
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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May 3, 2001

DIRECTORY

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DOCKET

New Case Filed Up to April 24, 2001

144-01-BZ B.BK. 5100 Kings Plaza, aka 5102 Avenue "U", 5102/5430 Avenue "U" and 2483/2671 Flatbush Avenue, southeast corner, Block 8470, Lots 1, 50 and 55, Borough of Brooklyn. Applic.#301155167. Proposed erection and maintenance of an amusement arcade within an existing shopping center, Use Group 15, requires a special permit as per Z.R. §42-31.

COMMUNITY BOARD #18BK

145-01-A B.Q. 40 Reid Avenue, east side, 154.06' west of Marshall Avenue, Block 16350, Lot 300, Borough of Queens. Alt.#1 401212433. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

146-01-A B.Q. 183 Reid Avenue, north side, 3.18' east of Beach 201th Street, Block 16350, Lot 400, Borough of Queens. Alt.#1 401212415. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

147-01-A B.Q. 191 Reid Avenue, east side, 16.77 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.# 1 401208983. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

148-01-BZ B.M. 25 West 32nd Street, north side, 372' west of Fifth Avenue, Block 834. Lot 26, Borough of Manhattan. Applic. #102935512. Proposed operation of a physical culture establishment, Use Group 9, located on the second and fifth floors of a six story building, requires a special permit as per Z.R. §32-31.

COMMUNITY BOARD #5M

149-01-BZ B.M. 88/90 Jane Street, aka 357/59 West 12th Street, between Washington and Greenwich Streets, Block 641, Lots 1001-1006. F/K/A, Borough of Manhattan. Applic.#102849777.

Proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedroom windows, is contrary to Z.R.§23-142, §23-223, §23-553 and§23-861.

COMMUNITY BOARD #2M.

150-01-A B.M. 88/90 Jane Street, aka 357/59 West 12th Street, between Washington and Greenwich Streets, Block 641, Lots 1001-1006, F/K/A Lot 40, Borough of Manhattan. Applic. #102849777.

Proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

151-01-A B.S.I. 28 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 1, Borough of Staten Island. Applic.#500466517. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

152-01-A B.S.I. 29 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 168, Borough of Staten Island. Applic.# 500466553. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

153-01-A B.S.I. 25 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 170, Borough of Staten Island. Applic.#500466544. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

DOCKET

New Case Filed Up to April 24, 2001

154-01-A B.S.I. 24 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 172, Borough of Staten Island. Applic.#500466508. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

155-01-A B.S.I. 20 Keppel Avenue, south side, 250' west of Sprague Avenue, Block 7867, Lot 174, Borough of Staten Island. Applic. #500466492. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

156-01-A B.S.I. 19 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 176, Borough of Staten Island. Applic.#500466535. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

157-01-A B.S.I. 15 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 178, Borough of Staten Island. Applic.#500466526. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

158-01-A B.S.I. 16 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 184, Borough of Staten Island. Applic. #500466562. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

159-01-A B.S.I. 20 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 186, Borough of Staten Island. Applic. #500466571. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

160-01-A B.S.I. 24 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 188, Borough of Staten Island. Applic.#500466580. Proposed two family dwelling, not fronting on a legally mapped street is contrary

to Section 36, Article 3 of the General City Law.

161-01-A B.S.I. 28 Sapphire Court, south side, 250' west of Sprague Avenue, Block 7867, Lot 190, Borough of Staten Island. Applic. #500466599. Proposed two family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

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

CALENDAR

JUNE 5, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 5, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

687-49-BZ

APPLICANT - Sheldon Lobel, P.C.; for Angelo Zanetti; owner.

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

PREMISES AFFECTED 222-22 Jamaica Avenue, Between 222nd and 224th Street, Block 10813, Lot 5, Borough of Queens.

COMMUNITY BOARD #13Q

772-67-BZ

APPLICANT - Carl A. Sulfaro, Esq; for 1234 Forest Avenue Realty Corp, owner.

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

PREMISES AFFECTED -1234 Forest Avenue, Southeast Corner of Jewett Avenue and Forest Avenue, Block 354, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

230-98-BZ

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

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

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

COMMUNITY BOARD #12BK

JUNE 5, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 5, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

26-01-A thru 29-01-A

APPLICANT - Rothkrug & Rothkrug, for ATP Development Corp., owner.

SUBJECT - Application January 23, 2001 - proposed two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

116 Giegerich Avenue, west side, 146' east and 83.4' north of Bedell Avenue, Block 7796, Lot 76, Borough of Staten Island.

120 Giegerich Avenue, west side, 146' east and 41.7' north of Bedell Avenue, Block 7796, Lot 78, Borough of Staten Island.

124 Giegerich Avenue, west side, 146' east and 0' north of Bedell Avenue, Block 7796, Lot 80, Borough of Staten Island.

140 Giegerich Avenue, west side, 146.75' east and 0' north of Bedell Avenue, Block 7796, Lot 82, Borough of Staten Island.

COMMUNITY BOARD #3SI

43-01-A

APPLICANT - Gerald J. Caliendo, R.A., for Israel Prus, owner.

SUBJECT - Application February 6, 2001 - proposed construction of a two-story, two family dwelling, located in the bed of a mapped street is contrary to Section 35 of the General City Law.

PREMISES AFFECTED - 259-21 Francis Lewis Boulevard, east side, 245.7' north of 147th Drive, Block 13682, Lot 156, Borough of Queens.

COMMUNITY BOARD #13Q

44-01-A

APPLICANT - Gerald J. Caliendo, R.A., for Israel Prus, owner.

SUBJECT - Application February 6, 2001 - proposed construction of a two-story, two family dwelling, located in the bed of a mapped street is contrary to Section 35 of the

CALENDAR

General City Law.

PREMISES AFFECTED - 259-21A Francis Lewis Boulevard, east side, 215.90' north of 147th Drive, Block 13682, Lot 154, Borough of Queens.

COMMUNITY BOARD #13Q

JUNE 5, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 5, 2001, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

259-98-BZ

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

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

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

COMMUNITY BOARD #3BK

125-99-BZ

APPLICANT - Agusta & Ross, for 8-10 Little Nassau Corp., owner.

SUBJECT - Application May 25, 1999 - under Z.R. §72-21, to permit the proposed erection of a five story, eight unit multiple dwelling, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 786 Kent Avenue a.k.a. 8-10 Little Nassau Street, southwest corner of Little Nassau Street and Kent Avenue, Block 1883, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #3BK

119-00-BZ

APPLICANT - The Agusta Group, for Gani Realty Corp., owner; Jose Ulloa, lessee.

REMANDED: "to specifically consider whether a variance of limited duration should be granted, based on the history of this store, and the community support for it, to allow the Petitioner to pursue being included as part of the Grand

Concourse Special District".

PREMISES AFFECTED - 2788/2790 Grand Concourse, between Miriam Street and 197th Street, Block 3304, Lot 103, Borough of The Bronx.

COMMUNITY BOARD #7BX

308-00-BZ

APPLICANT - Charles R. Foy, Esq., for KFC of America, Inc., owner.

SUBJECT - Application December 21, 2000 - under Z.R. § 72-21 and §73-213 to permit the proposed eating and drinking establishment with an accessory drive through facility, Use Group 6, located in C8-1, C1-2 and R5 zoning districts, which is contrary to Z.R. §22-00 and requires a special permit as per Z.R. §73-243 and §32-15.

PREMISES AFFECTED - 1125 East Gunhill Avenue, 79' west of the intersection of East Gunhill & Boston Roads, Block 4705, Lot 5, Borough of The Bronx.

COMMUNITY BOARD #2BX

12-01-BZ & 13-01-BZ

APPLICANT - Jesse Masyr, Wachtel & Masyr, LLP, for R. D. Hendon Realty, Inc., owner.

SUBJECT - Application January 16, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, to be developed as a restaurant and local retail uses, and also the proposed construction of a five story self-storage facility, located in an R4 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2829 Edson Avenue, block bounded by

Edson, Bartow, Grace and Arnow Avenues, Block 4800, Lots 5, 6 and 8 (Tentative Lot 8), Borough of The Bronx. 2875 Edson Avenue, block bounded by Edson, Bartow, Grace and Arnow Avenues, Block 4800, Lots 5, 6, and 8 (Tentative Lot 6), Borough of The Bronx.

COMMUNITY BOARD #12BX

144-01-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Alexander's Kings Plaza Center, Inc., owner; King Arcade Corp., lessee.

SUBJECT - Application April 17, 2001 - under Z.R. §73-35, to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. §42-31.

CALENDAR

PREMISES AFFECTED - 5100 Kings Plaza a/k/a 5102 Avenue U, 5102-5430 Avenue U, 2483-2671 Flatbush Avenue, Block 8470, Lots 1, 50 and 55, Borough of Brooklyn.

COMMUNITY BOARD #18BK

Pasquale Pacifico, Executive Director.

JUNE 12, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 12, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

366-32-BZ

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

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

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

COMMUNITY BOARD #4BX

300-64-BZ

APPLICANT - Herrick, Feinstein, LLP., by Mark A. Levine, Esq., for Pathmark Stores, Inc., owner.

SUBJECT - Application July 9, 1999 - reopening for an extension of term of variance which expired June 9, 1999.

PREMISES AFFECTED - 1038-64 Leland Avenue, Block 3731, Lots 26 and 36, Borough of The Bronx.

COMMUNITY BOARD #9BX

107-95-BZ

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

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

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

COMMUNITY BOARD #12M

243-98-BZ

APPLICANT - Harold Weinberg, P.E., for Marlene Feinberg, owner.

SUBJECT - Application April 12, 2001 - reopening for an extension of time to complete construction which expired April 20, 2001.

PREMISES AFFECTED - 4282 Ocean Avenue, west side, 506' south of Oriental Boulevard, Block 8743, Lot 92, Borough of Brooklyn.

COMMUNITY BOARD #15BK

290-99-BZ

APPLICANT - Rothkrug & Rothkrug, for Almi Greenwich Associates, owner; Equinox Fitness Clubs, lessee.

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

PREMISES AFFECTED - 99/101 Greenwich Avenue a/k/a 230 West 12th Street, southwest corner of Greenwich Avenue and West 12th Street, Block 615, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #2M

JUNE 12, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, June 12, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

2-01-A

APPLICANT - Davidoff & Malito LLP, for 149 Fifth Avenue Corp., owner.

SUBJECT - Application January 4, 2001 - an appeal challenging the Department of Buildings' determination dated December 5, 2000, in which the Department refused to dismiss a Notice of Violation No. 042700025E01MAD regarding the continuance of a legal nonconforming advertising sign.

PREMISES AFFECTED - 149 Fifth Avenue, north corner of the intersection of Fifth Avenue, East 21st Street & Broadway, Block 850, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

CALENDAR

129-01-A

APPLICANT - Wolfson & Carroll, for John T. Gallagher and Citizens for the Preservation of Windsor.

OWNER OF PREMISES: Park Edge Condominiums, LLC.

SUBJECT - Application March 30, 2001 - an appeal from a determination of the Department of Buildings' dated March 26, 2001, in which the department states that ground floor accessory parking should be exempted in computing permitted floor area for a proposed six-story building.

PREMISES AFFECTED - 101 and 107 Prospect Park South West, corner lot at Prospect Park South West and 16th Street, Block 5259, Lot 22, Borough of Brooklyn.

131-01-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Ms. Emma Rauch, lessee.

SUBJECT - Application April 2, 2001 - proposed addition of a new second floor to an existing one story building not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 152 Reid Avenue, west side, 545' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

JUNE 12, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 12, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

268-00-BZ

APPLICANT - Rothkrug & Rothkrug, for George Smith & Lillian Smith, owners.

SUBJECT - Application November 14, 2000 - under Z.R. §72-21, to permit the proposed enlargement of an existing eating and drinking establishment (Use Group 6) and the addition of lot area to legalize accessory parking, which is contrary to Z.R. §22-10, §52-22 and §52-41.

PREMISES AFFECTED - 2187 Richmond Avenue a.k.a. 25 Draper Place, west side, Block 2360, Lot 35 (Tent), Borough of Staten Island.

COMMUNITY BOARD #2SI

298-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Wooster Ventures LLC, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit the proposed construction of a seven story building, with retail use on the ground floor and residential use on the upper floors, (Use Groups 2 & 6) located in an M1-5B zoning district, which exceeds the maximum permitted (F.A.R.) and is contrary to Z.R. §42-00, §42-14 and §43-12.

PREMISES AFFECTED - 3-7 Wooster Street, west side, between Grand and Canal Streets, Block 228, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #2M

10-01-BZ

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

SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed development of a one story building, to be utilized as four retail stores (Use Group 6) located in an R-5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 85-28/34 Rockaway Boulevard, between 85th and 86th Streets, Block 9057, Lots 27 and 33, Borough of Queens.

COMMUNITY BOARD #10Q

53-01-BZ

APPLICANT - Barry Clare c/o APPI, for Charter Management Co., owner; Eun Sung, Inc. (Barry Clare), lessee.

SUBJECT - Application February 16, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, to be located on portions of the first floor, of an existing twelve story building, in a C5-3 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6 West 48th Street, south side, 125' west of the corner formed by Fifth Avenue and 48th Street, Block 1263, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

Pasquale Pacifico, Executive Director.

MINUTES

**REGULAR MEETING
TUESDAY MORNING, APRIL 24, 2001
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 3, 2001, were approved as printed in the Bulletin of April 12, 2001, Volume 86, No. 15.

SPECIAL ORDER CALENDAR

728-29-BZ, Vol. II

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corp., owner.

SUBJECT - Application January 8, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of the variance which expired March 19, 2000 and for an amendment to add three additional multi-product gasoline dispensers.

PREMISES AFFECTED - 154-04 Horace Harding Expressway, bounded easterly by Kissena Boulevard, northerly by Horace Harding Expressway and southerly by 64th Street, Block 6744, Lot 71, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 15, 2001, at 10 A.M., for decision, hearing closed.

950-40-BZ, Vol. III

APPLICANT - Vassalotti Associates, A.I.A., for New York Funeral Chapels, Inc., owner.

SUBJECT - Application February 23, 2001 - reopening for an extension of term of the variance which expired January 24, 2001.

PREMISES AFFECTED - 7610/7618 Fourth Avenue, west side, 59' south of 76th Street, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 15, 2001, at 10 A.M., for decision, hearing closed.

93-72-BZ

APPLICANT - Fischbein Badillo Wager Harding, for Sovereign Apartment., owner.

SUBJECT - Application January 8, 2001 - reopening for an amendment of the variance.

PREMISES AFFECTED -405,411 to 449 East 58th Street/ 408, 420 to 438 East 59th Street, 106.6' West of Sutton Place, Block 1370, Lot(s) 102, 6, 7, 108, 8, 15, 16, 17, 117, 18, 19, 29, 30, 31, 121, 44.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 22, 2001, at 2 P.M., for continued hearing.

617-80-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 22, 2001, at 10 A.M., for decision, hearing closed.

17-91-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Doyle Shaffer, Inc., owner.

SUBJECT - Application February 26, 2001 - reopening for an extension of term of the variance which expires February 25, 2002.

PREMISES AFFECTED - 45-32 Little Neck Parkway, south side of Little Neck Parkway, east of Northern Boulevard, Block 8229, Lot 30, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

MINUTES

ACTION OF THE BOARD - Laid over to May 22, 2001, at 10 A.M., for continued hearing.

31-01-A

APPLICANT - Fischbein Badillo Wagner Harding for Joseph E. Sheehan.

OWNER OF PREMISES: George Pantelidis.

SUBJECT - Application January 26, 2001 - an appeal challenging a decision of the Department of Buildings, issuance of permits and allowing the construction of a two-story enlargement (greenhouse), in the rear of subject premises.

PREMISES AFFECTED - 116 East 73rd Street, south side, 140.6' east of Park Avenue, Block 1407, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Howard B. Hornstein.

For Opposition: Sheldon Lobel.

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated June 25, 1999 and updated without any changes on December 28, 2000 acting on Alt. Applic. No. 102232344 reads:

“OK to accept 2 story greenhouse. The greenhouse is projecting 6'0" into required rear yard. The 2 story greenhouse reduces degree of noncomplying outer court.”

WHEREAS, a public hearing was held on this application on March 27, 2001 after due notice by publication in The City Record and then laid over to April 24, 2001 for decision; and

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

WHEREAS, this is an appeal application challenging a decision of the Department of Buildings (DOB), issuance of permits and allowing the construction of a two-story enlargement (greenhouse), in the rear of subject premises; and

WHEREAS, the subject premises is improved with an attached townhouse located between Park and Lexington Avenues; and

WHEREAS, the subject premises is located in an R8B/LH-1A zoning district which is also part of the Upper

East Side Historic District; and

WHEREAS, the building contains four floors, a basement and cellar; and

WHEREAS, although a fully attached building, a non-complying portion of the rear of the subject premises protrudes into the required 30' rear yard; and

WHEREAS, unlike the main portion of the subject building, this rear yard protrusion was originally only attached to the building to the east, 118 East 73rd Street, while 6' gap existed in the western portion of the rear yard; and

WHEREAS, this non-compliant structure also violates the side yard requirement that necessitates either lot-line construction or a minimum separation of at least 8'; and

WHEREAS, DOB approved alteration application number 102232344 which requested to expand the rear of the building; and

WHEREAS, DOB approved construction of a two story “greenhouse” in the rear of the subject premises, occupying the formerly open space that constituted the non-compliant rear yard; and

WHEREAS, this permit allows for construction of a “greenhouse” on the first and second floors with an open space at grade, which is the basement level; and

WHEREAS, this “greenhouse” was to be constructed in the above described side-yard, with its rear wall only 25'-8" from the rear lot line; and

WHEREAS, Z.R.§23-47 requires that all R8 zoning districts provide at least one rear yard with a depth of at least 30'; and

WHEREAS, Z.R.§23-462 allows for construction along side lot lines for R8 zoning district, but requires a minimum distance of eight feet from the building wall to the side lot line should the building not utilize lot line construction; and

WHEREAS, the rear wall of the main portion of the subject premises is approximately 38'-2" from the rear lot line and is built with no side yards: both compliant conditions; and

WHEREAS, however, on the basement, first and second floors, the building extends an additional 14' into the rear yard, leaving a non-compliant rear yard only 24'-2"; and

WHEREAS, the original extension is built at a distance of 6' from the westerly lot line, less than the 8' required by the Zoning Resolution; and

WHEREAS, DOB has impermissibly approved an increase in the degree of non-compliance in the rear yard; and

WHEREAS, the approved structure leaves a rear yard of only 25'8", less than the 30' required by Z.R.§23-47; and

WHEREAS, Z.R.§54-21 allows for legally constructed non-complying buildings to remain indefinitely; and

WHEREAS, however, Z.R §54-31 allows for enlargements or conversions of non-complying buildings

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only if such enlargement or conversion does not increase the degree of non-compliance of the building or structure; and

WHEREAS, prior to the approval of the enlargement of the subject premises, the eastern portion of the rear yard was non-compliant, while the westernmost 6' of the yard was compliant; and

WHEREAS, however, the DOB approval now permits the western portion of the rear yard to be violated, which increases the degree of non-compliance in the rear yard; and

WHEREAS, approximately 26 square feet of the required rear yard that were previously unencumbered now contain portions of the building in the first and second floors; and

WHEREAS, DOB wrote that the construction reduces the degree of non-complying outer court; and

WHEREAS, the western side yard at the rear of the subject building was 6' from the side lot line to the building wall; and

WHEREAS, the approved enlargement is primarily in that 6' wide space, taking the building wall to the side lot line; and

WHEREAS, DOB states that this enlargement thereby removed a non-compliant condition, the 6' side yard, and replaced it with a compliant condition, lot line construction; and

WHEREAS, the Zoning Resolution does not allow for the decrease in one non-complying condition to offset a new or increased non-compliance relating to another regulation; and

WHEREAS, the perception that the existence of a legal non-complying structure exempts the rear yard from all rear yard requirements is contrary to the Zoning Resolution; and

WHEREAS, the Board finds the existence of a legal non-complying structure does not obviate the general rear yard requirements and make this an outer court; and

WHEREAS, the Zoning Resolution prohibits any enlargement that creates a new non-compliance or increases the degree of non-compliance; and

WHEREAS, Z.R. §23-44(b) allows for an accessory non-commercial greenhouse to be located in required rear yards as permitted obstructions; and

WHEREAS, Z.R. §23-44(b) requires that the "greenhouse" be the lessor of one story or 14' high; and

WHEREAS, this "greenhouse" is built above the first story (the basement) and contains two stories, one at the first floor and the other at the second floor; and

WHEREAS, the "greenhouse" rises a full three floors above grade, reaching a height of 30', well in excess of the 14' maximum imposed by the zoning resolution; and

WHEREAS, the Board finds that the Zoning Resolution requires a 30' rear yard, prohibits an increase in the degree of non-compliance, and clearly prohibits "greenhouses" which are more than one story, or which are taller than 14';

and

WHEREAS, the subject enlargement is in the required rear yard, is not a permitted rear yard obstruction because it increases the degree of non-compliance within the rear yard and is more than one story and taller than 14' above grade; and

WHEREAS, the Board does not find that this structure resembles the plain and obvious meaning of a greenhouse; and

WHEREAS, a greenhouse is a glass enclosure used for cultivating plants with operable windows or jalousies, whose free openable area is equal to at least five percent of the combined floor area of the greenhouse; and

WHEREAS, the Board has determined that the subject structure more closely resembles a glass-enclosed extension to the building as an enclosed stairwell; and

WHEREAS, the record indicates that the Department of Buildings acknowledges that the subject structure does not meet the definition of a "greenhouse."

Resolved, that the decision of the Borough Commissioner, December 28, 2000 acting on Alt. Applic. No. 102232344 is reversed and the appeal is granted.

Adopted by the Board of Standards and Appeals, April 24, 2001.

213-00-A

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

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Stuart A. Klein.

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to May 22, 2001, at 11 A.M., for continued hearing.

37-01-A thru 41-01-A

APPLICANT - Rothkrug & Rothkrug, for Dolphin Associates, LLC, owner.

SUBJECT - Application February 6, 2001 - proposed construction within the bed of a mapped street, is contrary to Article 3, Section 35 of the General City Law.

PREMISES AFFECTED - 481B Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 27, Borough of Staten Island.

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481C Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 26, Borough of Staten Island.
481D Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 25, Borough of Staten Island.

481E Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 24, Borough of Staten Island.
481F Father Capodanno Boulevard, west side, 1877.86' south of Sand Lane, Block 3500, Lot 23, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to May 22, 2001, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 24, 2001 2:00 P.M.

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

ZONING CALENDAR

86-00-BZ thru 91-00-BZ

CEQR #00-BSA-101K thru 00-BSA-106K

APPLICANT - Sheldon Lobel, P.C., for Lorimer Street Reality Inc., owner.

SUBJECT - Applications March 24, 2000 - under Z.R. §72-21, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to the district use regulations, §42-00 of The Zoning Resolution and therefore requires a variance and therefore requires a variance.

PREMISES AFFECTED -

171 Lorimer Street, between Throop and Harrison Avenue, Block 2242, Lot Tentative 144 (prior 40), Borough of Brooklyn.

173 Lorimer Street, between Throop and Harrison Avenues, Block 2242, Lot Tentative Lot 145 (prior 40), Borough of Brooklyn.

175 Lorimer Street, between Throop and Harrison Avenues, Block 2242, Lot Tentative Lot 142 (prior 40),

Borough of Brooklyn.

177 Lorimer Street, between Throop and Harrison Avenues, Block 2242, Lot Tentative Lot 141 (prior 40), Borough of Brooklyn.

179 Lorimer Street, between Throop and Harrison Avenues, Block 2242, Lot Tentative Lot 140 (prior 40), Borough of Brooklyn.

30 Throop Avenue, between Lorimer and Middleton Streets, Block 2242, Lot Tentative Lot 139 (prior 40), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Applications granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated February 25, 2000 acting on N.B. Applic. Nos. 300844576, 300844585, 300844610, 300844629, 300844638, 300848858 which reads:

“ PROPOSED RESIDENTIAL DWELLINGS IN M1-2 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS”; and

WHEREAS, a public hearing was held on this application on February 13, 2001, after due notice by publication in The City Record, laid over to April 3, 2001 and then to April 24, 2001 for decision; and

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

WHEREAS, this application is one of six applications, Calendar numbers 86-00 BZ through 91-00 BZ requesting a variance to permit the construction of residential in a manufacturing district; and

WHEREAS, this application is under Z.R. §72-21, to permit, in an M1-2 zoning district, the proposed development and change in use from warehouse use to a residential use (Use Group 2), which is contrary to the district use regulations, §42-00 of The Zoning Resolution and therefore requires a variance; and

WHEREAS, the site is unimproved with an obsolete, one story warehouse containing 11,400 square feet of floor area; and

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WHEREAS, the existing structure has been utilized as a garage for 60 cars since 1935; and

WHEREAS, the record indicates that the garage contained a gasoline pump which was associated with the Underground Storage Tanks that are located at the premises; and

WHEREAS, the existence of nine permanently sealed underground storage tanks create a unique sub-surface condition; and

WHEREAS, the applicant now proposes to construct one residential building at each parcel with a Floor Area Ratio of 2.99 containing four one family dwellings; and

WHEREAS, evidence in the record indicates that the site was built for manufacturing use more than 75 years ago and is now burdened with insufficient, loading docks, a large number of columns and low ceilings, wooden floors with insufficient weight bearing capacity for modern manufacturing machinery; and

WHEREAS, the applicant has represented that the building is now obsolete for modern manufacturing use and proposes to demolish the existing structures; and

WHEREAS, the parcel on 30 Throop Avenue is currently vacant; and

WHEREAS, the parcel on Throop Avenue only measures 30 wide by 78 feet deep; and

WHEREAS, the Board finds that the parcel Throop Avenue is too small for most manufacturing uses; and

WHEREAS, the applicant has represented that the apartment units will not be sub-divided to create additional apartments; and

WHEREAS, evidence in the record demonstrates that there are approximately 32 tax lots within 400 feet of the premises; and

WHEREAS, the record indicates that nearly half of the 32 aforementioned lots are occupied by residential uses; and

WHEREAS, the size of the site, its history of development and its location on Lorimer Street and Throop Avenue characterized by other residential uses, creates an unnecessary hardship in now developing the site with a conforming use; and

WHEREAS, the applicant has represented that the owner will comply with the Fire Department's requirements; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that a conforming development will not yield a reasonable return; and

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

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

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

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-2 zoning district, the proposed development and change in use from a factory complex to an apartment complex (Use Group 2), which is contrary to the district use regulations, §42-00 of The Zoning Resolution and therefore requires a variance and therefore requires a variance on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with these applications marked "Received November 3, 200"- (1) sheet, "December 27, 2000"- (1) sheet, "March 28, 2001"- (1) sheet and "April 11, 2001"- (8) sheets; and on further condition;

THAT all apartments have smoke detectors installed as per New York City Building Code, within 15'-0" of the bedrooms;

THAT all apartments have an automatic wet sprinkler system connected to a Fire Department approved Central Station;

THAT class 'B' 1 1/2 hour fire proof self closing doors are to be installed at apartment entrances;

THAT Fire dampers are to be installed in all ductwork passing thru rated assemblies;

THAT class B 1 1/2 hour fire proof self closing doors or fusible link sliding doors are to be installed at elevator entry/egress;

THAT all shafts and stair enclosures are to be 2 hour rated non combustible construction using 3 5/8" metal studs with 2 layers of 5/8" type "x" gypsum wallboard on each side;

THAT all ceilings are to be 1 hour rated 5/8" type "x" gypsum wallboard, attached to 7/8" furring channel secured to metal c-joists;

THAT walls around kitchens to be fire retarded with one layer of type "x" gypsum wallboard on interior side;

THAT all finishes have a Class 'A' flamespread rating;

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

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

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

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

Adopted by the Board of Standards and Appeals, April 24, 2001.

227-00-BZ

CEQR #01-BSA-035K

APPLICANT - Sheldon Lobel, P.C., for Moshe Nachum, owner.

SUBJECT - Application October 6, 2000 - under Z.R. 73-622, to permit in an R3-2 zoning district, the enlargement of a single family dwelling and the legalization of the reduction in size of the third floor of an existing one family dwelling, which creates non-compliance with regard to floor area ratio, lot coverage, and open space contrary to Z.R §23-141. PREMISES AFFECTED - 1869 East 23rd Street, between Avenue R and Avenue S, Block 6829, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Neil Monheit.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION

WHEREAS, The decision of the Borough Commissioner, dated September 8, 2000, acting on ALT. Applic. No. 301028206, reads:

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

PROPOSED FLOOR AREA, LOT COVERAGE AND OPEN SPACE IS CONTRARY TO 23-141"; and

WHEREAS, a public hearing was held on this application on March 13, 2001, after due notice by

publication in The City Record, laid over to April 3, 2001, and then to April 24, 2001; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-2 zoning district, the enlargement of a single family dwelling and the legalization of the reduction in size of the third floor of an existing one family dwelling, which creates non-compliance with regard to floor area ratio, lot coverage, and open space contrary to Z.R§ 23-141; and

WHEREAS, the proposed enlargement will increase the floor area ratio to.97, increase the lot coverage to .76.8 and decreases the open space ratio to .62; and

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

WHEREAS, the proposed enlargement will not further encroach on any legally required side yard; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R.§§73-03 and 73-622 and grants a special permit, to permit in an R3-2 zoning district, the enlargement of a single family dwelling and the legalization of the reduction in size of the third floor of an existing one family dwelling, which creates non-compliance with regard to floor area ratio, lot coverage, and open space contrary to Z.R §23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 6, 2000"-(3) sheets, and January 24, 2001"- (3) sheets ; and on further condition;

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

THAT a buffer of 2' be provided and maintained between the house and the existing garage;

THAT the above conditions appear on the certificate of

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occupancy;

THAT substantial construction be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, April 24, 2001.

**252-00-BZ
CEQR #01-BSA-045Q**

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

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Lyra Altman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated September 26, 2000, acting on Alt. application number 401121987 reads:

BSA OBJECTION: A1

“The proposed physical culture establishment in a C2-2 zoning district is not permitted absent a Special Permit from the Board of Standards and Appeals.”; and

WHEREAS, a public hearing was held on this application on March 6, 2001 after due notice by publication in The City Record, and laid over to April 17, 2001, and then to April 24, 2001 for decision; and

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

WHEREAS, Community Board 14, Queens, has recommended approval of this application; and

WHEREAS, this is an application under Z.R. §73-03 and

§73-36 to permit the proposed physical culture establishment, to be located within a portion of the first floor of a one story building, located in a C2-2 zoning district, requires a special permit as per Z.R. §32-00; and

WHEREAS, the subject physical culture establishment will be located in Far Rockaway, on the North East corner of Rockaway Beach Boulevard and Beach 105th Street; and

WHEREAS, the subject site contains approximately 52,112 square feet utilized as part of a commercial strip mall; and

WHEREAS, the subject building contains approximately 19,005 square feet; and

WHEREAS, the portion housing the subject physical culture establishment will occupy 5,435 square feet on a portion of the first floor; and

WHEREAS, the remainder of the building will be occupied by commercial tenants; and

WHEREAS, the facility will provide separate locker rooms for men and women; and

WHEREAS, the subject site is located in a mixed-use area of Queens, characterized by retail commercial and residential uses; and

WHEREAS, the physical culture establishment is completely enclosed within an existing building; and

WHEREAS, the hours of operation of the physical culture establishment shall be limited to Monday to Friday 5:30 A.M. to 11:00 P.M. and Saturday and Sunday 6:30 A.M. to 8:00 P.M.; and

WHEREAS, the applicant has agreed to comply with the Fire Department’s requirements; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-03 and 73-36; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental

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quality Review and makes the required findings under Z.R. §§ 73-03 and 73-36 and grants a special permit, to permit the proposed physical culture establishment, to be located within a portion of the first floor of a one story building, located in a C2-2 zoning district, which requires a special permit as per Z.R. §32-00 on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received October 23, 2000"-(3) sheets and "April 10, 2001"-(1) sheet; and on further condition;

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 hours of operation of the physical culture establishment shall be limited to Monday to Friday 5:30 A.M. to 11:00 P.M. and Saturday and Sunday 6:30 A.M. to 8:00 P.M.;

THAT fire protection measures, including a smoke detection system connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years, to expire on April 24, 2011;

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

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

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

Adopted by the Board of Standards and Appeals, April 24, 2001.

152-00-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

174-00-BZ

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

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

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

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Stuart A. Klein.

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

THE VOTE TO REOPEN HEARING -

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

Negative:0

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

228-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Hoffman and Partners, LLC, owners.

SUBJECT - Application October 10, 2000 - under Z.R. §72-21, to permit the proposed conversion of a vacant building, zoned for manufacturing use, to be used for residential purposes (Use Group 2) which is contrary to Z.R. §42-00. PREMISES AFFECTED - 28/32 Locust Street, between Broadway and Beaver Street, Block 3135, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

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229-00-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Lyra Altman and Anthony Patrissi.

ACTION OF THE BOARD - Laid over to May 22, 2001, at 2 P.M., for continued hearing.

250-00-BZ

APPLICANT - Paul Hastings, Janofsky & Walker LLP, for New York University, owner.

SUBJECT - Application October 19, 2000 - under Z.R. §11-411, to permit the proposed reestablishment of an expired special permit, previously granted under Cal. No. 374-60-BZ, which permitted transient parking in an existing multiple dwelling accessory garage in an R7-2 within a C1-5 zoning district.

PREMISES AFFECTED - 521-541 and 553-63 LaGuardia Place (West Broadway) a.k.a. 207-245 Mercer Street, bounded by LaGuardia Place, West Third, Mercer and Bleecker Streets, Block 533, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Elise Wagner and Martin Taub.

For Opposition: Harold Magida and David Reck.

ACTION OF THE BOARD - Laid over to June 5, 2001, at 2 P.M., for continued hearing.

294-00-BZ

APPLICANT - Fredrick A. Becker, Esq., for William Keefe and Dominic Gatto, owner.

SUBJECT - Application December 11, 2000 - under Z.R. §72-21, to permit the proposed construction of a mixed use building (Use Groups 6 and 17) which will contain commercial use on the ground floor and nine joint work living quarters for artists on the upper floors, located in an M1-5B zoning district, which does not conform with use requirements and fails to comply with bulk requirements relating to the sky exposure plane and setback, which is contrary to Z.R. §42-14(D)(1)(a), §42-14(D)(2)(b) and §43-43.

PREMISES AFFECTED - 501 Broadway a/k/a 72 Mercer Street, west side of Broadway and east side of Mercer Street,

120' north of Broome Street, Block 484, Lot 22, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker, William O'keefe, Robert Traboscia and Kazerina Koiatti.

For Opposition: Doris Diether and others.

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

ACTION OF THE BOARD - Laid over to May 22 2001, at 2 P.M., for continued hearing.

312-00-BZ

APPLICANT - Agusta and Ross, for WSA Equities, LLC, owner; John Street Fitness Club, LLC, lessee.

SUBJECT - Application December 26, 2000 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located on the first floor of a twenty-four story mixed-use building, in a C5-5CR zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80-88 John Street, northwest corner of Gold Street, Block 68, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Mitchell Ross.

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

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

33-01-BZ

APPLICANT - Alfonso Duarte, P.E., for The Boys' Club of New York, owner.

SUBJECT - Application February 2, 2001 - under Z.R. §72-21 to permit the proposed erection of a three story community facility (Use Group 4A) located in an R6 zoning district, which does not comply with the zoning requirements for height of building and complying signs, which is contrary to Z.R. §24-12, §24-36, §23-321, §22-342 and §22-343.

PREMISES AFFECTED - 133-01 41st Road, north side, 564.58' west of Main Street, Block 5041, Lot 67, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Alfonso Duarte.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

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

34-01-A

APPLICANT - Alfonso Duarte, P.E., for The Boys' Club of
New York, owner.

SUBJECT - Application February 2, 2001 - proposed erection
of a three story community facility, located within the bed of
a mapped street, is contrary to Section 35 of the General City
Law.

PREMISES AFFECTED - 133-01 41st Road, north side,
564.58' west of Main Street, Block 5041, Lot 67, Borough of
Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Alfonse Duarte.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

Pasquale Pacifico, Executive Director.

Adjourned: 3:35 P.M.

CORRECTIONS

***CORRECTION**

This resolution adopted on October 31, 2000, under Calendar No. 136-99-BZ and printed in Volume 85, Bulletin No. 44, is hereby corrected to read as follows:

136-99-BZ

CEQR #99-BSA-164K

APPLICANT - Sheldon Lobel, P.C., for Renee M. LaBoz, owner.

SUBJECT - Application June 24, 1999 - under Z.R. §73-622, to permit, in an R3-1 zoning district, the enlargement of a one-family dwelling which would create new non-compliances with regard to floor area ratio, open space ratio, lot coverage and rear yard.

PREMISES AFFECTED - 169 Falmouth Street, Falmouth Street and Oriental Boulevard, Block 8749, Lot 298, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 3, 1999, acting on Application No. 300839715 reads, in pertinent part:

“Obtain special permit approval from the Board of standards and Appeals as per Section 73-622 of the Zoning Resolution for the following objections:

1. Proposed Floor Area contrary to zr 23-141.
2. Proposed Open Space contrary to zr 23-141.
3. Proposed Lot Coverage contrary to zr 23-141.
4. proposed Rear Yard contrary to zr 23-47.”; and

WHEREAS, a public hearing was held on this application on March 14, 2000 after due notice by publication in *The City Record*, laid over to May 2, 2000, May 30, 2000, July 18, 2000, August 8, 2000, September 12, 2000, September 26, 2000, October 17, 2000 and then to October 31, 2000 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio,

R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-1 zoning district, the enlargement of a one-family dwelling which would create new non-compliances with regard to floor area ratio, open space ratio, lot coverage and rear yard; and

WHEREAS, the proposed enlargement will increase the floor area ratio to .56, decrease the open space ratio to 68%, increase the lot coverage to 32%, decrease the rear yard to 20'-7"; and

WHEREAS, the perimeter wall height will only exceed the applicable zoning regulations by 4'-4"; and

WHEREAS, the proposed enlargement will not further encroach on any legally required side yards; and

WHEREAS, in response to Board concerns, the applicant will eliminate the existing one-story encroachment in the rear yard; and

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

WHEREAS, the proposed project will not have any significant adverse impacts upon the quiet, privacy, light and air of the surrounding neighborhood; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to permit, in an R3-1 zoning district, the enlargement of a one-family dwelling which would create new non-compliances with regard to floor area ratio, open space ratio, lot coverage and rear yard, *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 25, 2000”- (9) sheets; and *on further condition*;

THAT the attic space not be used as habitable space;

THAT there shall be no storage or use of the garage’s roof;

THAT there shall be no HVAC units on the roof of the garage;

THAT no deck or other structure shall be beyond 8'-0" of the rear wall;

THAT the two existing wings be removed in compliance with the BSA approved plans;

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

CORRECTIONS

THAT substantial construction be completed and a new certificate of occupancy be obtained within two years of this grant.

Adopted by the Board of Standards and Appeals, October 31, 2000.

***The resolution has been corrected in that the part which read: "THAT no deck or other structure shall be *within* 8'-0" of the rear wall"" now reads: "THAT no deck or other structure shall be *beyond* 8'-0" of the rear wall". Corrected in Bulletin No. 18, Vol. 86, dated May 3, 2001.**

Pasquale Pacifico, Executive Director.