
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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units, located in an M1-1 zoning district, is contrary to Z.R.
§§42-00 and 43-00.
COMMUNITY BOARD #3BK

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does not comply with the zoning requirements for floor area
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also accessory off-street parking, is contrary to Z.R. §43-12,
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existing restaurant (Use Group 6), to an eating and drinking
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a C2-3 within an R6 zoning district, is contrary to Z.R. §32-
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COMMUNITY BOARD #3Q

15-04-A **B.S.I.** 8 Reynolds Street,
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16-04-BZ **B.Q.** 186-05 120th Road,
southwest corner of Farmers Boulevard, Block 12458, Lot
421, Borough of Queens. Applic. #401733567. Proposed
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wireless communications, at the subject premises, requires a
special permit from the Board as per Z.R. §73-30.
COMMUNITY BOARD #12Q

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

CALENDAR

CALENDAR

MARCH 2, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 2, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1050-38-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Sovereign Realty Associates, LLC, owner; Amoco Oil Company, lessee.

SUBJECT - Application - November 20, 2003 reopening for an extension of term of variance which expires June 30, 2004.

PREMISES AFFECTED - 1301/1319 65th Street a/k/a 6411/23 13th Avenue, northeast corner of 13th Avenue, Block 5747, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #10BK

889-55-BZ, Vol. II

APPLICANT - J & H Management Corp., for Everything Auto Repair, lessee.

SUBJECT - Application October 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2003

PREMISES AFFECTED - 69-13/25 (69-15 Official) 164th Street, east side 110' south of 69th Avenue, Block 6931, Lot 38, Borough of Queens.

COMMUNITY BOARD #8

923-77-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Matthew Percia, owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 31, 2003.

PREMISES AFFECTED - 1905 McDonald Avenue, east side of McDonald Avenue, 105' south of Quentin Road, Block 6658, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

MARCH 2, 2004, 1:30 P.M.

260-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 376 East 94th Street, Realty LLC, owner.

SUBJECT - Application August 14, 2003 - under Z.R. §72-21 to permit the legalization of sixty (60) residential units, in an existing

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 2, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

223-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Majority Baptist Church, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in a C2-2 within an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 115-15 Farmers Boulevard, bounded by 115th Road and 115th Avenue, Block 11032, Lot 4, Borough of Queens.

COMMUNITY BOARD #12

224-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Mal Pal Realty Corp., owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 139-19 109th Avenue, bounded by 139th and 142nd Streets, Block 10068, Lots 210, 213, 214 and 215, Borough of Queens.

COMMUNITY BOARD #12

258-03-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Thames Realty, LLC, owner.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the legalization of twenty-three residential units, in a four story building, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 47 Thames Street, between Morgan Street and Knickerbocker Avenue, Block 3008, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

seven story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 20 Grand Avenue, between Flushing and Park Avenues, Block 1877, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #2BK

CALENDAR

MARCH 9, 2004, 10:00 A.M.

291-03-BZ

APPLICANT - Stuart A. Klein, Esq., for 6202 & 6217 Realty Company, owner.

SUBJECT - Application September 4, 2003 - under Z.R. §72-21 to permit the proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1380 62nd Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #10

302-03-BZ

APPLICANT - Harold Weinberg, P.E., for Albert Gonter, owner.

SUBJECT - Application September 22, 2003 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement to an existing one family dwelling, also an extension of the residential use into the attic, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1212 East 23rd Street, west side, 100' south of Avenue "L", Block 7640, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #14

386-03-BZ

APPLICANT - Steven M. Sinacori/Stadtmauer Bailkin, for Jean E. Manas & Rebecca Haile, owners.

SUBJECT - Application December 12, 2003 - under Z.R. §72-21 to permit the proposed conversion of a vacant doctor's office in the basement of the building, to residential use, and to incorporate that space into the existing one-family residential use, Use Group 2, located in an R7B zoning district, which does not comply with the zoning requirements for rear yard, floor area and lot coverage, is contrary to Z.R. §23-145, §23-44 and §54-31.

PREMISES AFFECTED - 326 East 18th Street, south side, between First and Second Avenues, Block 923, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #6

Pasquale Pacifico, Executive Director

263-01-BZ

APPLICANT - Francis R. Angelino, Esq., for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., Lessee.

SUBJECT - Application January 7, 2004 - reopening for an extension of time to obtain a Certificate of Occupancy which expired on January 7, 2003.

PREMISES AFFECTED - 85-101 N. 3rd Street, northeast corner of intersection of North 3rd Street and Whythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 9, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

671-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Benjamin Siegel Properties, LLC, owner; Euclid Enterprises, Inc., lessee.

SUBJECT - Application December 5, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 143, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1249-1265 Sutter Avenue, northside blockfront from Euclid Avenue to Doscher Street, Block 4249, Lots 55 and 59, Borough of Brooklyn.

COMMUNITY BOARD #5

198-66-BZ

APPLICANT - Eric Palatnik, P.C., for 300 East 74 Owners Corp., owner.

SUBJECT - Application December 16, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 300 East 74th Street, southeast corner of 2nd Avenue and East 74th Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #8

269-98-BZ

APPLICANT - Mothiur Rahman, for Mothiur Rahman, owner.

SUBJECT - Application December 9, 2003 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 70 East 184th Street, aka 2363 Morris Avenue, south side of East 184th Street, corner formed by the intersection of Morris Avenue, Block 3183, Lot 42, Borough of The Bronx.

COMMUNITY BOARD #5

32-02-BZ

APPLICANT - Martyn & Don Weston, for Winchester Realty Group, LLC, owner.

SUBJECT - Application December 12, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 176-182 Johnson Street, southwest corner of 92-102 Prince Street, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2

CALENDAR

288-03-BZ

APPLICANT - H. Irving Sigman, for Aggressive Realty Corp., owner.

SUBJECT - Application August 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a three story vertical and horizontal enlargement to an existing two story hotel, Use Group 5, located in a C2-2 within an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, height and non-complying signs, is contrary to Z.R. §33-121, §33-341, §32-641-643, §32-652 and §32-655.

PREMISES AFFECTED - 109-17 Horace Harding Expressway, northeast corner of Saultell Avenue, Block 1969, Tentative Lot 2, Borough of Queens.

COMMUNITY BOARD #4

296-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Kigsway Realty, LLC, owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed extension of an existing two story (2) commercial building, Use Group 6, to three stories, located in a C4-3 zoning district, which is in compliance with the NYC Zoning Resolution for the addition, but does not comply with the required parking requirements, as per Z.R. §36-21.

PREMISES AFFECTED - 1619 Kings Highway, aka 1601/1621 Kings Highway and 1639/1651 East 17th Street, Block 6779, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15

303-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Leon Farhi, owner.

SUBJECT - Application December 8, 2004 - under Z.R. §72-21 to permit the proposed reconstruction of a four story residential building, Use Group 2, that had existed at this location and was demolished by the City of New York, which does not comply with the zoning requirements for floor area, lot size, perimeter wall, dwelling units, side yards and parking, is contrary to Z.R. §23-141(a), §23-32, §23-631(d), §23-22, §23-462 and §25-23.

REGULAR MEETING

TUESDAY MORNING, JANUARY 27, 2004

10:00 A.M.

Present: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, November 25, 2003, were approved as printed in the Bulletin of December 4, 2003, Volume 88, No. 48.

SPECIAL ORDER CALENDAR

PREMISES AFFECTED - 433 Columbia Street, northeast corner of Columbia Street and West 9th Street, Block 534, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #6

306-03-BZ

APPLICANT - Law Offices of Howard Goldman, LLC, for Kay Water Properties, LLC, owner.

SUBJECT - Application September 29, 2003 - under Z.R. §72-21 to permit the proposed conversion of a four story industrial building, located in an M1-2 zoning district, into a residential dwelling, also the addition of two floors, for a total of 18 loft-style dwelling units, is contrary to Z.R. §§42-00 and 43-00.

PREMISES AFFECTED - 192 Water Street, between Jay and Bridge Streets, Block 41, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #2

5-04-BZ

APPLICANT - Bryan Cave, LLP, for Gerard Avenue LLC, c/o American Self Storage Management Associates, Inc. owner.

SUBJECT - Application January 7, 2004 - under Z.R. §73-19 to permit the proposed construction and operation of a school, without sleeping accommodations on the site, Use Group 3, to be located in an M1-2 zoning district, requires a special permit as per Z.R. §73-19.

PREMISES AFFECTED - 595 Gerard Avenue, a/k/a 587/95 River Avenue, between 150th and 151st Streets, Block 2354, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #4

Pasquale Pacifico, Executive Director

254-63-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 301 East 66th Street Condominium, owner.

SUBJECT - Application July 10, 2003 - reopening for an extension of term of variance which expired June 20, 2003.

PREMISES AFFECTED - 301 East 66th Street, a/k/a 1260-1274 Second Avenue, East side of Second Avenue from East 66th Street to East 67th Street, Block 1441, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

MINUTES

Negative:.....0
Abstain: Chair Srinivasan.....1
Absent: Commissioner Chin.....1
THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 27, 2003, acting on Application No. 401277505, reads:

- “(1) PROPOSED AUTO-REPAIR USE GROUP 16 IN C2-2 (IN AN R5) IS CONTRARY TO SECTION 32-00 Z.R.
- 2) PROPOSED EXTENSION (VARIETY STORE) IS PART OF PRINCIPAL USE OF AUTO REPAIR USE GROUP 16 IS ALSO ACCESSORY USE OF AUTO REPAIR ESTABLISHMENT B.S.A. VARIANCE IS REQUIRED”; and

WHEREAS, a public hearing was held on this application on September 9, 2003 after due notice by publication in *The City Record* and laid over to October 7, 2003, October 28, 2003, November 25, 2003, January 6, 2004, and then to January 27, 2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice Chairman Satish Babbar, Commissioner James Chin, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the applicant has requested an amendment to the variance for a special permit pursuant to Z.R. §§11-412 and 11-413, to permit the proposed modification and enlargement of a former pre-1961 gasoline service station, to reflect the elimination of the gasoline sales and to permit a compensating enlargement to facilitate accessory storage, larger repair bays for automotive repairs by minor hand tools only, automotive hand-washing and automotive and retail sales, which is contrary to Z.R. §32-10; and

WHEREAS, on May 23, 1950, the Board granted a variance to permit the construction of a gasoline service station at the referenced premises; this grant was amended

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.”

(D.O.B. Application No. 401277505)

Adopted by the Board of Standards and Appeals, January 27, 2004.

289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

SUBJECT - Application July 1, 2003 - reopening for an extension

through September 9, 1992; and

WHEREAS, the applicant represents that the subject site was used as a gasoline service station prior to 1961 and has since been used only for auto repairs, a lubritorium, and accessory auto sales for over five years; and

WHEREAS, the applicant represents that the zoning lot will not increase in size; and

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

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution so that as amended that portion of the resolution shall read: “to permit the proposed modification and enlargement of a former pre-1961 gasoline service station, to reflect the elimination of the gasoline sales and to permit a compensating enlargement to facilitate accessory storage, larger repair bays for automotive repairs by minor hand tools only, automotive hand-washing and automotive and retail sales, which is contrary to Z.R. §32-10 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 19, 2003”-(2) sheets, “September 24, 2003”-(1) sheet, and “January 12, 2004 ”-(1) sheet; and on further condition:

THAT the term of the special permit shall be limited to ten (10) years from the date of this grant, to expire on January 27, 2014;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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

of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 150 East 61st Street (a/k/a 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Janice Cahalane.

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

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

MINUTES

Negative:0
Absent: Commissioner Chin.....1

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and
Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in *The City Record*, and laid over to November 18, 2003, January 6, 2004 and then to January 27, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the granted variance, which expired on June 27, 2003; and

WHEREAS, on July 2, 1963, the Board granted an application for a variance made pursuant to Section 60(3) of the Multiple Dwelling Law, permitting the use of transient parking for the unused and surplus tenants' spaces in the required accessory garage of a multiple dwelling located in a C5-2 and R8B zoning district; and

WHEREAS, the term of the grant has been extended two times under the same calendar number, once on June 17, 1978 and once on October 19, 1993.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, and extends the term of the variance which expired on June 27, 2003, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the waiver for an additional ten (10) years from June 27, 2003 expiring on June 27, 2013; on condition that all work shall substantially conform to drawings as they

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and
Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on August 12, 2003, after due notice by publication in *The City Record*, laid over to October 7, 2003, October 28, 2003, November 25, 2003, January 6, 2004 and then to January 27, 2004 for decision; and

WHEREAS, the applicant requests a re-opening, and an amendment to the resolution; and

WHEREAS, in 1937 under BSA calendar number 147-34-BZ, the Board granted an application permitting the use of the premises as an automotive service station; and

WHEREAS, in 1967, the owner of the premises filed a new application, as required by the Board, to amend the

apply to the objections above noted, filed with this application marked “Received November 3, 2003 (1) sheet, December 30, 2003 (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions under the subject calendar number 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; 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.”

(DOB Alteration Type 1 Application # 103486176)

Adopted by the Board of Standards and Appeals, January 27, 2004.

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

resolution under BSA Cal. No. 444-67-BZ; and

WHEREAS, the applicant seeks to make changes to the signage; and

WHEREAS, the newly proposed signage arrangement will entail 66.8 square feet of illuminated signage and 38.6 square feet of non-illuminated signage.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution, pursuant to Z.R. §§72-01, 72-22 and 73-11, said resolution having been adopted on June 22, 1971, so that as amended this portion of the resolution shall read: “to permit changes in signage which will result in a total of 66.8 square feet of illuminated signage and 38.6 square feet of non-illuminated signage, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 3, 2003 ”- (5) sheets on *further condition*:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior

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resolutions 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; 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.”

(DOB Application #401585352)

Adopted by the Board of Standards and Appeals, January 27, 2004.

33-92-BZ

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner.
SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, a/k/a 143-02 95th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application reopened, term of variance extended, time to obtain a Certificate of Occupancy extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions 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; 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.”

(DOB Application #400184698)

Adopted by the Board of Standards and Appeals, January 27, 2004.

628-39-BZ

APPLICANT - Rothkrug, Rothkrug Weinberg & Spector, for R-9-2 Inc., owner; D2 Developers Inc., lessee.

SUBJECT - Application October 10, 2003 - reopening for an extension of term of variance which expired December 12, 2003.

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on November 25, 2003 after due notice by publication in The City Record, and laid over to January 6, 2004 and then to January 27, 2004 for decision; and

WHEREAS, the applicant requests a re-opening, an extension of the term of the variance which expired on August 10, 2003, and an extension of the time to obtain a certificate of occupancy which expired on August 10, 1994; and

WHEREAS, this application also seeks an amendment to permit the expansion of a legal non-conforming use - a contractor’s yard- pursuant to Z.R. §§22-00 and 54-31, and the legalization of a metal shed outside and minor changes to the interior layout of the first floor; and

WHEREAS, on August 10, 1993, the Board granted an application permitting, in an R5 district, the conversion existing garages on the first floor to contractor’s storage area, and the conversion of the residential apartment on the second floor to offices.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on August 10, 1993, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the variance for an additional ten (10) years from August 10, 2003 to expire on August 10, 2013, and to permit the expansion of a legal non-conforming use, and the legalization of a metal shed outside and minor changes to the interior layout of the first floor, 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 9, 2003”- (5) sheets; and on further condition:

PREMISES AFFECTED - 1531/41 Plimpton Avenue, northwest corner of Plimpton Avenue and Featherbed Lane, Block 2875, Lots 51 and 56, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to March 9, 2004, at 10 A.M., for continued hearing.

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91' 9 1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to March 2, 2004,

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at 10 A.M., for continued hearing.

973-57-BZ

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application October 16, 2003 - reopening for an extension of term of variance which expired October 28, 2003.

PREMISES AFFECTED - 60-04 Metropolitan Avenue on the southwest corner of 60th Street, Block 3492, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to March 9, 2004, at 10 A.M., for continued hearing.

400-70-BZ

APPLICANT - Sheldon Lobel, P.C., for Amerada Hess Corporation, owner.

SUBJECT - Application November 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 134-07 Cross Bay Boulevard (formerly 134-15 Croo Bay Boulevard) Cross Bay Boulevard at northeast corner of Linden Boulevard, Block 11493, Lots 79 and 87, Borough of Queens.

COMMUNITY BOARD #10Q

193-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Park and Kent Associates, Inc.
SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 824-834 Kent Avenue, south side of Park Avenue, east of Taafee Place, Block 1897, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Favor: Jim Plotkin.

ACTION OF THE BOARD - Laid over to March 9, 2004, at 10 A.M., for continued hearing.

334-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Theresa McKeever, lessee.

SUBJECT - Application October 28, 2003 - Proposed second story enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

PREMISES AFFECTED - 40 Graham Place, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Janice Cahalane and Chris Tartaglia.

ACTION OF THE BOARD - Laid over to March 9, 2004, at 10 A.M., for continued hearing.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Jim Plotkin.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 10 A.M., for continued hearing.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 22, 2003 acting on ALT 1. Application No. 401696241, reads in pertinent part:

For Board of Standards & Appeals Only

“A1- 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.

A2- 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

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the Administrative Code of the City of New York.

A3- The upgraded private disposal system is in the bed of a private service road contrary to Department of Buildings policy.”; and

WHEREAS, by the letter dated December 10, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated November 26, 2003 the Department of Environmental Protection has indicated that there are no existing City water mains at the above location, nor existing sewers or an adopted drainage plan for this portion of Rockaway Blvd. and has no further comments on this application; and

WHEREAS, by letter dated December 24, 2003, the Department of Transportation has reviewed the above project and has no objections as this site is not presently included in DOT’s Capital Improvement Program; and

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

Resolved, that the decision of the Queens Borough

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 on January 27, 2004.

335-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Robert Kelly, lessee.

SUBJECT - Application October 28, 2003 - Proposed enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings’ Policy.

PREMISES AFFECTED - 47 Tioga Walk, east side, 110.96 south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD- Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3
 Negative:.....0
 Abstain: Chair Srinivasan.....1
 Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough

Commissioner, dated October 22,, 2003, acting on ALT 1. Application No. 401696241 is modified under the power vested in the Board by Section 35 and Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received January 20, 2004”- (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 the upgrade private disposal system comply with DOB requirements;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

Commissioner, dated October 22, 2003, acting on ALT 1. Application No. 401717406, reads, in pertinent part:

“A1- 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.

A2- 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.

A3- The upgraded private disposal system is in the bed of a private service road contrary to Department of Buildings policy.”

WHEREAS, by the letter dated December 10, 2003, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by the letter dated December 2, 2003, the Department of Environmental Protection has indicated that there are no existing City water mains at the above location, nor existing sewers or an adopted drainage plan for this portion of Rockaway Blvd. and has no further comments on this application; and

WHEREAS, by letter dated November 17, 2003, the Department of Transportation has reviewed the above

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project and has no objections as this site is not presently included in DOT's Capital Improvement Program; 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 October 22, 2003, acting on ALT 1. Application No. 401717406, is modified under the power vested in the Board by Section 35 and Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, *on condition* that construction shall substantially conform to the drawing filed with the application marked, "Received January 20, 2004" - (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 and *on further condition*:

THAT the upgrade private disposal system comply with DOB requirements;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be **123-03-A thru 127-03-A**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Collier Realty, LLC., owner.

SUBJECT - Application April 17, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

437 Beach 28th Street, west side, 141.5" south of Brookhaven Avenue, Block 15793, Lot 9, Borough of Queens.

435 Beach 28th Street, west side, 174.9" south of Brookhaven Avenue, Block 15793, Lot 10, Borough of Queens.

431 Beach 28th Street, west side, 200.2" south of Brookhaven Avenue, Block 15793, Lot 12, Borough of Queens.

434 Beach 29th Street, east side, 10" south of Brookhaven Avenue, Block 15793, Lot 48, Borough of Queens.

436 Beach 29th Street, east side, 39.3" south of Brookhaven Avenue, Block 15793, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 2, 2004, at 10 A.M., for continued hearing.

removed within 48 hours;

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 on January 27, 2004.

128-03-A thru 130-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Brookside Development Corp., owner.

SUBJECT - Application April 18, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

22 Brookside Loop, west side, 162' south of Woodrow Road, Block 7022, Lot 5, Borough of Staten Island.

26 Brookside Loop, west side, 25.5' south of Woodrow Road, Block 7022, Lot 8, Borough of Staten Island.

30 Brookside Loop, west side, 341.5' south of Woodrow Road, Block 7022, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 2, 2004, at 10 A.M., for continued hearing.

331-03-A

APPLICANT - The Augusta Group, for Nelson Catano, owner.

SUBJECT - Application October 27, 2003 - The legalization of an existing mercantile occupancy, within a frame class IID construction

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building, located within the fire district, is not permitted as per §27-296 and Table 4-1 of the NYC Building Code.

PREMISES AFFECTED - 37-44 103rd Street, west side, 410.75' south of 37th Avenue, Block 1768, Lot 32, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Lefler.

For Opposition: Tawane A. Gasiaro.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:01 A.M.

REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 27, 2004
2:00 P.M.

Present: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

249-01-BZ

CEQR #02-BSA-015K

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

Affirmative:.....0
Negative: Vice -Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3
Abstain: Chair Srinivasan.....1
Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 19, 2003, acting on Application No. 301218518 reads;

“The Proposed conversion of an Existing Manufacturing Building (U.G. 17) to Residential Dwellings (UG2) in an M1-2 zone is contrary to Section 42-00 of the Zoning Resolution and requires a variance from the Board of Standards and Appeals as per Section 72-21 of the Zoning Resolution.”; and
WHEREAS, a public hearing was held on this application on November 12, 2002, after due notice by publication in *The City Record* and laid over to January 7, 2003, March 4, 2003, June 17, 2003, September 16, 2003, October 7, 2003 and then to December 9, 2003 for decision; it was then deferred to January 27, 2004 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice Chair Satish Babbar, Commissioner James Chin, Commissioner Peter Caliendo and Commissioner Joel A. Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the construction of residential dwellings (Use Group 2), contrary to Z.R. §42-00; and

WHEREAS, the instant proposal seeks the conversion of an existing four-story non-complying Manufacturing (Use Group 17) building, to Manufacturing (Use Group 17) and Residential (Use Group 2); and

WHEREAS, the applicant proposes to retain the existing manufacturing use on the ground floor and convert the second, third and fourth floors to residential use; and

WHEREAS, the applicant contends that, because of its arrangement of space and lack of access for trucks and trailers, the building is functionally obsolete for the purpose for which it was intended; and

WHEREAS, however, the applicant limited the analysis of obsolescence to large scale manufacturing uses and garment manufacturing uses; and

WHEREAS, the application failed to adequately document that the site was marketed to modern light

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manufacturing uses or commercial uses; and

WHEREAS, the applicant further contends that the alleged practical difficulty and unnecessary hardship were created, in part, by a change in the way business in the garment industry is conducted; and

WHEREAS, however, evidence in the record, including the Board's own site inspection, demonstrates that the subject site remains viable for manufacturing uses; and

WHEREAS, during the hearings, the Board requested that the applicant provide evidence that there are unique physical conditions - including irregularity, narrowness or

WHEREAS, the Board notes that the only evidence offered by the applicant of the alleged residential character of the immediate vicinity were illegal occupancies, which the Board finds insufficient; and

WHEREAS, the applicant was provided numerous opportunities, but failed, to demonstrate that certain residential uses in the neighborhood were legally converted; and

WHEREAS, the applicant was given a deferred decision date so that additional information as to the essential character of the neighborhood could be submitted, but the Board finds such submission unpersuasive in that no new evidence as to essential character was presented; and

WHEREAS, the Board, based on its site visit and review of the record, determines that the subject site is partially occupied with commercial uses, that the immediate surrounding area is characterized by conforming manufacturing or commercial uses, and that conversion of the upper three floors to residential will alter the character of the surrounding area; and

WHEREAS, the Board finds that the applicant has failed to provide substantial evidence that the proposed conversion would not impair the character of the neighborhood; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirement of §72-21 (c); and

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a), (b) and (c), it must be denied.

Resolved, the decision of the Borough Commissioner, dated February 19, 2003, acting on Application No. 301218518, is sustained and the subject application is hereby denied.

Adopted by the Board of Standards and Appeals, January 27, 2004.

202-02-BZ

CEQR #03-BSA-002Q

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D. Corp., owner.

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to

shallowness of lot size or shape or exceptional topography or other physical conditions - that are peculiar, or inherent, to the subject site, but no such evidence was provided; and

WHEREAS, moreover, the Board has reviewed the record and finds that the applicant failed to provide substantial evidence demonstrating that a conforming tenant or user would not provide a reasonable return to the property owner; and

WHEREAS, therefore, the Board finds that the applicant has failed to meet the requirements of Z.R. §72-21 (a) and (b); and

permit in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment, contrary to Z.R. §32-15.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between 133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Zara Fernandes.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated June 10, 2002, acting on Application No. 401395414 reads:

“Construction of drive-through window in conjunction with Dunkin Donuts new building is contrary to Section 32-15 of the Zoning Resolution and thereby must be referred to the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on May 6, 2003 after due notice by publication in The City Record, and laid over to June 24, 2003, August 5, 2003, Sept 16, 2003, October 7, 2003, November 25, 2003, January 6, 2004, and then to January 27, 2004 for decision; and

WHEREAS, Community Board No. 10 and the Queens Borough President in Queens recommend conditional approval of this application; and

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

WHEREAS, this is an application for a special permit under Z.R. §§73-03 and 73-243, to permit, in a C1-2 zoning district, the proposed accessory drive-thru facility for a

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proposed eating and drinking establishment contrary to Z.R. §32-15; and

WHEREAS, the premises is located on Rockaway Boulevard between 133rd and 134th Streets, with frontages of 80.60' along Rockaway Boulevard, 110.40' along 134th Street, and side lot lines measuring 100.00' and 102.57',

WHEREAS, under Z.R. §73-243, the application must demonstrate that the drive-through facility provides reservoir space for not less than ten automobiles, causes minimum interference with traffic flow in the immediate vicinity, that the eating and drinking establishment with accessory drive-thru facility complies with accessory off-street parking regulations, that the character of the commercially-zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward motor vehicles, that the drive-thru facility will not have an undue adverse impact on any residences in the immediate area, and that there is adequate buffering between the drive-thru facility and adjacent residential uses; and

WHEREAS, Rockaway Boulevard is a heavily trafficked, commercially oriented main thoroughfare; and

WHEREAS, the instant application proposes reservoir space for up to ten (10) automobiles, demonstrates that the proposed vehicle entrance on Rockaway Boulevard and the proposed left-turn only exit into 134th Street ensures that the drive-thru facility will cause minimum interference with traffic flow in the immediate vicinity, and provides for eleven (11) off-street accessory parking spaces, exceeding the 8 required under applicable accessory off-street parking regulations; and

WHEREAS, the record indicates that within 500' of the premises the existing frontages are commercial in nature; and

WHEREAS, the applicant represents that fencing and screening will be installed in the rear of the site to further minimize adverse impacts on any nearby residences; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-243 and 73-03; and

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

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the

presently developed with a retail bakery facility that is no longer in use; and

WHEREAS, the instant application seeks to replace the existing retail bakery facility with a drive-thru lane that would be accessory to the proposed eating and drinking establishment; and preparation of an Environmental Impact Statement.

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§73-03 and 73-243, to permit, in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment, contrary to Z.R. §32-15, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 1, 2002"- (3) sheets, "October 10, 2003"- (1) sheet, and "January 20, 2004"- (1) sheet; and *on further condition*:

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on January 27, 2009;

THAT the vehicle entrance of the eating and drinking establishment should be made only from Rockaway Boulevard;

THAT the exit on 134th Street is left-turn only;

THAT the applicant will pay for any traffic safety improvements at the intersection of Rockaway Boulevard and 134th Street that may be required subsequent to any Department of Transportation traffic study;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Building objection 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, January 27, 2004.

138-03-BZ

CEQR #03-BSA-176Q

APPLICANT - Augusta & Ross, for C & M Service Center, owner.
SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 and

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11-413 to permit a compensating enlargement to facilitate accessory storage, larger repair bays for automotive repairs by minor hand tools only, automotive hand-washing and automotive and retail sales, which is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 27, 2003, acting on Application No. 401277505, reads:

- “(1) PROPOSED AUTO-REPAIR USE GROUP 16 IN C2-2 (IN AN R5) IS CONTRARY TO SECTION 32-00 Z.R.
- 2) PROPOSED EXTENSION (VARIETY STORE) IS PART OF PRINCIPAL USE OF AUTO REPAIR USE GROUP 16 IS ALSO ACCESSORY USE OF AUTO REPAIR ESTABLISHMENT B.S.A. VARIANCE IS REQUIRED”;

WHEREAS, a public hearing was held on this application on September 9, 2003 after due notice by publication in *The City Record* and laid over to October 7, 2003, October 28, 2003, November 25, 2003, January 6, 2004, and then to January 27, 2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Vice Chairman Satish Babbar, Commissioner James Chin, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, the applicant has requested an amendment to the variance for a special permit pursuant to Z.R. §§11-412 and 11-413, to permit the proposed modification and enlargement of a former pre-1961 gasoline service station, to reflect the elimination of the gasoline sales and to permit a compensating enlargement to facilitate accessory storage, larger repair bays for automotive repairs by minor hand tools only, automotive hand-washing and automotive and retail sales, which is contrary to Z.R. §32-10; and

WHEREAS, on May 23, 1950, the Board granted a variance to permit the construction of a gasoline service station at the referenced premises; this grant was amended through September 9, 1992; and

Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

WHEREAS, the applicant represents that the subject site was used as a gasoline service station prior to 1961 and has since been used only for auto repairs, a lubritorium, and accessory auto sales for over five years; and

WHEREAS, the applicant represents that the zoning lot will not increase in size; and

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

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution so that as amended that portion of the resolution shall read: “to permit the proposed modification and enlargement of a former pre-1961 gasoline service station, to reflect the elimination of the gasoline sales and to permit a compensating enlargement to facilitate accessory storage, larger repair bays for automotive repairs by minor hand tools only, automotive hand-washing and automotive and retail sales, which is contrary to Z.R. §32-10 *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received June 19, 2003”-(2) sheets, “September 24, 2003”-(1) sheet, and “January 12, 2004”-(1) sheet; and *on further condition*:

THAT the term of the special permit shall be limited to ten (10) years from the date of this grant, to expire on January 27, 2014;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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)

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and/or configuration(s) not related to the relief granted.”
(D.O.B. Application No. 401277505)

Adopted by the Board of Standards and Appeals,
January 27, 2004.

246-03-BZ

CEQR #04-BSA-016K

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.
SUBJECT - Application September 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, contrary to Z.R §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues “N and M”, Block 7659, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 10, 2003, acting on Application No. 301556126 reads:

“OBTAIN SPECIAL PERMIT APPROVAL FROM THE BOARD OF STANDARDS AND APPEALS AS PER SEC. 73-622 OF THE ZONING RESOLUTION FOR THE FOLLOWING OBJECTIONS:

PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461

PROPOSED REAR YARD IS CONTRARY TO ZR 23-47

PROPOSED FLOOR AREA IS CONTRARY TO ZR 23-141

PROPOSED OPEN SPACE RATIO IS CONTRARY TO ZR 23-141.”; and

WHEREAS, a public hearing was held on this application on November 25, 2003 and then laid over to January 6, 2004 and then to January 27, 2004 for decision; and

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

Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, contrary to Z.R §§23-141, 23-461 and 23-47; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the perimeter wall height will comply with all applicable zoning regulations; and

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

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

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

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

Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliance with regard to floor area, open space, and rear and side yard requirements, contrary to Z.R §§23-141, 23-461 and 23-47, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received September 19, 2003”- (10) sheets, and “January 6, 2004”- (2) sheets; and *on further condition*:

THAT there shall be no habitable room(s) in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall appear on the

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certificate of occupancy;

THAT the use and layout of the cellar shall be as

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; no approval has been given by the Board as to the use and layout of the cellar;

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

Adopted by the Board of Standards and Appeals, January 27, 2004.

248-03-BZ

CEQR #04-BSA-017M

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the operation of a PCE (UG 9), located in an existing commercial building divided by C1-5 and R7-2 zoning district boundaries, which is contrary to Z.R. §32-10.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 24, 2003 acting on Application No. 103485630 reads:

“ZR 32-10 Proposed physical culture establishment within C1-5 in R7-2 zoning district is not permitted.”; and

WHEREAS, a public hearing was held on this application on January 6, 2004 after due notice by publication in *The City Record* and laid over to January 27,

WHEREAS, the applicant states that when the existing building was constructed in 1925, the entire site lay within

approved by the Department of Buildings;

2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit the operation of a physical culture establishment (“PCE”) (UG 9), located in an existing commercial building divided by C1-5 and R7-2 zoning district boundaries, contrary to Z.R. §32-10; and

WHEREAS, the subject premises is located on the southeast corner of Third Avenue and East 106th Street with frontages of approximately 100 feet along Third Avenue and 160 feet along East 106th Street, and is currently improved with a two-story, mezzanine and cellar commercial building; and

WHEREAS, the record indicates that approximately 60% of the site lies within the C1-5 overlay along Third Avenue, and the remaining 40% lies within the underlying R7-2 district; and

WHEREAS, Z.R. §73-36 does not permit the Board to grant a special permit for a PCE within either a C1-5 or R7-2 zoning district, and the applicant must therefore seek a variance; and

WHEREAS, the applicant represents that the PCE will occupy 10,137 square feet in the cellar level, 11,189 square feet on the second floor and 5,257 square feet on the first floor which includes the entrance; and

WHEREAS, the applicant states that proposed hours of operation will be 6 A.M through 11 P.M. Monday through Friday, and 8 A.M. through 9 P.M Saturday and Sunday; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for stretching, cardio, strength training, free weights, general exercise, classes, instruction and programs for physical improvement; and

WHEREAS, the applicant further represents that no massage services are currently offered or proposed at this time; and

WHEREAS, the record indicates that the existing building was constructed in 1925 for the use by a single department store with retail area on the first floor, office space on the mezzanine, sample and lunch rooms on the second floor; and

WHEREAS, the building was constructed so that the first floor covers the entire lot while the second floor is an irregular L-shape covering the lot along the Third Avenue and East 106th Street frontages, narrowing in width to approximately 15 feet along part of 106th Street; and

the boundaries of a business zoning district; and

WHEREAS, the applicant represents that the site is the

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only property along the Third Avenue commercial corridor, within a five-block radius, which is split and subject to the regulations of C1-5 and R7-2 zoning districts; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue hardship in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; 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 record indicates that the surrounding area contains a mix of residential and commercial uses; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the operation of a PCE (UG 9), located in an existing commercial building divided PREMISES AFFECTED - 145-55 Guy Brewer Boulevard, a/k/a 145-51/67 Guy Brewer Boulevard and 145-54/66 Farmers Boulevard, northeast corner, Block 13313, Lot 40, Borough of

by C1-5 and R7-2 zoning district boundaries, which is contrary to Z.R. §32-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 31, 2003"- (1) sheet , and "January 6, 2004"- (3) sheets; and *on further condition*:

THAT the term of this special permit shall be limited to ten (10) years from January 27, 2004 to expire on January 27, 2014;

THAT a minimum 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

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 the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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, January 27, 2004.

268-03-BZ

CEQR #04-BSA-033Q

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 22, 2003 - under Z.R. §§11-411 and 11-412 to permit to re-establish a variance previously granted under Calendar Number 704-53-BZ, for an automotive service station, to permit the legalization of the existing air station, vacuum and beverage machines, and to permit the modification of the existing signage, which is contrary to Z.R. §32-35.

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COMMUNITY BOARD #13Q

APPEARANCES -

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For Applicant: Eric Palatnik.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 30, 2003, acting on Department of Buildings Alt-1 Application No. 401702617 reads:

“Automotive Service Station located in a C1-2 within an R6 Zoning District is not permitted as-of-right. Previous Board of Standards and Appeals approval under BSA Calendar Number 704-53-BZ has expired, and must be referred to the BSA for extension of term. Proposed Signage modifications.”; and

WHEREAS, a public hearing was held on this application on January 6, 2004 after due notice by publication in the City Record, and laid over to January 27, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §§11-411 and 11-412, on a site previously before the Board, to re-establish a variance previously granted under Calendar Number 704-53-BZ, for an automotive service station, to permit the legalization of the existing air station, vacuum and beverage machines, and to permit the modification of the existing signage, which is contrary to Z.R. §32-35; and

WHEREAS, the subject lot is a 11,243 sq. ft. irregular corner lot, with a 128 sq. ft. one-story kiosk building located in the center of the site; and

WHEREAS, on March 23, 1954, under Calendar Number 704-53-BZ, the Board issued a resolution authorizing the use of the premise as an automotive service station; and

WHEREAS, the applicant represents that the existing automotive service station has occupied the premises for continuously for more than 50 years; and

WHEREAS, the applicant seeks Board approval of existing conditions that were not approved in the previous application; specifically, these conditions are an existing vacuum, existing beverage machines, and an existing air

THAT there will be no lubrication or repair of cars on the premises at any time;

THAT fencing and screening shall be provided in accordance with BSA-approved plans;

THAT lighting shall be provided in accordance with

station; and

WHEREAS, the applicant also proposes to change signage at the service station; and

WHEREAS, the applicant represents that the failure to renew the grant in 1998 was an oversight on the part of the lessee, arising from a corporate merger, and that the owner has made good faith efforts to comply with the prior resolutions; and

WHEREAS, the most recent term of the grant expired on April 19, 1998; and

WHEREAS, the applicant represents that the subject application meets the findings set forth at Z.R. §73-211(a), which is for a new special permit for a service station; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§11-411 and 11-412; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§11-411 and 11-412, and grants a variation in the application of the Zoning Resolution, limited to the objection cited, on a site previously before the Board, to re-establish a variance previously granted under Calendar Number 704-53-BZ, for an automotive service station, to permit the legalization of the existing air station, vacuum and beverage machines, and to permit the modification of the existing signage, which is contrary to Z.R. §32-35, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked “Received August 22, 2003-” -(5) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant expiring on January 27, 2014;

THAT signage shall be provided in accordance with BSA-approved plans;

THAT there shall be no used car sales on the premises at any time;

BSA-approved plans and shall be positioned down and away from any adjacent residential uses;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be

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removed within 48 hours;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT a new Certificate of Occupancy Shall be obtained within two (2) years of the date of this 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; 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, January 27, 2004.

272-03-BZ

CEQR #04-BSA-037R

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit in an R3-1 zoning district within the Special South Richmond District, the proposed construction of a two-story and cellar retail building (UG 6), with accessory off-street parking for twenty-five (25) cars and a curb cut on Hylan Boulevard that is not permitted, which is situated within a required arterial setback, contrary to Z.R. §§22-10 and 107-251(a) and (b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Applicant: Philip L. Rampulla.

THE ACTION OF BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the lot is irregular in size and is "L"-shaped, and lacks consistent depth; it contains two non-adjacent rear yards, three separate side yards, and two separate front yards; and the existing buildings possess differing floor elevations, causing practical difficulties in merging the two buildings into one larger building; and

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 18, 2003, acting on Department of Buildings NB Application No. 500534619 reads, in part:

"1. Proposed cellar and two story retail and office building within an R3-1 Zoning district is not permitted as per Section 22-10 Z.R. . . .

3. The proposed Retail Commercial Development indicates a curb cut on Hylan Boulevard which is not permitted pursuant to Section 107-251(a) Z.R. and indicates that the proposed building in the required arterial setback which is not permitted pursuant to Section 107-251(b) Z.R." and

WHEREAS, a public hearing was held on this application on January 6, 2004 after due notice by publication in the City Record, and laid over to January 27, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R3-1 zoning district within the Special South Richmond District, the proposed construction of a two-story and cellar retail building (UG 6), with accessory off-street parking for twenty-five (25) cars and a curb cut on Hylan Boulevard that is not permitted, which is situated within a required arterial setback, contrary to Z.R. §§22-10 and 107-251(a) and (b); and

WHEREAS, the subject zoning lot is an irregularly shaped plot of land, with 183.17 feet of frontage on Hylan Boulevard and 69.24 feet of frontage on Goodall Street, with a total lot area of 17,239 sq. ft; and

WHEREAS, the zoning lot is currently occupied by an existing one-story retail building (without accessory off-street parking), built pursuant to a Board grant, which is proposed to be demolished; and

WHEREAS, the applicant states that the owner explored as-of-right residential alternatives and subsequently determined that such an option had been negated due to the diminished status of the subject site's location and economic obsolescence in terms of residential development, thus necessitating the need for a variance; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing the site in strict conformity with current zoning;

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and

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

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that Hyland Boulevard has been developed with many commercial uses, and that the adjoining buildings are commercial uses; and

WHEREAS, the applicant further represents that the granting of the variance would create continuity with adjacent buildings and would solidify the established commercial use along this particular stretch of Hyland Boulevard; and

WHEREAS, the Board notes that the proposed development includes the provision of a twenty-five (25) space accessory off-street parking lot; and

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

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

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

WHEREAS, therefore, 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the 294-03-BZ

CEQR #04-BSA-045M

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit in an R10-H and C5-1 zoning district, and in the Special Park Improvement District, the proposed enlargement of an existing six story community facility that does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls,

required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R3-1 zoning district within the Special South Richmond District, the proposed construction of a two-story and cellar retail building (UG 6), with accessory off-street parking for twenty-five (25) cars and a curb cut on Hylan Boulevard that is not permitted, which is situated within a required arterial setback, contrary to Z.R. §§22-10 and 107-251(a) and (b); *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 27, 2003"- (3) sheets, "October 3, 2003"- (1) sheets, and *on further condition*:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety measures;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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, January 27, 2004.

contrary to Z.R. §§24-11, 33-26, 24-36, 54-31 and 92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Sybil Pollet.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3
Negative:.....0
Abstain: Chair Srinivasan.....1
Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 21, 2003, acting on Department of Buildings Alteration Application No. 103495004, reads:

1. The proposed enlargement in an R10-H zoning district exceeds the permitted lot coverage, pursuant to §24-11 of the Zoning Resolution.
2. The proposed enlargement in a C5-1 zoning district does not satisfy the rear yard requirements, pursuant to §33-26 of the zoning resolution.
3. The proposed enlargement in an R10-H zoning district does not satisfy rear yard requirements pursuant to §24-36 of the zoning resolution.
4. The proposed enlargement increases the degree of non-compliance pursuant to §54-31 of the zoning resolution.
5. The proposed enlargement does not comply with §92-042(c), limits on recesses in front walls in the special park improvement district.”; and

WHEREAS, a public hearing was held on this application on January 6, 2004 after due notice by publication in *The City Record*, and then laid over to January 27, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R10-H and C5-1 zoning district, and in the Special Park Improvement District, the proposed enlargement of an existing six-story community facility that

WHEREAS, the applicant states that the following are unique physical conditions that create practical difficulties and unnecessary hardships in constructing the proposed improvements to the building in conformity with underlying district regulations: lack of available open space on the lot, the landmarked status of the building and its courtyard, the lack of space in the interior of the building for the necessary improvements, the need to preserve the architecturally significant interior space, the irregular rear yard, and the division of the lot by district boundaries and inclusion of part of the lot within the Special Park Improvement District; and

does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, contrary to Z.R. §§24-11, 33-26, 24-36, 54-31 and 92-042(c); and

WHEREAS, the Board notes that the N.Y.C. Landmarks Preservation Commission has granted a Certificate of Appropriateness for the proposed work on November 14, 1997, renewed December 5, 2002, and that said approval and renewal are in the record; and

WHEREAS, the subject zoning lot is a 100'5" by 225' lot, with a total lot area of 22,593.75 sq. ft; and

WHEREAS, the zoning lot is divided by R10-H and C5-1 district boundaries, and that portion of the zoning lot from Fifth Avenue to 125' east of Fifth Avenue lies within the Special Park Improvement District; and

WHEREAS, the subject lot is occupied by a non-complying landmarked six-story building designed by McKim, Mead and White, which currently houses the Metropolitan Club (the “Club”), a not for profit corporation; and

WHEREAS, the applicant states that the Club was formerly for the exclusive use of men, who were served by an all male staff; and

WHEREAS, the applicant further states that the original design of the building contemplated 250 members; and

WHEREAS, the applicant represents that the Club now has approximately 1560 male and female members, and that the staff also consists of both men and women; and

WHEREAS, the Club would like to ensure safe entrance and egress for its predominantly elderly members, provide adequate elevators for disabled members, and provide sufficient handicapped-accessible bathrooms for both men and women; and

WHEREAS, in light of the above stated goals, the Club proposes to install new fire-rated, fully enclosed egress staircases from each floor to the street; to install an elevator accessible to the disabled, in compliance with both the Americans with Disabilities Act and Local Law 58/87; and to install bathrooms for male and female members in compliance with Local Law 58/87 and Building Code Reference Standard 16; and

WHEREAS, the applicant states that the Club explored as-of-right alternatives and subsequently determined that no such alternative was feasible, thus necessitating the need for a variance; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate as to this particular building and in conjunction with the stated programmatic need of creating a handicapped-accessible facility, with amenities for both men and women, create practical difficulties in developing the site in strict conformity with current zoning; and

WHEREAS, the Board finds that the applicant need not

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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, the applicant states that the proposed work would increase the lot coverage of the building by only 1.84% and not diminish the light and air to the Club or to legal windows in the adjacent building; and

WHEREAS, the proposal will result in the removal of exterior open metal stairs in the rear yard; and

WHEREAS, the applicant claims that of the improvements would be recessed from Fifth Avenue, thereby reducing the view of the improvements from the street; and

WHEREAS, based on the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and that, in fact, the proposal will be of benefit to the public welfare; and

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

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

WHEREAS, therefore, 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited **68-03-BZ**

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

to the objection cited, under Z.R. §72-21, to permit, in an R10-H and C5-1 zoning district, and in the Special Park Improvement District, the proposed enlargement of an existing six story community facility that does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, contrary to Z.R. §§24-11, 33-26, 24-36, 54-31 and 92-042(c); *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, 2003"- (16) sheets, and *on further condition*:

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety measures;

THAT the above conditions shall be noted in the Certificate of Occupancy;

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, January 27, 2004.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 13, 2004, at 1:30 P.M., for continued hearing.

108-03-BZ thru 110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

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PREMISES AFFECTED -

135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15, 22, 23, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for deferred decision.

211-03-BZ

APPLICANT - Eric Palatnik, P.C., for Simon Blitz, Contract Vendee.

SUBJECT - Application June 20, 2003 - under Z.R. §72-21 to permit the proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R. §43-12, §43-43 and §42-10.

PREMISES AFFECTED - 529-535 48th Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Queens.

PREMISES AFFECTED - 468 West Broadway and 140 Thompson Street, fronting on West Broadway and Thompson Street, between West Houston and Prince Streets, Block 516, Lot 7, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for decision, hearing closed.

243-03-BZ

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to March 9, 2004, at 1:30 P.M., for continued hearing.

231-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Isaac Douek Jacqueline Douek Maurice Douek, owners.

SUBJECT - Application July 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a six story building, with a mezzanine and cellar, to contain eighteen residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 63 and 65 Columbia Street, southeast corner of Congress Street, Block 299, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

239-03-BZ

APPLICANT - Jay A. Segal, Greenberg Traurig, LLP, for West Broadway Arches c/o Mr. Chuck Seltzer, owner.

SUBJECT - Application July 10, 2003 - under Z.R. § 73-01 & 73-53 to permit the proposed extension of the uses (studios w/accessory living/sleeping/accommodations) allowed on floors two through six of the West Broadway portion of the building, to the ground floor portion of the building, located in M1-5A and R7-2 zoning districts, is contrary to Z.R. §42-14D.

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owner.

SUBJECT - Application July 16, 2003 - under Z.R. §11-412 to permit the reestablishment of a previous variance granted by the Board, Under Cal. No. 8-78-BZ, which permitted a gasoline service station with accessory uses, Use Group 16, on a site that is divided by an R7-2 and C8-3 district boundary, also the conversion of a portion of the building to an accessory convenient store, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2420 Amsterdam Avenue, between West 180th and West 181st Streets, Block 2152, Lots 77 and 83, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo and Commissioner Miele.....4
Negative:0
Absent: Commissioner Chin.....1
ACTION OF THE BOARD - Laid over to March 9, 2004,
at 1:30 P.M., for decision, hearing closed.

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.
SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.
PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #1BK
APPEARANCES -
For Applicant: Janice Cahalane.
For Opposition: James Esber.

ACTION OF THE BOARD - Laid over to March 9, 2004,

267-03-BZ

APPLICANT - Stuart A. Klein, Esq., for North 14th Street Realty Associates, LLC, owner.
SUBJECT - Application August 21, 2003 - under Z.R. §72-21 to permit the proposed construction of three attached six and seven story buildings, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.
PREMISES AFFECTED - 2/6 Berry Street, 194/96 North 14th Street, south side, between Wythe Avenue to the west and Berry Street to the east, Block 2279, Lot 13, Borough of Brooklyn.
COMMUNITY BOARD #1BK
APPEARANCES -
For Applicant: Stuart Klein and Ken Fisher.
For Opposition: Stephanie Eisenberg.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

at 1:30 P.M., for continued hearing.

261-03-BZ

APPLICANT - Sheldon Lobel, P.C., for PLK Realty Corp., owner.
SUBJECT - Application August 18, 29003- under Z.R. §72-21 to permit the legalization of an existing one story building, as an auto repair shop, Use Group 16, located in an R7-1 zoning district, which is contrary to Z.R. §23-00.
PREMISES AFFECTED - 1404/06 Stebbins Avenue, northeast corner of East 170th Street, Block 2965, Lot 36, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Sheldon Lobel, Richard Lobel and Luis M. Depasquale.

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for continued hearing.

271-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank Scelta, owner.
SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a five family, three-story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10, §42-11 and §42-12.
PREMISES AFFECTED - 976 Metropolitan Avenue, between Catherine Street and Morgan Avenue, Block 2918, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker, Frack Scelta and Everett Parker.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

286-03-BZ

MINUTES

APPLICANT - Sheldon Lobel, P.C., for Classic Closeouts, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed renovation of the existing building, to facilitate a retail store with accessory storage, as well as offices with accessory storage, Use Group 6, located in C1-2 and R5 zoning districts, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for decision, hearing closed.

289-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Aldo Paronich, owner.

SUBJECT - Application August 29, 2003 - under Z.R. §73-53 to permit the legalization of an existing contractor' establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by 21% beyond the permitted floor area ratio of 1.0 is contrary to Z.R. §43-12.

PREMISES AFFECTED - 440 Morgan Avenue, southeast corner of Frost Street, Block 2869, Lot 5, Borough of Brooklyn.

308-03-BZ

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

SUBJECT - Application October 6, 2003 - under Z.R. §73-211 to permit the proposed extension to an existing gasoline service station, to include an accessory convenience store, also the addition of another lot that, will be used for accessory parking, which is contrary to a previous variance granted under Cal. No.193-50-BZ and Z.R. §32-25.

PREMISES AFFECTED - 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Livingstone Gibson, Jaime Leon, Keith Walcott, Lebbeney Bandar, James Williams and Elena Lee.

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for continued hearing.

309-03-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 9, 2004, at 1:30 P.M., for decision, hearing closed.

290-03-BZ

APPLICANT - Petraro & Jones, LLP, for Graceful Services, Inc., owner; Joseph B. Rosenblatt, lessee.

SUBJECT - Application September 3, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor of a four story building, in a C2-8 (TA special district), which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1097 Second Avenue, west side, 40' south of East 56th Street, Block 1331, Lot 126, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Laid over to March 30, 2004, at 1:30 P.M., for continued hearing.

James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, which is contrary to Z.R. §§23-145 and 23-633.

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser, Shawn Basler and Abbas Shah.

For Opposition: Barry Mallin, Daniel Lane, Shirley Wright, Mariopie Cott, Andrew Jones, Chatherine Immgraham and Eric Graham.

ACTION OF THE BOARD - Laid over to March 2, 2004, at 1:30 P.M., for continued hearing.

MINUTES

329-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed off-site residential accessory parking, for the proposed development at 135 Coffey Street, is contrary to Z.R. §25-52.

PREMISES AFFECTED - 142 Coffey Street, between Conover and Van Brunt Streets, Block 586, Lots 37 and 38 (Tentative Lot 37), Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Eric Palatnik, Cindy Hardery and Susan Friedland.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for decision, hearing closed.

330-03-A

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC; contract vendee.

SUBJECT - Application October 24, 2003 - Proposed area of openings in the rear wall, and distance from a window to a rear lot line, for a proposed four story residential building, is contrary to Article 15, Table 3-4 of the NYC Building Code, and Article 3, Title 1, Sections 26 and 30 of the Multiple Dwelling Law.

PREMISES AFFECTED - 79 Wolcott Street, between Van Brunt and Richard Streets, Block 576, Tentative Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to February 10, 2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:30 P.M.