §72-21, to permit the proposed construction of a five, six and seventeen story mixed-use building, with more than the permitted number of accessory off-street parking spaces in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 600 Washington Street, block bounded by Washington, Morton, West and Leroy Streets, Block 602, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APRIL 3, 2001, 2:00 P.M.

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 6, 2001
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 13, 2001, were approved as printed in the Bulletin of February 22, 2001, Volume 86, No. 8.

SPECIAL ORDER CALENDAR

240-55-BZ

APPLICANT - Joseph P. Morsellino, for Douglas Callahan, owner.

SUBJECT - Application September 11, 2000 - reopening for an amendment to permit the erection of a 2nd story to the existing one store building.

PREMISES AFFECTED - 207-22 Northern Boulevard, Northern Boulevard and 208th Street, Block 7305, Lot 19, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on January 23, 2001, after due notice by publication in the *City Record*; laid over to February 27, 2001 and then to March 6, 2001 for decision.

WHEREAS, Community Board #11Q recommended approval of the application; and

WHEREAS, the applicant proposes to erect a 5000 sf second floor to the existing (U.G. 16) commercial building to be occupied as office space (U.G. 6, 1960 sf) and storage of auto parts (U.G. 16, 1,650 sf); and

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §11-411, said resolution having been adopted on December

13, 1955 as amended through May 25, 1999, so that as amended this portion of the resolution shall read:

"To permit the erection of a second story (5,000 sf) to the existing (U.G.) commercial building to be occupied as office and storage space, *on condition*, that the office use shall be limited to 1960 square feet; that in the event changes are proposed in the office occupancy, approval must be sought from the BSA; that there shall be no access to the building from 45th Road; that all fencing and screening surrounding the premises shall be maintained; that the premises shall be maintained in substantial with the proposed plans submitted with the application marked 'Received, December 1, 2000' - (5) sheets; and that other than as herein amended the resolution above cited and all other relevant laws and regulations of the City of New York shall be complied with in all respects and that the substantial work shall be completed within two years of this amended resolution .

(DOB. 401113816)

Adopted by the Board of Standards and Appeals, March 6, 2001.

651-70-BZ

APPLICANT - Charles R. Foy, Esq., for Exxon Mobil Oil Corp., owner.

SUBJECT - Application January 5, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired May 11, 2000.

PREMISES AFFECTED - 500 Baychester Avenue, Block 5141, Lot 101, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Charles Foy.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to complete construction extended.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,

MINUTES

Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure and a reopening for an extension of time to complete construction; and

WHEREAS, a public hearing was held on this application on February 13, 2001 after due notice by publication in *The City Record* and laid over to March 6, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution, said resolution having been adopted on March 2, 1971, as amended through May 11, 1999 expiring May 11, 2000, so that as amended this portion of the resolution shall read:

“ That substantial construction shall be completed within 36 months of May 11, 2000.”

(DOB # 200650330)

Adopted by the Board of Standards and Appeals, March 6, 2001.

137-85-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Jack Garfinkel for Lund Fire Products Company.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 40-27/33 215th Place, northeast corner of 41st Avenue and 40-30/6 216th Street, Block 6303, Lot 20, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Philip P. Agusta and Richard F. Alexander.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, March 6, 2001.

826-86-BZ thru 828-86-BZ

APPLICANT - Sheldon Lobel, P.C., for North Shore Towers Apts., Inc., owner; Continental Communications Inc., lessee.

SUBJECT - Application March 29, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of special permit which expired March 29, 1998 and for an amendment to legalize the increased activity at the site.

PREMISES AFFECTED -

269-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

270-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

271-10 Grand Central Parkway, northeast corner of the 267th Street, Block 8489, Lot 1, Floral Park, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, applications reopened, resolutions amended and terms of the special permits extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of these Rules of Practice and Procedure, a reopening, an amendment to the resolutions and an extension of the term of the special permits; and

WHEREAS, a public hearing was held on these applications on September 12, 2000, after due notice by publication in *The City Record*, laid over to October 31, 2000, November 21, 2000, January 9, 2001, February 6, 2001 and then to March 6, 2001 for decision; and

WHEREAS, the applicant proposes to legalize the existing accessory antennae and to install additional antennae; and

WHEREAS, the Board finds that the installation of the additional antennae will have no negative impact on the privacy, quiet, light, and air of the affected residents;

MINUTES

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolutions pursuant to Z.R. § 73-30, said resolution having been adopted on March 29, 1988, expiring March 29, 1998, so that as amended this portion of the resolution shall read:

“granted to extend the terms of the special permits and to permit the legalization of the 62 existing antennae and the installation of 13 additional antenna, on condition:

THAT the term of the special permits shall be limited to ten years, to expire on March 28, 2008;

THAT the number of accessory antennae shall not exceed 75;

THAT no equipment shall overhang the parapet wall of the subject premises;

THAT the above conditions appear on the certificates of occupancy; that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received January 5, 2001'- (4) sheets and 'February 27, 2001'- (1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects and a new certificate of occupancy be obtained within two years of the date of this grant.”

(DOB-ALT #325/1986)

Adopted by the Board of Standards and Appeals, March 6, 2001.

144-89-BZ

APPLICANT - Sheldon Lobel, P.C., for 1800 2nd Avenue Corp., owner.

SUBJECT - Application December 15, 2000 - reopening for an extension of time to complete construction.

PREMISES AFFECTED - 1800 Second Avenue, Block 1556, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application reopened and time to complete construction extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative: 0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening, for an extension of time to complete construction; and

WHEREAS, a public hearing was held on this application February 13, 2001 after due notice by publication in *The City Record* and laid over to March 6, 2001 for

decision; and

WHEREAS, the applicant seeks an extension of the time to complete construction; and

WHEREAS, the Board finds that the application is warranted under certain conditions.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution said resolution having been adopted on August 14, 1990, as amended through November 4, 1998, so that as amended this portion of the resolution shall read:

“THAT substantial construction shall be completed within 36 months of December 15, 2000”

Adopted by the Board of Standards and Appeals, March 6, 2001.

283-90-BZ

APPLICANT - Rothkrug & Rothkrug, Esqs., for The Road House Inc., owner.

SUBJECT - Application December 19, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction.

PREMISES AFFECTED - 1400 Clove Road, aka 2 Oswego Street, southwest corner of Clove Road and Oswego Street, Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, time to complete construction extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure and a reopening for an extension of time to complete construction; and

WHEREAS, a public hearing was held on this application on February 13, 2001 after due notice by publication in *The City Record* and laid over to March 6, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution, said resolution having been adopted on September 10, 1996, so that as amended this portion of the resolution shall read:

“ That substantial construction shall be completed within 36 months of September 10, 2000.”

Adopted by the Board of Standards and Appeals, March 6, 2001.

MINUTES

49-91-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., Vito J. Fossella, P.E., for James Kinsella.

SUBJECT - Application December 7, 2000 - request for a rehearing.

PREMISES AFFECTED - 1845 Richmond Avenue, East side of Richmond Avenue 500.18' South of Eton Place, Block 2030, Lot 57, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

ACTION OF THE BOARD - Request for a re-hearing granted.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-hearing in accordance with §1-10e of the BSA Rules of Practice and Procedures; and

WHEREAS, a public hearing was held on this application on January 16, 2001, after due notice by publication in *The City Record*, laid over to February 6, 2001, February 13, 2001, and then to March 6, 2001 for decision; and

WHEREAS, the Board finds that the evidence submitted into the records was not available during the prior proceedings and therefore should be further considered by this board.

Resolved, that the Board of Standards and Appeals grants the applicants request for a re-hearing and admonishes the applicant to file a new zoning application.

Adopted by the Board of Standards and Appeals, March 6, 2001.

84-99-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Dominic and Joseph Terzouli.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 158/60 12th Street, 137/63 13th Street, south side of 12th Street, 100' east from intersection of Third Avenue, Block 1027, Lots 1, 3, 5, 6, 10, 11, 65, 66, Borough of Brooklyn

COMMUNITY BOARD #6BK

APPEARANCES -

In Opposition: Janice Callahane.

In Support: Rik Little.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, March 6, 2001.

154-50-BZ

APPLICANT - Walter T. Gorman, P.E., for Larry Hirschhorn, owner, Golan Service Station, Inc., lessee.

SUBJECT - Application January 16, 2001 - reopening for an amendment to reflect a change in the size of the canopy.

PREMISES AFFECTED - 5213/29 Flatlands Avenue, a/k/a 1260/64 East 53rd Street, northwest corner of Avenue "J", Block 7800, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: John Ronan.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 10 A.M., for continued hearing.

808-55-BZ

APPLICANT - Vassalotti Associates Architects, for Jessica Lehecka Realty Corp., owner.

SUBJECT - Application November 30, 2000 - a reopening for an extension of the term of variance which expires April 23, 2001.

PREMISES AFFECTED - 35-04 Bell Boulevard, southwest corner of 35th Avenue and Bell Boulevard, Block 6169, Lot 6, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 13, 2001, at 10 A.M., for postponed hearing.

87-69-BZ

APPLICANT - Walter T. Gorman, P.E., for Amerada Hess Corporation, owner.

SUBJECT - Application October 26, 2000 - reopening for an amendment to permit modifications to the existing serve station, e.g. replacing the four(4) existing pump islands with

MINUTES

three(3) new pump islands; install a metal canopy over the pump island; convert the accessory building to an attendant's area, storage area and convenience store.

PREMISES AFFECTED - 104-09 Atlantic Avenue, northeast corner of 104th Street, Block 9313, Lot 51, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to March 27, 2001, at 10 A.M., for decision, hearing closed.

271-71-BZ

APPLICANT -Sheldon Lobel, P.C., for Sheldon E. Leibowitz, owner.

SUBJECT - Application October 24, 2000 - a reopening for an extension of the term of variance which expired July 6, 2001.

PREMISES AFFECTED - 1006/20 First Avenue a/k/a 400/416 East 56th Street, Block 1367, Lots 1, 10, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 10 A.M., for continued hearing.

41-97-BZ

APPLICANT - Robert L. Henry, for Linton Grant, owner.

SUBJECT - Application December 11, 2000 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired September 29, 1999.

PREMISES AFFECTED - 5566 Kings Highway, West side of Kings High 102-5 South of Tilden Avenue, Block 4740, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD # 17BK

APPEARANCES -

For Applicant: Bob Henry.

ACTION OF THE BOARD - Laid over to April 17, 2001, at 10 A.M., for continued hearing.

122-99-A

APPLICANT - Wachtel & Masyr, LLP by Jesse Masyr, for FC Metropolitan Associates, LP, FC Sybilla Associates, LP; Regal Cinemas Inc., lessee.

SUBJECT - Application May 21, 1999 - an appeal requesting the reinstatement of the permits and approvals under Application No. 400658356 for an as-of-right development that were revoked by the Department of Buildings on April 23, 1999.

PREMISES AFFECTED - 91-70 Metropolitan Avenue, Metropolitan Avenue, Sybilla Street, 69th Avenue and Ursula Place, Block 3386, Lots 800, 830, Borough of Queens.
APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 10, 2001, at 11 A.M., for deferred decision.

278-00-A

APPLICANT - Rachel Tanur for FC 42nd Street Associates, L.P., Ground Lessee

OWNER OF PREMISES: 42nd Street Development Project, Inc.,

SUBJECT - Application November 20, 2000 - proposed marquee sign does not comply with Section 27-504(a) of the New York City Building Code, in that the total height of the proposed sign exceeds 8'above the fascia of the marquee.

PREMISES AFFECTED - 234 West 42nd Street, southwest corner of 8th Avenue, Block 1013, Lots 12, 45, 46, 49, 50, 51, 53, 55 and 57, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Opposition: John Persinger, Department of Buildings.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

Adopted by the Board of Standards and Appeals, March 6, 2001.

MINUTES

258-00-A

APPLICANT - Sullivan & Chester, LLP, for 225 East 43rd Street Corp., owner; Budget Car and Truck Rental, lessee

SUBJECT - Application October 26, 2000 - an appeal of a decision of the Fire Commissioner, dated September 26, 2000, denying a renewal of a storage garage permit for the first floor and cellar of said premises, pursuant to §27-4072 of the Administrative Code.

PREMISES AFFECTED - 225 East 43rd Street, between Second and Third Avenues, Block 1317, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 3, 2001, at 11 A.M., for postponed hearing.

260-00-A thru 262-00-A

APPLICANT - Rothkrug & Rothkrug, for John Grillo, owner.

SUBJECT - Application October 31, 2000 - proposed building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

39 Weiner Street, east side, 40' north of Cole Street, Block 7564, Lot 3, Borough of Staten Island.

45 Weiner Street, east side, 40' south of Butler Street, Block 7564, Lot 5, Borough of Staten Island.

49 Weiner Street, south east corner of Butler Street, Block 7564, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to March 27, 2001, at 11 A.M., for decision, hearing closed.

281-00-A thru 285-00-A

APPLICANT - Rothkrug & Rothkrug, for DGR II Building Corp., contract vendee.

SUBJECT - Application November 21, 2000 - proposed construction located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

417 Father Capodanno Boulevard, west side, 1336' south of Sand Land, Block 3491, Lot 4, Borough of Staten Island.

419 Father Capodanno Boulevard, west side, 1359' south of Sand Land, Block 3491, Lot 103, Borough of Staten Island.

421 Father Capodanno Boulevard, west side, 1372' south of Sand Land, Block 3491, Lot 3, Borough of Staten Island.

423 Father Capodanno Boulevard, west side, 1387' south of Sand Land, Block 3491, Lot 2, Borough of Staten Island.

425 Father Capodanno Boulevard, west side, 1410' south of Sand Land, Block 3491, Lot 101, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug and Stanley Kiebuskosky.

For Opposition: Kevin Fullington, Kathy Dodd, Community Board # 2 and Joseph N. Abrate.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to March 27, 2001, at 11 A.M., for decision, hearing closed.

MINUTES

11 Hooper Street, Hooper Street and Kent Avenue,
Block 2197, Lot 10(tentative), Borough of Brooklyn.
21 Hooper Street, Hooper Street and Kent Avenue,
Block 2197, Lot 15(tentative), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

Adopted by the Board of Standards and Appeals,
March 6, 2001.

297-00-A

APPLICANT - Gulielmetti and Gesmer, P.C., for Susan Byrne and William Connors, lessees/tenants.

OWNER OF PREMISES: Daniel Pelli

SUBJECT - Application December 13, 2000 - an appeal challenging the Department of Buildings' determination dated November 14, 2000, in which the Department refused to commence proceedings for a revocation of certificate of occupancy No. 118978 for subject premises.

PREMISES AFFECTED - 5 West 21st Street, 145' west of Fifth Avenue, Block 823, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Paul Gulielmetti.

For Opposition: Daniel Pelli.

For Administration: Mona Sehgal, Department of Buildings.

ACTION OF THE BOARD - Laid over to June 5, 2001, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 6, 2001

2:00 P.M.

Present: Chairman Chin, Vice-Chair Bonfilio,
Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

168-99-BZ thru 170-99-BZ

CEQR #00-BSA-019K

APPLICANT - Sheldon Lobel, P.C., for Keap Street Realty, owner.

SUBJECT - Application August 3, 1999 - under Z.R. §72-21, to permit the proposed residential dwelling in an M1-2 zoning district which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

1 Hooper Street, Hooper Street and Kent Avenue, Block 2197, Lot 5(tentative), Borough of Brooklyn.

173-99-BZ

CEQR #00-BSA-022Q

APPLICANT - Gerald J. Caliendo, R.A., for Andrew Rosenwach, owner; Jerrold Gusick LaGuardia Fitness Center Corp., 163-44 16th Avenue, Whitestone, N.Y. 11357, lessee.

SUBJECT - Application August 6, 1999 - under Z.R. §73-36, to permit the proposed physical culture establishment (Use Group 9) located in an M1-1 zoning district, as per Z.R. §73-36 and §42-31, limited to the objections cited.

PREMISES AFFECTED - 43-60 Ditmars Boulevard a.k.a. 43-02 Ditmars Boulevard, southeast side of Ditmars Boulevard on the corner formed by Ditmars Boulevard and 43rd Avenue, Block 782, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio,
Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated July 16, 1999 acting on Alt. Applic. No. 400913302 reads:

“Physical culture establishment (use group 9) in an M1 zoning district is only permitted as per section 73-36 Z.R. and requires a special permit by the Board of Standards and Appeals as per section 42-31 Z.R.”

WHEREAS, Community Board #1, Queens, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on January 23, 2001 after due notice by

MINUTES

publication in *The City Record*, laid over to February 13, 2001 and then to March 6, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §§73-36, 42-31, to permit the proposed physical culture establishment (Use Group 9) located in an M1-1 zoning district, which requires a special permit as per Z.R. §73-36 and §42-31; and

WHEREAS, the subject premises is an existing 60,666 square feet two-story with cellar commercial building; and

WHEREAS, the subject building is part of a lot that containing 110,000 square feet located on the southeast corner of Ditmars Boulevard and 43rd Avenue; and

WHEREAS, the subject premises is part of a site consisting of a strip of retail stores on grade level with a parking lot for accessory parking; and

WHEREAS, the physical culture establishment will contain 17,960 square feet in the cellar of the subject premises; and

WHEREAS, the applicant represents that all 17,960 square feet are not considered floor area since they occupy the cellar; and

WHEREAS, the proposed hours of operation for the subject premises are Monday to Friday 5:00 a.m.- 11:00 p.m. and Saturday and Sunday 7:00 a.m. to 9:00 p.m.; and

WHEREAS, the physical culture establishment will contain space for athletic equipment and facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics and martial arts; and

WHEREAS, the Board finds that the proposed action will not alter the essential character of the surrounding area or impair its future use and development nor be a detriment to public welfare; and

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

WHEREAS, the Board has determined that evidence in the record supports the findings to be made under Z.R. §73-36; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-36, 42-31, and grants a special permit to permit the proposed physical culture establishment (Use Group 9) located in an M1-1 zoning district, as per Z.R. §73-36 and §42-31, limited to the

objections cited, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 6, 2001"- (5) sheets; and on further condition;

THAT the term of the special permit shall be limited to ten years from the date of this grant to expire on March 6, 2011;

THAT the hours of operation for the subject premises shall be limited to Monday to Friday 5:00 a.m.- 11:00 p.m. and Saturday and Sunday 7:00 a.m. to 9:00 p.m.;

THAT the existing automatic wet sprinkler system be connected to a Fire Department approved central station;

THAT the a smoke detector system be installed in the men's and women's locker rooms as well as in all the mechanical equipment rooms and be connected to a Fire Department approved central station;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, March 6, 2001.

126-00-BZ

CEQR #00-BSA-136K

APPLICANT - Sheldon Lobel, P.C., for FNW Realty Corporation, owner; 151 Kent Avenue Corporation, Lessee.
SUBJECT - Application May 1, 2000 - under Z.R. §72-21, to permit the legalization of the conversion of a manufacturing facility, to the existing residential dwellings (Use Group 2) located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 151 Kent Avenue, between North 4th and North 5th Streets, Block 2341, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Borough Commissioner, dated April 17, 2000, acting on Alt.1 Applic. No. 300942915, reads:

“The proposed residential dwellings in an M3-1 district are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals”; and

WHEREAS, Community Board # 1, Brooklyn, has recommended conditional approval of this application; and

WHEREAS, a public hearing was held on this application on December 5, 2000 after due notice by publication in *The City Record* and laid over to January 16, 2001, February 13, 2001 and then to March 6, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the legalization of the conversion of a manufacturing facility, to the existing residential dwellings (Use Group 2) located in an M3-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the property is situated on the east side of Kent Avenue and spans the block between North 4th Street and North 5th Street in the northside section of Williamsburg; and

WHEREAS, the property is improved with a three-story masonry building; and

WHEREAS, it is proposed to legalize the conversion the subject property to 46 residential studio/loft units containing 56,600 square feet; and

WHEREAS, the subject building houses 16 units on the first floor, 16 units on the second floor and 14 units on the third floor; and

WHEREAS, to minimize parking impacts, the proposal will provide 14 off-street parking spaces on the premises; and

WHEREAS, the subject premises is located one block from the East River in an area formerly known as the Brooklyn Eastern District Terminal; and

WHEREAS, the applicant represents that decades ago, merchandise was delivered in freight cars via barge to the East River piers, then off-loaded via rail to various nearby warehouses; and

WHEREAS, the record indicates that the premises is located directly across from one of the old barge/railway debarkation points; and

WHEREAS, in an environment where large open floor plates on single levels with sufficient loading capacity is desirable, the subject building is functionally obsolete for the purpose for which it was intended by virtue of its

vertical arrangement of space with many columns, inadequate loading docks, insufficient elevator capacity and general disrepair; and

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M3-1 use impractical and creates an unnecessary hardship; and

WHEREAS, the aforementioned circumstances create unique conditions which result in a different character for the site than that of the surrounding area, causing practical difficulty and unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the property is located in an M3-1 manufacturing zone; and

WHEREAS, the Board notes that this is a legalization; and

WHEREAS, the subject building is two blocks west of an R6 (M1-2) Special District, that permits mixed manufacturing, commercial and residential uses; and

WHEREAS, within the vicinity of the site there exist other residential and community facility uses; and

WHEREAS, the Board has determined that this proposal is consistent with New York City's Waterfront revitalization policies; and

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

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, the legalization of the conversion

MINUTES

of a manufacturing facility, to the existing residential dwellings (Use Group 2) located in an M3-1 zoning district, which is contrary to Z.R. §42-00; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked received "October 11, 2000"-(8) sheets; and on further condition;

THAT 14 off-street parking spaces be provided on the premises;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, March 6, 2001.

192-00-BZ

CEQR #01-BSA-007Q

APPLICANT - H. Irving Sigman, for 157-06 Linden Blvd. Corp., owner.

SUBJECT - Application July 24, 2000 - under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed one- story building for use as a store (Use Group 6) with an accessory parking lot for seven cars which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 144-43 Farmers Boulevard, southeast corner of Farmer's Boulevard and South Conduit Avenue, Block 13314, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 5, 2000, acting on Applic. No. 401081191, reads:

"Obj. #2

The proposed use of the premises for a store, Use Group 6, with an accessory parking lot for (7) cars, including a curb-cut less than 50' from the corner, in an R3-2 zoning district is contrary to Sec. 22-00 of the Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on January 23, 2001, after due notice by publication in *The City Record*, laid over to February 13,

2001, and then to March 6, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed one- story building for use as a store (Use Group 6) with an accessory parking lot for seven cars which is contrary to Z.R. §22-00; and

WHEREAS, the subject premises is located on the southeast corner of the intersection of South Conduit Avenue and Farmers Boulevard; and

WHEREAS, the subject lot is a four sided and irregular in shape, approximately 79' by 51' containing 3,995 square feet in area; and

WHEREAS, the subject lot is currently vacant, and the applicant represents that there have been no previous developments on the site; and

WHEREAS, the lot's elevation is approximately 7.5' higher than the adjacent properties; and

WHEREAS, the lot has been improved by the construction of a retaining wall on the south and east lot lines; and

WHEREAS, the applicant represents that the regrading and leveling of the site will solve drainage run-off and erosion problems affecting the adjoining lots; and

WHEREAS, the record indicates that an existing bus stop restricts vehicular access from farmers boulevard; and

WHEREAS, the above referenced unique conditions cause an unnecessary hardship in utilizing the site in conformity with the current zoning; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will yield a reasonable return;

WHEREAS, the record indicates that the proposed store will help meet the retail needs of the local community; and

WHEREAS, the Board finds that the proposed yards and setbacks substantially comply with residential developments in an R3-2 zone; and

WHEREAS, the applicant represents that the proposed application will not generate additional vehicular traffic on local streets; and

WHEREAS, within the immediate vicinity of the site, east on south conduit Avenue there is only one driveway and no street intersection until 179th Street; and

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

MINUTES

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

WHEREAS, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Therefore, it is Resolved that the Board of Standards and Appeals makes a negative determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R3-2 zoning district, the proposed one- story building for use as a store (Use Group 6) with an accessory parking lot for seven cars which is contrary to Z.R. §22-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "December 8, 2000"-(2) sheets; and *on further condition*;

THAT the premises will remain graffiti free at all times;

THAT fencing and landscaping will be maintained in accordance with BSA- approved plans;

THAT lighting be positioned down and away from residential uses;

THAT in accordance with BSA approved plans, all fire safety measures be complied with;

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, March 6, 2001.

APPLICANT - Fredrick A. Becker, Esq., for 160 Water Street Associates, owner; TSI Water Inc. dba New York Sports Club, lessee.

SUBJECT - Application November 29, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment (Use Group 9) located in a C5-5CR zoning district as per Z.R. §32-01.

PREMISES AFFECTED - 160 Water Street, northwest corner of Fletcher Street, Block 70, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 9, 2000 acting on Alt. Applic. No. 102784195 reads:

"Physical culture establishment not permitted under use group 9 without a special permit by the Board of Standards and Appeals.

As per section 32-31 of zoning resolution."

WHEREAS, Community Board #1, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on February 27, 2001 after due notice by publication in *The City Record*, and the laid over to March 6, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the proposed physical culture establishment (Use Group 9) located in C5-5CR zoning district, which requires a special permit as per Z.R. §32-01; and

WHEREAS, the subject premises will be housed within a twenty four story commercial office structure; and

WHEREAS, the physical culture establishment will occupy portions of the cellar, first floor and first floor mezzanine; and

WHEREAS, the cellar will contain 8,900 square feet, the first floor 7,471 square feet and the mezzanine 3,608 square feet; and

WHEREAS, the proposed hours of operation for the subject premises are Monday to Thursday 6:00 a.m.- 11:00

MINUTES

p.m., Friday 6:00 a.m.-9:00 p.m., and Saturday and Sunday 9:00 a.m. to 7:00 p.m.; and

WHEREAS, the physical culture establishment will contain space for athletic equipment and facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the Board finds that the proposed action will not alter the essential character of the surrounding area or impair its future use and development nor be a detriment to public welfare; and

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

WHEREAS, the Board has determined that evidence in the record supports the findings to be made under Z.R. §73-36; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-36 and grants a special permit to permit the proposed physical culture establishment (Use Group 9) located in C5-5CR zoning district as per Z.R. §32-01, limited to the objections cited, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 29, 2000"-(4) sheets and "February 15, 2001"-(2) sheets; and on further condition;

THAT the term of the special permit shall be limited to ten years from the date of this grant to expire on 3/6/2011;

THAT the hours of operation for the subject premises shall be limited to Monday to Thursday 6:00 a.m.- 11:00 p.m., Friday 6:00 a.m. - 9:00 p.m., and Saturday and Sunday 9:00 a.m. to 7:00 p.m.;

THAT the proposed wet sprinkler system and interior fire alarm system be installed throughout the subject physical culture establishment with both systems connected to a Fire Department approved central station;

THAT the proposed smoke detector system be installed throughout the subject physical culture establishment and be connected to a Fire Department approved central station;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, March 6, 2001.

73-99-BZ

APPLICANT - Burger King Corporation, by Walter Rumsey, for Phyllis Crawford and Henderson Crawford, owners; Consumer Food Services, L.L.C., lessee.

SUBJECT - Application April 12, 1999 - under Z.R. §73-243, to permit the proposed drive-thru, accessory to an eating and drinking establishment, located in an C1-1 zoning district, requires a special permit as per §73-243.

PREMISES AFFECTED - 3901 Richmond Avenue, corner of Amboy Road and Richmond Avenue, Block 5236, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: John Lafemina.

For Opposition: Larry Clovarrone.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 17, 2001, at 2 P.M., for continued hearing.

137-99-BZ

APPLICANT - Goidel & Siegel, LLP, for Mr. & Mrs. Michael Tropp, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit the legalization of a one story extension for residential purposes and the installation of a pool for respiratory therapy, which creates non-compliance with respect to open space, rear yard, lot coverage, floor area and side yards, which is contrary §23-12, §23-44, §23-14, §23-47, §23-141 and §23-48.

PREMISES AFFECTED - 165/67 Norfolk Street, Norfolk Street and Oriental Blvd., Block 8757, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Simon Bererzlsansky.

ACTION OF THE BOARD - Laid over to July 10, 2001, at 2 P.M., for continued hearing.

186-99-BZ

APPLICANT - Peter F. Chang, for Razmik Oganessian, owner.

SUBJECT - Application September 2, 1999 - under Z.R. §11-41 to permit the proposed automotive repair shop (Use Group 16), contrary to Cal. No. 189-50-BZ, which permitted an automotive service station in a C2-2 zoning district.

PREMISES AFFECTED - 74-24 Rockaway Blvd., south side,

MINUTES

81.39 feet west of 91st Avenue, Block 8943, Lot 10, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Vincent A. Sireci.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department

ACTION OF THE BOARD - Laid over to April 17, 2001, at 2 P.M., for continued hearing.

281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strictland Avenue, west side of Strictland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 15, 2001, at 2 P.M., for continued hearing.

174-00-BZ

APPLICANT - Klein and O'Brien, LLP, for Worth Associates, LLC, owner; Millennium Sport Management Co., LLC, lessee.

SUBJECT - Application July 6, 2000 - under Z.R. §73-36, to permit the legalization of an addition to an existing physical culture establishment, to be located on the first floor, in the cellar and sub-cellar of a separate building at subject premises, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 79 Worth Street, between Church Street and Broadway, Block 173, Lot 4, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: S. Klein.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 3, 2001, at 2 P.M., for continued hearing.

186-00-BZ

APPLICANT - Harold Weinberg, P.E., for Murray Dana, owner.

SUBJECT - Application July 14, 2000 - under Z.R. §73-622, to permit the proposed conversion of a two family dwelling to a one family dwelling and extending the one family use into the attic and enlarging the second floor, which creates non-compliance with respect to F.A.R., O.S.R. and side yard, and is contrary to Z.R. §23-141, §54-31 and §23-461.

PREMISES AFFECTED - 2301 Avenue L, northeast corner of East 23rd Street, Block 7623, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg and Edward Dana.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 2 P.M., for continued hearing.

193-00-BZ

APPLICANT - H. Irving Sigman, for Louhal Properties, Inc., owner.

SUBJECT - Application July 24, 2000 - under Z.R. §72-21, to permit the proposed use of a parking lot for 19 cars, located within an R3-1 zoning district (Use Group 6) in conjunction with a proposed new laundromat, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 87-26 Lefferts Boulevard, west side, 210.17' south of Jamaica Avenue and 680' north of 89th Avenue, Block 9328, Lot 16, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 17, 2001, at 2 P.M., for deferred decision.

200-00-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Blans Development Corp., owner.

SUBJECT - Application August 10, 2000 - under Z.R. §72-21, to permit the legalization of an existing physical culture establishment, on the first floor and portion of the second floor, in an existing two story manufacturing building, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 107-24 37th Avenue, southwest corner of 108th Street, Block 1773, Lot 10, Borough of Queens.

MINUTES

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to April 17, 2001, at 2 P.M., for continued hearing.

For Applicant: John Ronan.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 2 P.M., for continued hearing.

211-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Hoffman & Hoffman, LLC, owner.

SUBJECT - Application September 1, 2000 - under Z.R. §72-21, to permit the legalization of a portion of a mixed use four story building, manufacturing and residential, located within an M1-2 zoning district, to legalize the 1st-4th floors of the building, Use Group 17/6, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 252 Norman Avenue, located at the intersection of the Southerly side of Norman Avenue and the Easterly side of Monitor Avenue, Block 2657, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 2 P.M., for continued hearing.

229-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry & Helen Webster, owners.

SUBJECT - Application October 12, 2000 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, located in an R5 zoning district, which creates non-compliance with respect to the rear yard requirement, is contrary to Z.R. §23-47.

PREMISES AFFECTED - 1840 58th Street, between 18th and 19th Avenues, Block 5505, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to April 3, 2001, at 2 P.M., for continued hearing.

212-00-BZ

APPLICANT - Walter T. Gorman, P.E., for Show-Raka Enterprises Corp., owner; Belmont Services, Inc., lessee.

SUBJECT - Application September 7, 2000 - under Z.R. §72-21, to permit the proposed construction and operation of a gasoline service station with an accessory convenience store, minor auto repairs with lube oil bays, also the construction and operation of an automatic auto laundry on a site located in a C1-2 within an R5 zoning district, which is contrary to a previous variance granted under Cal. No. 550-55-BZ and Z.R. §32-25.

PREMISES AFFECTED - 640/666 Conduit Blvd. a.k.a. 600/608 Grant Avenue, block bounded by Grant, Belmont, Sheridan Avenues and Conduit Boulevard, Block 4239, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

252-00-BZ

APPLICANT - Sheldon Lobel, P.C., for ICC Performance 3 LP by Alan Leavitt, owner.

SUBJECT - Application October 23, 2000 - under Z.R. §73-36, to permit the proposed physical culture establishment, within a portion of the first floor of an existing one story building, located in a C2-2 zoning district, which requires a special permit as per Z.R. §32-00.

PREMISES AFFECTED - 104-02/104-10 Rockaway Beach Blvd., northeast corner of Beach 105th Street, Block 16176, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman, Gerard McCale, Philip P. Agusta and Abe Hertzberg.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 2 P.M., for continued hearing.

MINUTES

Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to May 15, 2001, at 2 P.M., for postponed hearing.

263-00-BZ

APPLICANT - Philip P. Agusta and Gerald McCabe, for 19 East 77th Associates, LLC, owner.

SUBJECT - Application November 1, 2000 - under Z.R. §72-21, to permit the legalization of a rear enlargement, to existing four story and basement one family dwelling (Use Group 2) located in an R8B-LH-1A zoning district, which does not comply with the zoning requirements for lot coverage and does not provide the require rear yard, which is contrary to Z.R. §23-145 and §23-47.

PREMISES AFFECTED - 19 East 77th Street, north side, 120' west of Madison Avenue, Block 1392, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to April 17, 2001, at 2 P.M., for continued hearing.

264-00-BZ

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Unity International, owner; Unity Electric Co., Inc., lessee.

SUBJECT - Application November 1, 2000 - under Z.R. §72-21, to permit the proposed addition of a partial second story enlargement, to an existing one story mezzanine office building (Use Group 6) located in a C2-2 within an R4 zoning district, which exceeds the maximum permitted floor area is contrary to §33-121.

PREMISES AFFECTED - 65-45 Fresh Meadow Lane, between 65th and 67th Avenues, Block 6916, Lot 10, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Administration: Battalion Chief Robert J. Stec and John

265-00-BZ

APPLICANT - Fredrick A. Becker, Esq., for 142 Manhattan Avenue LLC, owner.

SUBJECT - Application November 2, 2000 - under Z.R. §72-21, to permit the proposed construction of a five family residential building (Use Group 2) located in an R8 zoning district, which exceeds the number of permitted dwelling units, and the maximum lot coverage requirements which is contrary Z.R. §23-145, §23-32 and §23-33.

PREMISES AFFECTED - 44 West 106th Street a.k.a.142 Manhattan Avenue, southeast corner, Block 1841, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to March 27, 2001, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.

MINUTES

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