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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:  
40 Rector Street, 9th Floor, New York, N.Y. 10006.

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Volume 87, Nos. 19-20

May 16, 2002

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### DIRECTORY

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**Tuesday, May 7, 2002**

Morning Calendar .....

**Affecting Calendar Numbers:**

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236-98-BZ	103-117 Kent Avenue, Brooklyn
603-49-BZ	34-14 31 <sup>st</sup> Street, Queens
713-55-BZ	181-05 Horace Harding Expressway, Queens
91-60-BZ thru	
93-60-BZ	30/40/60 East 9 <sup>th</sup> Street, Manhattan
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820-67-BZ	41 Barker Street, Staten Island
611-76-BZ	43-17/21 214 <sup>th</sup> Place, Queens
364-82-BZ	245-02/34 Horace Harding Expressway, Queens
45-90-BZ	260 Hamilton Avenue, Brooklyn
16-99-BZ	1116 East 26 <sup>th</sup> Street, Brooklyn
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**MINUTES** of Regular Meetings,  
**Tuesday, May 7, 2002**

Afternoon Calendar .....

**Affecting Calendar Numbers:**

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192-01-BZ	525 Broome Street, Manhattan
207-01-BZ	110 Greenwich Street, Manhattan
280-01-BZ	663/73 Second Avenue and 241/49 East 36 <sup>th</sup> Street, Manhattan
33-02-BZ	306 and 316 Beach 56 <sup>th</sup> Street, Queens
281-99-BZ	6055 Strickland Avenue, Brooklyn
208-00-BZ	2739-2747 86 <sup>th</sup> Street, Brooklyn
217-00-BZ	530 West 50 <sup>th</sup> Street, Manhattan
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143-01-BZ	348 East 9 <sup>th</sup> Street, Manhattan
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261-01-BZ	105 West 24 <sup>th</sup> Street, Manhattan
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321-01-BZ	25 Paidge Avenue, Brooklyn
325-01-BZ	1375 East 27 <sup>th</sup> Street, Brooklyn
332-01-BZ	1511 Third Avenue, Manhattan
403-01-BZ	606 Neptune Avenue, Brooklyn
17-02-BZ	445/455 Fifth Avenue, Brooklyn
31-02-BZ	1924 East 24 <sup>th</sup> Street, Brooklyn
36-02-BZ	117 West 72 <sup>nd</sup> Street, Manhattan
67-02-BZ	143-22 Franklin Avenue and 143-25 Ash Avenue, Queens

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# DOCKET

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New Case Filed Up to May 7, 2002

**125-02-BZ** B.Q. 46-40 Francis Lewis Boulevard, northwest corner of 47th Avenue, Block 5555, Lot 1, Borough of Queens. Applic.#401387290. The reestablishment of an expired variance previously granted by the Board under Cal. No. 550-71-BZ, which permitted a supermarket in an R2 zoning district.

**COMMUNITY BOARD #11Q**

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**126-02-BZ** B.BX. 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx. Applic.#200712005. Proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C8-3 and an R-5 zoning district, is contrary to Z.R. §22-00.

**COMMUNITY BOARD #7BX**

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**127-02-A** B.S.I. 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island. Applic.#500520386. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**128-02-A** B.S.I. 32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island. Applic.#500520395. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**129-02-A** B.S.I. 34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island. Applic.#500520402. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**130-02-A** B.S.I. 36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island. Applic.#500520411. Propose construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**131-02-A** B.S.I. 38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island. Applic.#500520420. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**132-02-A** B.S.I. 40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island. Applic.#500520439. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**133-02-A** B.S.I. 42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island. Applic.#500520448. Propose construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**134-02-A** B.S.I. 44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island. Applic.#500520457. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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# DOCKET

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**135-02-A** B.S.I. 46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island. Applic.#500520466. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**136-02-A** B.S.I. 48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island. Applic.#500520475. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**137-02-A** B.S.I. 45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island. Applic.#500518219. Proposed construction of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**138-02-BZ** B.BK. 4302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn. Applic.#301263763. Proposed one- story enlargement of an existing one-story and mezzanine building, Use Group 17, located in an M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking, is contrary to Z.R. §43-12, §43-43, §43-25 and §44-21.  
**COMMUNITY BOARD #17BK**

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**139-02-A** B.M. 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan. An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

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**140-02-A** B.Q. 67-35 73RD Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens. Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

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**141-02-A** B.Q. 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens. Applic.#401064637. Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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**142-02-BZ** B.BK. 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn. Applic.#301338559. Proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.  
**COMMUNITY BOARD #14BK**

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**143-02-BZ** B.BK. 3468 Bedford Avenue, 350' north of Avenue "N", between Avenues "M and N", Block 7660, Lot 66, Borough of Brooklyn. Applic.#301329541. Proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area and side and rear yards is contrary to §23-141 §23-461 and §23-47.  
**COMMUNITY BOARD #14BK**

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**144-02-BZ** B.Q. 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens. Applic.#401297743. Proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, Use Group 16, located in a C2-2 within and R3-2 zoning district, is contrary to Z.R. §32-25.  
**COMMUNITY BOARD #12Q**

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# DOCKET

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**145-02-A** B.Q. 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens. Applic.#401297743. Proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street is contrary to Section 35, Article 3 of the General City Law.

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**146-02-BZ** B.Q. 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens. Applic.#401245354. Proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2 / R3-2 and R3-2 zoning district, requires a special permit from as per Z.R.§73-52.

**COMMUNITY BOARD #13Q**

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**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

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# CALENDAR

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**JUNE 4, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, June 4, 2002, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### 618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.  
SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.  
PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

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### 1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.  
SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.  
PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #5M**

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### 68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.  
SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.  
PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

**COMMUNITY BOARD #11Q**

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### 75-97-BZ

APPLICANT - Rampulla Associates Architects, for Pergament Enterprise of S.I., owner; Lovely Lady Figure Salon, lessee.  
SUBJECT - Application January 29, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 1, 2001 and for an amendment to the resolution.  
PREMISES AFFECTED - 2795 Richmond Avenue, Richmond Avenue and Yukon Avenue, Block 2440, Lot 2, Borough of Staten Island.

**COMMUNITY BOARD #2 S.I.**

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### 175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.  
SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.  
PREMISES AFFECTED - 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

**COMMUNITY BOARD #M1-5A**

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**JUNE 4, 2002, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, June 4, 2002, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## APPEALS CALENDAR

### 139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.  
SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.  
PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #8M**

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# CALENDAR

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## 140-02-A

APPLICANT - New York City Department of Buildings, for Joseph DeFronzo, owner.

SUBJECT - Application May 1, 2002 - Application to revoke Certificate of Occupancy No. 401029338, on the basis that the conversion of the subject premises from a two family to a four family dwelling violates the Multiple Dwelling Law and the Zoning Resolution.

PREMISES AFFECTED - 67-35 73RD Place, east side, 96.37' south of 67th Road, Block 3771, Lot 8, Borough of Queens.

## COMMUNITY BOARD #6Q

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## 333-01-A thru 358-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for OTT LLC, owner.

SUBJECT - Application November 13, 2001 - proposed one family dwelling, located within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

52 Tennyson Drive, east side, 333.2' north of Nelson Avenue, Block 5212, Tentative Lot 57, Borough of Staten Island.

54 Tennyson Drive, east side, 317.06' north of Nelson Avenue, Block 5212, Tentative Lot 58, Borough of Staten Island.

56 Tennyson Drive, east side, 300.89' north of Nelson Avenue, Block 5212, Tentative Lot 59, Borough of Staten Island.

58 Tennyson Drive, east side, 284.68' north of Nelson Avenue, Block 5212, Tentative Lot 60, Borough of Staten Island.

60 Tennyson Drive, east side, 268.42' north of Nelson Avenue, Block 5212, Tentative Lot 61, Borough of Staten Island.

62 Tennyson Drive, east side, 252.11' north of Nelson Avenue, Block 5212, Tentative Lot 62, Borough of Staten Island.

64 Tennyson Drive, east side, 235.75' north of Nelson Avenue, Block 5212, Tentative Lot 63, Borough of Staten Island.

66 Tennyson Drive, east side, 219.22' north of Nelson Avenue, Block 5212, Tentative Lot 64, Borough of Staten Island.

68 Tennyson Drive, east side, 202.84' north of Nelson Avenue, Block 5212, Tentative Lot 65, Borough of Staten Island.

70 Tennyson Drive, east side, 186.28' north of Nelson

Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.

72 Tennyson Drive, east side, 169.64' north of Nelson Avenue, Block 5212, Tentative Lot 67, Borough of Staten Island.

74 Tennyson Drive, east side, 152.92' north of Nelson Avenue, Block 5212, Tentative Lot 68, Borough of Staten Island.

76 Tennyson Drive, east side, 136.11 north of Nelson Avenue, Block 5212, Tentative Lot 69, Borough of Staten Island.

78 Tennyson Drive, east side, 119.21' north of Nelson Avenue, Block 5212, Tentative Lot 70, Borough of Staten Island.

80 Tennyson Drive, east side, 102.21 north of Nelson Avenue, Block 5212, Tentative Lot 71, Borough of Staten Island.

82 Tennyson Drive, east side, 85.10' north of Nelson Avenue, Block 5212, Tentative Lot 172, Borough of Staten Island.

84 Tennyson Drive, east side, 67.88 north of Nelson Avenue, Block 5212, Tentative Lot 73, Borough of Staten Island.

86 Tennyson Drive, east side, 50.54' north of Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

88 Tennyson Drive, east side, 33.07 north of Nelson Avenue, Block 5212, Tentative Lot 175, Borough of Staten Island.

90 Tennyson Drive, east side, 1.54' north of Nelson Avenue, Block 5212, Tentative Lot 76, Borough of Staten Island.

92 Tennyson Drive, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 177, Borough of Staten Island.

12 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 78, Borough of Staten Island.

14 Dream Lane, east side, 14.4' north of Nelson Avenue, Block 5212, Tentative Lot 79, Borough of Staten Island.

15 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 115, Borough of Staten Island.

17 Dream Lane, northeast corner of Nelson Avenue, Block 5212, Tentative Lot 114, Borough of Staten Island.

## COMMUNITY BOARD #3S.I.

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*Pasquale Pacifico, Executive Director*

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# CALENDAR

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**JUNE 4, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, June 4, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### **215-01-BZ**

APPLICANT - Fredrick A. Becker, Esq., for 185 Union Realty, LLC, owner.

SUBJECT - Application June 13, 2001 - under Z.R. §72-21, to permit the proposed construction of a four story and cellar multiple dwelling (Use Group 2) located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 85 Union Avenue, southwest corner of Lorimer Street, Block 2245, Lot 24, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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### **27-02-BZ**

APPLICANT - Omer Fenik, Architects, Omer E. Fenik, R.A., for 287 Hudson Realty Corp., owner.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the legalization of the second floor conversion from office, to residential use within the existing four story mixed use building, located in an M1-6 zoning district, is contrary to Z.R. §52-35.

PREMISES AFFECTED - 287 Hudson Street, west side, 50'-0" south of Spring Street, Block 594, Lot 81, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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### **70-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Joseph and Pearl Shapiro, owner.

SUBJECT - Application February 26, 2002 - 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 creates non-compliance with respect to floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1456 East 26th Street, between Avenues "N and O", Block 7679, Lot 75, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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### **81-02-BZ**

APPLICANT - Moshe M. Friedman, P.E., for Beth Jacob Day School, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed construction of a religious high school (Yeshiva), Use Group 3, located in an R5 Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, street wall, total height, side yards and loading, is contrary to Z.R. §113-11, §23-141(b), §23-622(d), §23-462(a) and §113-22(b).

PREMISES AFFECTED - 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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### **92-02-BZ**

APPLICANT - Paul, Hastings, Janofsky & Walker, LLP, by Elise Wagner, Esq., and Jeremiah H. Candreva, Esq., for Alvin Ailey Dance Foundation, owner.

SUBJECT - Application March 28, 2002 - under Z.R. §72-21, to permit the proposed development of a new building, (Alvin Ailey Dance Foundation), Use Group 4, located in an R8(C1-5)/C6-2 zoning district and The Preservation of the Special Clinton District, which does not comply with the zoning requirements for lot coverage, initial setback distance and height, which is contrary to §96-102 and §33-341.

PREMISES AFFECTED - 841/49 Ninth Avenue and 401/09 West 55th Street, northwest corner, Block 1065, Lot 29, Borough of Manhattan.

**COMMUNITY BOARD #4M**

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*Pasquale Pacifico, Executive Director*

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# CALENDAR

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**JUNE 11, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, June 11, 2002, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**1045-64-BZ**

APPLICANT - Seymour W. Gage, P.E., for Kips Bay Tower Associates, owner; Rapid Park Industries, lessee.

SUBJECT - Application December 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 2001.

PREMISES AFFECTED - 300-330 East 33rd Street (aka 575 First Avenue) northwest corner of East 33rd Street and First Avenue, Block 936, Lots 7501 and 4280, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**93-97-BZ**

APPLICANT - Sheldon Lobel, P.C., for PI Associates, LLC, owner.

SUBJECT - Application May 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 136-21 Roosevelt Avenue, Main Street and 39th Avenue, Block 4980, Lot 11, Borough of Queens.

**COMMUNITY BOARD #7Q**

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**JUNE 11, 2002, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, June 11, 2002, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**APPEALS CALENDAR**

**90-02-A**

APPLICANT - Moshe M. Friedman, P.E., for Abraham Sandberg, owner.

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC

Building Code, Subchapter 12, Article 6, Section 27-746. PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

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**113-02-A**

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**115-02-A thru 118-02-A**

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.

747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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# CALENDAR

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**JUNE 11, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, June 11, 2002, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

-----  
**ZONING CALENDAR**

**282-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 222 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 44, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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**283-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the 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.

PREMISES AFFECTED - 266 Lee Avenue, between Wallabout Street and Flushing Avenue, Block 2263, Lot 48, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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**384-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Leewall Realty, LLC, owner.

SUBJECT - Application September 28, 2001 - under Z.R. §72-21, to permit the proposed construction of a six (6) story and cellar Class "A" multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 218 Wallabout Street, between Lee and Bedford Avenues, Block 2263, Lot 43, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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**263-01-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the 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, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #1M**

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**297-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**324-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

**COMMUNITY BOARD #1S.I.**

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**395-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Mutual Realty, LLC, owner.

SUBJECT - Application December 17, 2001 - under Z.R. §72-21, to permit the proposed addition of a mezzanine in an existing manufacturing building, Use Group 17B, which exceeds the maximum permitted floor area ratio, and to waive the additional parking requirement due to the increase in floor area ratio, which is contrary to Z.R. §43-12 and §44-21.

PREMISES AFFECTED - 36-27 Vernon Boulevard, south side, between 36th and 37th Avenues, Block 355, Lot 7, Borough of Queens.

**COMMUNITY BOARD #2Q**

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*Pasquale Pacifico, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, MAY 7, 2002  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 9, 2002, were approved as printed in the Bulletin of April 18, 2002, Volume 87, Nos. 15-16.

**SPECIAL ORDER CALENDAR**

**752-29-BZ, Vol. IV**

APPLICANT - Jack Gamill, P.E., for Marial Associates of New Jersey, L.P., owner; Bay Ridge Honda, lessee.

SUBJECT - Application November 27, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 22, 2000.

PREMISES AFFECTED - 8801 4th Avenue, south east corner of 4th Avenue and 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

**APPEARANCES -**

For Applicant: Jack Gamill.

**ACTION OF THE BOARD -** Rules of Practice and Procedure waived, application reopened, term of variance extended.

**THE VOTE TO GRANT -**

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**THE RESOLUTION -**

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired April 22, 2000; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record, and laid over to May 7, 2002 for decision; and

WHEREAS, the applicant represents that there will be no parking on the sidewalk; and

WHEREAS, the applicant is seeking to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extends the resolution pursuant to Z.R. §11-411, said resolution having been adopted May 6, 1930 as amended through April 16, 1991 expiring April 22, 2000,

so that as amended this portion of the resolution shall read:

"to extend the term of the resolution for ten years from April 22, 2000, expiring

April 22, 2010, on condition that, THAT the premises shall be maintained in substantial compliance with previously Board approved plans marked "Received, November 27, 2001"-(2) sheets and "April 18, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects, and a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution; and on further condition

THAT it shall be noted in the Certificate of Occupancy that there will be no parking of cars on the sidewalk, specifically 88th Street;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB No. 1103/58)

Adopted by the Board of Standards and Appeals, May 7, 2002.

**608-70-BZ**

APPLICANT - Walter T. Gorman, P.E., for Abraham Atzmon, owner; Motiva Enterprises, LLC, lessee.

SUBJECT - Application November 14, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 351-361 Neptune Avenue northwest corner of Brighton 3rd Street, Block 7260, Lot 101, Borough of Brooklyn.

**COMMUNITY BOARD #13BK**

**APPEARANCES -**

For Applicant: Arthur Sullivan.

**ACTION OF THE BOARD -** Rules of Practice and Procedure waived, application reopened, resolution amended.

**THE VOTE TO GRANT -**

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**THE RESOLUTION -**

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 608-70-BZ; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, laid over to April 16, 2002, and then to May 7, 2002 for decision; and

# MINUTES

WHEREAS, the applicant is seeking to permit the conversion of three (3) service bays to an accessory convenience store and the erection of a new canopy over the existing islands.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted December 15, 1970, so that as amended this portion of the resolution shall read:

"to permit the conversion of three (3) service bays to an accessory convenience store and the erection of a new canopy over the existing islands, on condition";

THAT the premises be kept clean of debris and graffiti, THAT there shall be no loitering on the premises;

THAT all lighting will be pointed away from residential dwellings;

THAT all landscaping shall be maintained according to BSA approved plans;

THAT there will be no outdoor storage;

THAT all signs shall be maintained in accordance with BSA approved plans and that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received November 14, 2001"-(4) sheets, "January 29, 2002"-(1) sheet and "April 8, 2002"-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution.

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted". (ALT No. 301235740)

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 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: Arthur Sullivan.

**ACTION OF THE BOARD** - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of Occupancy extended.

THE VOTE TO GRANT -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on June 8, 2000; and

WHEREAS, a public hearing was held on this application on November 13, 2001, after due notice by publication in The City Record, laid over to December 18, 2001 and then to May 7, 2002 for decision.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 24, 1998 expiring May 24, 2008 only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That substantial construction be completed and a new Certificate of Occupancy shall be obtained within thirty (30) months past June 8, 2000; and on further condition

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

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

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

Adopted by the Board of Standards and Appeals, May 7, 2002.

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## 236-98-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Anthony Fernicola, owner.

SUBJECT - Application September 4, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 103-117 Kent Avenue, northeast corner of the intersection of Kent Avenue and North 7th Street, Block 1317, Lots 1, 3, 5, 6, 7, 8 and 36, Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES - None.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening of and amendment to the variance granted under Cal. No. 236-98-BZ; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, laid over to April 16, 2002, and then to May 7, 2002 for decision; and

WHEREAS, the applicant is seeking to permit 1) the substitution of 5 three-bedroom duplex apartments with 10 two-bedroom simplex apartments along the Kent Avenue frontage; 2) the increase in the number of parking spaces provided from twenty to twenty-three and to create a cellar level of parking at the location of the existing building; and 3) to install a 5-stop passenger elevator to service the dwelling units in the portion of the proposed building at the corner of Kent Avenue and North Seventh Street.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted May 2, 2000, so that as amended this portion of the resolution shall read:

"to permit 1) the substitution of 5 three-bedroom duplex apartments with 10 two-bedroom simplex apartments along the Kent Avenue frontage; 2) the increase in the number of parking spaces provided from twenty to twenty-three and to create a cellar level of parking at the location of the existing building; and 3) to install a 5-stop passenger elevator to service the dwelling units in the portion of the proposed building at the corner of Kent Avenue and North Seventh Street, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 4, 2001"-(5) sheets and "April 18, 2002"-(5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted" (ALT No. 300738334)

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 603-49-BZ

APPLICANT - Alfonso Duarte, P.E., for JAJ Realty LLC, owner.

SUBJECT - Application December 18, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 34-14 31st Street, west side 90.11' south of 34th Street, Block 607, Lot 34, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Alfonse Duarte.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

## 713-55-BZ

APPLICANT - Vassalotti Associates, Architects for Exxon Mobil Fuels Marketing Co., owner.

SUBJECT - Application January 2, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 181-05 Horace Harding Expressway, north east corner of Utopia Parkway and Horace Harding Expressway, Block 7065, Lot 8, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

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Negative: .....0  
Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

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## 91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501,7503, 1101, 1103, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 18, 2002, at 10 A.M., for decision, hearing closed.

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## 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 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: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

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## 820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres. Absolute Car Carrier, owner.

SUBJECT - Application March 15, 2002 - reopening for an extension of term of variance which expired November 8, 2001.

PREMISES AFFECTED - 41 Barker Street, east side 414.19' south of Woodruff Lane, Block 197, Lot 34, Borough of Staten Island.

### COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Willy Yuin.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 11, 2002, at 10 A.M., for continued hearing.

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## 611-76-BZ

APPLICANT - Vassalotti Associates, Architects, for North Fork Bank, owner.

SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired February 15, 2002.

PREMISES AFFECTED - 43-17/21 214th Place, north side 161.24' north of Northern Boulevard, Block 6301, Lots 9, 10 and 11, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 10 A.M., for decision, hearing closed.

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## 364-82-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Little Neck Commons LLC, owner; Jack LaLanne Fitness Centers, Inc. lessee.

SUBJECT - Application March 20, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 245-02/34 Horace Harding Expressway, south side, Block 8276, Lot 100, Borough of Queens.

### COMMUNITY BOARD #11Q

APPEARANCES -

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For Applicant: Barbara Hair.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21,  
2002, at 10 A.M., for decision, hearing closed.

## 45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil  
Company, owner.

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

PREMISES AFFECTED - 260 Hamilton Avenue, northeast  
corner of Henry Street, Block 527, Lot 1, Borough of  
Brooklyn.

### COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Arthur Sullivan and Walter T. Gorman.

**ACTION OF THE BOARD** - Laid over to June 18,  
2002, at 10 A.M., for continued hearing.

## 16-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Milton Elbogen,  
owner

SUBJECT - Application September 10, 2001 - reopening  
for an extension of time to complete construction which  
expired August 10, 2001.

PREMISES AFFECTED - 1116 East 26th Street, between  
Avenue K and Avenue L, Block 7625, Lot 52, Borough of  
Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** - Laid over to June 11,  
2002, at 10 A.M., for continued hearing.

## 122-99-A

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

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

PREMISES AFFECTED - 91-70 Metropolitan Avenue,  
Metropolitan Avenue, Sybilla Street, 69<sup>th</sup> Avenue and

Ursula Place, Block 3386, Lots 800, 830, Borough of  
Queens.

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to August 20,  
2002, at 11 A.M., for defer decision, hearing closed.

## 99-01-A

APPLICANT - The Agusta Group, for Nicolo Balducci,  
Executor for Serafina Balducci, owner.

SUBJECT - Application February 27, 2001 - legalization of  
the conversion of a two story and cellar frame two family  
dwelling to stores (Use Group 6), which is contrary to §27-  
296 and Table 4-1 of the New York City Building Code.

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

### COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

For Opposition: John Reisinger, Department of Buildings.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeal denied.

THE VOTE TO GRANT -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

THE RESOLUTION -

WHEREAS, the decision of the Department of  
Buildings, dated February 14, 2001 acting on Applic. No.  
400883763, in pertinent part reads;

“1. Proposed legalization of a two story and cellar  
frame family dwelling converted to stores (U.G. 6) is  
contrary to sect. 27-296 and table 4-1 of the Building  
Code.”; and

WHEREAS, a public hearing was held on this  
application on January 8, 2002 after due notice by  
publication in The City Record, laid over to February 26,  
2002, March 26, 2002, April 16, 2002 and then to May 7,  
2002 for decision; and

WHEREAS, this is an appeal challenging a decision of  
the Department of Buildings (DOB), disapproving the  
appellant's application for the legalization of the  
conversion of a two story and cellar frame two family  
dwelling to stores, Use Group 6, is contrary to § 27-296  
and tables 4-1 of the Administrative Code of the City of  
New York; and

WHEREAS, the record indicates that the subject  
building is an Old Code, Class 4 wood frame structure built  
prior to 1938 for residential occupancy; and

WHEREAS, the subject premises is presently  
occupied by three commercial enterprises, specifically a  
jewelry store on the first floor and a clothing boutique and

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travel agency on the second floor; and

WHEREAS, the Buildings Department contends and the Board agrees that Table 4-1 of the Building Code, titled "Area and Height Limitations for Unsprinklered Buildings and Spaces," prohibits Class C (mercantile) occupancies in Class IIC (combustible construction) structures; and

WHEREAS, the appellant asserts that the subject building has been used as a commercial building since prior to 1938; and

WHEREAS, the appellant also notes that his proposal will provide the installation of a sprinkler system connected to the domestic line in the public halls; and

WHEREAS, the Board informed the appellant that because the proposed is a conversion with three different commercial uses, the proposal must comply with Local Law of 58 of 1987 with respect to providing vertical access to people with disabilities; and

WHEREAS, the appellant contends that his proposal is entitled to a waiver from the aforementioned accessibility requirements because his building is not a new building; and

WHEREAS, the appellant also claims a waiver from accessibility requirements under Section 27-292.5(i)(1); and

WHEREAS, the Department of Building notes that Section 27-123.1(b) of the Building Code provides that LL 58/87 "shall apply to an entire existing building, as if hereafter erected, when there is a change of occupancy classification of the building"; and

WHEREAS, the Department also notes that Section 27-292.5(i)(1) is also not applicable because, the total floor area of the subject building is shown as 2,763 feet, exceeding the 2,500 limit of Section 27-292.5(i)(1); and

WHEREAS, therefore, the Board agrees with the Department of Buildings contention, that because of the change of occupancy classification from residence to mercantile proposed here, the building must be treated like a new building; and

WHEREAS, the appellant has also failed to demonstrate how the subject commercial establishment, will make its goods and services available to people with disabilities; and

WHEREAS, were the Board to waive accessibility requirements, it would be legalizing a condition that would not be permitted by a legal use; and

WHEREAS, therefore, the Board finds that the exemption from the LL 58/57 provisions found in Sections 27-292.5(i)(2), and 27-292.5(i)(1) of the Building Code, claimed by the applicant, are not applicable in the instant case; and

WHEREAS, the Board finds that the appellant has failed to submit adequate evidence to warrant this appeal.

Resolved, that the decision of the Queens Borough Commissioner, dated February 14, 2001 acting on Applic. No. 400883763, is affirmed and this appeal is denied.

Adopted by the Board of Standards and Appeals May 7, 2002.

## 326-01-A

APPLICANT - Vassalotti Associates, Architects, for St. Christopher-Ottlie, owner.

SUBJECT - Application November 9, 2001 - Proposed change of use of an existing 2-1/2 story frame two family dwelling, located inside the fire districts, to community facility use, which is contrary to §27-296 and Tables 4-1 and 4-2 of the Administrative Code of the City of New York.

PREMISES AFFECTED - 85-80 148th Street, west side, 415-92" north of 87th Avenue, Block 9724, Lot 67, Borough of Queens.

## COMMUNITY BOARD #8Q

### APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Scrofani, 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

Absent: Vice-Chair Babbar .....1

### THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated November 1, 2001, acting on ALT.1 Application # 401270398, reads:

1. "PROPOSED CHANGE OF USE OF AN EXISTING 2-1/2 STORY FRAME TWO FAMILY DWELLING INSIDE THE FIRE DISTRICTS TO A COMMUNITY FACILITY USE IS CONTRARY TO SECT. 27-296 AND TABLES 4-1 AND 4-2 OF THE ADMIN. CODE."; and

WHEREAS, this appeal challenges the Department of Buildings determination disapproving an alteration and change of occupancy of an existing wood frame building located within a Fire District; and

WHEREAS, the instant application proposes to convert an existing vacant cellar and two-story building, which has been designed and arranged for use as a one-family dwelling, into a Use Group 4A not-for profit institute without sleeping accommodations, offices and meeting rooms; and

WHEREAS, the Department of Buildings disapproved the application because the pre-1968 Administrative Code classified the subject premises as a residential Class 4 wood frame structure and the appellant's proposed use is contrary to Sections 27-296 and Tables 4-1 and 4-2 of the Administrative Code; and

WHEREAS, table 4-1 (Area and Height Limitations for Unsprinklered Buildings and Spaces) and Table 4-2 (Area and Height Limitations for Sprinkle red Buildings and

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Spaces) prohibit Group E (Business) occupancies in Class IID and IIE combustible construction structures if such structure is located within a Fire District; and

WHEREAS, the subject premises is a wood frame building classified within combustible construction class IID or IIE; and

WHEREAS, the subject building is located in an R4-1 zoning district, on an oversized zoning lot, 534 feet in width by 594 feet in length, irregular in area with a total of 245,538 square feet; and

WHEREAS, the subject building will contain a cellar for storage, with offices and a conference on the first floor occupying 1,029 square feet, offices on the second floor occupying 1062 square feet, and offices in the attic space occupying 450 square feet; and

WHEREAS, at 2,491 square feet, the applicant proposed use for the building occupies less than 2,500 square feet; and

WHEREAS, the record indicates that the subject not-for-profit community facility use meets the requirements of an Occupancy Group 4E and is therefore exempt from having to provide a second exit; and

WHEREAS, the record indicates, the existence of a fire hydrant located within 100 feet of the subject premises, on the opposite side of 148th Street; and

WHEREAS, after consulting with representatives from the Fire Department, in accordance with plans marked received April 23, 2002, (4) sheets, the appellant proposes to install extensive fire safety measures including a new sprinkler system covering the entire building connected to the domestic water line, a smoke and fire detection system installed throughout the building, connected to a Fire Department approved central monitoring station; and

WHEREAS, in addition to the aforementioned measures, the appellant will also provide, two exits, at opposite ends of the building at the first floor level, illuminated exit signs, a heat detector for the boiler room, a pull station within the first floor vestibule and a strobe and horn alarm system; and

WHEREAS, therefore, the Board finds that appellant's fire safety measure are adequate to warrant approval of this application; and

WHEREAS, the Board informed the appellant that because the proposed is a conversion, the proposal must comply with Local Law of 58 of 1987 with respect to providing vertical access to people with disabilities; and

WHEREAS, the appellant contends that his proposal is entitled to a waiver from the aforementioned accessibility requirements under Section 27-292.5(i)(1) because his building contains less than 2,500 square feet; and

WHEREAS, the appellant also noted that there are on the buildings within the not-for-profit-community facility, that are accessible to people with disabilities and that for the total of employees who would work in the subject

building, the cost to provide a handicapped ramp or lift in addition to the fire safety measures would be cost prohibitive; and

WHEREAS, the Board finds that when viewed within the totality of the community facility complex, and the fact that programmatic access or reasonable accommodations can be provided at accessible buildings within the complex, the appellant need not provide vertical access to people with disabilities at the subject premises; 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, November 1, 2001, acting on ALT.1 Application # 401270398, is reversed the appeal is granted, limited to the decision noted, on condition that the construction shall substantially conform to drawing filed with the application marked, "Received April 23, 2002"-(4) sheets; and

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

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

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

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 35-02-A

APPLICANT - Joseph A. Sherry, A.I.A., for Breezy Point Cooperative, Inc., owner; Peter Colleran, lessee.

SUBJECT - Application December 3, 2001 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street, and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. An interpretation of Z.R.§23-45 and how it relates to front yard requirement.

PREMISES AFFECTED - 366 Hillside Avenue, 21' north of Mapped Beach 183rd Street, Block 16340, Lot 50, Borough of Queens.

## COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Loretta Papa.

For Opposition: John Reisinger, Department of Buildings.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

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## THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

## THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

## THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated January 16, 2002, acting on Application No. 401365982, reads:

“For Board of Standards and Appeals Only

- 1) The site is located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law;
2. The site and building is not fronting on an official mapped street, therefore, no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law also no permit can be issued since proposed construction does not have at least 8% of total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to section C27-291 (C26-401.1) of the Administrative Code of the City of New York;
- 3) Upgraded private disposal system in the bed of a mapped street contrary to Department of Building policy;
- 4) Building front yard setback of 12'0" is contrary to Sect. 23-45 which requires a 10'0" or 18'0" front yard.”; and

WHEREAS, by the letter dated February 1, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated February 13, 2002, the Department of Transportation has reviewed the above project and has no objections;

WHEREAS, by letter dated the Department of Environmental Protection has reviewed this project and has no objections; and

WHEREAS, Z.R. § 23-45 governs minimum required front yards in R1, R2, R3, and R4 zoning districts; and

WHEREAS, the applicant contends that the intention of Z.R. § 23-45 is to establish minimum front yards and not to prohibit deeper front yards; and

WHEREAS, the record indicates that the minimum 18' front yard would accommodate parking in the front yard and a depth less than 18' may cause the parked vehicle to project partially on the sidewalk; and

WHEREAS, the applicant has established that since

parking is provided off-site by the Breezy Point Cooperative and the 12'0" proposed front yard is too short for a parking space and is within the spirit of Z.R. § 23-45 which provides the minimum front yards required; 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 January 16, 2002, acting on Application No. 401365982, objections #1, 2, & 3 are modified under the power vested in the Board by §§ 35 and 36 of the General City Law, Objection #4 is reversed, 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 April 9, 2002”-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed 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 -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis

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Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of

Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough of Staten Island.

## APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 11 A.M., for continued hearing.

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## 293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - 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 exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code. PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

## COMMUNITY BOARD #8M

### APPEARANCES -

For Applicant: Robert Cook and Robert F

For Opposition: John Reisinger, Department Buildings; Jay Segal, Greg Rossnagel and Spencer Goroff.

### THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 18, 2002, at 11 A.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:50 A.M.

# MINUTES

**REGULAR MEETING  
TUESDAY AFTERNOON, MAY 7, 2002  
2:00 P.M.**

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

**ZONING CALENDAR**

**173-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for RHIF Ltd., owner.  
SUBJECT- Application June 30, 2000 - under 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.

OPREMISES 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: Eric Palatnik.

For Opposition: John Scrofani, Fire Department.

**ACTION OF THE BOARD -** Application withdrawn.

**THE VOTE TO WITHDRAW -**

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

Adopted by the Board of Standards and Appeals, May  
7, 2002.

**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, 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: Eric Palatnik.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD -** Application denied.

**THE VOTE TO GRANT -**

Affirmative: .....0

Negative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Absent: Vice-Chair Babbar .....1

**THE RESOLUTION -**

WHEREAS, the decision of the Borough  
Commissioner, dated April 24, 2001, acting on Alt.  
Applic. No. 102490788 reads:

“Obtain Special Permit per Z.R. section 42-14 (b) for  
proposed eating and drinking establishment with  
entertainment.”; and

WHEREAS, a public hearing was held on this  
application on December 12, 2001 after due notice by  
publication in the Bulletin, laid over to January 30, 2002,  
March 19, 2002, and then to May 7, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §73-24,  
to permit, in a M1-5B zoning district, the legalization of an  
existing eating and drinking establishment with  
entertainment but not dancing (Use Group 6C), located at  
the cellar and first floor level of the subject premises; and

WHEREAS, Use Group 6C applies to eating and  
drinking establishments with entertainment but not dancing;  
and

WHEREAS, eating and drinking establishments with  
musical entertainment are excluded from special permit  
consideration; and

WHEREAS, there is ample evidence in the record  
indicating that the existing and proposed use is not a Use  
Group 6c use; and

WHEREAS, even if viewed under a under a Use Group  
6C analysis, this application must prove; (A) that the  
subject use will not impair the character or the future use  
or development of the surrounding or mixed use  
neighborhood; (B) that such use will not cause undue  
congestion in local streets; (C) that, within an M1-5B  
District, eating and drinking places shall be limited to not  
more than 5,000 square feet of floor space; (D) that such  
use shall take place in a completely enclosed building; and  
(E) that the application is made jointly by the owner of the  
building and the operators of such eating and drinking  
establishment; and

WHEREAS, the Board may permit in the subject M1-  
5B zoning district an eating and drinking establishment,  
Use Group 6C, with entertainment, but not dancing, with a  
capacity of 200 persons or less; and

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WHEREAS, this application has been filed jointly by the owner and operator of the establishment; and

WHEREAS, the applicant contends that in response to an objecting tenant on the second floor, the volume of the music was lowered, acoustical insulation was installed and staff members were instructed to allow patrons into the premises quickly and to disperse exiting patrons to avoid crowding; and

WHEREAS, despite the applicant's contentions that the operators of the subject premises seek a "low profile image" because they cater to an upscale clientele, evidence in the record, including video tapes and pictures, indicate that a "red velvet" rope connecting two stanchions is placed on the sidewalk in front of the subject premises, partially blocking the sidewalk and people not granted admission are allowed to remain in front of the premises thereby causing undue congestion on the sidewalk and in nearby local streets; and

WHEREAS, the record indicates that dancing has taken place at the site, and that private parties are advertized to last past 4:00 a.m. and as late as 8:00 a.m.; and

WHEREAS, therefore, Board finds that evidence in the record demonstrates that the applicant has failed to make adequate provisions to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the street; and

WHEREAS, the Board finds that the applicant has also failed to demonstrate his operational plan blends into the surrounding neighborhood and is insufficient to prevent undue vehicular or pedestrian congestion in front of the premises or on local streets; and

WHEREAS, the evidence in the record thus demonstrates that the addition of musical entertainment and/or dancing at the premises impairs the character or the future use or development of the surrounding mixed-use neighborhood; and

WHEREAS, the evidence in the record further indicates the adverse effects of the subject premises on the privacy and quiet in the neighborhood; and

WHEREAS, while the Board finds, that when analyzed as an application qualifying under Use Group 6C, it would satisfy conditions C, D, and E, that, within an M1-5B District, eating and drinking places shall be limited to not more than 5,000 square feet of floor space; that such use shall take place in a completely enclosed building; and that the application is made jointly by the owner of the building and the operators of such eating and drinking establishment; and

WHEREAS, however, the Board finds that the application fails to satisfy conditions A and B requiring that the subject use will not impair the character or the future use or development of the surrounding mixed use neighborhood; that such use will not cause undue congestion in local streets; and

WHEREAS, the Board determines that because the existing and proposed use impair the character or future use of development of the surrounding or mixed use neighborhood and the subject has caused undue congestion in local street the application must be denied and the decision of the Borough Commissioner, dated April 24, 2001, acting on Alt. Applic. No. 102490788 is upheld.

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 207-01-BZ

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.

SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and first floor of a 13-story mixed use building in a C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

## COMMUNITY BOARD #1M

### APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: 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

Absent: Vice-Chair Babbar .....1

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 8, 2001 acting on Application No. 101557414 reads:

"1) Proposed Gymnasium (Physical Culture Establishment) requires BSA approval per Z.R. section 73-36."

WHEREAS, a public hearing was held on this application on February 12, 2002 after due notice by publication in The City Record and laid over to March 26, 2002, April 16, 2002, and then to May 7, 2002 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, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and first floor of a 13-story mixed use building in a C6-9

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zoning district; and

WHEREAS, the applicant represents that the first floor contains all of the workout equipment and open spaces for the purpose of holding aerobics, martial arts, and other physical conditioning classes, programs and instruction; and

WHEREAS, the applicant further represents that the cellar level functions as the accessory to the first floor gymnasium, containing a lounge for patrons, and separate men's and women's changing rooms, bathrooms and showers; and

WHEREAS, Community Board #1 has no objection with the issuing of this special permit; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-36 and 32-10; 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.

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 the required findings under Z.R. § 73-36 to permit the legalization of an existing physical culture establishment, located within portions of the cellar and first floor of a 13-story mixed use building in a C6-9 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 March 19, 2002"-(6) sheets; and on further condition;

THAT the hours of operation shall be from Monday to Friday 5:30 a.m. - 11:00 p.m., and Saturday and Sunday 10:00 a.m. - 6:00 p.m.;

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

THAT, fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station,

shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of eight (8) years from the date of this grant;

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

THAT a new Certificate of Occupancy be obtained within one year of the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 280-01-BZ

APPLICANT - Howard Z. Zipser, Esq., and Howard Hornstein, Esq., for Metropolitan Transportation Authority and S & M Enterprises, LLC, owners.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit a mixed use building located in a C1-9 zoning district which violates commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations as per Z.R. §§32-421, 33-283, 35-63(a), 23-652, 37-017, 13-134, 26-05, 36-682.

PREMISES AFFECTED - 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.

## COMMUNITY BOARD #6M

### APPEARANCES -

For Applicant: Howard Zipser and Howard Hornstein.

For Administration: 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

Absent: Vice-Chair Babbar .....1

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 10, 2001 acting on Applic. No. 102973926 reads:

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- “1. Proposed Use Group 6 Commercial Use above the level of the 2nd floor ceiling in an MD is contrary to Section 32-421 ZR.
2. Rear yard equivalent is not provided for the commercial portion of the building (2nd to 4th floors) contrary to Section. 33-283.
5. Proposed residential tower in a mixed building is contrary to Section. 35-63(a) and 23-652 ZR.
6. Proposed street wall transparency is contrary to Sect. 26-05 ZR.
7. Proposed accessory parking for 214 cars is contrary to section 13-134 ZR.
8. Proposed curb cut for accessory loading berths on a wide street is contrary to Sect. 26-05 ZR.
9. Proposed curb cuts for accessory loading berths less than 50' from the intersection of two streets is contrary to Sect. 36-682 ZR”; and

WHEREAS, a public hearing was held on this application on December 11, 2001 after due notice by publication in The Bulletin and laid over to January 29, 2002, March 19, 2002, April 9, 2002 and then to May 7, 2002 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, Vice-Chair Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit a mixed use building located in a C1-9 zoning district which violates commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations as per Z.R. §§32-421, 33-283, 35-63(a), 23-652, 37-017, 13-134, 26-05, 36-682; and

WHEREAS, an amendment to the application has removed a request for a curb cut on Second Avenue, negating DOB objection number 6, referenced above; and

WHEREAS, the site is an irregularly shaped through corner lot of 58, 637 square feet in area with approximately 368' of frontage on East 37th Street, 200' of frontage on East 36th Street and 200' of frontage on Second Avenue; and

WHEREAS, the southeast corner of the site, at the intersection of East 36th Street and Second Avenue, (the “land portion”) is improved with three vacant five-story walk-up multiple dwellings and a public parking lot; and

WHEREAS, the remainder of the site (the “roadway portion”) is improved with a recessed exit roadway for the Queens-Midtown Tunnel; and

WHEREAS, the land portion of the site is approximately 21,681 s.f. while the roadway portion of the site is the remaining 36,956 s.f.; and

WHEREAS, the application proposes a 34-story mixed commercial and residential building; and

WHEREAS, the building sub-cellar and cellar would contain building services and an accessory parking garage for a total of 214 cars; and

WHEREAS, the applicant states that the first floor would contain the residential lobby and service entrance, approximately 9,678 s.f. of retail/commercial space, and an accessory loading dock of approximately 20,765 s.f., for a post office; and

WHEREAS, the second, third and fourth floors would contain a post office; and

WHEREAS, floors 5-34 would contain 480 dwelling units; and

WHEREAS, the applicant has proposed that the building would be constructed on the easternmost 185' of the site, extending from East 37th Street to East 36th Street; and

WHEREAS, the first four floors would be a rectangular base fronting for 200' on Second Avenue and 185' on East 36th and East 37th Streets; and

WHEREAS, above the fourth floor, the building would setback and an L-shaped tower which would house the residential units; and

WHEREAS, the northern portion of the proposed building would be constructed on a truss located over a portion of the Midtown Tunnel exit roadway; and

WHEREAS, the applicant claims that there are unique physical conditions located on the site which create practical difficulties and unnecessary hardships in constructing in strict conformity with the Zoning Resolution; and

WHEREAS, the record indicates that 36,956 s.f. of the site, or approximately 58% of the lot area, is occupied by the exit roadway for the tunnel; and

WHEREAS, the applicant states that the exit roadway is over 14' below street grade at Second Avenue and rises steadily as it travels westerly across the site; and

WHEREAS, the applicant also states that the exit roadway is open to traffic and a clearance of 13'9" must be maintained by any structure built over it; and

WHEREAS, expert testimony indicates that in order to develop the site, an extensive truss system must be installed over the exit roadway; and

WHEREAS, further, since the roadway rises as it traverses the site, the engineering is further complicated to maintain the required vehicular clearance; and

WHEREAS, the applicant also contends that the required setbacks would create increased load transfers and mechanical transfers, contributing additional engineering expenses; and

WHEREAS, additionally, the applicant contends that the location of the property at the exit from the tunnel creates a high volume of traffic; and

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WHEREAS, the applicant contends that noise from this traffic deteriorates the viability of residential units located on the street line and lower floors; and

WHEREAS, in testimony during Board hearings, persons speaking both in favor of and against the application frequently referenced the existing high level of noise at the site and its negative impact upon residential occupancies; and

WHEREAS, the record indicates that a fully compliant building would place a number of units close to the noise associated with the tunnel traffic; and

WHEREAS, the compliant design would also have a U-shaped tower; and

WHEREAS, the applicant represents that units located on the interior portion of the U would suffer from the same tunnel noises and fumes so often referenced in testimony before the Board; and

WHEREAS, the Board finds the location of a rising, below-grade roadway, engineering problems associated with constructing over said roadway and the unusually high levels of noise from the tunnel traffic constitute unique physical conditions causing a practical difficulty and unnecessary hardship in complying with the Zoning Resolution; and

WHEREAS, at the request of the Board, the applicant submitted a second economic analysis of a compliant building built only upon the unencumbered portion of the site; and

WHEREAS, the applicant has submitted economic data and contends that due to the above discussed conditions, construction in strict conformity with the Zoning Resolution would not yield a reasonable return; and

WHEREAS, the applicant submitted evidence that a compliant building built upon that smaller footprint, while not having the cost of the above truss discussed above, would have at least three setbacks, creating significant costs associated with load and mechanical transfers; and

WHEREAS, such a development on the reduced footprint would result in a taller building that would be out of character with the neighborhood; and

WHEREAS, the applicant has argued that the proposed building would not alter the essential character of the surrounding neighborhood, would not substantially impair the appropriate use and development of adjacent properties and would not be detrimental to the public welfare; and

WHEREAS, the proposed building would have 480 apartments, ground floor retail uses, a postal facility on floors one through four and 214 accessory parking spaces in a below grade garage; and

WHEREAS, the applicant represents that the C1-9 zoning district permits a residential F.A.R. of 10.0, a commercial F.A.R. of 2.0 and a combined F.A.R. of 10.0; and

WHEREAS, the proposed F.A.R. is 8.13 for the residential use, 1.86 for the commercial use and 10.0 for the combined building, all within the requirements of the Zoning Resolution; and

WHEREAS, the C1-9 zoning district also permits post offices and other retail occupancies; and

WHEREAS, however, the C1-9 district does not allow the commercial uses to be located above the level of the second floor and the applicant proposes to place a post office on the third and fourth floors; and

WHEREAS, additionally, the proposed building would not provide the required 40' commercial rear yard equivalent, the residential tower would violate the tower-on-abase requirements, the proposed street wall transparency would be below that required, the accessory parking would exceed the permitted 124 spaces permitted and the curb cut for the post office exit would be located on East 37th Street within 50' of Second Avenue (a wide street); and

WHEREAS, through written submissions and at the Board hearings, a large portion of testimony received in opposition to the variance came from a multiple dwelling located directly west of the site on East 36th Street; and

WHEREAS, the community was concerned with traffic issues on East 36th Street and the proposed post office use; and

WHEREAS, currently, a post office is located on the same block, west of the opposing multiple dwelling along East 36th Street; and

WHEREAS, the applicant proposes to construct a facility of similar size as the existing East 36th Street post office; and

WHEREAS, the applicant represents that the proposed post office would utilize small trucks that would enter the facility through East 36th Street and exits onto East 37th Street; and

WHEREAS, the proposed post office would not have a retail function so that it would only be occupied by post office staff;

WHEREAS, opponents to the variance have requested that the entrance on East 36th Street be relocated to either Second Avenue or East 37th Street; and

WHEREAS, in response to Board and community concerns, the applicant has demonstrated that due to the need for clearance above the tunnel exit roadway, the northern portion of the first floor, along 37th Street is raised above street level; and

WHEREAS, the applicant represents that due to this raised level, the building can only accommodate one ramp on East 37th Street, at the corner of Second Avenue, which serves as the post office truck exit; and

WHEREAS, originally, the applicant had proposed a second post office exit on Second Avenue, but removed the

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exit after Community Board 6 requested that there be no curb cuts along Second Avenue; and

WHEREAS, the New York City Department of Transportation (“DOT”) has also expressed a preference for having building access on the cross streets, rather than Second Avenue; and

WHEREAS, evidence in the record indicates that Second Avenue has a bus lane that would be impacted by the relocation of vehicle entrance or exits; and

WHEREAS, the applicant states that the relocation of the accessory garage access to East 37th Street would not be possible and the relocation onto Second Avenue would create larger impacts; and

WHEREAS, besides the vehicle entrances, the applicant proposes a layby lane on East 36th Street; and

WHEREAS, the applicant proposes this lane to take cars out of the East 36th Street flow of traffic while picking-up or dropping-off for the residential entrance on East 36th Street; and

WHEREAS, in response to questions from the Board, the applicant has shown that a similar layby lane exists on East 58th Street, which has similar traffic conditions due to its proximity to the 59th Street Bridge; and

WHEREAS, as with curb cuts, the DOT has stated that they would prefer that a layby be located on East 36th Street instead of Second Avenue; and

WHEREAS, the applicant states that since the residential lobby cannot be physically located on East 37th Street, the layby lane must be located on East 36th Street; and

WHEREAS, the applicant contends that in order to ease entry and exits from said lane, the proposed lane has been lengthened to 85' from its originally proposed 50' ; and

WHEREAS, the applicant maintains that while there may still be traffic as vehicles enter or exit the layby lane, the lane is preferable since it will reduce the more serious delays that arise from taxis and other cars double parking in travel lanes while discharging passengers; and

WHEREAS, the applicant has submitted evidence, including a letter from the post office, attesting that the proposed post office at the site would be operated in a substantially similar fashion to the existing post office on the block; and

WHEREAS, the applicant represents that since a post office already exist on the subject block, its relocation to the east end should not create any new negative impacts upon the area residents; and

WHEREAS, in response to concerns raised by neighbors about future commercial occupants, the applicant has agreed that the use of the second, third and fourth floors would be restricted to a post office; and

WHEREAS, the post office use is an as-of-right use for this district; the request is merely to allow the use to extend internally to the third and fourth floors; and

WHEREAS, the applicant contends that the physical location of the post office on the third and fourth floors would not impact upon the adjacent properties; and

WHEREAS, the proposed building would contain 480 dwelling units, of which 20% (96 units) will be reserved for affordable housing in accordance with the 80/20 Program; and

WHEREAS, the applicant represents that while the subject site could potentially house 700 dwelling units, the 480 units proposed would have significantly less impact in terms of residential traffic; and

WHEREAS, the applicant has demonstrated the proposed additional parking spaces will not increase vehicular traffic but will accommodate vehicles already brought into the area by the proposed building’s occupants; and

WHEREAS, the applicant has submitted an as-of-right tower-on-a-base design for the Board’s review; and

WHEREAS, the applicant has stated that the as-of-right building would have a split five-story base with a U-shaped tower totaling 27 stories; and

WHEREAS, the applicant has submitted evidence and the site visit has confirmed that the surrounding area contains a number of older, smaller residential buildings as well as newer, larger multiple-dwellings which are as tall or taller than the proposed building; and

WHEREAS, the applicant represents that the proposed tower, being L-shaped provides a superior design to a U-shaped as-of-right building in a number of ways; and

WHEREAS, the applicant further represents that for the site itself, the taller commercial base would create a vertical separation from street traffic for dwelling units, such that the lowest dwelling units would be at least 70' above said traffic, while the U-shaped building would only have apartments; and

WHEREAS, similarly, all proposed dwelling units would be set back at least 15' from East 36th Street and 10' from Second Avenue, while an as-of-right project would place dwelling units on the lower floors directly on the street line; and

WHEREAS, the applicant contends that the proposed L-shape would provide better access to light and air for units on the interior of the “L” compared to similar units located on the interior of the as-of-right “U”; and

WHEREAS, the open “L” design would also ensure better light and air access for the adjacent multiple dwelling, since an as-of-right “U” would direct a number of the neighboring windows into an interior court space; and

WHEREAS, atop the proposed five-story base, the applicant is proposing a large landscaped area which would

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significantly enhance visual amenity compared to the current view of the open tunnel exit roadway and parking lot; and

WHEREAS, evidence in the record indicates that Second Avenue currently contains a strong retail street wall that is interrupted by the open cut at the site, and the applicant states that the proposed development would continue Second Avenue's ground floor retail presence; and

WHEREAS, the applicant is also proposing a number of street trees which would enhance the appearance of this portion of Second Avenue and remove the dead zone; and

WHEREAS, the proposed project was approved by Community Board #6 Manhattan; and

WHEREAS, the Board notes that the uses and densities proposed are as-of-right, the project provides needed housing, including 96 units of affordable housing, the traffic analysis and suggestions of the applicant have been agreed to by the Department of Transportation and the proposed post office is a mere relocation of an already existing use within the same block; and

WHEREAS, 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, but are the result of the unique traffic issues of the Midtown Tunnel and the need to accommodate the existing tunnel exit roadway; and

WHEREAS, as referenced above, the proposed project asks for no increases in F.A.R. or number of dwelling units; and

WHEREAS, the economic analysis submitted with this application indicates a return of only 6.49%; and

WHEREAS, the Board find that 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 applicant has submitted an Environmental Assessment Statement and has made multiple environmental submissions to the Board; and

WHEREAS, the environmental analysis submitted details all areas of environmental concern under the Environmental Conservation Law and City Environmental Quality Review; and

WHEREAS, by letter dated January 7, 2002, the MTA deferred to the Board as the lead agency for environmental review; and

WHEREAS, the information submitted by the applicant was sufficient for the Board to carefully examine for any

potentially significant adverse environmental impacts; and

WHEREAS, the applicant has sufficiently responded to issues raised by the Board and the community, submitted multiple supporting letters from DOT concurring with both the environmental analysis and proposed traffic mitigation measures; and

WHEREAS, the traffic analysis submitted to the Board encompasses extensive work by the applicant's consultants over the course of many months including frequent consultation with the DOT and MTA; and

WHEREAS, the applicant has included analyses of multiple intersections in the neighborhood, extending well beyond the immediate area around the site; and

WHEREAS, by letter dated April 10, 2002, the DOT has reviewed the latest submission and has no objections to this application; and

WHEREAS, the applicant has specifically addressed all environmental impacts not only from the requested zoning variance, but also from the transfer of property from the MTA to a private entity; 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, to permit a mixed use building located in a C1-9 zoning district which violates commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations as per Z.R. §§32-421, 33-283, 35-63(a), 23-652, 37-017, 13-134, 26-05, 36-682, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 10, 2001"-(10) sheets, "November 21, 2001"-(1) sheet, and "February 19, 2002"-(1) sheet; and on further condition;

THAT the occupancy of the second, third and fourth floors shall be limited to a post office;

THAT all trucks utilizing the ground floor loading docks shall exit the building through East 37th Street;

THAT 96 dwelling units shall be reserved for affordable housing in accordance with the 80/20 Program;

THAT street trees shall be maintained around the perimeter of the property;

THAT there shall be no parking in the layby lane on East 36th Street and that it shall only be used for persons loading or unloading;

THAT the parking garage in the cellar and sub-cellar shall be limited to 214 accessory parking spaces;

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

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THAT no permits, other than foundation permits, shall be issued for the construction of the post office space until the applicant has submitted an agreement for a post office tenant to the Board;

THAT the applicant shall obtain Board approval for any alternative use of the second, third and fourth floors should a post office not commit to the space;

THAT all lighting shall be directed away from adjacent residential units;

THAT the applicant shall work in conjunction with the NYC Department of Transportation to implement the traffic mitigation measures in the Environmental Assessment Statement unless the Department should find said measures to be unnecessary;

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

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

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

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

Adopted by the Board of Standards and Appeals, May 7, 2002.

## 33-02-BZ

APPLICANT - Miriam J, Allen, for New York City Housing Authority, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit, in an R5 zoning district, the proposed addition of three lobbies, which will project three feet into the required ten foot front yards located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34.

PREMISES AFFECTED - 306 and 316 Beach 56th Street (Building 1), 55-05 and 54-15 Beach Channel Drive (Building 4) and 309 and 319 Beach 54th Street (Building 7), 3 midrise residential buildings situated on the superblock bounded by Beach Channel Dr., Beach 54th, Beach 56th Streets and Rockaway Beach Boulevard, Block 15892, Lot 1, Borough of Queens.

## COMMUNITY BOARD #6Q

APPEARANCES -

For Administration: 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

Absent: Vice-Chair Babbar .....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated December 20, 2001 acting on Application No. 401381330 reads:

“RESPECTFULLY REQUEST AN OBJECTION OF BOARD OF STANDARDS AND APPEALS DENIAL FOR A FRONT YARD VARIANCE. THE PROPOSED DESIGN SHALL REDUCE THE FRONT YARD TO LESS THAN 10'-0".”; and

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record and laid over to May 7, 2002 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, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the proposed addition of three lobbies, which will project three feet into the required ten foot front yards located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34; and

WHEREAS, the subject site is occupied with seven six-story buildings containing 418 apartments operated as public housing under the jurisdiction of the New York City Housing Authority (NYCHA); and

WHEREAS, the record indicates that the front yards for the seven existing buildings contain yards of varying depths ranging from 10 to 37 feet; and

WHEREAS, the applicant represents that the existing front yards comply with the minimum required for R5 zoning districts; and

WHEREAS, it is the proposed lobby additions to Arverne Houses that cause three of the seven buildings to project three feet into the required 10-foot front yards; and

WHEREAS, the applicant represents that the proposed lobby additions will be one-story structures with large, transparent glass facades, enclosed to house a tenant patrol room, increasing security by overlooking the entrances and adjacent sidewalks; and

WHEREAS, the lobby additions are needed as part of the HOPE VI Neighborhood Revitalization program to improve the quality, safety, and security of Arverne Houses for NYCHA residents; and

WHEREAS, the applicant asserts that the proposed

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design for the lobby additions is the only way to enlarge the existing small lobby areas; and

WHEREAS, the applicant notes that in an R5 district an 18-foot building setback along the street is normally required, but that a 10-foot front yard is allowed on one side of a corner lot, to accommodate a parking space for one car; and

WHEREAS, the applicant represents that the 10-foot minimum setback requirement is applicable to the instant application, because it refers to typical rowhouse developments, and its purpose is to avoid a parked car protruding onto the sidewalk; and

WHEREAS, the record indicates that in an R6 zoning district a front yard would not be required for buildings similar to the Arverne Houses; and

WHEREAS, the applicant represents that in July 1949, seven months after the New York City Housing Authority started construction of Arverne Houses, it conveyed, to the city, a 10-foot strip along Beach Channel Drive as well as a 20-foot strip along both Beach 56th Street and Beach 54th Street for a road widening resulting in a reduction to the setback of buildings fronting these streets; and

WHEREAS, these circumstances create a unique burden, creating the need for a non-complying design in order to meet the programmatic needs of the New York City Housing Authority; and

WHEREAS, the Board finds that there are unique conditions peculiar to this particular zoning lot that create practical difficulties and cause unnecessary hardship in strict compliance with the provisions of the zoning resolution; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, a residential development is a permitted use in an R5 zoning district; and

WHEREAS, 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 Board finds that 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 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. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R5 zoning district, the proposed addition of three lobbies, which will project three feet into the required ten foot front yards located in an R4 zoning district, which does not comply with the zoning requirements for front yards, which is contrary to Z.R. §24-34, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 18, 2002"- (22) sheets; and on further condition;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, May 7, 2002.

## **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, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59<sup>th</sup> Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

## **COMMUNITY BOARD #18BK**

### **APPEARANCES -**

For Administration: Jay Segal, Jack Freeman, Nick Deleroso, Lou Governara and others.

For Opposition: Roberta Sherman and Carrol Lebrahams.  
For Administration: John Scrofani, Fire Department.

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**ACTION OF THE BOARD** - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

**ACTION OF THE BOARD** - Laid over to July 9, 2002, at 2 P.M., for decision, hearing closed.

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## 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.

### COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Peter Hirshman and Lillian Giangrande Brosnan..

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

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## 136-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Cel-Net Holding, Inc., owner.

SUBJECT - Application April 10, 2001 - under Z.R. §72-21 to permit the proposed increase in floor area for a wholesale office with accessory storage currently under construction (Use Group 10), also the legalization of the existing encroachment into the rear yard, which is contrary to Z.R. §43-26 and §43-12.

PREMISES AFFECTED - 11-11 44th Drive, north side, between 11th and 21st Streets, Block 447, Lot 13, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik and Les Bernstein.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

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## 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.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

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## 143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

### COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 4, 2002, at 2 P.M., for defer decision, hearing closed.

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## 198-01-BZ

APPLICANT- Sheldon Lobel, P.C., for Sputnik Restaurant Corp., owner; Ftelia Associates, Inc., lessee.

SUBJECT- Application May 25, 2001 - under Z.R. §72-21, to permit the enlargement of an existing eating and drinking establishment, Use Group 6, located in an R4 zoning district, which is contrary to Z.R. §§22-00 and 52-00.

PREMISES AFFECTED - 105-45 Cross Bay Boulevard, near 108th Avenue, bounded by Cross Bay Boulevard and 95th Street, Block 9163, Lot 71, Borough of Queens.

### COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik and Jim Athanapoulos.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

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## 201-01-BZ

APPLICANT - Sheldon Lobel, P.C., for John Lage, owner.

SUBJECT- Application May 31, 2001 - under Z.R. §72-21 to permit the proposed enlargement of an existing structure for use as an automobile laundry, lubrication and detailing establishment, as well as an accessory auto supply store, Use Group 16, within a C4-1 zoning district, which is contrary to a previous variance granted under Cal. No. 1280-65-BZ and Z.R. §32-00.

PREMISES AFFECTED - 2591/2613 Atlantic Avenue aka 53/59 Georgia Avenue, between Georgia and Sheffield Avenues, Block 3668, Lot 36, Borough of Brooklyn.

### COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

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## 217-01-BZ

APPLICANT- David Flores-Rivera, P.E., for Hale Rickman (Jerome Assoc., LLC), owner; Jose Felipe, lessee.

SUBJECT- Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an

attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 505 East 188th Street, north side, 186.80' west of Bathgate Avenue, Block 3058, Lots 40 and 41 (Tentative lot 40), Borough of The Bronx.

### COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: David Flores-Rivera.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to August 6, 2002, at 2 P.M., for decision, hearing closed.

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## 235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT- Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

PREMISES AFFECTED - 2009 Mermaid Avenue a/k/a 2879 West 21<sup>st</sup> Street, a/k/a 2882 West 20<sup>th</sup> Street, northwest corner of West 20<sup>th</sup> Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

### COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 11, 2002, at 2 P.M., for continued hearing.

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## 261-01-BZ

APPLICANT - Robert Saya, Vice President for Consolidated Edison Co. of New York, Inc., owner

SUBJECT- Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning

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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 as per §73-16.

**PREMISES AFFECTED** - 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.

## **COMMUNITY BOARD #4M**

**APPEARANCES** -

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to May 14, 2002, at 1:30 P.M., for defer decision, hearing closed.

## **303-01-BZ**

**APPLICANT** - Sheldon Lobel, P.C., for BP Amoco, plc, owner; BP Amoco, plc; lessee.

**SUBJECT** - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of an automotive service station with an accessory convenience store, Use Group 16, located in a C1-3 zoning district, which is contrary to Z.R. §32-25.

**PREMISES AFFECTED** - 756 Myrtle Avenue, between Nostrand and Marcy Avenues, Block 1754, Lot 7 (previously 7, 8, 9, 11 and 13), Borough of Brooklyn.

## **COMMUNITY BOARD #3BK**

**APPEARANCES** -

For Applicant: Eric Palatnik, Chris Tartaglia, Daniel Friedman, John Lombardo and others.

For Opposition: Wilma Maynard, Dav Matthew, Rudy Bryant and Robert Baird Paterson.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to July 9, 2002, at 2 P.M., for continued hearing.

## **321-01-BZ**

**APPLICANT** - Titan Towers, LP, Pitney, Hardin, Kipp & Szuch, LLP, for Motiva Enterprises, LLC, owner.

**SUBJECT** - Application February 14, 2002 - under Z.R. §73-30, to permit the proposed construction of a 475' lattice communications tower, and two prefabricated 12' x 20' equipment shelters at the base of the tower, located in an M3-1 zoning district, which requires a special permit as per Z.R. §73-30.

**PREMISES AFFECTED** - 25 Paidge Avenue, on the corner of McGuiness Boulevard, Block 2491, Lot 1, Borough of Brooklyn.

## **COMMUNITY BOARD #1BK**

**APPEARANCES** -

For Applicant: Renu Shevade.

For Administration: John Scrofani, Fire Department.

**THE VOTE TO CLOSE HEARING** -

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

Negative: .....0

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

## **325-01-BZ**

**APPLICANT** - Harold Weinberg, P.E., for Chaim Stern, owner.

**SUBJECT** - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

**PREMISES AFFECTED** - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

## **COMMUNITY BOARD #14BK**

**APPEARANCES** -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 18, 2002, at 2 P.M., for continued hearing.

## **332-01-BZ**

**APPLICANT** - Rosenman & Colin, LLP, for WMP II Real Estate Limited Partnership, owner; Equinox 85th Street, Inc., lessee.

**SUBJECT** - Application November 9, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors of subject premises, located in a C2-8A zoning district, which requires a special permit as per Z.R. §32-10.

**PREMISES AFFECTED** - 1511 Third Avenue, aka 201 East 85th Street, southwest corner of block bounded by Second and Third Avenues, and 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

## **COMMUNITY BOARD #8M**

**APPEARANCES** -

For Applicant: Michael Silverman and Paull Bordman.

For Opposition: Marvin Mitzner.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

## **403-01-BZ**

**APPLICANT** - Sullivan, Chester & Gardner LLP, for Trump

# MINUTES

Construction Co., owner; Yandoli Foods Corp., lessee.  
SUBJECT - Application December 26, 2001 - under Z.R. §73-243, to permit the reestablishment of an expired special permit previously granted under Calendar No. 98-82-BZ, for an accessory drive-thru facility, the proposed reconfiguration of the drive-thru facility and lot, and the increase in the number of parking spaces from 29 to 54, located in a C7-2 zoning district, which is contrary to Z.R. §73-243.

PREMISES AFFECTED - 606 Neptune Avenue, southwest corner of 6th Street, Block 7270, Lot 25, Borough of Brooklyn.

## COMMUNITY BOARD #13BK

### APPEARANCES -

For Applicant: Jeffrey Chester.

For Administration: John Scrofani, Fire Department.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

## 17-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Park Slope Fifth Avenue, NY LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on portions of the second and third floors of a two and three story building, located in a C4-3 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 445/455 Fifth Avenue (453 Fifth Avenue), east side, between Ninth and Tenth Streets, Block 1011, Lots 5 and 8, Borough of Brooklyn.

## COMMUNITY BOARD #6BK

### APPEARANCES -

For Applicant: Fredrick A. Becker and others.

For Administration: John Scrofani, Fire Department.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

## 31-02-BZ

APPLICANT - Moshe M. Friedman, P.E., Francine

Wiederman, owner.

SUBJECT- Application January 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, perimeter wall, and rear and side yards, is contrary to Z.R. §23-141(b), 23-631(b), §23-47 and §23-48.

PREMISES AFFECTED - 1924 East 24th Street (Mansfield Place), west side, 186'-8" south of Avenue "S", Block 7302, Lot 16, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

### APPEARANCES -

For Applicant: Moshe Friedman.

For Administration: John Scrofani, Fire Department.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to May 21, 2002, at 2 P.M., for decision, hearing closed.

## 36-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for 117 West 72nd LLC, owner; Airmid LLC, lessee.

SUBJECT- Application January 22, 2002 - under Z.R. §73-36, to permit the proposed physical culture establishment, on the second floor of a five story commercial building, located in a C4-6A zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 117 West 72nd Street, north side, 127' west of Columbus Avenue, Block 1144, Lot 26, Borough of Manhattan.

## COMMUNITY BOARD #7M

### APPEARANCES -

For Applicant: Fredrick A. Becker and others.

For Administration: John Scrofani, Fire Department.

### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 4, 2002, at 2 P.M., for decision, hearing closed.

## 67-02-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R.

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§73-452, to permit the legalization of off-street parking spaces, accessory to an existing community facility (church), located in an R3-2 zoning district.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Howard Wiez, Pastor Francis Chan, Ethan Eldon, Zae Kim, Christine Calishan, James Lee, Simone Choy and others

For Opposition: Assemblyman McGlauglin (Representative) Susan Christensen, Joan Damian, Jon Bavaro, Carlos Telasarios, Richard Jannacco and others.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3  
Negative: .....0  
Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to June 18, 2002, at 2 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 5:45 P.M.

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