
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Afternoon Calendar
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Affecting Calendar Numbers:

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304-00-BZ	2044 Hylan Boulevard, Staten Island
305-00-BZ	268 Adams Avenue, Staten Island
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139-01-BZ	27 West 38 th Street, Manhattan
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192-01-BZ	525 Broome Street, Manhattan
199-01-BZ	440 Quentin Road, Brooklyn
203-01-BZ	5701 Broadway, Bronx
204-01-BZ	73-15 Parsons Boulevard, Queens
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218-01-BZ	450 West 250 th Street, Bronx
223-01-BZ	33 Division Street, a/k/a 46 East Broadway, Manhattan
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Morning Calendar
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Affecting Calendar Numbers:

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743-59-BZ	38-50 East 36 th Street, Manhattan
39-66-BZ	43-70 Kissena Boulevard, Queens
599-76-BZ	70-02 72 nd Place and 72-20 Edsall Avenue, Queens
192-92-BZ	900 Southern Boulevard, Bronx
230-98-BZ	5810-5824 Bay Parkway, Brooklyn
245-32-BZ	123-05 101 st Avenue, Queens
234-56-BZ	10-02 Clintonville Street, Queens
205-98-BZ	257-10/18 Union Turnpike, Queens
213-00-A	1966 Ocean Avenue, Brooklyn

Afternoon Calendar
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Affecting Calendar Numbers:

15-01-BZ/22-01-A	337/47 Kent Avenue, Brooklyn
114-01-BZ	1320 East 24 th Street, Brooklyn
135-01-BZ	1815/17 86 th Street, a/k/a 1815/17 New Utrecht Avenue, Brooklyn
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224-00-BZ	2353 Cropsey Avenue, a/k/a 247 Bay 34 th Street, Brooklyn
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112-01-BZ	1402/67 59 th Street, Brooklyn
162-01-BZ	499 Greenwich Street, Manhattan

DOCKET

New Case Filed Up to October 30, 2001

255-01-A B.M. 356 Bowery,
north side, between Great Jones and East 14th Streets, Block
531, Lot 39, Borough of Manhattan. Applic. #s
102816721, 102816730 and 102816749. An appeal
seeking the reinstatement of the approvals and permits
issued by the Department of Buildings for Application Nos.
102816730 and 102816749(sign approvals), and
102816721 (the sign support structure approval), that were
revoked in a final determination by the Department by
letter dated July 25, 2001.

256-01-BZ B.Q. 219-06 Hempstead
Avenue,
aka 103-01/09 219th Street, southeast corner, Block 11154,
Lot 22, Borough of Queens. Alt. 1 #401061220. The
reestablishment of an expired variance, previously granted
by the Board under Cal. No. 634-54-BZ, which permitted
a gasoline service station with accessory uses in a C1-2
within an R3-2 zoning district, and to permit the change in
use to motor vehicle repairing with accessory parking of
cars awaiting service, also the incidental sale of used cars.
COMMUNITY BOARD 13Q

257-01-BZ B.B.K. 2504 Avenue
"K",
southeast corner of Bedford Avenue, Block 7625, Lot 41,
Borough of Brooklyn. Applic. #301192563. Proposed
construction of a three story synagogue, Use Group 4,
which does not comply with the zoning requirements for
floor area ratio, lot coverage, side and front yards, setback
and sky exposure is contrary to Z.R. §24-111, §24-11, §24-
35, §24-34 and §24-521.
COMMUNITY BOARD #14BK

258-01-BZ B.M. 168/70 West 79th
Street,
aka 165/67 West 78th Street, bounded by Amsterdam and
Columbus Avenues, Block 1150, Lots 59 and 5, Borough
of Manhattan. Applic. #102975951. Proposed expansion
of the third and fourth floors, and the addition of a floor
within the envelope of the 23' high gymnasium, to be used
for additional classroom space for an existing community
facility (school), which creates non-compliance with respect
to permitted obstructions in the rear yard and required rear
yard equivalents, is contrary to Z.R. §24-33(b), §24-11,
§24-36, §24-382 and §54-31.
COMMUNITY BOARD #7M

259-01-BZ B.Q. 222-25 Jamaica
Avenue,
between 222nd and 224th Streets, Block 10741, Lot 48,
Borough of Queens. Applic. #401277202. Proposed
construction of a new automotive service station with an
accessory convenience store, Use Group 16, located in an
C1-2 zoning district, is contrary to Z.R. §32-25.
COMMUNITY BOARD #13Q

260-01-BZ B.Q. 119-15 27th Avenue,
bounded by 7th Avenue, 119th Street and 26th Avenue, Block
4291, Lot 20, Borough of Queens. Alt. 1 #401230547.
Proposed renovation and expansion of an existing nursing
home, Use Group 3, located in an R4 zoning district, which
does not comply with the zoning requirements for height
and setback and side yard, is contrary to Z.R. §§24-521 and
24-551.
COMMUNITY BOARD #7Q

261-01-BZ B.M. 105 West 24th
Street,
aka 735/57 Avenue of the Americas, west side, at the
corner formed by the intersection of 24th Street and Avenue
of the Americas, Block 800, Lot 37, Borough of Manhattan.
N.B. #102500811. Proposed construction of an electric
utility substation, Use Group 17(c), located in C6-4X
zoning district, which does comply with the zoning
requirements for street wall location and setback, is
contrary to Z.R. §32-10, §33-432(b) and §35-25 (b) and (c),
and also requires a special permit from the Board as per
§73-16.
COMMUNITY BOARD #4M

262-01-A B.Q. 41 Roosevelt
Walk,
east side, 80' north of Breezy Point Boulevard, Block
16350, Part of Lot 400, Borough of Queens. Applic.
#401271798. Proposed addition of a one story family room
and greenhouse on the south side of an existing one family
dwelling, which does not front on a legally mapped street,
is contrary to Section 36, Article 3 of the General City Law.

263-01-BZ B.BK. 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn. Applic. #300128047. Proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #1BK

DOCKET

264-01-A B.Q. 23 Queens Walk, east side, 310' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt. 1 #401279905. Proposed addition of a partial second floor, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

265-01-BZ B.Q. 102-06 Russell Street, between 102nd and 103rd Streets, Block 14238, Lot 1045, Borough of Queens. Applic. #401063558. The legalization of an enlargement to an existing one family dwelling, Use Group 2, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area, lot size, open space, and side, front and rear yards, is contrary to Z.R. §23-141, §23-32, §23-45 and §23-47.
COMMUNITY BOARD #10Q

266-01-A B.S.I. 15 Beachview Avenue, north side, 87.15' east of Boundary Avenue, Block 3686, Lot 65, Borough of Staten Island. Applic. #500424873. Proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

267-01-A B.S.I. 17 Beachview Avenue, north side, 117.15' east of Boundary Avenue, Block 3686, Lot 64, Borough of Staten Island. Applic. #500424882. Proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

268-01-A B.S.I. 19 Beachview Avenue, north side, 139.15' east of Boundary Avenue, Block 3686, Lot 63, Borough of Staten Island. Applic. #500424891. Proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

269-01-A B.S.I. 21 Beachview Avenue, north side, 161.15' east of Boundary Avenue, Block 3686, Lot 62, Borough of Staten Island. Applic. #500424908. Proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

270-01-A B.S.I. 23 Beachview Avenue, north side, 183.15' east of Boundary Avenue, Block 3686, Lot 60, Borough of Staten Island. Applic. #500424917. Proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

271-01-A B.S.I. 27 Beachview Avenue, north side, 215.15' east of Boundary Avenue, Block 3686, Lot 59, Borough of Staten Island. Applic. #500424926. Proposed construction of a two story and cellar one family

attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

272-01-A B.S.I. 29 Beachview Avenue,
north side, 247.15' east of Boundary Avenue, Block 3686,
Lot 57, Borough of Staten Island. Applic. #500424935.
Proposed construction of a two story and cellar one family
attached residence, which does not front on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

273-01-A B.S.I. 31 Beachview Avenue,
north side, 269.15' east of Boundary Avenue, Block 3686,
Lot 56, Borough of Staten Island. Applic. #500424944.
Proposed construction of a two story and cellar one family
attached residence, which does not front on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

DOCKET

274-01-A B.S.I. 33 Beachview
Avenue,
north side, 291.15' east of Boundary Avenue, Block 3686,
Lot 54, Borough of Staten Island. Applic. #500424953.
Proposed construction of a two story and cellar one family
attached residence, which does not front on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

275-01-A B.S.I. 37 Beachview Avenue,
north side, 323.15' east of Boundary Avenue, Block 3686,
Lot 53, Borough of Staten Island. Applic. #500424962.
Proposed construction of a two story and cellar one family
attached residence, which does not front on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

276-01-A B.S.I. 39 Beachview Avenue,
north side, 355.15' east of Boundary Avenue, Block 3686,
Lot 52, Borough of Staten Island. Applic. #500424971.
Proposed construction of a two story and cellar one family
attached residence, which does not front on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

277-01-A B.S.I. 41 Beachview Avenue,
north side, 377.15' east of Boundary Avenue, Block 3686,
Lot 51, Borough of Staten Island. Applic. #500424980.
Proposed construction of a two story and cellar one family
attached residence, which does not front on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

278-01-A B.S.I. 43 Beachview Avenue, north side, 399.15' east of Boundary Avenue, Block 3686, Lot 50, Borough of Staten Island. Applic. #500424999. Proposed construction of a two story and cellar one family attached residence, which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

Borough of Brooklyn. Applic. #301223600. Proposed construction of a six story and basement Class "A" multiple dwelling, Use Group 2, in an M1-2 zoning district is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

279-01-BZ B.BK. 2106/30 McDonald Avenue, aka 143/45 Lake Street, between Avenues S and T, Block 7087, Lots 14, 22, 24, 73 and 76, Borough of Brooklyn. Applic. #301223518. Proposed community facility (school), Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, is contrary to Z.R. §42-00, §24-11, §24-34, §24-35, §24-36, §24-521, and also requires a special permit from the Board as per Z.R. §73-19.

COMMUNITY BOARD #11BK

280-01-BZ B.M. 663/73 Second Avenue and 241/49 East 36th Street, west side, between East 36th and 37th Streets, Block 917, Lots 21, 24/30, 32 and 34, (Tentative Lot 21), Borough of Manhattan. Applic. #102937926. Proposed erection of a 34 story mixed-use building, (Use Groups 2 and 6 respectively), located in a C1-9 zoning district, which does not comply with the zoning requirements for commercial use above the 2nd floor ceiling, rear yard equivalent, residential tower, street wall, accessory parking and curb cuts for accessory berths, is contrary to Z.R. §32-421, §33-283, §35-63-(a), §23-652, §37-017, §13-134, §26-05 and §36-682.

COMMUNITY BOARD #6M

281-01-BZ B.BX. 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx. Applic. #200664263. The legalization of an existing parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #5BX

282-01-BZ B.BK. 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44,

DOCKET

283-01-BZ B.BK. 266 Lee Avenue,
between Wallabout Street and Flushing Avenue, Block
2263, Lot 48, Borough of Brooklyn. Applic. #301223575.
Proposed construction of a six(6) story and basement Class
“A” multiple dwelling, Use Group 2, in an M1-2 zoning
district is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

284-01-BZ B.S.I. 275 Castleton
Avenue,

26 feet east of the northeast corner of Castleton Avenue
and Harbor View Court, Block 119, Lot 104, Borough of
Staten Island. Applic.#500481748. Proposed expansion of
an existing nursing home, located in an R3-2 zoning
district, which does not comply with the zoning
requirements for floor area ratio, is contrary to Z.R. §24-
111.

COMMUNITY BOARD #1SI

285-01-BZ B.BK. 1045 38th
Street,

north side, 294'-2 ½" west of 10th Avenue, Block 5289,
Lot 61, Borough of Brooklyn. Applic. #300822359. The
legalization of the first floor of the subject premises as a
day care center, Use Group 3, and the enlargement of the
second floor for said use, located in an M1-2 zoning
district, is contrary to Z.R. §42-00, §52-22 and §52-41.

COMMUNITY BOARD #12BK

286-01-BZ B.S.I. 165 Bryson Avenue,
southeast corner of Waters Street, Block 1474, Lot 20,
Borough of Staten Island. Applic. #500487877. Proposed
construction of a one family dwelling, located in an R2
zoning district, which creates non-compliance in respect to
front yard is contrary Z.R. §23-45.

COMMUNITY BOARD #1SI

287-01-BZ B.M. 2525 Broadway,
west side, between West 93rd and West 94th Streets, Block
1242, Lot 55, Borough of Manhattan. Applic. #101981802.
The legalization of an existing physical culture
establishment, located within portions of the cellar and
second floor of a twenty-one story mixed use building in a
C4-6A/R8 zoning district, requires a special permit from
the Board as per 32-10.

COMMUNITY BOARD #7M

288-01-BZ B.BK. 8008/10 18th Avenue,
west side, 51'-9" south of 80th Street, Block 6284, Lot 48,
Borough of Brooklyn. Alt. Type I. #301266243. Proposed
second story vertical addition, to an existing one-story
masonry retail establishment, Use Group 6, located in an
R5 zoning district, is contrary to Z.R. §54-31.

COMMUNITY BOARD #11BK

289-01-A B.Q. 398-1/2 Sea Breeze
Avenue,

between Hillside and Sea Breeze Avenues, west of Beach
182nd Street, Block 16340, Part of Lot 50, Borough of
Queens. Alt. I #401282143. Proposed alteration and
enlargement to an existing one family dwelling, not
fronting on a legally mapped street, and located within the
bed of a mapped street, is contrary to Sections 35 and 36,
Article 3 of the General City Law.

290-01-A B.Q. 13 Beach 220th
Street,

southeast corner of Rockaway Point Boulevard, Block
16350, Part of Lot 400, Borough of Queens. Alt. I.
#401298172. Proposed alteration and enlargement, to an
existing one family dwelling, not fronting on a legally
mapped street, is contrary to Section 36, Article 3 of the
General City Law.

291-01-A B.Q. 117 Beach 222nd
Street,

east side, 320' south of Breezy Point Boulevard, Block
16350, Lot 400, Borough of Queens. Alt. 1 #401246380.
Proposed enlargement to an existing one family dwelling,
not fronting on a legally mapped street, is contrary to
Section 36, Article 3 of the General City Law.

292-01-BZ B.M. 69/71 MacDougal
Street,

north side, 120-3 ½" of West Houston Street, Block 526,
Lots 33 and 34, Borough of Manhattan. Applic.
#102321952. The legalization of a new dining room at the
rear of the structure, and a storage room in the cellar,
which is part of an existing and drinking establishment,
Use Group 6, located in an R7-2 zoning district, is contrary
to Z.R. §52-22.

DOCKET

293-01-A B.M. 53 East 77th Street,
north side, between Madison and Park Avenues, Block
1392, Lot 25, Borough of Manhattan. Alt. #101834927.
An appeal challenging the Department of Buildings’
decision dated September 20, 2001, which permitted the
renovation of parts of subject building under the old code,
when the cost of renovation of exceeds sixty percent of the
value of the building as per §27-115 of the NYC
Administrative Code.

294-01-BZ B.BK. 125 Green
Street,
between Franklin Street and Manhattan Avenue, Block
2512, Lot 60, Borough of Brooklyn. Applic. #300918425.
The legalization of the fourth floor of an existing four story
building for residential use, and to permit the remaining
three floors to be utilized for residential purposes, Use
Group 2, located in an M1-1 zoning district, is contrary to
§42-10.

COMMUNITY BOARD #1BK

295-01-BZ B.BK. 1257/63 38th
Street,
between 12th and 13th Avenues, Block 5295, Lots 47, 48 and
49, Borough of Brooklyn. Applic. #301268964. Proposed
construction and operation of a school, Use Group 3,
located within an M2-1 zoning district, is contrary to Z.R.
§42-00.

COMMUNITY BOARD #12BK

296-01-A B.Q. 171 Ocean
Avenue,
north side, 110' west of Breezy Point Boulevard, Block
16350, Part of Lot 400, Borough of Queens. Applic.
#401311941. Proposed enlargement of the existing first
floor, and the construction of a new second floor to an
existing one family dwelling, not fronting on a legally
mapped street, and also lies within the bed of a mapped
street, is contrary to Sections 35 and 36, Article 3 of the
General City Law.

297-01-BZ B.M. 201 East 23rd
Street,
northeast corner of Third Avenue, Block 904, Lot 1,
Borough of Manhattan. Applic. #102610827. The
legalization of an existing physical culture establishment,
Use Group 9, located on the second floor of an existing two
story building, requires a special permit from the Board as
per Z.R. §32-31.

COMMUNITY BOARD #6M

298-01-A B.Q. 107 Beach 221st Street,
east side, 120' south of Breezy Point Boulevard, Block
16350, Part of Lot 300, Borough of Queens. Alt. I
#401297798. Proposed enlargement and alteration of an
existing single family dwelling, not fronting on a legally
mapped street is contrary to Section 36, Article 3 of the
General City Law.

299-01-A B.M. 270 West 43rd
Street,
bounded by 43rd Street, Eighth Avenue and 42nd Street,
Block 1014, Lot 58, Borough of Manhattan. Applic.
#102677550. Proposed atrium located between the 9th floor
to 16th Floor, is contrary to §27-521.05(c) of the Admin.
Code, in that one of the required exits shall be only through
an enclosed passageway or corridor conforming to the
requirements of exits as per Subchapter 6 of the Admin.
Building Code.

300-01-A B.S.I. 3903/3911 Amboy Road,
north side, 407' east of Giffords Lane, Borough of Staten
Island. Applic. #400484772. Proposed construction of a
paved parking area and related facilities, for a proposed one
story retail building, located within the bed of a mapped
street, is contrary to Section 35, Article 3 of the General

301-01-BZ B.M. 371 Lafayette Street,
aka 21/23 Great Jones Street, between Great Jones and
Bonds Streets, Block 530, Lots 17 and 18, Borough of
Manhattan. Applic. #102986663. Proposed eating and
drinking establishment, Use Group 6A, in excess of 5,000
square feet, to be partially located below the floor level of
the second story, of a building to be constructed in an M1-
5B zoning district, is contrary to Z.R. §42-14 D(2)(b) and
D(3)(a).

COMMUNITY BOARD #2M

302-01-BZ B.BX. 2519/2525 Creston Avenue,
southwest corner of East 191st Street, Block 3175, Lot 26,
Borough of the Bronx. Applic. #200683590. The
reestablishment of a previous variance granted by the Board
under Cal. #861-48-BZ, which permitted an accessory
parking facility for commercial use in an R8 zoning
district.

COMMUNITY BOARD #7BX

DOCKET

303-01-BZ B.BK. 756 Myrtle Avenue,
between Nostrand and Marcy Avenues, Block 1754, Lot 7
(previously 7, 8, 9, 11 and 13), Borough of Brooklyn.
Applic. #301230852. Proposed construction of an
automotive service station with an accessory convenience
store, Use Group 16, located in a C1-3 zoning district, is
contrary to Z.R. §32-25.

COMMUNITY BOARD #3BK

**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.**

304-01-BZ B.BK. 1720 Avenue
"J",
southwest corner of East 18th Street, Block 6719, Lot 37,
Borough of Brooklyn. Applic. #301230139. Proposed
community facility, Use Group 4, located in R2 zoning
district, which creates non-compliance with respect to floor
area ratio, open space ratio, front and side yards, perimeter
wall height/sky exposure and parking, is contrary to Z.R.
§24-11, §24-34, §24-35, §24-521 and §25-18.

COMMUNITY BOARD #14BK

**DESIGNATIONS: D-Department of Buildings; B.BK.-
Department of Buildings, Brooklyn; B.M.-Department**

CALENDAR

NOVEMBER 27, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a Special Public Hearing, *Tuesday morning*, November 27, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

279-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Howard Friscia, 2128 McDonald Avenue, 2130 McDonald Avenue, Alice Lee and Vincezo Morello, owner; Magen David Yeshivah, lessee.

SUBJECT - Application September 7, 2001 - under Z.R. §72-21 and §73-19, to permit the proposed community facility (school), Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-compliance with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to Z.R. §42-00, §24-11, §24-34, §24-35, §24-36, §24-521, and also requires a special permit as per Z.R. §73-19.

PREMISES AFFECTED - 2106/30 McDonald Avenue, a/k/a 143/45 Lake Street, between Avenues S and T, Block 7087, Lots 14, 22, 24, 73 and 76, Borough of Brooklyn.

COMMUNITY BOARD #11BK

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, OCTOBER 16, 2001
10:00 A.M.**

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, August 7, 2001, were approved as printed in the Bulletin of August 16, 2001, Volume 86, No. 32-33.

SPECIAL ORDER CALENDAR

30-58-BZ

APPLICANT -Vassalotti Associates, Architects, for the Benenson Capital Company, owner.
SUBJECT - Application September 25, 2000 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 184-17 Horace Harding Expressway, northwest corner of 185th Street, Block 7067, Lot 50, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -
For Applicant: Hiram A. Rothkrug.
For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 27, 2001, after due notice by publication in *The City Record*, laid over to August 7, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was deferred to October 16, 2001 for decision; and

WHEREAS, the applicant proposes to erect a metal canopy over new gasoline pump islands and alter the sales

area of an existing gasoline service station to accommodate an attendant's booth contrary to BSA Calendar Number 30-58-BZ.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §11-412, said resolution having been adopted on June 23, 1959 as amended through December 13, 1994, so that as amended this portion of the resolution shall read:

“To permit the erection of a metal canopy over the new gasoline pump islands and to allow the alteration of the sales area to provide and attendant's booth, on condition that; there shall be no sale of diesel fuel; that there shall be no sale of used cars; that all street trees and landscaping shall be installed and maintained in accordance with the BSA approved plans; that the premises shall be maintained in substantial with the proposed plans submitted with the application marked 'Received, October 31, 2000'-(1) sheet, 'April 24, 2001'-(1) sheet and 'July 31, 2001'-(1) sheet; 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 work shall be completed and a new certificate of occupancy obtained within two years of this amended resolution.”

(DOB. 401076759)

Adopted by the Board of Standards and Appeals, October 16, 2001.

1181-80-BZ

APPLICANT - Sheldon Lobel, P.C., for Kenneth Koeing, owner.

SUBJECT - Application June 20, 2001- reopening for an extension of term of an variance which expired April 7, 2001.

PREMISES AFFECTED- 62-07 Woodside Avenue, north side, 349' east of 61st Street, Block1294, Lot 20, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -
For Applicant: Eric Palatnik.
For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of

MINUTES

the term of the variance; and

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in *The City Record*, then laid over to September 11, 2001 for decision; and

WHEREAS, Community Board #2, Queens, recommends approval of the application; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the resolution;

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to Z.R.§72-01 and §72-22, said resolution having been adopted on April 7, 1981 expiring on April 7, 2001, so that as amended this portion of the resolution shall read:

"Term of the variance extended; on condition that the term shall be limited to twenty years, from April 7, 2001, expiring on April 7, 2021; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, 'Received April 10, 2001'- (6) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution."

(DOB 401221708)

Adopted by the Board of Standards and Appeals, October 16, 2001.

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner; Charles Business Associates, Inc., lessee.

SUBJECT - Application April 25, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired June 2, 2001.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Luwai Khomosi.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy; and

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in *The City Record*, laid over to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision.

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution adopted on January 4, 1983, as amended through January 4, 1998 expiring January 4, 2018, only as to the time to obtain a Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That a new certificate of Occupancy shall be obtained within 24 months from the date of this amended resolution".

(DOB 401225456, formerly Alt. 332/82)

Adopted by the Board of Standards and Appeals, October 16, 2001.

366-32-BZ

APPLICANT - Rothkrug & Rothkrug, for Lorenzo Garcia, owner.

SUBJECT - Application March 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1385/95 Webster Avenue, west side of Webster Avenue, 772' north of East 169th Street, Block 2887, Lots 151 thru 155, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

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

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq, for Kino Realty Corp., owner.

SUBJECT - Application May 2, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Avenue, a/k/a 72-02 Cypress Hills Street, Southwest corner of Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

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COMMUNITY BOARD # 5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

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

APPEARANCES -

For Applicant: Jeffrey Chester, Henry Brusic.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for continued hearing.

742-59-BZ

APPLICANT -Harold L. Robertson, for Lewis Rudin, owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired June 14, 2001.

PREMISES AFFECTED - 134-136 East 55th Street, a/k/a 50 Park Avenue, Lexington Avenue and East 55th Street, Block 1309, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Harold L. Robertson.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3
N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

743-59-BZ

APPLICANT - Harold L. Robertson, for Lewis Rudin, owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired July 12, 2001.
PREMISES AFFECTED - 38-50 East 36th Street, Park Avenue and East 36th Street, Block 865, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Harold L. Robertson.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

502-60-BZ

APPLICANT - Rothkrug & Rothkrug, for 4452 Broadway Realty Co., owner.

SUBJECT - Application February 27, 2001- request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired January 20, 2001.

PREMISES AFFECTED - 4452/6 Broadway, a/k/a 88/90 Fairview Avenue s/e/s of Broadway and Fairview Avenue, Block 2170, Lot(s) 400, 62, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

1449-61-BZ

APPLICANT - Vassalotti Associates Architects, for Exxon Company U.S.A., owner.

SUBJECT - Application February 2, 1999 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to legalize the removal of a previously approved pump island, the enlargement to the accessory building and for an extension of term of variance which

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expired November 8, 1997.

PREMISES AFFECTED - 4085 Nostrand Avenue, north east corner of Emmons Avenue, Block 8796, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to January 29, 2002, at 10 A.M., for continued hearing.

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application April 9, 2001- reopening for an extension of term of variance which expires April 13, 2011.

PREMISES AFFECTED - 43-70 Kissena Boulevard, Flushing, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Isaac Sasson.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

334-66-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

SUBJECT - Application January 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for continued hearing.

599-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for F. M. Brush Company, owner.

SUBJECT - Application April 20, 2001 - reopening for an extension of term of the variance which expires December 21, 2001

PREMISES AFFECTED - 70-02 72nd Place and 72-20 Edsall Avenue, southwest corner of Edsall Avenue and 72nd Place, Block 3664, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
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ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

1131-79-BZ

APPLICANT - Howard Z. Zipser, for Infinity Broadcasting East, Inc., CBS Broadcasting, Inc., owners.

SUBJECT - Application July 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 550 King Avenue, a/k/a High Island, 1200' north of Terrace Street, Block 5649, Lot 120, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Howard A. Zipser.

For Opposition: TM Gallagher, Community Board #10BX and others.

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

983-83-BZ

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APPLICANT - Sheldon Lobel, P.C., for Joyce Ross., Owner.

SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.

PREMISES AFFECTED -134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137th Avenue, Block 12300, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 15, 2002, at 10 A.M., for decision, hearing closed.

1617-88-BZ

APPLICANT - Goidel and Siegel, LLP, for Vivian Properties, LLC as Contract Vendee to NYCTL 1996-1 Trust and the Bank of New York, owner.

SUBJECT - Application February 28, 2000 - reopening for an extension of term of variance which expired January 30, 2000.

PREMISES AFFECTED - 17-33 West 9th Street, north side, 163.6' east of Columbia Street, Block 534, Lots 35, 36 and 37, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over without date.

192-92-BZ

APPLICANT - Anthony M. Salvati, for Paul Rose, owner.

SUBJECT - Application January 4, 2001 - reopening for an extension of term of variance which expires July 23, 2001.

PREMISES AFFECTED - 900 Southern Boulevard, Northeast corner formed by Southern Boulevard and Barreto Street, Block 2735, Lot 1 Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

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

107-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Confectionary Realty Corp., owner.

SUBJECT - Application April 9, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired March 7, 2001.

PREMISES AFFECTED - 290/98 Dyckman Street, corner of Dyckman Street and Henshaw Street, Block 2246, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

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

205-98-BZ

APPLICANT - Philip P. Agusta, for Dr. Haresh Shah, D.D.S., owner.

SUBJECT - Application June 6, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 257-10/18 Union Turnpike, south side of Union Turnpike 75.65' east of 257th Street, Block 8694, Lots 27 and 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October

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30, 2001, at 10 A.M., for continued hearing.

230-98-BZ

APPLICANT - Agusta & Ross, for John & Gaetano Lacono, owner1, Washington Cemetery, owner2.

SUBJECT - Application February 9, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term which expired June 22, 2000 and for an amendment to the resolution.

PREMISES - 5810-5824 Bay Parkway, northeasterly corner of Bay Parkway and 59th Street, Block 5508, Lots 44 and 38, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3
N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for decision, hearing closed.

99-01-A

APPLICANT - New York City Board of Standards and Appeals.

OWNER: Nicolo Balducci.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 37-18 74th Street, West of 74th Street 161.107' south of 37th Avenue, Block 1284, Lot 47, Borough of Queens

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3
N e g a t i v e :
.....0

Adopted by the Board of Standards and Appeals, October 16, 2001.

35-01-A

APPLICANT - Jack Lester, Esq., on behalf of Iver Iverson and East 82nd Street Neighborhood Association.

OWNER OF PREMISES: Marymount School.

SUBJECT - Application February 2, 2001 - an appeal challenging the Department of Buildings' determination dated January 11, 2001, allowing the construction of an exterior stairwell as a second means of egress at subject premises which constitutes a fire safety hazard, and also is in violation of the Building Code of the City of New York.

PREMISES AFFECTED - 2 East 82nd Street, corner of Fifth Avenue, Block 1493, Lot 68, Borough of Manhattan.

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative:.....
...0
Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 11, 2001, acting on Applic. No. 102843933, reads in pertinent part:

“This is in response to your letter to former Acting Commissioner Richard Visconti regarding questions on plan approval and the stairs.

The Department believes the approval of the application is correct and does not require a revocation.”; and

WHEREAS, a public hearing was held on this application on July 24, 2001, after due notice by publication in *The City Record*, laid over to August 14, 2001 and then to September 11, 2001 for decision. On September 11, 2001 all hearings were postponed and this application was deferred to October 16, 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, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an appeal from a determination of

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the commissioner of the Department of Buildings (“DOB”) dated January 11, 2001, denying the appellant request to revoke approvals and a permit which allowed the construction of an exterior stairwell as means of egress which constitutes a fire safety hazard and a violation of Building Code of New York; and

WHEREAS, the subject premises is located within an R-10 zone and the Metropolitan Museum Historic District; and

WHEREAS, on June 16, 2000, the Department of Buildings (DOB) approved an application allowing a modification of the Administrative Code (“AC”) in which a proposed exterior stairway leading from a basement areaway at the front of the building to the sidewalk above which will be utilized as a secondary means of egress; and

WHEREAS, by letters dated July 19, 2000 and September 26, 2000, appellant challenged DOB’s determination claiming that the approval of the application which allowed the construction of an exterior stairwell as a second means of egress at the subject premises constituted a fire safety hazard; and

WHEREAS, the issues raised were:

1. Whether the headroom of the egress stair, the height of stair risers, and the width of the stair treads satisfy the requirements of the Administrative Code of the City of New York (the “AC”);
2. Whether the egress stair, which is curved in shape and partially roofed, complies with the AC;
3. Whether the location of the egress stair, in relation to the interior lot line, conforms with the AC; and
Whether the wheelchair lift and egress stair observe AC requirements”; and

WHEREAS, in a response letter dated January 11, 2001, the DOB issued a final determination that the approval of the application was correct and that the Department would not revoke the application; and

WHEREAS, the Board agrees with the response of the DOB and believes that the Department properly interpreted the Administrative Code in its response to appellant’s appeal; and

WHEREAS, the appellant further contends that as a result of the close proximity of his office to the subject building, he will be directly affected by fire safety hazards and that the crowds, danger, confusion and congestion caused by an unsafe second egress; and

WHEREAS, the applicant further contends that the concrete and marble over-hang will prevent teachers from safely carrying children out of the building and that the exposed portion of the stairwell will be a trap for falling

concrete and debris; and

WHEREAS, the applicant contends that the confusion and congestion caused by this egress will prevent the safe evacuation of his building and that during a fire and/or explosion it would have a spill over effect at the subject building; and

WHEREAS, on August 9, 2001 Michael J. Butler, Chief of Fire Prevention sent the following letter to the Board of Standards and Appeals:

“Representatives of the New York City Fire Department conducted an inspection and evaluation on Friday July 27th 2001 at the above referenced premises (2 East 82nd Street). Present from the Fire Department were Deputy Chief Alexander Parsec As. Chief of Fire Prevention, Deputy Chief Thomas Gavin assigned to Division 3, Battalion Chief Philip Parr, Fire Prevention BSA representative, and Battalion Chief William Moore Batt. 10.

Review of Plans indicate, that this building is proposed to be fully sprinklered in conjunction with an approved fire alarm system. The Fire Department found building egress from all floors to be satisfactory for this occupancy.

This department has no objections to the Department of Building’s approved plans for this location, provided that all other rules, regulations of the New York City Administrative Code are in compliance”; and

WHEREAS, the appellant’s objections to the DOB’s determination that the construction of an exterior stairwell as a second means of egress is a fire safety hazard has been fully inspected and reviewed by the Fire Department; and

WHEREAS, the Board has reviewed the entire record, plans and has conducted its own site inspection; and

WHEREAS, the Board concurs with the Fire Department that this exterior stairwell does not constitute a fire safety hazard on this site or to neighboring buildings provided the owner complies with all rules, regulations of the New York City Administrative Code; and

WHEREAS, the Board finds that the Department of Buildings acted properly in allowing a modification of the Administrative Code in the construction of the stairs where a practical difficulty in carrying out the strict letter of the provisions of the AC exists and where the stairs do not compromise any safety standards; and

Resolved, that the decision of the Borough Commissioner, January 11, 2001, acting on Alt. Applic. No. 102843933 is affirmed and the appeal is denied.

Adopted by the Board of Standards and Appeals October 16, 2001.

MINUTES

46-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 8, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 133 Giegerich Avenue, south side, 215' east of Bedell Avenue, Block 7793, Lot 188, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3

N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Commissioner, dated January 9, 2001, acting on ALT Application No. 500453065, reads:

Street giving access to the proposed building is not placed on the official map of the City of New York, Therefore:

“A. No Certificate of Occupancy can be issued as per Art. 3, Sect 36 of the General City Law; and

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York”; and

WHEREAS, by letter dated May 10, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions. *Resolved*, that the decision of the Staten Island Borough Commissioner, dated January 9, 2001, acting on ALT Application No. 500453065, is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition, that a sign shall be provided indicating that there shall be no parking on the subject street; that

construction shall substantially conform to the drawing filed with the application marked, “Received, June 12, 2001”-(1) sheet and that the proposal comply with all applicable R3-A zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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.

Adopted by the Board of Standards and Appeals, October 16, 2001.

47-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 8, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.
PREMISES AFFECTED - 145 Giegerich Avenue, south side, 100' east of Bedell Avenue, Block 7793, Lot 187, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3

N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Commissioner, dated January 9, 2001, acting on ALT Application No. 500453056, reads:

Street giving access to the proposed building is not placed on the official map of the City of New York, Therefore:

“A. No Certificate of Occupancy can be issued as per Art. 3, Sect. 36 of the General City Law; and

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-

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291 of the Administrative Code of the City of New York”; and

WHEREAS, by letter dated May 10, 2001, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated January 9, 2001, acting on ALT. Application No. 500453056, is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that; a sign be provided indicating that there shall be no parking on the subject street; that construction shall substantially conform to the drawing filed with the application marked, “Received, June 12, 2001”-(1) sheet; and that the proposal comply with all applicable R3-A zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition.

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.

Adopted by the Board of Standards and Appeals, October 16, 2001.

50-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 12, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 146 Bartow Avenue, south side, 159' east of intersection of Page Avenue, Block 7756, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island

Commissioner, dated January 18, 2001, acting on ALT Application No. 500466202, reads:

Street giving access to the proposed building is not placed on the official map of the City of New York, Therefore:

“A. No Certificate of Occupancy can be issued as per Art. 3, Sect. 36 of the General City Law; and

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York”; and

WHEREAS, by the letter dated April 24, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the curb to curb width of Bartow Avenue will be 38ft.; and

WHEREAS, the 30' paved street at the end of Bartow Avenue which gives access to 328 Eugene Street must be kept open and clear to serve as a Fire Department vehicle turnaround; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated January 18, 2001, acting on ALT. Application No. 500466202, is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, September 11, 2001”-(1) sheet and that the proposal comply with all applicable R3-1 (SRD)- zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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.

Adopted by the Board of Standards and Appeals, October 16, 2001.

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51-01-A

APPLICANT - Rothkrug & Rothkrug, for Robert Kelly, owner.

SUBJECT - Application February 12, 2001 - proposed two family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 148 Bartow Avenue, south side, 129' east of intersection of Page Avenue, Block 7756, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Commissioner, dated January 18, 2001, acting on ALT Application No. 500466211, reads:

Street giving access to the proposed building is not placed on the official map of the City of New York, Therefore:

“A. No Certificate of Occupancy can be issued as per Art. 3, Sect. 36 of the General City Law; and

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York”;

WHEREAS, by letter dated April 24, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the curb to curb width of Bartow Avenue will be 38ft.; and

WHEREAS, the 30'ft paved street at the end of Bartow Avenue which gives access to 328 Eugene Street must be

kept open and clear to serve as a Fire Department vehicle turnaround; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated January 18, 2001, acting on ALT. Application No. 500466211, is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, September 11, 2001”-(1) sheet and that the proposal comply with all applicable R3-1(SRD) zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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.

Adopted by the Board of Standards and Appeals, October 16, 2001.

133-01-A

APPLICANT - Philip L. Rampulla, for Emanuel Licitra, owner.

SUBJECT - Application April 4, 2001 - proposed one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 105 Giegerich Avenue, 514.74' south of Minerva Avenue, Block 7792, Lot 435, Borough of Staten Island.

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

THE RESOLUTION-

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WHEREAS, the decision of the Borough Commissioner, dated March 8, 2001, acting on Application Number 500467675, reads:

- “1) A STREET GIVING ACCESS TO THE PROPOSED BUILDING IS NOT PLACED ON THE OFFICIAL MAP OF THE CITY OF NEW YORK; THEREFORE,
- 2) NO CERTIFICATE OF OCCUPANCY CAN BE ISSUED AS PER ARTICLE 3, SECTION 36 OF THE GENERAL CITY LAW AND,
- 3) PERMIT MAY NOT BE ISSUED SINCE PROPOSED CONSTRUCTION DOES NOT HAVE AT LEAST 8% OF THE TOTAL PERIMETER OF THE BUILDING FRONTING DIRECTLY UPON A LEGALLY MAPPED STREET OR FRONTAGE SPACE AND THEREFORE CONTRARY TO SECTION 27-291 OF THE ADMINISTRATIVE CODE”; and

WHEREAS, by letter dated August 15, 2001, the Fire Department has reviewed the above project and has no objections; and

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

Therefore it is Resolved, that the decision of the Borough Commissioner, dated March 8, 2001, acting on Application Number 500467675, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, on condition that construction shall substantially conform to drawings filed with the application marked, “Received, June 21, 2001”-(2) sheets and on further condition;

THAT a no parking anytime signs shall be installed along the entire length of Giegerich Avenue;

THAT the development, as approved, is subject all R3-A zoning requirements and 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.

Adopted by the Board of Standards and Appeals, October 16, 2001.

206-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative, Inc., owner; Esilda and Paul Bruder, lessees.

SUBJECT - Application June 7, 2001 - proposed first story enlargement and addition of a partial second floor to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, which is contrary to Sections 35 & 36, Article 3 of the General City Law.

PREMISES AFFECTED - 441 Hillcrest Walk, east side, 13' south of Rockaway Point Boulevard, Block 16350, Part of Lot 100, Borough of Queens.

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated June 21, 2001, acting on ALT 1 Application No. 401224938, reads:

A-1 The Street giving access to the existing building to be altered is not duly placed on the original map of the City of New York, Therefore:

“A. A Certificate of Occupancy may not be issued as per Article 3, Section. 36 of the General City Law; and

B. Existing dwelling to be altered does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York”; and

A-2 Alteration of a building lying partially within the bed of a mapped street is contrary to General City Law Article 3 Section 35 and must be reviewed by the Board of Standards and Appeals.

WHEREAS, by letter dated June 13, 2001, the Fire Department has reviewed the project and has no objections; and

WHEREAS, by letter dated July 10, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 19, 2001, the Department of Environmental Protection has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated June 21, 2001, acting on ALT.1 Application No. 401224938, is modified under the power vested in the Board by Section 35 and Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received, June 7, 2001”-(1) sheet; and that the

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proposal comply with all applicable R-4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition.

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.

Adopted by the Board of Standards and Appeals, October 16, 2001.

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3

N e g a t i v e :
.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3

N e g a t i v e :
.....0

ACTION OF THE BOARD - Laid over to October 30, 2001, at 11 A.M., for decision, hearing closed.

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 January 15, 2002, at 11 A.M., for deferred decision.

213-00-A

APPLICANT - Klein and O'Brien, LLP, for Congregation Tomchei Torah, owner.

SUBJECT - Application September 8, 2000 - an appeal from a Buildings Department Administrative decision dated August 30, 2000, denying a permit to remove and replace a wall at subject premises.

PREMISES AFFECTED - 1966 Ocean Avenue, west side, 146.3' north of Avenue O, Block 6757, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Allison Farina.

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 16, 2001

2:00 P.M.

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

259-98-BZ

CEQR # 99-BSA-021K

APPLICANT - Augusta & Ross, for Kent Plaza Realty Corporation, owner.

SUBJECT - Application August 21, 1998 - under Z.R. §72-21, to permit the proposed erection of two multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 761/773 Kent Avenue, a/k/a 763 Kent Avenue, south side, between Little Nassau Street and Flushing Avenue, Block 1884, Lots 33 and 36 (Tentative Lot 36), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

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For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:.....0
...0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 19, 1998 acting on N.B. Application No. 300766883, reads:

- “1) Proposed use not permitted in M1-1 zone as per section ZR 42-00.
- 2) Proposed Residential Development contrary to Z.R. section 42-10. There are no applicable bulk yard or parking regulations”; and

WHEREAS, a public hearing was held on this application on June 5, 2001, after due notice by publication in *The City Record*, laid over to July 17, 2001, August 7, 2001, and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 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, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit within an M1-1 zoning district, the proposed erection of two multiple dwellings (Use Group 2) which is contrary to Z.R. §42-00; and

WHEREAS, the record indicates that the subject zoning lot is a sloped, through corner zoning lot that fronts upon and is bounded by three City Streets, approximately 172.4 feet upon Kent Avenue, approximately 50 feet upon Little Nassau Street, and approximately 50.75 feet upon Flushing Avenue; and

WHEREAS, the applicant represents that the subject zoning lot is burdened with a structurally defective and functionally obsolete one story brick industrial structure saddled with rubble filled cellars and remaining rubble foundations from several turn of the (19th) Century rowhouses that had occupied the site; and

WHEREAS, record indicates that the site is burdened with bulges in the walls from roof to floor, shifting foundation and courses, water damaged roofs and walls, cracked columns, and inoperable windows; and

WHEREAS, the applicant’s experts represent that it would be more costly to repair the subject premises than it would be to demolish and replace the building; and

WHEREAS, the applicant further represents that the

premises is vacant except for the month-to-month caretaker, who does not reside in, nor regularly use the premises; and

WHEREAS, the Board finds that the existing building presents unique physical conditions which create practical difficulties and unnecessary hardships in building a conforming use; and

WHEREAS, as indicated above, the applicant has detailed a continual difficulty in leasing the building for conforming users; and

WHEREAS, the Board finds that the aforementioned unique conditions create an unnecessary hardship in developing the site with a conforming development; and

WHEREAS, the record indicates that the investment required to convert the building into a more modern and viable commercial or industrial space would exceed any expected return from rental incomes; and

WHEREAS, the Board finds that the evidence in the record, including a feasibility study demonstrate that a strictly as-of-right-development would not yield a reasonable return; and

WHEREAS, the record indicates that the instant proposal is similar to other residential developments within the vicinity of the subject premises, and that the erection of the subject developments would add to the growing residential character block front; and

WHEREAS, while the surrounding area once contained a heavy concentration of industrial uses, the area is now better classified as mixed-use, with much of the industrial space under utilized; and

WHEREAS, in response to Board concerns over parking in the area, the applicant has completed a survey and has shown that there is ample on-street available on both Kent Avenue and Little Nassau Street; and

WHEREAS, by providing indoor recreation space, the proposal is consistent with a key goal of the Quality Housing program; and

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

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

WHEREAS, the Board finds that this variance 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

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significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit within an M1-1 zoning district, the proposed erection of two multiple dwellings (Use Group 2) 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, August 1, 2001"-(18) sheets and on further condition;

THAT all floors are to have an automatic wet sprinkler system as required under LL 10/99 connected to a Fire Department approved Central Station;

THAT the above referenced conditions appear on the new 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 be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, October 16, 2001.

152-00-BZ

CEQR # 00-BSA-151Q

APPLICANT - Sheldon Lobel, P.C., for Dominick Schiavone, owner.

SUBJECT - Application June 1, 2000 - under Z.R. §72-21, to permit the proposed legalization of an auto repair shop establishment (Use Group 16) which is contrary to a previous variance granted under Cal. No. 585-73-BZ, which permitted an automotive services station and auto repair shop in an R4-4 zoning district.

PREMISES AFFECTED - 135-36 Centerville Street, northwest corner of Centerville Street and Howtree Street, Block 11518, Lots 26 and 192, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo :
.....3

Negative:.....
...0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated July 21, 2000 and revised September 25, 2000, acting on Applic. No. 401059849, reads:

"Proposed enlargement and continuation of use of Automobile Repair Shop is not permitted as-of-right in an R-4 District and is contrary to Zoning Resolution Section 22-00"; and

WHEREAS, Community Board #10, Queens recommends conditional approval of this application; and

WHEREAS, a public hearing was held on this application on December 12, 2000 after due notice by publication in *The City Record*, and laid over to February 13, 2001, March 27, 2001, April 24, 2001, May 15, 2001, June 27, 2001 and to July 24, 2001 for decision; and then to September 11, 2001 for deferred decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision; and and

WHEREAS, on July 24, 2001, the record was reopened for clarification and the decision deferred until August 7, 2001, on August 7th, the decision was again deferred to September 11, 2001; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed enlargement and continuation of an auto repair shop establishment (not automotive service station Use Group 16, is contrary to a previous variance granted under Cal. No. 585-73-BZ, which permitted an automotive services station and auto repair shop in an R4 zoning district; and

WHEREAS, the applicant originally requested a legalization of the premises as an automobile repair shop and a charter bus establishment; and

WHEREAS, in 1973, under Calendar Number 585-73-BZ, the then-owner sought to enlarge the existing non conforming automobile service station and automobile repair shop and was granted a variance for a ten year affixed term which has expired; and

WHEREAS, a comparison of the building approved under the prior calendar number and the existing building reveals that today's building is 392 square feet larger and has expanded southward onto Lot 26; and

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WHEREAS, two gasoline pumps/islands once present on the east side of Lot 192 near Centerville Street no longer exist; and

WHEREAS, the Premises has a unique seven-sided configuration, featuring three obtuse angles, three right angle, and an angle greater than 180 degrees; and

WHEREAS, as a result of this unconventional shape, yard and other bulk regulations would produce a conforming development unable to fill the permitted floor area and lot coverage; and

WHEREAS, no other lot in the neighborhood has as many as seven lines; and

WHEREAS, the Premises obtained a Certificate of Occupancy "CO" as a Repair Shop - Gas Station in 1929 and another CO for the use of Auto Wrecking in 1937; and

WHEREAS, the subject building was originally constructed and configured as a commercial instead of residential development; and

WHEREAS, the record indicates that to now convert the subject premises to conforming residential would result in financial hardship; and

WHEREAS, these inherent conditions and history of development render the building functionally obsolete for conforming development; and

WHEREAS, therefore, the Board finds that developing the site with a conforming use or complying development would result in a practical difficulty and unnecessary hardship in utilizing the zoning lot for a conforming development; and

WHEREAS, a feasibility study demonstrates that development of the subject zoning lot with a conforming use or complying development will not yield the owner a reasonable return; and

WHEREAS, evidence in the record reveals that within the area of the subject zoning lot there exists a neighborhood characterized by residential, industrial and commercial uses; and

WHEREAS, the applicant notes that this is a legalization of a use that has existed without any adverse impact on the community and will not require any new construction; and

WHEREAS, the applicant has provided assurances and revised the plans indicating that the subject establishment will comply with applicable rules and regulations pertaining to the painting of automobiles; and

WHEREAS, existing auto spray paint area shall comply with the following laws but not limited to;

- 1.) New York City Code: sub-chapter 7
Article 3: Occupancies involving spraying or dip finishing (sections 27- 406, 27-412)
Article 9: Automobile repair shops (sections 27- 443, 27-449)
- 2.) BSA rules covering use of equipment for spraying, storage, and drying of paints etc.

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford 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.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and *grants* a variance on a site previously before the Board, to permit the proposed enlargement and continuation of an auto repair shop establishment (not automotive service station), Use Group 16, is contrary to a previous variance granted under Cal. No. 585-73-BZ, which permitted an automotive services station and auto repair shop in an R4 zoning district *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"-(1) sheet; "June 1, 2001"-(2) sheets and "September 4, 2001"-(1) sheet; and *on further condition*;

THAT use of the premises shall be limited to auto repair shop;

THAT premises be maintained free of debris and graffiti;

THAT existing auto spray paint area shall comply with the following laws;

- 1) New York City Code: sub-chapter 7
Article 3: Occupancies involving spraying or dip finishing (sections 27- 406, 27-412)
Article 9: Automobile repair shops (sections 27- 443, 27-449)
- 2) BSA rules covering use of equipment for spraying, storage, and drying of paints etc.;

THAT this variance be limited for a term of ten (10) years;
THAT the above conditions appear on the new 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

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jurisdiction of the Department; and

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

Adopted by the Board of Standards and Appeals October 16, 2001.

196-00-BZ

CEQR # 01-BSA-011R

APPLICANT - Rothkrug & Rothkrug, for Patricia Cattani, owner.

SUBJECT - Application August 8, 2000 - under Z.R. §72-21, to permit the legalization of an existing office on the second floor, and to permit similarly use of the first floor for professional offices, Use Group 6, in an existing community facility/residential building, located within an R1-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 269 Forest Avenue, a/k/a 81 Randall Avenue, northeast corner, Block 131, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

A f f i r m a t i v e :
.....0

Negative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r C a l i e n d o :
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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 19, 2000, acting on Alt. Applic. No. 500385317 reads;

“Proposed offices (Use Group 6) in a residence district is contrary to Section 22-10 Z.R.”; and

WHEREAS, a public hearing was held on this application on May 15, 2001 after due notice by publication in *The City Record* and laid over to June 19, 2001, August 7, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-2(HS) zoning district, the proposed legalization of an existing office (Use Group 6) on the second floor and to permit an office use on the first floor in an existing community facility/residential building limited to parking category B-1 professional offices, contrary to Z.R. §22-10; and

WHEREAS, the subject consists of an irregular corner lot

with 74.22' of frontage on Randall Avenue and an arced frontage on Forest Avenue of 108.63' developed with a cellar and two-story building; and

WHEREAS, the applicant contends that when the current owner purchased the subject property, it was developed with a one-family dwelling in disrepair and need of substantial renovation and/or reconstruction; and

WHEREAS, while the applicant represents that the location and footprint of the site and building, fronting on Forest Avenue, led the owner to file plans and obtain approval to convert the building into a community facility/residential building, with medical offices occupying the cellar and first floor with a residential apartment above, the record indicates that the location and footprint of the site do not create a practical difficulty in developing the site with a conforming use; and

WHEREAS, the applicant proposes to legalize the existing office on the second floor and house offices on the first floor and use the cellar space for storage; and

WHEREAS, the Board notes that the applicant provides evidence of efforts to secure a conforming tenant, and proposes to limit the hours of operation for any office tenant to Monday to Saturday 7:30 a.m. to 7:30 p.m., closed Sunday; and

WHEREAS, the Board finds that the applicant has failed to provide a unique physical condition and/or history of development of the zoning lot, creating a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

WHEREAS, therefore, the Board finds that the application fails to meet the requirements of Z.R. §72-21(a); and

WHEREAS, evidence in the record, does not demonstrate that a conforming residential development would not yield a reasonable return; and

WHEREAS, therefore, the Board finds that the application fails to meet the requirements of Z.R. §72-21(b); and

WHEREAS, the record indicates that a viable residential use already exists and the character of the surrounding area is residential or community facility with no office or other commercial uses; and

WHEREAS, the Board notes that the two properties opposite the subject premises are developed with a park a religious use, uses generally associated with residential developments; and

WHEREAS, therefore, the Board finds that the subject proposal will alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area; and

WHEREAS, therefore, the Board finds that the application fails to meet the requirements of Z.R. §72-21(c); and

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WHEREAS, the Board has determined that the evidence in the record fails to support the findings required to be made under Z.R. §72-21(a),(b) and (c) and the application is denied.

Therefore, it is resolved that, that the decision of the Borough Commissioner, dated July 19, 2000, acting on Alt. Applic. No. 500385317 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals October 16, 2001.

222-00-BZ

CEQR # 01-BSA-030R

APPLICANT - Philip P. Augusta, R.A., M.U.P., for Anthony Guddemi, owner.

SUBJECT - Application September 26, 2000 - under Z.R. §72-21, to permit the proposed two story mixed use building consisting of retail and/or business or professional offices on the first floor and four residential units on the second floor (Use Groups 2 and 6) located in an R3-2 (SRD) zoning district, which creates noncompliance with respect to front yard, and exceeds the allowed lot coverage and is contrary to Z.R. §22-00, §23-45 and §23-141.

PREMISES AFFECTED - 4177 Hylan Boulevard, southwest corner of William Avenue, Block 5282, lot 67, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
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Adopted by the Board of Standards and Appeal, October 16, 2001.

246-00-BZ

CEQR # 01-BSA-039M

APPLICANT - Sheldon Lobel, P.C., for M. T. M. Realty, Michael Tepler as President, owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed increase in the number of dwelling units in an existing commercial and residential seven story building, to increase the size of the building by adding a partial floor for residential use, plus a rooftop garden, which creates non-compliance with respect to F.A.R., number of dwelling units and lot area, is contrary to Z.R. §23-112, §15-111, §54-31 and §23-142.

PREMISES AFFECTED - 77-79 Delancey Street, southeast

corner of Allen Street, Block 414, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

A f f i r m a t i v e :
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Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 15, 2001 after due notice by publication in *The City Record* and laid over to June 27, 2001, August 7, 2001, and then to September 25, 2001 for decision. On September 25, 2001, the hearing was canceled and the application laid over to October 16, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, the proposed increase in the number of dwelling units in an existing commercial & residential seven story building converting the sixth and seventh floors, which creates non-compliance with respect to Z.R. §15-111; and

WHEREAS, the subject premises is located on the southeast corner of the intersection of Delancey Street and Alan Street, and is currently improved with a seven-story building with cellar; and

WHEREAS, the cellar is used for storage, the first floor is used for storage and retail stores, and the second floor is occupied by offices; and

WHEREAS, the applicant contends that these uses are permitted in the district on the lowest levels; and

WHEREAS, the third through seventh floors have been and continue to be vacant with the exception of a brief illegal residential by a net lessee; and

WHEREAS, the existing building has a Department of Buildings permit to convert the use of the third through seventh floors from commercial space to residential apartments; and

WHEREAS, the third through seventh floors are currently being renovated into residential apartments in accordance with the afore-mentioned permit; and

WHEREAS, the owner proposes a mixed use project that maintains the business uses and features additional units and to increase the residential occupancies of two of the floors; and

WHEREAS, the owner represents that the cost of conversion is a hardship; and

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WHEREAS, the current owner leased the building and the lessee illegally converted the building to residential units thus this condition is the result of the owner's business decision; and

WHEREAS, the owner represents that there is a hardship because the upper floors are in poor condition; and

WHEREAS, however, the record indicates that the physical deterioration of the upper floors is the result of neglect on the part of the owner which is a self created hardship; and

WHEREAS, the owner represents that the ceiling height of lower floor are higher than the ceiling heights of other properties in the area but the Board determines that this is not a detrimental condition but is a desirable quality in a building; and

WHEREAS, property is surrounded on all sides on buildings that are mixed use, commercial and residential; and

WHEREAS, this condition is irrelevant because under the current zoning, C6-1, is mixed use, whereby commercial and residential uses are permitted; and

WHEREAS, the building is located at the intersection of two major streets, Delancey and Alan Streets; and

WHEREAS, the Board notes that the claim of potential grid lock is not specific to this property because most buildings on the block is potentially subject to this condition; and

WHEREAS, the Board finds that the applicant has failed to provide a unique physical condition and/or history of development of the zoning lot, creating a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

WHEREAS, therefore, the Board finds that the application fails to meet the requirements of Z.R. §72-21(a); and

WHEREAS, the record indicates that the return on this building is sufficient according to the applicant's submitted financial analysis; and

WHEREAS, evidence in the record, does not demonstrate that a conforming residential development would not yield a reasonable return pursuant to Z.R. §72-21(b); and

WHEREAS, therefore, the Board finds that the application fails to meet the requirements of Z.R. §72-21(b); and

WHEREAS, the record indicates that a viable residential use already exists and the character of the surrounding area is residential or community facility with no office or other commercial uses; and

WHEREAS, therefore, the Board finds that the subject proposal will alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area; and

WHEREAS, therefore, the Board finds that the application fails to meet the requirements of Z.R. §72-21(c); and

WHEREAS, the Board has determined that the evidence

in the record fails to support the findings required to be made under Z.R. §72-21(a), (b) and (c) and the application is denied.

Therefore, it is resolved that, that the decision of the Borough Commissioner, dated September 6, 2001, acting on Alt. Applic. No. 102478141 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals October 16, 2001.

263-00-BZ

CEQR # 01-BSA-049M

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 required 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 - None.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

A f f i r m a t i v e :
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Negative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r C a l i e n d o :
.....3

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 4, 2001, acting on Applic. No. 102694577, reads:

1. The existing 4 story and basement one family with its rear enlargement exceeds the maximum permitted lot coverage and therefore is contrary to Sec. 23-145.2. The rear enlargement to an existing 4 story and basement one family dwelling does not provide the required 30' rear yard and therefore is contrary to Sect. 23-47"; and

WHEREAS, a public hearing was held on this application on March 6, 2001, after due notice by publication in *The City Record*, laid over to April 17, 2001 then to June 27, 2001, July 17, 2001, August 14, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision; and

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WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, and Commissioner Peter Caliendo; and

WHEREAS, this is an application 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 required rear yard, which is contrary to Z.R. §23-145 and §23-47; and

WHEREAS, the “A” finding in a variance application requires that hardship must result from the result of unique circumstances peculiar to the subject premises and that this condition presents a practical difficulty in meeting the requirement of the Zoning Resolution; and

WHEREAS, the applicant contends that the subject lot is narrower than the other lots, however, the record does not show how such an alleged narrow condition leads to a practical difficulty for the site’s use as a single family residence; and

WHEREAS, the applicant fails to prove that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Zoning Resolution, and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by strict application of such zoning provisions in the neighborhood or districts in which the zoning lot is located

WHEREAS, the applicant’s record fails to explain why the site is different from the other sites in the area and also why applicable zoning regulations regarding lot coverage and rear yard requirements result in practical difficulty because the Board noted that having less than the permitted floor area is not a unique condition nor does this present a practical difficulty in conforming to the Zoning Resolution; and

WHEREAS, the argument that the 15 story building abutting the subject premises causes it to suffer from a lack of light and ventilation and decreases the site’s property value does not add to the applicant’s argument that unique physical conditions exist peculiar to and inherent on the particular zoning lot and that as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the use or bulk provisions of the Resolution; and

WHEREAS, the applicant has failed to meet the burden under Z.R. §72-21(A) in this application; and

WHEREAS, the Board finds that the Department of Buildings acted properly in not permitting 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 required rear yard, which is contrary to Z.R. §23-145 and §23-47; and

Resolved, that the decision of the Borough Commissioner, October 4, 2001, acting on Alt. Applic. No. 102694577 is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals October 16, 2001.

313-00-BZ

CEQR # 01-BSA-080Q

APPLICANT - Alfonso Duarte, for Rajesh Pushparajan, owner.

SUBJECT - Application December 28, 2000 - under Z.R. §72-21, to permit the legalization of an existing auto repairs and sales establishment (Use Group 16A and 16B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §32-00 and §33-291, also a previous variance granted under Cal. No. 107-34-BZ, which permitted a gasoline service station in a C2-2 within an R4 zoning district.

PREMISES AFFECTED - 248-55 Jamaica Avenue, northwest corner of 249th Street, Block 8664, Lot 45, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Alfonso Duarte.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo :
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Negative:.....0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated November 29, 2000 acting on ALT. 1 Applic. No. 400983138, reads:

- “1. Proposed automobile repairs and sales in C2-2/R4 district contrary to Sect. 32-00 Z.R. and BSA CAL.
- 2) Proposed extension in side yard contrary to Sect. 33-291 Z.R.”; and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in *The City Record* and laid over to August 14, 2001 and then to September 11, 2001 for decision. On September 11, 2001, all

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hearings were postponed and this application was laid over to October 16, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in a C2-2 within an R4 zoning district, on a site previously before the Board, the legalization of an existing auto repair establishment (Use Groups 16 A and 16 B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §§32-00, 33-291 and Calendar Number 107-34-BZ; and

WHEREAS, the record indicates that the current owner purchased the subject property in 1997 unaware that the land was subject to a term variance, which had expired on January 12, 1995; and

WHEREAS, the applicant represents that the site which is improved with a one-story building containing 2,304 square feet, located on the northwest corner of Jamaica Avenue and 249th Street is burdened by having to replace buried gasoline tanks ; and

WHEREAS, the record indicates that Jamaica Avenue is a heavily traveled arterial highway with many commercial uses; and

WHEREAS, the applicant represents that Nassau County lies across from Jamaica Avenue housing two gasoline service stations and a food market, making continued use of the subject premises as a gasoline service station economically infeasible; and

WHEREAS, the applicant notes that the premises has been used as an automotive repair establishment without complaints from the neighbors or community; and

WHEREAS, the record indicates that the subject application does not create any non-compliance because the proposed extension is within the Floor Area Ratio requirements and the and the uses are within the same use group as previously approved by the Board; and

WHEREAS, the applicant has eliminated the proposed side yard objection and replaced it with landscaping to buffer the adjacent residences; and

WHEREAS, the aforementioned history of development with a gasoline service station creates an 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 Board notes that this is a legalization; and

WHEREAS, the record indicates that within the vicinity of the subject premises many commercial uses are present; 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; 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. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, to permit in a C2-2 within an R4 zoning district, on a site previously before the Board, the legalization of an existing auto repair and establishment (Use Groups 16 A and 16 B); and a proposed extension into the side yard of the subject premises which is contrary to Z.R. §§32-00, 33-291 and Calendar Number 107-34-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, March 28, 2001"-(2) sheets and "August 2, 2001"-(1) sheet; and on further condition;

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, October 16, 2001.

30-01-BZ

CEQR # 01-BSA-100K

APPLICANT - Harold Weinberg, P.E., P.C., for Eva Silber, owner.

SUBJECT - Application January 25, 2001 - under Z.R. §73-622, to permit the legalization of the attic of an existing one family dwelling, for living purposes, which exceeds the allowable F.A.R. and increase the degree of non-compliance

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with respect to O.S.R., which is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 1336 East 23rd Street, west side, 300.0' south of Avenue M, Block 7658, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo :

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Negative:.....0

...0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2001, acting on Alt. 1. Application No. 301081969 reads, in pertinent part:

BOARD OF STANDARDS AND APPEALS DENIAL

“THE PROPOSED ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R2 ZONING DISTRICT:

1. INCREASES THE DEGREE ON NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO (FAR) AND OPEN SPACE RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION.
2. INCREASES THE DEGREE OF NON-COMPLIANCE WITH RESPECT TO THE OPEN SPACE RATIO AND IS CONTRARY TO SECTIONS 23-141 & 54-31 OF THE ZONING RESOLUTION.” and

WHEREAS, a public hearing was held on this application on August 7, 2001 after due notice by publication in *The City Record*, and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the legalization of the attic of an existing one-family dwelling for living purposes, which creates non-compliance with regard to Floor Area Ratio

and Open Space Ratio, contrary to Z.R §§23-141, and 54-31 ; and

WHEREAS, the proposed enlargement will increase the floor area ratio to .98, and decrease the Open Space Ratio to .61.6; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulations and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to allow, in an R2 zoning district, the legalization of the attic of an existing one-family dwelling for living purposes, which creates non-compliance with regard to Floor Area Ratio and Open Space Ratio, contrary to Z.R §§23-141 and 54-31 on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received, January 25, 2001”-(11) sheets and “June 19, 2001”-(3) sheets; and *on further condition*;

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 be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, October 16, 2001.

45-01-BZ

CEQR # 01-BSA-105K

APPLICANT - Harold Weinberg, P.E., P.C., for Amy Ditchek, owner.

SUBJECT - Application February 7, 2001 - under Z.R. §73-622, to permit the proposed addition of a second floor, and also the enlargement of the first floor of an existing one story, one family dwelling, located in an R3-1 zoning district, which creates non-compliance with respect to lot coverage, F.A.R.

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and rear yard, which is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 115 Falmouth Street, eastside, 100' south of Hampton Avenue, Block 8749, Lot 319, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo :
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Negative:.....
...0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 1, 2001, acting on Alt. 1. Application No. 301109510 reads, in pertinent part:

BOARD OF STANDARDS AND APPEALS
DENIAL

“THE PROPOSED ENLARGEMENT OF THE ONE FAMILY RESIDENCE IN AN R3-1 ZONING DISTRICT:

1. INCREASES THE DEGREE ON NON-COMPLIANCE WITH RESPECT TO LOT COVERAGE AND IS CONTRARY TO SECTIONS 23-141 AND 54-31 OF THE ZONING RESOLUTION(ZR).
2. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO FLOOR AREA RATIO AND IS CONTRARY TO SECTION 23-141.
3. CREATES A NEW NON-COMPLIANCE WITH RESPECT TO REAR YARD AND IS CONTRARY TO SECTION 23-47 ZR.”; and

WHEREAS, a public hearing was held on this application on August 7, 2001 after due notice by publication in *The City Record*, and then to September 11, 2001 for decision. On September 11, 2001, all hearings were postponed and this application was laid over to October 16, 2001 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R3-1 zoning district, the enlargement of an existing one-family dwelling, which creates non-compliance with regard to Lot Coverage, Floor Area Ratio and the required Rear Yard, contrary to Z.R §§23-141, 54-31 and 23-

47; and

WHEREAS, the proposed enlargement will increase the lot coverage to .38.7, the floor area ratio to .57, and decrease the rear yard from 29'-1" to 20'-6"; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-622 and 73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to allow, in an R3-1 zoning district, the enlargement of an existing one-family dwelling, which creates non-compliance with regard to Lot Coverage, Floor Area Ratio and the required Rear Yard, contrary to Z.R §§23-141, 54-31 and 23-47 on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received, February 7, 2001”-(2) sheets and “June 11, 2001”-(9) sheets and *on further condition*;

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 be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, October 16, 2001.

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 Strickland Avenue, westside of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59th Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #18BK

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 4, 2001, at 2 P.M., for continued hearing.

29-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Vrbnik Realty LLC, Contract Vendee .

SUBJECT - Application February 4, 2000 - under ZR §72-21, to permit the proposed residential building (Use Group 2) located in a C1-6A zoning district, which does not comply with the zoning requirements for floor area, height and setback regulations, and the maximum allowable number of dwelling units, which is contrary to ZR §23-145, §23-223(c) and §23-633.

PREMISES AFFECTED - 229 East 13th Street, between Second Avenue and Third Avenue, Block 469, Lot 46, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Sheldon Lobel, Eric Palatnik, Peter Palazzo, Salvator A. Caradonna and Jack Freeman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for continued hearing.

37-00-BZ

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the reestablishment of an expired variance previously granted under Cal. #613-56-BZ, which permitted an automotive service station Use Group 16 in a C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Leo Weinberger.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 4,

2001, at 2 P.M., for continued hearing.

97-00-BZ

APPLICANT - Sheldon Lobel, P.C., for 1833 Nostrand Avenue Corp., owner.

SUBJECT - Application March 29, 2000 - under Z.R. §72-21, to permit the proposed change of use from a non-conforming automotive repair shop to a retail convenience store, located partially within an R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 502 Avenue "P", Avenue "P" and East 5th Street, Block 6637, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik and Sheldon Lobel.

For Opposition: Councilman Noah Dear, Suk Cohen, David Sitt and others.

ACTION OF THE BOARD - Laid over to December 4, 2001, at 2 P.M., for decision, hearing closed.

173-00-BZ

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.

SUBJECT - Application June 30, 2000 - under Z.R. §Z.R. 72-21 to permit the proposed mixed use residential/community facility building, located in an R4 zoning district, which creates non-compliance in respect to F.A.R., lot coverage, perimeter wall height, total height and lot area is contrary to Z.R. §24-11, §24-522a, §35-411 and §24-21.

PREMISES AFFECTED - 341/349 Troy Avenue, a/k/a 1515, 1519, 1523 Carroll Street, intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Sheldon Lobel and Eric Palatnik.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 11, 2001, at 2 P.M., for continued hearing.

208-00-BZ

APPLICANT - Dominick Salvati & Son, Architects, for Blis Operating Co. Inc., owner; B & R Auto, lessee.

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: Battalion Chief Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for continued hearing.

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiolo, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for continued hearing.

226-00-BZ

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John

Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

248-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Tile and Stone Warehouse Inc., owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed construction of a building to be used as a retail/office and warehouse, in an area zoned for residential use (R-5) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2398 Stillwell Avenue, west side, between Bay 49th and Bay 50th Streets, Block 6904, Lots 19 and 31, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

290-00-BZ

APPLICANT - Joseph P. Morsellino, Esq., for FERP Associates, owner; Walgreens, lessee.

SUBJECT - Application December 1, 2000 - under Z.R. §72-21, to permit the proposed erection and maintenance of accessory business signs, for an existing drug use store, that exceed the maximum square footage permitted, which is contrary to Z.R. §32-641 and §32-643.

PREMISES AFFECTED - 149-28 14th Avenue, between 149th and 150th Streets, Block 4660, Lot 10, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

291-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah Academy High School of Brooklyn, Contract Vendee.

SUBJECT - Application December 4, 2000 - under Z.R. §73-19, to permit the proposed use of the premises for a school (yeshiva), Use Group 3, located in a C8-3 (OP) zoning district, which is contrary to Z.R. §32-12, §32-31 and §22-13.

PREMISES AFFECTED - 2316-2324 Coney Island Avenue, a/k/a 920 Avenue "T", southwest corner, Block 7112, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #15BK

MINUTES

APPEARANCES -

For Applicant: Eric Palatnik, Bruce A. Lederman and Dennis Eisenberg.

For Opposition: Florence Gross, Mazen Turk, William Wisseming, Anthony Scavo, David Mammina, Henry Stricoff and Esther Habert.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

292-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Congregation Adas Yereim, owner.

SUBJECT - Application December 4, 2000 - under Z.R. 73-19, to permit the proposed school (Use Group 3) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 35 Warsoff Place, east side, between Flushing and Park Avenues, Block 1718, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman and D. Klein.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

295-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Sara Feferkorn, owner.

SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) which exceeds the permitted floor area, and does not meet the minimum requirements for side and front yards, also does not meet the requirements for optional provisions for certain R5 and R6 zoning districts,

which is contrary to Z.R. §23-45, §23-46, §23-141 and §23-146.

PREMISES AFFECTED - 1706 57th Street, a/k/a 5701 17th Avenue, southwest corner, Block 5498, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for continued hearing.

300-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Kolel Zichron Yosef Dovid by Mayer Laufer, President, owner.

SUBJECT - Application December 14, 2000 - under Z.R. §72-21, to permit the proposed construction of a five story masonry residential building (Use Group 2) located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 5902/08 14th Avenue, between 59th and 60th Streets, Block 5712, Lots 69 thru 72, Borough of Queens.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

8-01-BZ

APPLICANT - Michael DeRuvo, for Bruno Savo - Savo Brothers, owner.

SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling on a zoning lot which does not have the minimum required lot width and was not owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit, which is contrary to Z.R. §23-32 and §23-33(b).

PREMISES AFFECTED - 352 Clifton Avenue, south side, 125' east of Reynolds Street, Block 2981, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Michael DeRuvo, Joseph Margolis and Bruno Savo.

For Opposition: Marvin David.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

MINUTES

15-01-BZ/22-01-A

APPLICANT - Augusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application January 17, 2001 - under Z.R. §72-21 to permit the proposed conversion of a former industrial building, located in an M1-2 zoning district, to joint living, in conjunction with working quarters (Use Groups 2 and 9), which is contrary to Z.R. §42-00 and is contrary to Sections 27-733 and 27-749 of the NYC Building Code.

PREMISES AFFECTED - 337/47 Kent Avenue, east side, 68' south of South Fourth Street, Block 2441, Lots 4, 104 & 107 (Tentative Lot 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r C a l i e n d o :
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N e g a t i v e :
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ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for decision, hearing closed.

54-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael & Fran Koegel, owner.

SUBJECT - Application February 20, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and side yards and is contrary to Z.R. §23-141 & §23-461.

PREMISES AFFECTED - 2508 Avenue "J", between Bedford Avenue and 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department..

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

112-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Doris Laufer, owner; Congregation Noam Emimelech, Long-term lessee.

SUBJECT - Application March 6, 2001 - under Z.R. 72-21, to permit the 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, contrary to Z.R. §24-35 and §25-18.

PREMISES AFFECTED - 1402/67 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.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for continued hearing.

114-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Daniel Beyda, owner.

SUBJECT - Application March 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and rear yard, which is contrary to Z.R. §23-14, §23-141 and §23-47.

PREMISES AFFECTED - 1320 East 24th Street, between Avenues M and N, Block 7659, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department..

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r C a l i e n d o :
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N e g a t i v e :
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ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for decision, hearing closed.

MINUTES

121-01-BZ

APPLICANT - Paul Hastings, Janofsky and Walker, LLP by Elise Wagner, Esq., for New York University/Mount Sinai Medical Center, owner.

SUBJECT - Application March 20, 2001 - under Z.R. §73-64/73-03, to permit the proposed construction of a new medical research and laboratory building (Use Group 3A) located in an R8 zoning district, which does not comply with the zoning requirements for height and setback regulations, rear yard and minimum distance between building, which is contrary to Z.R. §24-522, §24-382 and §24-652.

PREMISES AFFECTED - 550 First Avenue, portion of the block bounded by East 30th Street, First Avenue, East 34th Street and the FDR Drive, Block 962, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jeremiah Candreva.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for decision, hearing closed.

130-01-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Memorial Sloan-Kettering Cancer Center, owner.

SUBJECT - Application May 25, 2001 - under Z.R. §§72-21 and 73-642 to permit in an R8 zoning district, the proposed construction of a new 23-story research building and a seven-story addition to replace the existing 11-story building (Use Group 4) and a special permit for temporary failure to comply for time period prior to demolition of existing building on Lot 11, which exceeds the permitted lot coverage and floor area and does not comply with the rear yard equivalent which is contrary to Z.R. §24-11 and §24-382, respectively.

PREMISES AFFECTED - 411/425 East 68th Street, mid-block portion bounded by East 68th and East 69th Streets, between First and York Avenues, Block 1463, Lots 5 (Part of) and 11, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Lori G. Cuisinier.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

135-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Go-Go Car Wash, Inc., owner; Personal Touch Car Wash, lessee.

SUBJECT - Application April 9, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance, previously granted under Cal. No. 318-56-BZ, which permitted a high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district.

PREMISES AFFECTED - 1815/17 86th Street, a/k/a 1815/17 New Utrecht Avenue, north side, 78.8' west of New Utrecht Avenue, Block 6344, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for continued hearing.

138-01-BZ

APPLICANT - Geroge E. Berger, for Love Fellowship Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing church (Use Group 4) located in an M1-1 zoning district, also an increase in the size of the building which will penetrate the sky exposure plane and extend into the required open space is contrary to Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a/k/a 179/87 Bradford Street, southeast corner, Block 3708, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street,

MINUTES

Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street, a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for continued hearing.

162-01-BZ

APPLICANT - Jay Segal (Greenberg Traurig), for Greenwich Renwich, LLC, Contract Vendee.

OWNER OF PREMISES: Lava, LLC and Henry Murad.

SUBJECT - Application April 26, 2001 - under Z.R. §72-21, to permit the proposed construction of a fourteen story building, to be used almost exclusively for residential use, located in an M1-6 zoning district, which contrary to Z.R. §42-10.

PREMISES AFFECTED - 499 Greenwich Street, commences 40'-9" from the southeast intersection of Greenwich and Spring Streets, Block 594, Lots 29 and 37, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal, Blake Middleton, Rudolph Frizzi, Jack Freeman, Eric Ettinger, Stephen Pesimone, Edward Applebome, Julia Cowing and Greg Rossnarge.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department; Kenneth Wilcke, Community Board #2M; Kenneth McCallion, Katy Bordonaro and Richard Barrett.

ACTION OF THE BOARD - Laid over to October 30, 2001, at 2 P.M., for continued hearing.

194-01-BZ

APPLICANT - Agusta and Ross, for D & K Holding Corporation, owner.

SUBJECT - Application May 11, 2001 - under Z.R. §72-21, to permit the proposed development of a six story multiple dwelling, containing ground floor commercial (office and retail), and ten apartments on the upper floors (Use Groups 6 and 2) located in a C8-2 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 440/42 South Fifth Street, south side, 161' East of Hewes Street, Block 2465, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3
N e g a t i v e :0

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for decision, hearing closed.

195-01-BZ

APPLICANT - Agusta and Ross, for Warren Dingtott, owner.

SUBJECT - Application May 11, 2001 - under Z.R. §72-21, to permit the proposed eating and drinking establishment (Use Group 6) located in an R-4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2519 West 22nd Street, east side, 84' north of Bay 53rd Street, Block 6949, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3
N e g a t i v e :0

ACTION OF THE BOARD - Laid over to November 13,

MINUTES

2001, at 2 P.M., for decision, hearing closed.

200-01-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for Bowne Associates, owner; Hillside Manor Rehabilitation and Extended Care Center, Lessee.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators, located in an C2-2 within an R5 zoning district, which does not comply with the zoning requirements for floor area, F.A.R. and sky exposure plane, which is contrary to Z.R. §33-441, §33-161 and §54-31.

PREMISES AFFECTED - 182-15 Hillside Avenue, northeast corner of Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: P. Jones.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department..

ACTION OF THE BOARD - Laid over to December 18, 2001, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 6:45 P.M.

REGULAR MEETING TUESDAY MORNING, OCTOBER 18, 2001 10:00 A.M.

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

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

SPECIAL ORDER CALENDAR

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 30, 2001, at 10 A.M., for continued hearing.

871-46-BZ

APPLICANT - Joseph P. Morsellino, Esq for Boulevard Leasing Limited Partnership., owner

SUBJECT - Application July 31, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired July 28, 2001.

PREMISES AFFECTED - 97-45 Queens Boulevard, 64th Road, Block 2091, Lot 1, Borough of Queens.

MINUTES

COMMUNITY BOARD #6Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for continued hearing.

PREMISES AFFECTED - 253 Beach 116th Street, w/s 240' south of Newport Avenue, Block 16212, Lot 19, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John Scrofani, Fire Department.

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

433-61-BZ

APPLICANT -Yen B Toy, R.A., for United Y & C Property Management Inc., owner.

SUBJECT - Application June 26, 2001 - reopening for an extension of term which expired July 18, 2001.

PREMISES AFFECTED - 1702/1712 East 16th Street, 264'-9 3/8 south from corner formed by East 16th Street and Kings Highway, Block 6798, Lot 13 Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Yen Toy.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

278-86-BZ

APPLICANT - Carl A. Sulfaro, Esq. For White Castle Systems, Inc., owner.

SUBJECT - Application June 5, 2001 - reopening for an extension of term of a variance which expires November 25, 2001.

PREMISES AFFECTED - 1677 Bruckner Boulevard, N/S Blockfront Between Metcalf Avenue Freley Avenue, Block 3721, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

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

529-69-A

APPLICANT -Elliott M. Glass & Glass Architect, for Tranel, Inc., owner.

SUBJECT -Application June 19,2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 25, 2000.

PREMISES AFFECTED - 236-240 West 27th Street, S.S. 235'-3½ East 8th Avenue, Block 776, Lot 59, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Administration: John Scrofani, Fire Department.

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

8-87-BZ

APPLICANT -Walter T. Gorman, P.E. for Andre & Jose Vasquez, owner, D/B/A Broadway Hand Carwash, lessee.

SUBJECT - Application July 16, 2001 -request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired June 8, 2000.

PREMISES AFFECTED - 4778/82 Broadway, East side Broadway, 225' North of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: John Ronan.

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

659-76-A

APPLICANT -Walter T. Gorman, P.E., for Dr. Allan Mirkin.,owner, Rockaway Chamber of Commerce, lessee.

SUBJECT - Application June 12, 2001 - reopening for an extension of term of variance which expires November 9, 2001.

964-87-BZ

APPLICANT- Catapano Engineering, P.C., for Leemilt

MINUTES

Petroleum, Inc., owner.

SUBJECT - Application November 14, 2000 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 6, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 780/798 Burke Avenue, southwest corner of Barnes Avenue, Block 4571, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

53-91-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

For Administration: John Scrofani, Fire Department.

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

122-92-A

APPLICANT - Gary Lenhart, R.A. for Breezy Point Cooperative, Inc., owner, John & Kathleen Naus, Lessee.

SUBJECT - Application July 30, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 236 Roxbury Avenue, southeast corner Roxbury Boulevard, Block 16340, Lots P/O 50, Borough of Queens.

COMMUNITY BOARD # 14Q

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Scrofani, Fire Department.

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

174-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

For Administration: John Scrofani, Fire Department.

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

175-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

For Administration: John Scrofani, Fire Department.

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

176-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

For Administration: John Scrofani, Fire Department.

MINUTES

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

177-92-BZ

APPLICANT -Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20,2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostou.

For Administration: John Scrofani, Fire Department.

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

173-93-BZ

APPLICANT - Sheldon Lobel, P.C. for YMCA of Greater NY/Long Island City., owner

SUBJECT - Application June 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 32-23 Queens Boulevard, northeast corner of intersection at Queens Boulevard, Block 224, Lots 24(9,13,24), Borough of Queens.

COMMUNITY BOARD # 2Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Scrofani, Fire Department.

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

26-94-BZ

APPLICANT - Rampulla Associates Architects, for CDC Realty L.L.C., owner.

SUBJECT - Application April 13, 2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2001.

PREMISES AFFECTED - 141 Mansion Avenue, intersection of Mansion Avenue and McKee Avenue, Block 5201, Lot 33, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November

13, 2001, at 10 A.M., for postponed hearing.

118-95-BZ

APPLICANT -Windels Marx Lane & Mittendorf, for White Castle System, Inc., owner.

SUBJECT - Application July 16, 2001 - reopening for an extension of term of variance which expired July 25, 2001.

PREMISES AFFECTED 89-03 57th Avenue, northeast corner of Boulevard and 57th Avenue, Block 1845, Lot 41 Borough of Queens.

COMMUNITY BOARD #4Q

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

218-96-BZ

APPLICANT -The Agusta Group, for The Armenian Apostolic Church of America., owner.

SUBJECT - Application June 14,2001- reopening for an extension of time to complete construction.

PREMISES AFFECTED - 138 East 39th Street, south side 123.4' east of Lexington Avenue, Block 894, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

6-98-BZ

APPLICANT - Pillsbury Winthrop LLP for WXII/ Hubert Street, L.L.C., owner.

SUBJECT - Application July 23, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 3-9 Hubert Street, 137 Hudson Street and 4 Collister Street, Block 214, Lot 14, Borough of Manhattan.

COMMUNITY BOARD # 1M

APPEARANCES -

For Applicant: Adrienne Bernard.

MINUTES

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

223-98-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER: M.A.A. Realty Corp.

SUBJECT - Application filed May 22, 1998 - to modify the resolution.

PREMISES AFFECTED - 451-459 Lorimer Street, a/k/a 51-59 Maujer Street, northwest of Lorimer Street, Block 2785, Lots 31 and 32, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

330-98-BZ

APPLICANT -Sheldon Lobel, P.C. for Steller Management AAF., owner.

SUBJECT - Application July 19, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired May 16, 2001.

PREMISES AFFECTED - 242 East 14th Street, corner of East 14th Street and Second Avenue, Block 469, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 10 A.M., for postponed hearing.

191-00-BZ

APPLICANT - Fischbein Badillo Wagner Harding for NYC Industrial Development Agency, owner; 184 Kent Avenue Associates, lessee.

SUBJECT - Application June 25, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 184 Kent Avenue, northwest corner

of intersection of N.3rd Street and Kent Avenue, Block 2348, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

For Administration: John Scrofani, Fire Department.

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

100-01-A thru 107-01-A

APPLICANT - Rothkrug & Rothkrug, for Guido Passarelli, owner.

SUBJECT - Applications February 28, 2001 - 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.

PREMISES AFFECTED -

114 Churchill Avenue, north side, 354.29' east of Veterans Road East, Block 7356, Lot 80, Borough of Staten Island.

116 Churchill Avenue, north side, 329.29' east of Veterans Road East, Block 7356, Lot 81, Borough of Staten Island.

118 Churchill Avenue, north side, 304.29' east of Veterans Road East, Block 7356, Lot 82, Borough of Staten Island.

120 Churchill Avenue, north side, 279.29' east of Veterans Road East, Block 7356, Lot 83, Borough of Staten Island.

124 Churchill Avenue, north side, 254.29' east of Veterans Road East, Block 7356, Lot 84, Borough of Staten Island.

126 Churchill Avenue, north side, 229.29' east of Veterans Road East, Block 7356, Lot 85, Borough of Staten Island.

128 Churchill Avenue, north side, 204.29' east of Veterans Road East, Block 7356, Lot 86, Borough of Staten Island.

130 Churchill Avenue, north side, 179.29' east of Veterans Road East, Block 7356, Lot 87, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 11 A.M., for postponed hearing.

123-01-A

APPLICANT - The Augusta Group, for Russell S. Fridman, 540 West 50th Street, LLC, owner; Charalamavos Ballis, lessee.

MINUTES

SUBJECT - Application March 21, 2001 - an appeal for an interpretation of Z.R. §52-332 as it relates to a change of use from an electrical contractor's establishment (Use Group 16) to an automobile repair (Use Groups 16 and 17) public garage (Use Group 8) with accessory offices and the parking of vehicles awaiting repairs.

PREMISES AFFECTED - 540/2 West 50th Street, south side, between 10th and 11th Avenues, Borough of Manhattan.

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to December 18, 2001, at 11 A.M., for postponed hearing.

151-01-A thru 161-01-A

APPLICANT - Rothkrug and Rothkrug, for Nicole Development Corporation, owner.

SUBJECT - Applications April 20, 2001 - proposed two family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

28 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 1, Borough of Staten Island.

29 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 168, Borough of Staten Island.

25 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 170, Borough of Staten Island.

24 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 172, Borough of Staten Island.

20 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 174, Borough of Staten Island.

19 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 176, Borough of Staten Island.

15 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 178, Borough of Staten Island.

16 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 184, Borough of Staten Island.

20 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 186, Borough of Staten Island.

24 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 188, Borough of Staten Island.

28 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 190, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 11 A.M., for postponed hearing.

220-01-A

APPLICANT - Glen V. Cutrona, AIA, for Thomas A. Maira, owner.

SUBJECT - Application June 20, 2001 - proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 10 Everton Avenue, northwest side of Woodrow Road, 52.57' southwest of the corner formed by the intersection of Everton Avenue and Woodrow Road, Block 6045, Lot 4, Borough of Staten Island.

APPEARANCES -

For Applicant: Glen Cutrona.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

222-01-A

APPLICANT - Sheldon Lobel, P.C., for Forest Hills NY CVS, LLC, Long-term, lessee.

SUBJECT - Application June 25, 2001 - proposed building to be erected within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 101-110 Metropolitan Avenue, between 71st Avenue and 70th Drive, Block 3896, Lots 33 and 42, Borough of Queens.

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

225-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative, Inc., owner; Catherin Brennan, lessee.

MINUTES

SUBJECT - Application June 26, 2001 - proposed enlargement to an existing one family dwelling building not fronting on a legally mapped street is contrary to Article 3, Section 36, of the General City Law, also an interpretation of Z.R. §23-541 and §23-532 and how they relate to rear yard requirements.

PREMISES AFFECTED - 8 Gotham Walk, west side, 75.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

227-01-A

APPLICANT - Zygmunt Staszewski for Breezy Point Cooperative, Inc., owner.

SUBJECT - Application June 27, 2001 - proposed addition of a second floor to an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 958 Bayside Avenue, south side, 105' east of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Michael Harley.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

247-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative, Inc., owner; William D. Sciorba, lessee.

SUBJECT - Application August 7, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 195 Reid Avenue, eastside, 45.51' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

248-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative Inc., owner; Mary Leonard, lessee.

SUBJECT - Application August 7, 2001 - proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 112 Beach 221st Street, west side, 200' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

251-01-A

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative Inc., owner; Tracey and Kevin Keane, lessees.

SUBJECT - Application August 10, 2001 - proposed first story enlargement and the addition of a second story to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 37 Market Street, intersection of Beach 202nd Street and Rockaway-Breezy Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 11 A.M., for postponed hearing.

255-01-A

APPLICANT - Wachtel & Masyr, LLP, by Jesse Masyr, for 356 Bowery Ventures, LLC, owner; Millenium Billboard, LLC, lessee.

SUBJECT - Application August 16, 2001 - an appeal seeking the reinstatement of the approvals and permits issued by the Department of Buildings for Application Nos. 102816730 and 102816749 (sign approvals) and 102816721 (the sign support structure approval), that were revoked in a final determination by the Department by letter dated July 25, 2001.

PREMISES AFFECTED - 356 Bowery, north side, between Great Jones and East 14th Streets, Block 531, Lot 39, Borough of Manhattan.

MINUTES

APPEARANCES -

For Applicant: Jesse Masyr.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 11 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned:

REGULAR MEETING

TUESDAY AFTERNOON, OCTOBER 18, 2001

2:00 P.M.

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 11, 2001, at 2 P.M., for postponed hearing.

218-00-BZ

APPLICANT - Mothiur Rahman, for Lot 1555 Corp., owner.

SUBJECT - Application September 19, 2000 - under Z.R. §72-21, to permit the legalization of an existing public parking facility (Use Group 8) located in an R-6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 1555 Bruckner Boulevard, south side of Boynton Avenue, Block 3715, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for postponed hearings.

304-00-BZ

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed enlargement of an existing auto repair center (Use Group 16B) located in a C1-8 zoning district, which creates non-compliance with respect to floor area ratio and required parking, is contrary to Z.R. §33-122 and §36-21. PREMISES AFFECTED - 2044 Hylan Boulevard, southeast corner of Adams Avenue, Block 3670, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert Caneco.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for postponed hearing.

305-00-BZ

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed parking lot (Use Group 8) accessory to an existing auto repair center, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 268 Adams Avenue, south side, 100' east of Hylan Boulevard, Block 3672, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert Caneco.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for postponed hearing.

122-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Kateri Residence Inc., owner.

SUBJECT - Application March 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a rooftop enlargement to an existing 520-bed nursing home facility (Use Group 3) located in R10A and R8 zoning districts, which does not comply with the zoning requirements for F.A.R., rearyard and the required loading berth, and is contrary to Z.R. §24-11, §24-

MINUTES

36, §25-70 and §54-31.

PREMISES AFFECTED - 150 Riverside Drive, a/k/a 355 West 87th Street, northeast corner, Block 1249, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for postponed hearing.

134-01-BZ

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fifth through seventh, and ninth floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Richard Bass.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 4, 2001, at 2 P.M., for postponed hearing.

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Morris Wasserstein and Estate of Theo, owners.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 27 West 38th Street, north side, between Fifth and Sixth Avenue, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for postponed hearing.

148-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Broadway 32nd

Street Realty Corp., owner; Juvenex Spa, lessee.

SUBJECT - Application April 19, 2001 - under Z.R. §73-36, to permit the proposed operation of a physical culture establishment (Use Group 9) located on the fourth and fifth floors of a six-story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 25 West 32nd Street, north side, 372' west of Fifth Avenue, Block 834, Lot 26, Borough of Manhattan

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for postponed hearing.

190-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Fruma Schiffenbauer, owner.

SUBJECT - Application May 3, 2001 - under Z.R. §73-622 to permit proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance with respect to F.A.R. and open space ratio, contrary to Z.R. 23-141.

PREMISES AFFECTED - 2107 Avenue "M", between East 21st and East 22nd Streets, Block 7639, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for postponed hearing.

192-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6C, which requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

MINUTES

ACTION OF THE BOARD - Laid over to November 7, 2001, at 2 P.M., for postponed hearing.

199-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Doris Mosseri, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21, to permit the proposed erection of horizontal and vertical enlargements, to an existing one family dwelling (Use Group 1) which do not comply with the zoning requirements for front yard, perimeter wall height, setback and sky-exposure plane, is contrary to Z.R. §23-45, §23-461, §23-631 and §54-31.

PREMISES AFFECTED - 440 Quentin Road, southwest corner of East 4th Street, between 3rd and 4th Streets, Block 6660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 13, 2001, at 2 P.M., for postponed hearing.

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, installation of underground gasoline storage tanks, a new overhead canopy with five pump islands and installation of associated signage, in a C2-3 within an R6 zoning district, which requires a special permit as per Z.R. 32-31.

PREMISES AFFECTED - 5701 Broadway, northwest corner of 234th Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for postponed hearing.

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp., owner.

SUBJECT - Application June 5, 2001 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, installation of underground gasoline storage tanks, a new overhead canopy, rearrangement of the existing pump islands, relandscaping of the premises and alteration of the signage, in a C2-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 73-15 Parsons Boulevard, between 73rd and 75th Avenues, Block 6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for postponed hearing.

209-01-BZ thru 214-01-BZ

APPLICANT - Augusta & Ross for Middleton Estates, LLC, owner.

SUBJECT - Application June 12, 2001 - under Z.R. §72-21, to permit the proposed construction of a six story multiple dwelling (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

146/48 Middleton Street, south side, 158' west of Harrison Avenue, Block 2241, Lot 28, Borough of Brooklyn.

150/52 Middleton Street, south side, 116' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 30), Borough of Brooklyn.

154 Middleton Street, south side 95' west of Harrison Avenue, Block 2241, Lot 28 (Tentative Lot 31), Borough of Brooklyn

119/21 Lorimer Street, north side, 20'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 41), Borough of Brooklyn.

115/17 Lorimer Street, north side, 62'-1" west of Union Avenue, Block 2241, Lot 28 (Tentative Lot 43), Borough of Brooklyn

113 Lorimer Street, north side, 104'-1" west of Union Avenue Block 2241, Lot 28 (Tentative Lot 44), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for postponed hearing.

218-01-BZ

MINUTES

APPLICANT - Moshe M. Friedman, P.E., for Misrad Associates, LP, owner; Yeshiva Ohavei Torah, lessee.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building (Yeshiva), Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to F.A.R., height, perimeter wall, sky exposure plane, front yard and parking, and is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31.

PREMISES AFFECTED - 450 West 250th Street, south east corner of Henry Hudson Parkway, Block 5824, Lot 2470, Borough The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for postponed hearing.

223-01-BZ

APPLICANT - Marvin B. Mitzner, Esq., for Fischbein Badillo Wagner Harding for Lower East Side Service Center, Inc., owner.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed construction of an 8-story community facility building, which will connect on seven levels to an existing 7-story building, which does not comply with zoning requirements for F.A.R. and height of the front wall setback, and is contrary to Z.R. §33-123 and §33-432.

PREMISES AFFECTED - 33 Division Street, a/k/a 46 East Broadway, between Market and Catherine Streets, Block 281, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: Doris Diether, Community Board #2M.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 12, 2001, at 2 P.M., for postponed hearing.

228-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Helbor Realty Corp., owner.

SUBJECT - Application July 2, 2001 - under Z.R. §72-21, to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §22-00, §22-10 and §122-03.

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 11, 2001, at 2 P.M., for postponed hearing.

237-01-BZ

APPLICANT - Friedman and Gotbaum, LLP by Shelly S. Friedman, Esq., for The Spence School, owner.

SUBJECT - Application July 17, 2001 - under Z.R. §72-21, to permit the proposed addition to an existing fifth floor, in a five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of non-compliance with respect to the rear yard requirement, in the R8B portion of the yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 56 East 93rd Street, south side, between Madison and Park Avenue, Block 1504, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Lori G. Cuisiner.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to December 4, 2001, at 2 P.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 2:45 P.M.

MINUTES

REGULAR MEETING

TUESDAY MORNING, OCTOBER 30, 2001

10:00 A.M.

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

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

SPECIAL ORDER CALENDAR

109-34-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Kino Realty Corp., owner.

SUBJECT - Application May 2, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Avenue, a/k/a 72-02 Cypress Hills Street, Southwest corner of Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Karmjit Dhaliwal.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo3

N e g a t i v e :
.....0

WHEREAS, the applicant has requested a re-opening for an amendment to the resolution; and

WHEREAS, Community Board #5, Queens recommends approval of this application; and

WHEREAS, a public hearing was held on this application on August 14, 2001, after due notice by publication in *The City Record*, laid over to October 2, 2001. On October 2, 2001, all hearings were postponed and this application was deferred to October 16, 2001, and then to October 30, 2001 for decision; and

WHEREAS, the applicant proposes to re-arrange the interior layout of the existing building by converting the hand car wash to repair bays; to remove the corner portion of the

building and add a 17'x8' enlargement to the rear of this area and convert same to an accessory convenience store (Use Group 16B) and to add a new metal canopy over three (3) new fuel dispensing islands

Resolved, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §11-412, said resolution having been adopted on November 20, 1951 as amended through March 2, 1993, so that as amended this portion of the resolution shall read:

“To permit the erection of a 17'x8' enlargement at the rear of an existing building to accommodate office/restrooms for the proposed accessory convenience store (Use Group 16B); to rearrange the hand car wash bays for repair services and install a metal canopy over three (3) new dispensing islands; on condition that the fenced parking shall be for cars awaiting service; that all lighting and signs shall conform to the BSA approved plans, on condition.”

THAT there shall be no sale of Diesel fuel;

THAT there shall be no washing of cars;

THAT there shall be no repair work in the rear of the building;

THAT all repairs be done with hand tools only;

THAT there shall be no bodywork, auto painting or transmission work; a on further condition,

THAT all street trees and landscaping shall be installed and maintained in accordance with the BSA approved plans; that the premises shall be maintained in substantial with the proposed plans submitted with the application marked “Received, October 12, 2001”-(6) 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 work shall be completed and a new certificate of occupancy obtained within two (2) years of this amended resolution.

(DOB. 401223868)

Adopted by the Board of Standards and Appeals, October 30, 2001.

742-59-BZ

APPLICANT - Harold L. Robertson, for Lewis Rudin., owner.

SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired June 14, 2001.

PREMISES AFFECTED - 134-136 East 55th Street, a/k/a 50 Park Avenue, Lexington Avenue and East 55th Street, Block 1309, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO GRANT -

MINUTES

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3
N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

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

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record*, then laid over to September 11, 2001 for decision. On September 11, 2001 all hearing were postponed and this case was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the previous resolution;

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §60B of the Multiple Dwelling Law, said resolution having been adopted on June 28, 1960 as amended through December 4, 1991 expiring on June 14, 2001, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to ten (10) years, from June 14, 2001, expiring June 14, 2011; that the attended transient parking shall be limited to fifty (50) unused or surplus spaces; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, “Received, September 4, 2001” - (2) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.”

(ALT 102136877)

Adopted by the Board of Standards and Appeals, October 30, 2001.

743-59-BZ

APPLICANT - Harold L. Robertson, for Lewis Rudin., owner.
SUBJECT - Application April 30, 2001 - reopening for an extension of term of variance which expired July 12, 2001.
PREMISES AFFECTED - 38-50 East 36th Street, Park Avenue and East 36th Street, Block 865, Lot 40, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3
N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, Community Board #6, Manhattan, has recommended approval of this application; and

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record*, then laid over to September 11, 2001 for decision. On September 11, 2001 all hearing were postponed and this case was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the previous resolution;

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on June 28, 1960 as amended through December 4, 1991 expiring on June 14, 2001, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to ten (10) years, from June 14, 2001, expiring June 14, 2011; that the attended transient parking shall be limited to twenty (20) unused or surplus spaces; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, “Received, September 4, 2001” - (3) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.”

(ALT 201136886)

Adopted by the Board of Standards and Appeals, October 30, 2001.

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application April 9, 2001- reopening for an extension of term of variance which expires April 13, 2011.

MINUTES

PREMISES AFFECTED -43-70 Kissena Boulevard, Flushing, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and C o m m i s s i o n e r Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in *The City Record*, then laid over to October 2, 2001 for decision. On October 2, 2001 all hearings were postponed and this application was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to § 11-411 of the *Zoning Resolution*, said resolution having been adopted on April 13, 1966 as amended through April 13, 1991 expiring on April 13, 2001, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to ten (10) years, from April 13, 2001, expiring on April 3, 2011; that there shall be no parking on the ramp; that there shall be no parking of commercial vehicles; that there shall be no livery cars unless the driver is a resident of the building; that a recapture clause be made part of all lease agreements; and on further condition; that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, “Received, April 9, 2001” - (2) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.”

(DOB 401212022)

Adopted by the Board of Standards and Appeals, October 30, 2001.

599-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for F. M. Brush Company, owner.

SUBJECT - Application April 20, 2001 - reopening for an extension of term of the variance which expires December 21, 2001.

PREMISES AFFECTED - 70-02 72nd Place and 72-20 Edsall Avenue, southwest corner of Edsall Avenue and 72nd Place, Block 3664, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO REOPEN -

Affirmative: Chairman Chin, Commissioner Korbey and C o m m i s s i o n e r Caliendo.....3

N e g a t i v e :0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and C o m m i s s i o n e r Caliendo.....3

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and C o m m i s s i o n e r Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on June 19, 2001 after due notice by publication in *The City Record*, then laid over to July 10, 2001, August 7, 2001, September 25, 2001. On September 25, 2001 for decision. On September 25, 2001 all hearing were postponed to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, Community Board #5, Queens, recommended approval of the application; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the previous resolution.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to § 72-01 and § 72-22 of the *Zoning Resolution*, said resolution having been adopted on December 21, 1976 as amended through May 12, 1992 expiring December 21, 2001, so that as amended this portion of the resolution shall read:

“Term of the variance extended; on condition that the term shall be limited to fifteen (15) years, from December 21, 2001, expiring December 21, 2016;

MINUTES

that a sprinkler system connected to the domestic water system shall be installed throughout the premises that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, "Received, October 29, 2001"- (4) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within twenty four (24) months of the date of this amended resolution."

(DOB 401225198)

Adopted by the Board of Standards and Appeals, October 30, 2001.

192-92-BZ

APPLICANT - Anthony M. Salvati, for Paul Rose, owner.
SUBJECT - Application January 4, 2001 - reopening for an extension of term of variance which expires July 23, 2001.
PREMISES AFFECTED - 900 Southern Boulevard, Northeast corner formed by South Boulevard and Barreto Street, Block 2735, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3
N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on June 27, 2001 after due notice by publication in *The City Record*, then laid over to August 7, 2001, then to September 11, 2001 for decision. On September 11, 2001 all hearings were postponed and this application was referred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, Community Board #2, the Bronx, recommends approval of this application; and

WHEREAS, the Board finds that the premises has operated in substantial compliance with the conditions of the previous resolution;

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been

adopted on July 23, 1996 expiring July 23, 2001, so that as amended this portion of the resolution shall read:

"Term of the variance extended; on condition that the term shall be limited to ten (10) years, from July 23, 2001, expiring on July 23, 2011; that the premises shall remain free of debris and graffiti; that there shall be no banners or commercial flags on the premises; that signs shall conform to C2-4 district regulations; that there shall be no parking or repairs of vehicles on the sidewalk; that there shall be no double-parking of cars awaiting service on Southern Boulevard; that the overhead door at the rear of store No. 2 shall be welded shut and the rear yard be maintained vacant and clear of debris that the premises shall be maintained in substantial compliance with the existing conditions plan submitted with the application marked, "Received, January 4, 2001"- (2) sheets and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution."

(ALT 694/67)

Adopted by the Board of Standards and Appeals, October 30, 2001.

230-98-BZ

APPLICANT - Agusta & Ross, for John & Gaetano Lacono, owner1, Washington Cemetery, owner2.

SUBJECT - Application February 9, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term which expired June 22, 2000 and for an amendment to the resolution.

PREMISES - 5810-5824 Bay Parkway, northeasterly corner of Bay Parkway and 59th Street, Block 5508, Lots 44 and 38, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, term of variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3

MINUTES

N e g a t i v e :
.....0 THE
RESOLUTION -

WHEREAS, the applicant requested an extension of the term of the variance and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on June 5, 2001 after due notice by publication in *The City Record*, laid over to July 17, 2001, August 7, 2001 and then to September 11, 2001 for decision. On September 11, 2001 all hearing were postponed and this case was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, Community Board #12BK, recommend approval of the application; and

WHEREAS, the Board finds that the proposed amendment will have less of an impact on the surrounding neighborhood than the previous uses located herein;

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §72-01 and §72-22 of the *Zoning Resolution*, said resolution having been adopted on June 22, 1999 expiring on June 22, 2000, so that as amended this portion of the resolution shall read:

“To permit the sub-division of the existing premises, creation of an as of right use on 5810 Bay Parkway; retaining and extending the term of the variance on 5824 Bay Parkway; on condition that the term shall be limited to ten (10) years, from June 22, 2000, expiring June 22, 2010; that no vehicles shall be parked the sidewalks at any time, including the vehicles of patrons, employees, visitors or delivery persons; that no oxyacetylene torches shall be used on the premises; that no body or fender work shall take place at the premises; that the used cars sales shall be limited to two (2) cars and those cars be stored within the fenced area of the premises; that the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked, “Received, April 12, 2001”-(4) sheets and “September 5, 2001”-(2) sheets; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.”

(ALT 592/1981)

Adopted by the Board of Standards and Appeals, October 30, 2001.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD # 9Q

APPEARANCES -

ACTION OF THE BOARD - Laid over to December 4, 2001, at 10 A.M., for postponed hearing.

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

APPEARANCES -

ACTION OF THE BOARD - Laid over to December 4, 2001, at 10 A.M., for deferred decision.

205-98-BZ

APPLICANT - Philip P. Agusta, for Dr. Haresh Shah, D.D.S., owner.

SUBJECT - Application June 6, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 257-10/18 Union Turnpike, south side of Union Turnpike 75.65' east of 257th Street, Block 8694, Lots 27 and 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

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

213-00-A

APPLICANT - Klein and O'Brien, LLP, for Congregation Tomchei Torah, owner.

SUBJECT - Application September 8, 2000 - an appeal from a Buildings Department Administrative decision dated August 30, 2000, denying a permit to remove and replace a wall at subject premises.

PREMISES AFFECTED - 1966 Ocean Avenue, west side, 146.3' north of Avenue O, Block 6757, Lot 45, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: Taryn Roth, Department of Buildings.

ACTION OF THE BOARD - Appeal Granted.

MINUTES

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated August 30, 2000, which reads:

“Respectfully request to obtain approval to remove/replace the northeast wall, which is in addition to the previously removed & extended walls. Request denied. To be referred to BS & A for resolution.”

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an appeal application challenging a decision of the Department of Buildings (the Department), denying a permit to remove and replace a wall at the subject premises; and

WHEREAS, on November 24, 1998 the applicant submitted a Plan/Work Approval Application form (“P/W-1”) to the Department, which contained the following job description: “Change use of second floor to synagogue, two story horizontal enlargement, partition and plumbing work throughout, facade work, HVAC.”; and

WHEREAS, on February 1, 1999, the Department approved the alteration application and plans to expand the cellar, first and second floors to the west, south and east lot lines, and to remove the west, south and east footings, foundations and exterior walls; and

WHEREAS, however, the approved plans provide that the existing north foundation wall and north exterior upper wall would remain intact and the Department subsequently issued the Alteration Permit; and

WHEREAS, on April 27, 1999 a Department inspector observed that the premises was demolished except for one foundation wall, and issued Environmental Control Board Notice of violation and Hearing (“NOV”) No. 042799PSTM01VW to the premises, which charged a violation of Building Code §27-147 for plumbing work without a permit; and

WHEREAS, on April 27, 1999, the Department issued an order to stop all work at the premises (the “Stop Work Order”), based in part on the violation cited in NOV No. 042799PSM01VW; and

WHEREAS, on May 23, 1999 the appellant submitted an Additional Information form requesting that the Department lift the April 27, 1999 Stop Work Order; and

WHEREAS, on May 28, 1999, the Brooklyn Borough Commissioner noted on the Additional Information form

“O.K. to accept Alt. 1 filing for this case provided a Builders Pavement Plan & S.D. 1-2 are filed and approved.”; and

WHEREAS, on June 10, 1999, the Brooklyn Borough Commissioner lifted the April 27, 1999 Stop Work Order; and

WHEREAS, on August 26, 1999 another Department inspector observed that the premises was demolished and that new footings and a new foundation were installed at the premises, and issued NOV No. 082699C14G01, which charged violations of Building Code §27-147 for work without a permit and §27-201 for work that failed to conform to approved plans; and

WHEREAS, on August 26, 1999 the Department inspector prepared a Special Report for the premises in which he stated that the existing building was demolished and a new foundation was installed; and

WHEREAS, on August 26, 1999 the Department issued a second Stop Work Order to the premises based on NOV No. 082699C14G01; and

WHEREAS, on September 1, 1999 the appellant submitted a second Additional Information form to the Department stating that he removed and rebuilt the north foundation wall because he determined that the wall was in an extremely deteriorated condition and in danger of imminent collapse; and

WHEREAS, on September 7, 1999 the Brooklyn Borough Commissioner stated that he would allow the replacement of the north foundation wall under an amended alteration application; and

WHEREAS, on September 8, 1999 the Brooklyn Borough Commissioner provided that the August 26, 1999 Stop Work Order would be lifted upon approval of the amended application and amended plans; and

WHEREAS, on September 2, 1999, the appellant filed a P/W-1 for the premises to amend the alteration application, which stated: “Amended plans herewith filed to show new foundation to replace existing foundation.”; and

WHEREAS, the Department approved the amended alteration application and plans on September 8, 1999; and

WHEREAS, on October 27, 1999 applicant submitted a third Additional Information form requesting that the Department confirm that work may proceed under the Alteration Permit even though a violation for new building construction work without a permit was still in effect; and

WHEREAS, on November 9, 1999, the Brooklyn Borough Commissioner accepted the applicant’s request for reconsideration and allowed the Alteration Permit to be renewed; and

WHEREAS, on August 29, 2000 the appellant submitted a fourth Additional Information form that stated the following: “Respectfully request to obtain approval to remove/replace the northeast wall, which is in addition to the three previously removed & extended walls.”; and

MINUTES

WHEREAS, aside from the additions, the original building was otherwise to remain intact and the plans were reviewed and approved, and the construction commenced; and

WHEREAS, on August 30, 2000, the Borough Superintendent's office issued a denial of the petitioner's request to remove and replace the north exterior upper wall under an alteration application which is the subject of this appeal; and

WHEREAS, save for the exterior walls, the subject building was not demolished, but was retained and enlarged; and

WHEREAS, nearly 4,900 square feet of floor area approved by the Department, more than 50%, were comprised of the original structure; and

WHEREAS, the Department of Buildings argues that its decision to revoke the approval to replace the northeast foundation wall (August 30, 2000) was based on a March 6, 1986 memorandum, issued by then Assistant Commissioner Berger; and

WHEREAS, the Berger memorandum establishes the threshold criteria for determining when a new building application should be filed; and

WHEREAS, under the Berger memorandum a New Building application should be filed if, during construction a building is being: (1) demolished and, (2) exterior walls are being removed and (3) any portion of the existing foundation wall is removed, altered or new footings are installed for a new structural system; and

WHEREAS, the appellant contends and the Board agrees that except for some exterior walls, the subject building was not demolished, but was retained and enlarged, thus, the appellant notes, that even though a portion of the existing foundation wall was replaced, that alone is not enough to trigger the threshold requirements for filing a new building permit; and

WHEREAS, the appellant contends that after construction was near completion, the north exterior wall unexpectedly began crumbling because it had become extremely deteriorated and structurally unsound and warranted removal and that the synagogue's professional engineer determined that it created a dangerous condition, and thereafter sought permission from DOB to remove it; and

WHEREAS, permission was granted and the wall was removed, however the DOB determined that the removal was a violation of the 1986 Berger Memo based on totality of circumstances; and

WHEREAS, the applicant replaced the wall to protect the occupants of the synagogue; and

WHEREAS, Board finds that in the instant case, the requirements of the Berger memorandum were not triggered and a new building permit is not required; and

WHEREAS, the building's north wall was preserved until it began to crumble and had to be replaced to ensure the safety

of the occupants of the building; and

Resolved, that the decision of the Borough Commissioner, dated August 30, 2000, acting on Applic. No. 300813984 is reversed and the appeal is granted.

Adopted by the Board of Standards and Appeals, October 30, 2001.

Pasquale Pacifico, Executive Director.

Adjourned:

**REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 30, 2001
2:00 P.M.**

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

15-01-BZ/22-01-A

CEQR # 01-BSA-091K

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

SUBJECT - Application January 17, 2001 - under Z.R. §72-21 to permit the proposed conversion of a former industrial building, located in an M1-2 zoning district, to joint living, in conjunction with working quarters (Use Groups 2 and 9), which is contrary to Z.R. §42-00 and is contrary to Sections 27-733 and 27-749 of the NYC Building Code.

PREMISES AFFECTED - 337/47 Kent Avenue, east side, 68' south of South Fourth Street, Block 2441, Lots 4, 104 and 107 (Tentative Lot 4), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and

MINUTES

Commissioner Caliendo.....3
N e g a t i v e :
.....0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
Commissioner Caliendo.....3
N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 19, 2000 acting on Application Number 300952440 reads, in pertinent part:

1. A PROPOSED JOINT LIVING IN CONJUNCTION WITH WORKING QUARTERS IN M1-2 DISTRICT IS NOT PERMITTED AS PER Z.R. SECTION 42-00 MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS. THERE ARE NO APPLICABLE YARD, BULK AND/OR PARKING REGULATIONS FOR RESIDENTIAL USE IN M1-2 DISTRICT.
2. PROPOSED NATURAL LIGHT AND VENTILATION IS NOT PERMITTED AS PER N.Y.C. BUILDING CODE SECTIONS 27-733 & 27749. MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS; and

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in *The City Record* and laid over to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an M1-2 zoning district, the proposed conversion of a turn of the century former industrial building to joint living, in conjunction with working quarters (Use Groups 2 and 9), contrary to Z.R. §§27-733 and 27-749 of the NYC Building Code; and

WHEREAS, the instant proposal would convert the existing vacant structure into thirty-three (33) work/living lofts and five (5) work only lofts to be located on the ground floor; and

WHEREAS, the board believes that a conversion to only Use Group 2 would be more appropriate because Joint live-work quarters for artists (JLWQA) uses are only allowed in certain M1-5A and B zoning districts in Manhattan; and

WHEREAS, the Board notes that artist use otherwise allowed via the JLQWA regulations would be permitted as home-occupation uses within Use Group 2; and

WHEREAS, while the site is located within an M1-2 zoning district, wherein the residential aspect of the joint work/living studio is not permitted as-of-right, but is surrounded by various residential districts; and

WHEREAS, the applicant notes that but for the inclusion of three fixture bathrooms (as opposed to merely a toilet and sink) these work/living lofts would fall into the as-of-right category of commercial lofts; and

WHEREAS, the applicant represents that the existing structure is obsolete and deficient for conforming light industrial and/or commercial uses; and

WHEREAS, the record indicates that subject structure is irregularly shaped hodge-podge of three formerly distinct buildings (one four stories, one five story, and one part one story; and

WHEREAS, the record indicates that the aforementioned buildings were originally designed as a mixed-user residential and commercial structures but later conjoined to create a larger warehouse/light industrial building, most recently occupied by a feathers and down wholesaling, importing and sorting company; and

WHEREAS, the former occupant has relocated within New York City and premises is presently vacant, but for minor management purposes; and

WHEREAS, the record indicates that the subject premises can not accommodate modern industrial uses because it is deficient in column spacing, loading, and unloading opportunity, vertical integration (freight elevators), floor plate configuration and ceiling height; and

WHEREAS, the subject premises fronts on Kent Avenue, a busy street, and is burdened with substandard loading and unloading access onto Kent Avenue only; and

WHEREAS, therefore, these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the applicant represents that the above referenced conditions leave no reasonable possibility of obtaining a reasonable return through conforming development; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the immediate area is characterized by both manufacturing and loft-type residential uses; and

WHEREAS, the record indicates that the district directly South of the district is a C4-3 which permits residential use as-of-right-the equivalent of an R-6 zoning district; and

WHEREAS, the record indicates that within a one block radius of the subject premises, under Calendar No. 155-96-BZ, the Board approved the conversion of a vacant four story building in an M3-1 district, which the applicant represents is a greater use variance than the instant application; and

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WHEREAS, in response to Board concerns, the applicant has obtained an easement allowing him to provide a buffer area for light and ventilation on the property of the grantor which will be recorded by the Reliable Abstract Corporation; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford 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.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an M1-2 zoning district, the proposed conversion of a turn of the century former industrial building to joint living, in conjunction with working quarters (Use Groups 2 and 9), contrary to Z.R. §§27-733 and 27-749 of the NYC Building Code, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, June 25, 2001"-(9) and "September 5, 2001"-(1) sheet; and on further condition;

THAT artists occupying the subject apartments be certified by the New York City Department of Cultural Affairs;

THAT the applicant file and record an easement with the City of New York, for a buffer area, on the property of the grantor for light and ventilation complying with the requirements of the Administrative Code;

THAT a copy of the record easement be provided to the Board's Executive Director;

THAT a copy of the recorded easement be presented to the Department of Buildings before the issuance of any permits;

THAT the applicant file an easement allowing him to

THAT in accordance with BSA approved plans, the applicant shall fully sprinkler the entire building with an automatic wet sprinkler system connected to a Fire Department Central monitoring station;

THAT the residential Smoke Detection system be compliant with Local Law 62/81 and hard-wired, in accordance with BSA approved plans;

THAT a smoke detection system be provided and maintained on the first floor commercial space to be connected to a Fire Department Approved Central Monitoring Station, in accordance with BSA approved plans;

THAT the applicant provide all fire safety measures articulated in his letter dated August 30, 2001;

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 be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, October 30, 2001.

114-01-BZ

CEQR # 01-BSA-114K

APPLICANT - Sheldon Lobel, P.C., for Daniel Beyda, owner.
SUBJECT - Application March 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, located in an R-2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and rear yard, which is contrary to Z.R. §23-14, §23-141 and §23-47.

PREMISES AFFECTED - 1320 East 24th Street, between Avenue "M" and "N", Block 7659, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and
C o m m i s s i o n e r
Caliendo.....3

N e g a t i v e :
.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 14, 2001, acting on Alt. 1. Application No. 301129605 reads, in pertinent part:

- 4) "PROPOSED PLANS ARE CONTRARY TO Z.R. §23-14; IN THAT IT EXCEEDS THE MAX. PERMITTED FLOOR AREA RATIO

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OF 50%.

2. PROPOSED PLANS ARE CONTRARY TO Z.R. §23-141. IN THAT IT IS LESS THAN THE MIN. REQUIRED OPEN SPACE RATIO OF 150%.
3. PROPOSED PLANS ARE CONTRARY TO Z.R. §23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE 30'-0" THAT IS REQUIRED."

and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in *The City Record*, and laid over to September 11, 2001 for decision. On September 11, 2001 all hearings were postponed and this application was deferred to October 16, 2001 and then to October 30, 2001 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement of an existing one-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio, and the required Rear Yard, contrary to Z.R §23-14, §23-141, and §23-47; and

WHEREAS, the proposed enlargement will increase the floor area ratio to 1.035, decreases the open space ratio to 53.6% and decrease the rear yard from 33'-6" to 20'-0"; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-622 and §73-03.

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit in an R2-1 zoning district, the enlargement of an existing one-family dwelling, which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio, and the required Rear Yard, contrary to Z.R §23-14, §23-141, and §23-47 on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received,

August 23, 2001"- (9) sheets and "October 24, 2001"- (1) sheets and *on further condition*;

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 be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, October 30, 2001.

135-01-BZ

CEQR # 01-BSA-128K

APPLICANT - Rothkrug & Rothkrug, for Go-Go Car Wash, Inc., owner; Personal Touch Car Wash, lessee.

SUBJECT - Application April 9, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance, previously granted under Cal. No. 318-56-BZ, which permitted a high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district.

PREMISES AFFECTED - 1815/17 86th Street, a/k/a 1815/17 New Utrecht Avenue, north side, 78.8' west of New Utrecht Avenue, Block 6344, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....	3
N e g a t i v e :	:
.....	0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....	3
N e g a t i v e :	:
.....	0

ACTION OF THE BOARD - Application granted on condition.

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated March 9, 2001 acting on ALT. 1 Applic. No. 535, reads:

"Application for extension of term of the variance granted by the Board of Standards and Appeals under Cal. 318-56 BZ is referred back to the Board, which has expired Aug. 22, 1999"; and

WHEREAS, a public hearing was held on this application on June 27, 2001, after due notice by

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publication in *The City Record* and laid over to August 7, 2001 and then to September 25, 2001 for decision. However, all hearings on September 25, 2001 were postponed and this application was laid over to October 16, 2001 and then to October 30, 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, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §11-411, on a site previously before the Board, to permit the reestablishment of an expired variance, previously granted under Cal. No. 318-56-BZ, which expired October 25, 1997 which permitted high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district; and

WHEREAS, the record indicates that the subject site has been occupied by a “high speed auto laundry” establishment for over 40 years; and

WHEREAS, the applicant represents that there has been no discontinuance or other interruption in business at the site; and

WHEREAS, the applicant seeks to re-establish the prior variance and extend the term; and

WHEREAS, the site consists of an irregularly shaped lot, 71 ft. 4 in. frontage on New Utrecht Avenue and 42 ft. 3 in. frontage on 86th Street, with a depth of 134 ft. 11 in., a total of 4883 sq. ft in area, developed with a one-story automatic car wash building is 1796 sq. ft. in area; and

WHEREAS, the site presently contains a high speed auto laundry; and

WHEREAS, on April 30, 1957, when the Zoning District was Business, the Board granted an application pursuant to Section 7(e), permitted construction of a high speed construction of a “high speed auto laundry”; and

WHEREAS, the subject premises is located in a C1-2(R5) zoning district, which became effective on December 15, 1961; and

WHEREAS, evidence in the record indicates that the high speed auto laundry has continued since the last Board approval; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §11-411 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; 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 issues a Type II 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. §11-411, to permit the reestablishment of an expired variance, previously granted under Calendar No. 318-56-BZ, which permitted high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received, April 9, 2001”-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, expiring on October 30, 2011;

THAT the fences and gates shall be of legal and uniform height;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT in accordance with BSA approved plans, all curb-cuts and maintained;

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 a new Certificate of Occupancy be obtained within one (1) year of the date of this resolution.

Adopted by the Board of Standards and Appeals, October 30, 2001.

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.

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COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 26, 2002, at 2 P.M., for continued hearing.

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
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N o t V o t i n g : V i c e - C h a i r
Babbar.....1

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for decision, hearing closed.

295-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Sara Feferkorn, owner.

SUBJECT - Application December 12, 2000 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling (Use Group 2) which exceeds the permitted floor area, and does not meet the minimum requirements for side and front yards, also does not meet the requirements for optional provisions for certain R5 and R6 zoning districts, which is contrary to Z.R. §23-45, §23-46, §23-141 and §23-146.

PREMISES AFFECTED - 1706 57th Street, a/k/a 5701 17th Avenue, southwest corner, Block 5498, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 18, 2001, at 2 P.M., for continued hearing.

112-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Doris Laufer, owner; Congregation Noam Emimelech, Long-term lessee.

SUBJECT - Application March 6, 2001 - under Z.R. 72-21, to permit the 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, contrary to Z.R. §24-35 and §25-18.

PREMISES AFFECTED - 1402/67 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.

COMMUNITY BOARD #12BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

N e g a t i v e :
.....0

Not Voting: Vice-Chair Babbar.....1

ACTION OF THE BOARD - Laid over to November 20, 2001, at 2 P.M., for decision, hearing closed.

162-01-BZ

APPLICANT - Jay Segal (Greenberg Traurig), for Greenwich Renwich, LLC, Contract Vendee.

OWNER OF PREMISES: Lava, LLC and Henry Murad.

SUBJECT - Application April 26, 2001 - under Z.R. §72-21, to permit the proposed construction of a fourteen story building, to be used almost exclusively for residential use, located in an M1-6 zoning district, which contrary to Z.R. §42-10.

PREMISES AFFECTED - 499 Greenwich Street, commences 40'-9" from the southeast intersection of Greenwich and Spring Streets, Block 594, Lots 29 and 37, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 4, 2001, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned:

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