
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 87, No. 14

April 4, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBAY

PETER CALIENDO

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Juan D. Reyes, III, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

CONTENTS

DOCKET	190
CALENDAR of April 23, 2002	
Morning	191
Afternoon	192

CONTENTS

MINUTES of Regular Meetings,
Tuesday, March 26, 2002

Morning Calendar193

Affecting Calendar Numbers:

327-01-BZ	148/152 East 39 th Street, Manhattan
636-53-BZ	700 Post Avenue, Staten Island
80-54-BZ	148/152 East 39 th Street, Manhattan
1015-61-BZ	1515 Bruckner Boulevard, The Bronx
295-71-BZ	98 Richmond Hill Road, Staten Island
1013-80-A	58-64 West 40 th Street, Manhattan
62-83-BZ	696 Pacific Street, Brooklyn
45-90-BZ	260 Hamilton Avenue, Brooklyn
53-91-BZ	23-27/1 Steinway Street, Queens
174-92-BZ	23-29/29A Steinway Street, Queens
175-92-BZ	23-31/31A Steinway Street, Queens
176-92-BZ	23-33/33A Steinway Street, Queens
177-92-BZ	23-35/35A Steinway Street, Queens
114-94-BZ	44 Victory Boulevard, Staten Island
180-95-BZ	256 West Street/416-424 Washington Street, Manhattan
64-96-BZ	148-20 Cross Island Parkway, Queens
36-99-BZ	1347-53 East 23 rd Street, Brooklyn
51-99-BZ	1192 East 22 nd Street, Brooklyn
99-01-A	37-18 74 th Street, Queens
123-01-A	540/2 West 50 th Street, Manhattan
165-01-A	
thru 189-01	Beard Street, Monahan Avenue, Staten Island
376-01-A	10-03 141 st Street, Queens
35-02-A	366 Hillside Avenue, Queens
40-02-A	79 Tyrrell Street, Staten Island

CONTENTS

Afternoon Calendar.....	198
-------------------------	-----

Affecting Calendar Numbers:

214-00-BZ	2761 Plumb 2 nd Street, Brooklyn
241-01-BZ	1279 East 23 rd Street, Brooklyn
279-01-BZ	2106/30 Mc Donald Avenue, Brooklyn
359-01-BZ	5002 14 th Avenue, aka 1384 50 th Street, Brooklyn
361-01-BZ	1761 East 29 th Street, Brooklyn
381-01-BZ	1723 8 th Avenue, a/k/a 443 18 th Street, Brooklyn
217-00-BZ	530 West 50 th Street, Manhattan
226-00-BZ	210 Middleton Street, Brooklyn
136-01-BZ	11-11 44 th Drive, Queens
198-01-BZ	105-45 Cross Bay Boulevard, Queens
207-01-BZ	110 Greenwich Street a/k/a 2 Carlisle Street, Manhattan
250-01-BZ	101-03 Astoria Boulevard, Queens
253-01-BZ	848 Washington Street, Manhattan
259-01-BZ	222-25 Jamaica Avenue, Queens
287-01-BZ	2525 Broadway, Manhattan
295-01-BZ	1257/63 38 th Street, Brooklyn
372-01-BZ	1982 Utica Avenue, Brooklyn
379-01-BZ	4/10 Irving Place, Manhattan
390-01-BZ	98 Richmond Hill Road, Staten Island
396-01-BZ	43A West 13 th Street, Manhattan
29-02-BZ	271-17 76 th Avenue, Queens
34-02-BZ	1705 East 22 nd Street, Brooklyn

MINUTES of Special Hearing,
Wednesday, March 27, 2002

Morning Calendar	212
------------------------	-----

Affecting Calendar Number:

36-01-BZ	328 Spring Street, aka 489-495 Washington Street, Manhattan
----------	-------------------------------------------------------------

Afternoon Calendar	212
--------------------------	-----

Affecting Calendar Number:

262-01-BZ	105 West 24 th Street, aka 735/57 Avenue of the Americas, Manhattan
-----------	--------------------------------------------------------------------------------

CORRECTIONS	213
--------------------------	-----

Affecting Calendar Numbers:

218-01-BZ	450 West 250 th Street, The Bronx
313-00-BZ	248-55 Jamaica Avenue, Queens

DOCKET

New Case Filed Up to March 26, 2002

79-02-BZ B.BK. 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn. Applic.#301126537. Proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, is contrary to Z.R. §42-00.

COMMUNITY BOARD #8M

80-02-A B.Q. 155 Oceanside Avenue, 32.75'x110.58' from the intersection of Oceanside Avenue and Beach 209th Street, Block 16350, Lot 400, Borough of Queens. Applic.#401130628. Proposed enlargement to an existing one family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

81-02-BZ B.BK. 100 Lawrence Avenue, aka 98/102 Lawrence Avenue, south side, 50' west of the intersection of Lawrence Avenue and Seton Place (East 3rd Street), Block 5422, Lot 28, Borough of Brooklyn. Applic.#301124290. Proposed construction of a religious high school (Yeshiva), Use Group 3, located in an R5 Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, street wall, total height, side yards and loading, is contrary to Z.R. §113-11, §23-141(b), §23-622(d), §23-462(a) and §113-22(b).

COMMUNITY BOARD #14BK

82-02-BZ B.BK. 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn. Applic.#301293785. Proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, is contrary to Z.R. §42-00, §23-145 and §23-47.

COMMUNITY BOARD #3BK

40(Tentative Lot 60), Borough of Brooklyn. Applic.#301126528. Proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

COMMUNITY BOARD #8BK

84-02-BZ B.M. 245 East 17th Street, north side, 83' west of Second Avenue, Block 898, Lot 25, Borough of Manhattan. Applic.#103093171. Proposed expansion at the basement, first and second floor levels, of an existing synagogue (Use Group4), located in an R7B and R9A zoning district, which does not comply with the zoning requirements for rear yard and lot coverage, is contrary to Z.R. §24-12 and §24-33.

COMMUNITY BOARD #6M

85-02-BZ B.BX. 850 East 181street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of the Bronx. Applic.#200696577. The legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #6BX

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.

83-02-BZ B.BK. 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot

CALENDAR

APRIL 23, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

PREMISES AFFECTED - 230-234 East 124th Street, between Second and Third Avenues, Block 1788, Lots 35, 37, Borough of Manhattan.

COMMUNITY BOARD #11M

SPECIAL ORDER CALENDAR

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.
SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Association, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application February 6, 2002 - reopening for an extension of term of variance which expired January 6, 2002.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

262-99-BZ

APPLICANT - Sheldon Lobel, P.C., for ARE Group Inc., owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

APRIL 23, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, April 23, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

Pasquale Pacifico, Executive Director

MINUTES

APRIL 23, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, April 23, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

281-01-BZ

APPLICANT - Mothiur Rahman, for Surrinder Sing, owner; G & R Parking, lessee.

SUBJECT - Application September 26, 2001 - under Z.R. §72-21, to permit the legalization of an existing parking lot (Use Group 8) located in an R7-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 35 West Tremont Avenue, aka 31/43 West Tremont Avenue, northwest corner of Kingsland Place, Block 2869, Lot 171, Borough of The Bronx.

COMMUNITY BOARD #5BX

65-02-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, Lindenstar Company, owner; Lindenwood Restaurant, Inc. lessee.

SUBJECT - Application February 20, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance, previously granted under Cal. # 742-74-BZ, which permitted an enlargement to an existing diner, located in an R4 zoning district.

PREMISES AFFECTED - 2870/92 Linden Boulevard, south side, between Amber and Sapphire Streets(78th Street), Block 4497, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

Pasquale Pacifico, Executive Director

REGULAR MEETING

MINUTES

**TUESDAY MORNING, MARCH 26, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, February 26, 2002, were approved as printed in the Bulletin of March 7, 2002, Volume 87, No. 7.

SPECIAL ORDER CALENDAR

327-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

SUBJECT - Application November 9, 2001 - request for withdrawal.

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, March 26, 2002.

636-53-BZ

APPLICANT - David L. Businelli, A.I.A., for Pazh Realty Corporation, owner.

SUBJECT - Application April 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 8, 2000.

PREMISES AFFECTED - 700 Post Avenue, Block 227, Lot 74, Borough of Staten Island.

COMMUNITY BOARD #1

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for postponed hearing.

80-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Dryden Hotel Associates, owner; Carlyle Construction Corp., lessee.

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

PREMISES AFFECTED - 148/152 East 39th Street, between Third Avenue and Lexington Avenue, Block 854, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Sheldon Lobel.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 10 A.M., for decision, hearing closed.

1015-61-BZ

APPLICANT - G.A.L. Associates, by Seymour Gage, for Seymour Hittner/Hittner Partner's Inc., owner.

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

PREMISES AFFECTED - 1515 Bruckner Boulevard, north side of Bruckner Boulevard, corner of Elder Avenue, Block 3713, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Peter Hirshman and Sy Gage.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

295-71-BZ

APPLICANT - Steven M. Sinacori, Stadmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 98 Richmond Hill Road, south side of Richmond Hill Road, 1014' off Richmond Avenue, Block 2400 Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to be heard on the afternoon calendar with Cal. No. 390-01-BZ.

MINUTES

1013-80-A

APPLICANT - Glass & Glass, A.I.A., for 58-64 40th Street Corporation, Inc., owner.

SUBJECT - Application January 31, 2001 - reopening for an extension of term of variance which expired February 10, 2001.

PREMISES AFFECTED - 58-64 West 40th Street, south side 151' east of Sixth Avenue, Block 841, Lot 41, Borough of Manhattan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Elliott M. Glass.

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

ACTION OF THE BOARD - Laid over to April 9, 2002, at 10 A.M., for decision, hearing closed.

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane, Sheldon Lobel and Vlad.

For Opposition: Elisabeth Martin, Roger Mendis, Karen Gleeson, Paul Sheridan and other.

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

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

45-90-BZ

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

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

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

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Arthur Sullivan.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 10 A.M., for continued hearing.

53-91-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostov.

For Administration: John Scrofani, Fire Department.

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

174-92-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sandy Anagnostov.

For Administration: John Scrofani, Fire Department.

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

175-92-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

MINUTES

For Applicant: Sandy Anagnostov.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Laid over to June 18 2002, at 10 A.M., for continued hearing.

176-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.
SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

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

COMMUNITY BOARD #1Q

APPEARANCES -
For Applicant: Sandy Anagnostov.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

177-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.
SUBJECT - Application July 20, 2001- request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired August 20, 1997.

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

COMMUNITY BOARD #1Q

APPEARANCES -
For Applicant: Sandy Anagnostov.
For Administration: John Scrofani, Fire Department.
ACTION OF THE BOARD - Laid over to June 18, 2002, at 10 A.M., for continued hearing.

114-94-BZ

APPLICANT - John LaFemina, for Freehold SL Limited Partnership, owner; Kentucky Fried Chicken Corp., lessee.
SUBJECT - Application May 23, 2001 and updated December 28, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 2, 2000.

PREMISES AFFECTED - 44 Victory Boulevard, west side of Victory Boulevard and south of Van Duzer Street, Block 498, Lot 40, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for deferred decision.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.
SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES - None.
ACTION OF THE BOARD - Laid over to May 21, 2002, at 10 A.M., for continued hearing.

64-96-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Michael Koloniaris and Nichol Koloniaris, owner.
SUBJECT - Application October 16, 2001 - reopening for an extension of term of variance which expired December 11, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 148-20 Cross Island Parkway, west side 102.67' south of 14th Avenue, Block 4645, Lot 3, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -
For Applicant: Hiram A. Rothkrug.
For Administration: John Scrofani, Fire Department.
THE VOTE TO CLOSE HEARING -
Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to June 4, 2002, at 10 A.M., for decision, hearing closed.

36-99-BZ

APPLICANT - Harold Weinberg, P.E., for Avery Eisenreich, owner.
SUBJECT - Application August 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1347-53 East 23rd Street, east side, 340' north of Avenue N, between Avenues M and N, Block 7659, Lot 23, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 10 A.M., for decision, hearing closed.

51-99-BZ

APPLICANT - Ira Zicherman, for Ira Zicherman, owner.

SUBJECT - Application October 15, 2001 - reopening for an extension of time to complete construction which expired September 14, 2001.

PREMISES AFFECTED - 1192 East 22nd Street, between Avenue K and Avenue L, Block 7621, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 10 A.M., for continued hearing.

99-01-A

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

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

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

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Philip Agusta.

For Administration: Battalion Chief Phil Parr and John Scrofani, Fire Department; John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 11 A.M., for continued hearing.

123-01-A

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

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

Group 8) with accessory offices and the parking of vehicles awaiting repairs.

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

APPEARANCES -

For Applicant: Philip P. Agusta, Bruce Bartell and Russel Fridman.

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to May 14, 2002, at 11 A.M., for continued hearing.

165-01-A thru 189-01-A

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

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

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

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

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

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

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

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

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

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

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

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

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

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

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

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

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

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

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

24 Monahan Avenue, south side, 113.69' east of

MINUTES

Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

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

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

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

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

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

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

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

APPEARANCES -

For Applicant: Adam W. Rothkrug and Stan Krebusheuski.

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

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 23, 2002, at 11 A.M., for decision, hearing closed.

300-01-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Henry Lieberman, owner.

SUBJECT - Application October 30, 2001 - Proposed construction of a paved parking area and related facilities, for a proposed one story retail building, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3903/3911 Amboy Road, north side, 407' east of Giffords Lane, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug and Helen Napoli.

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

ACTION OF THE BOARD - Laid over to May 14, 2002, at 11 A.M., for continued hearing.

376-01-A

APPLICANT - H. Irving Sigman, for Moshe Benshaul, owner.

SUBJECT - Application December 3, 2001 - An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

PREMISES AFFECTED - 10-03 141st Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Administration: Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 9, 2002, at 11 A.M., for continued hearing.

35-02-A

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

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

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph A. Sherry.

For Administration: Battalion Chief Philip Parr and John Scrofani, Fire Department; Lisa Orrantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 11 A.M., for continued hearing.

40-02-A

APPLICANT - Rampulla Associates Architects, for Santo Musto, owner.

SUBJECT - Application January 30, 2002 - Proposed construction of a two story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Tyrrell Street, northeast side, 101.20' northwest of Arthur Kill Road, Block 8000, Lot 27, Borough of Staten Island.

COMMUNITY BOARD #3SI

MINUTES

APPEARANCES -

For Applicant: Philip Rampulla.

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

ACTION OF THE BOARD - Laid over to April 16, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:30 P.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 26, 2002 2:00 P.M.

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

ZONING CALENDAR

214-00-BZ

APPLICANT - Harold Weinberg, P.E., for Bill Jordan, Owner.
SUBJECT - Application September 11, 2000 - under Z.R. §73-242, to permit on a site previously before the Board the reestablishment of an expired special permit, previously granted under Calendar Number 733-86-BZ for an eating and drinking establishment, located in a C3 Zoning District.
PREMISES AFFECTED - 2761 Plumb 2nd Street, northwest

corner of Harkness Avenue, Block 8841, Lot 500, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

ACTION OF THE BOARD - Application granted on condition.
THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated September 1, 2000 acting on Alt. Applic.# 301020516 reads:

BOARD OF STANDARDS AND APPEALS DENIAL

1. "THE USE AS AN EATING OR DRINKING ESTABLISHMENT INCLUDING THOSE WHICH PROVIDE OUTDOOR TABLE SERVICE OR HAVE MUSIC FOR WHICH THERE IS NO COVER CHARGE AND NO SPECIFIED SHOWTIME, IN USE GROUP 6 IN A C3 ZONING DISTRICT IS CONTRARY TO SECTION 32-15 OF THE ZONING RESOLUTION: PRIOR BSA APPROVAL UNDER CALENDAR NO. 733/86 BZ HAS LAPSED AND IS REFERRED BACK TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on February 5, 2002, after due notice by publication in the Bulletin and laid over to March 26, 2002 for decision; and

WHEREAS, Community Board No. 15, Brooklyn, has recommended 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 Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-242 to permit, on a site previously before the Board the reestablishment of an expired special permit, previously granted under Calendar Number 733-86-BZ for an eating and drinking establishment, located in a C3 Zoning District; and

WHEREAS, Z.R. §73-242 allows eating or drinking establishments (including those which provide outdoor table service or musical entertainment but not dancing, with a capacity of 200 people or less, and including those which provide music for which there is no cover charge and no specified showtime) for a term not to exceed five years; and

WHEREAS, under Z.R. §73-242 the applicant must demonstrate that the use is located so as not impair the essential character or the future use or development of the nearby residential neighborhood and that the subject use will generate a minimum of vehicular traffic to and through local streets in residential areas; and

WHEREAS, the applicant represents that the subject premises

MINUTES

has continuously housed an eating and drinking establishment for the last 14 years without impairing the essential character of the residential neighborhood and has complied with the conditions of the previous grant; and

WHEREAS, the record indicates that the service road of the Belt Parkway is due south of the site and that Knapp Street to the north carries traffic past a sewage treatment plant buffering traffic from the nearby residential neighborhood; and

WHEREAS, to the south Knapp Street feeds traffic to Edmonds Avenue which leads to the Belt Parkway to the east, or to Sheepshead Bay to the West; and

WHEREAS, the hours of operation for the Use Group 6A eating or drinking establishment shall be limited to 11:30 A.M. to 12:00 Midnight, Sunday through Thursday, and from 11:30 A.M. to 3:00 A.M. Friday and Saturday; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-242; and

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-242 to permit, on a site previously before the Board the reestablishment of an expired special permit, previously granted under Calendar Number 733-86-BZ for an eating and drinking establishment, located in a C3 Zoning District on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, February 25, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to five years from the date of this resolution, expiring on March 26, 2007;

THAT the premises remain graffiti free at all times;

THAT the hours of operation for the Use Group 6A eating or drinking establishment shall be limited to 11:30 A.M. to 12:00 Midnight, Sunday through Thursday, and from 11:30 A.M. to 3:00 A.M. Friday and Saturday;

THAT landscaping be maintained in accordance with BSA approved plans;

THAT the maximum occupancy shall be 200 persons;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

THAT the above referenced conditions shall be noted 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 a new Certificate of Occupancy shall be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, March 26, 2002.

241-01-BZ

APPLICANT - Harold Weinberg, P.E., for Martin Cukier, Owner.
SUBJECT - Application July 18, 2001 - under Z.R. §73-622, to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and rear yards contrary to Z.R §§ 23-141, and 23-47.

PREMISES AFFECTED - 1279 East 23rd Street, east side, 100' north of Avenue M, Block 7641, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

ACTION OF THE BOARD -Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 10, 2001, acting on Application No. 301167092 reads:

- "1. The Floor Area Ratio exceeds the allowable Floor Area Ratio and is contrary to section 23-141 of the Zoning Resolution;
2. The Open Space Ratio is less than the allowable Open Space Ratio and is contrary to section 23-141 of the Zoning Resolution;
3. The rear yard is less than 30' and is contrary to section 23-47 of the Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on February 5, 2002 after due notice by publication in The City Record, and laid over to March 5, 2002, and then to March 26, 2002 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board

MINUTES

consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and rear yard requirements contrary to Z.R. §§ 23-141, and 23-47; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR to 1.11, decrease the Open Space Ratio to .452 and reduce the rear yard from the required 30 feet to 20 feet; and

WHEREAS, the applicant contends that the perimeter wall height will comply with the applicable zoning regulation; 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 under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio and rear yards contrary to Z.R. §§ 23-141, and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received January 9, 2002"-(8) sheets, "January 10, 2002" -(1) sheet, "March 11, 2002"-(3) sheets, and "March 25, 2002"-(1) sheet; and on further condition;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT an automatic wet sprinkler system off the domestic water shall be installed;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within one year of this grant.

Adopted by the Board of Standards and Appeals, March 26, 2002.

279-01-BZ

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

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

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

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 7, 2001 acting on N.B. Applic. No. 301223548, reads;

"The proposed erection of a new yeshiva school in use group 3 in a split zoning district:

1. In an M1-1 Zone is contrary to section 42-00 and is not permitted as of right;
2. In the R5 Zone, exceeds the permitted floor area ratio and is contrary to section 24-11 of the Zoning Resolution (ZR);
3. In R5 Zone, is below the minimum lot coverage and is contrary to section 24-11 of the Zoning Resolution;
4. In the R5 Zone, is contrary to section 24-35 by having deficient side yards.
5. In the R5 Zone, is contrary to section 24-34 by having deficient front yard.
6. In the R5 Zone, is contrary to section 24-36 by having deficient rear yard.
7. In the R5 Zone, is contrary to section 24-521 by not providing a front setback and penetrating the sky exposure plane."

WHEREAS, a public hearing was held on this application on November 27, 2001 after due notice by publication in The City Record, and laid over to January 16, 2002, March 6, 2002 and then to March 26, 2002 for decision; and

MINUTES

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed school, Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to §24-11, §24-34, §24-35, §24-36, §24-521; and

WHEREAS, Community Board 11 approved the use of the site for the school, but objected to the proposed bulk of the building; and

WHEREAS, the subject premises is a through lot divided lengthwise by zoning districts R5 and M1-1 is between Avenues S and T; and

WHEREAS, the proposed school has been designed to front on McDonald Avenue away from the residential community on Lake Street; and

WHEREAS, the applicant represents that the design places activity of the school along McDonald Avenue in the M1-1 district and significantly limits activity along Lake Street in the R5 district; and

WHEREAS, the applicant claims that the entrance is along McDonald Avenue and a bus loading and unloading area will be provided on-site with curb-cuts along McDonald Avenue; and

WHEREAS, the applicant states that a service driveway on the south side of the building will be accessed from McDonald Avenue; and

WHEREAS, a loading dock in the M1-1 portion of the site, properly screened from the Lake Street side of the project, will be used for all deliveries; and

WHEREAS, a receiving room located on the south side of the building is provided to facilitate loading and unloading from the service driveway; and

WHEREAS, the school will provide classrooms, special education classrooms, physical/occupational therapy rooms, arts and science rooms, administrative offices, a library, a cafeteria/gymnasium, a small kitchen and servery for lunches delivered to the school using the service driveway and receiving room on the south side of the building, a main gym, an auditorium/synagogue, and a Beis Midrash (Hebrew library and prayer room); and

WHEREAS, the applicant contends that the student population has outgrown the current elementary school located at Stillwell Avenue and Avenue P; and

WHEREAS, the applicant further contends that the decision to relocate entirely from the Stillwell Avenue location was made because the proposed site is more accessible for education of persons of Orthodox Jewish faith; and

WHEREAS, according to the applicant, the mission of the

school is to provide a system of secular and religious education that challenges and maximizes the individual potential of each student; and

WHEREAS, the site is a rhomboid through lot with approximately 235 feet of frontage along McDonald Avenue and Lake Street and is divided lengthwise between zoning districts; and

WHEREAS, the applicant claims that half the site along Lake Street is in an R5 district and half the site along McDonald Avenue is in an M1-1 district and that the approximate angles of the rhomboid site are 101 degrees on the east lot line and 78 degrees on the west lot line; and

WHEREAS, the applicant claims that these conditions create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations and in developing the site that meets the programmatic needs of the school; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met in a complying building; and

WHEREAS, the school has had difficulty in obtaining land for the development of a school sufficient to meet the programmatic needs of the school; and

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

WHEREAS, the applicant claims that McDonald Avenue is an M1-1 corridor and that the elevated rails of the F train are above and along McDonald Avenue; and

WHEREAS, evidence in the record indicates that properties on the subject block along McDonald Avenue are improved with a transformer yard, school yard, industrial buildings, residencies and professional building; and that properties along Lake Street are improved with a school and 2 and 3 family homes; and

WHEREAS, the applicant has represented that the school has been designed to blend into the existing character of the neighborhood; and

WHEREAS, at the request of the Board and in response to community-based concerns, the proposed project was substantially reduced with regard to height and floor area; and

WHEREAS, the applicant reduced the floor area of the school from 156,071 square feet in the original proposal to 149,173 square feet and is now proposed for 143,200 square feet; and

WHEREAS, the applicant has reduced the height of the front wall along Lake Street from 72 feet in the original proposal to 36 feet or 3 stories to coincide with the height of the adjacent residential homes along Lake Street; and

WHEREAS, the applicant states that the height of the mid section of the building has been reduced from 92 feet in the original proposal to 84 feet; and

WHEREAS, the applicant represents that the FAR in the residential district was reduced from 4.94 in the original proposal to 4.37 and is now 3.47; and

MINUTES

WHEREAS, the applicant states that the side yards in the residential district were increased from 8 and 12 feet to 20 feet unobstructed with landscaping provided; and

WHEREAS, the applicant claims that the number of classrooms was reduced from 80 in the original proposal to 76 and is now proposed for 67; and

WHEREAS, the applicant represents that the proposed number of students to be enrolled in the school has been reduced from 1800 in the original proposal to 1538 and the roof recreation area has been eliminated in response to community-based concerns; and

WHEREAS, the school has reduced the number of staff from 245 in the original proposal to 209 individuals including speech and other therapists and administrative individuals; and

WHEREAS, the applicant further represents that the original submission showed a through driveway for delivery trucks exiting onto Lake Street and at the community's request to eliminate all traffic use of Lake Street, a loading dock was placed at the end of the service driveway to serve as a physical barrier; and

WHEREAS, the applicant claims that the loading dock was moved into the manufacturing district to provide 20 foot side yards in the residential district and in this location to provide a barrier to Lake Street; and

WHEREAS, the applicant has demonstrated that there will be 67 attended parking spaces for the faculty and staff within one half block of the school, and this accessory facility will accommodate the 134 faculty and administrative staff who will be required to car pool; and

WHEREAS, the applicant states that all students, faculty and staff will enter and exit the building through the McDonald Avenue frontage except in case of emergency;

WHEREAS, the applicant also states that school safety guards will be provided by the school or will be financed by the school through the appropriate government agency;

WHEREAS, therefore, after complying with the request of the Board to substantially reduce the proposed project, the Board finds that the proposed 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, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; 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 including potential parking and traffic impacts; and

WHEREAS, the proposed school will be operated by a not-

for-profit entity, and will provide instructions for grades 1 through 8; and

WHEREAS, the proposed hours of operation will be from approximately 7:15 a.m. to 5:15 p.m.; and

WHEREAS, the subject site is 35,000 Square feet, half of which is in the M1-1 district, and required assemblage of five tax lots; and

WHEREAS, the applicant represents that the existing property improvements must be demolished to permit construction of the proposed school; and

WHEREAS, the applicant claims that the assemblage of lot area which would be required to construct the proposed school as-of-right, particularly of substantially unimproved property, can not be reasonably acquired; and

WHEREAS, the Board finds that within the neighborhood to be served by the proposed school, there is no practical possibility of obtaining a site of adequate size located in a zoning district wherein it is permitted as-of-right, because appropriate sites in such districts are occupied by substantial improvements; and

WHEREAS, the applicant states that the site is divided by zoning districts; half of the site is within an M1-1 district and half is within an R5 district (Schools are permitted as-of-right in R5 districts); and

WHEREAS, the Board finds that the school is located not more than 400 feet from the boundary of a district wherein such school is permitted as-of-right; and

WHEREAS, as set forth in the Board approved plans, the premises will contain sound attenuating construction; and

WHEREAS, the Board finds that an adequate separation of the surrounding non-Residential Districts from noise, traffic and other adverse effects will be achieved through the use of sound-attenuating exterior wall and window construction and by the provision of adequate open area along lot lines of the zoning lot; and

WHEREAS, the school is allowed as-of-right in the residential portion of the site and the portion located in a M1-1 zone is surrounded by commercial uses which are similar to uses in a commercial zoning district where the school would be allowed as-of-right; and

WHEREAS, the proposed synagogue/auditorium will be used only for school-related activities and functions; and

WHEREAS, no on-site commercial catering will be allowed; and

WHEREAS, the New York City Department of Transportation ("DOT") has conducted a child and traffic safety review of the subject proposal; and

WHEREAS, the applicant has submitted a school safety plan in consultation with the Proposed School's Safety Program Office in order to address safe routes to the school as well as other measures necessary for the safety of the students and staff; and

WHEREAS, DOT shall investigate the feasibility of implementing the applicant's proposed signal timing modifications at two intersections by the School when the project is built and occupied. These intersections

MINUTES

include McDonald Avenue at Kings Highway and McDonald Avenue at Avenue S. The applicant shall notify DOT six months prior to opening of the school; and WHEREAS, a bus loading and unloading area will be provided along McDonald Avenue which permits children to be delivered to and picked up from the school entirely within the safety of the school property; and

WHEREAS, the Board finds that the movement of the traffic through the street on which the school is located can be controlled so as the protect children going to and from the school; 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 Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed school, Use Group 3, located in an M1-1 and an R5 zoning district, which creates non-conformance to M1-1 district regulations per §42-00, and which creates non-compliance in an R5 district with respect to floor area ratio, lot coverage, side, front and rear yards, front setback and penetrates the sky exposure plane, which is contrary to §24-11, §24-34, §24-35, §24-36, §24-521 on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 20, 2002" - (13) sheets; and on further condition;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT all students, faculty and staff will enter and exit the building through the McDonald Avenue frontage except in case of emergency;

THAT the Certificate of Occupancy will state that the proposed synagogue/auditorium shall be used only for school-related activities and functions;

THAT the Certificate of Occupancy will state that the number of students shall be limited to 1538;

THAT adequate separation of the surrounding non-Residential Districts from noise, traffic and other adverse effects shall be provided through the use of sound-attenuating exterior wall and window construction and by the provision of adequate open area along lot lines of the zoning lot;

THAT the applicant shall notify DOT six months prior to opening of the school;

THAT the DOT shall investigate the feasibility of implementing the applicant's proposed signal timing modifications

at two intersections, namely McDonald Avenue at Kings Highway and McDonald Avenue at Avenue S, by the school when the project is built and occupied;

THAT the school comply with all of the DOT's recommendations;

THAT the Certificate of Occupancy will state that school safety guards shall be provided at two intersections (McDonald Avenue at Avenues S and T) during the hours of 7:30 AM - 8:30 AM and 4:00 PM -5:00 PM;

THAT these crossing guards shall be provided by the school or shall be financed by the school through the appropriate government agency;

THAT the Certificate of Occupancy will state that no rooftop recreation will be permitted;

THAT the Certificate of Occupancy will state that no on-site commercial catering will be permitted;

THAT all deliveries will be made through the McDonald Avenue frontage;

THAT the Certificate of Occupancy will state that the school shall always maintain at least 67 accessory parking spaces for faculty and staff at 2050 McDonald Avenue;

THAT the staff shall be instructed not to park on Lake Street;

THAT a certificate of occupancy for the accessory parking facility at 2040-2050 McDonald Avenue will be obtained prior to the issuance of a certificate of occupancy for the subject premises;

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, March 26, 2002.

359-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bnos Zion of Bobov, owner.

SUBJECT - Application November 13, 2001 - under Z.R. §72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, which is contrary to Z.R. §24-11.

PREMISES AFFECTED - 5002 14th Avenue, aka 1384 50th Street, southwest corner, Block 5649, Lot 38, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2001 acting on ALT Applic. No. 301235483 reads:

“Proposed legalization of the Sixth Floor within the Envelope of the Religious School (Yeshiva) Building is contrary to: ZR § 24-11- Floor Area Ratio and requires a variance from the Board of Standards and Appeals as per § 72-11.”; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record and laid over to March 26, 2002 for decision; and

WHEREAS, Community Board No. 12 in Brooklyn recommended approval of the application; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit the legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-11; and

WHEREAS, the subject premises is occupied by a brick school building on a corner lot of 12,017.7 square feet on the corner of 14th Avenue and 50th Street; and

WHEREAS, the applicant states that the existing building was built in the 1920's, with only three floors, and functioned for many years as a ball room; and

WHEREAS, the applicant represents that in 1980, the building was converted into a conforming school use; and

WHEREAS, the applicant further represents that during this conversion, the second floor was divided to create the new third and fourth floors, and the third floor was divided in order to create the new fourth and fifth floors; and

WHEREAS, the applicant states that during construction, a structural hung ceiling was added at the fifth floor level because the total height of the former third floor was approximately 36 feet, and thus the sixth floor was built within the bulk of the existing structure; and

WHEREAS, the applicant represents that the first floor of the building will be used as a banquet hall with no commercial catering, that the second through sixth floors will be used for educational purposes, that the penthouse will be used as storage

and that the roof will be used as a play area; and

WHEREAS, the applicant states that the uniqueness of the subject premises is inherent in the original structure on this zoning lot and is not the result of the strict application of the zoning regulations in this zoning district; and

WHEREAS, the applicant claims that the original three-story configuration of the 77-foot high structure created a practical difficulty which necessitated the creation and use of the sixth floor; and

WHEREAS, the legalization of the sixth floor is necessary in order to meet the school's need for additional classroom space and fulfill its programmatic needs; and

WHEREAS, the Board finds that evidence in the record shows that the requirements of the school's programmatic needs cannot be met without use of the sixth floor for classrooms because of the unique conditions of the existing building; and

WHEREAS, in addition, where a non-profit community facility's programming needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

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

WHEREAS, a religious school is permitted as of right in the subject R6 zoning district; and

WHEREAS, the applicant represents that the existing structure has occupied the subject lot since the 1920s; and

WHEREAS, the applicant notes that the variance will not alter the character of the neighborhood as there are no changes to the existing footprint or exterior building structure; and

WHEREAS, the record indicates that the subject proposal will not adversely affect the nature of the area residential district; and

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

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

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

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

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

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

Therefore, it is Resolved that the Board of Standards and

MINUTES

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 legalization of an existing sixth floor to a religious school/yeshiva building, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, which is contrary to Z.R. §24-11, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 13, 2001"-(12) sheets and "December 11, 2001 - (1) sheet; and on further condition;

THAT all catering shall be restricted to school-related functions;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 26, 2002.

361-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Siegfried Lobel, owner.

SUBJECT - Application November 19, 2001 - under Z.R. §73-622, to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space, Lot Coverage, perimeter wall and side and rear yards contrary to Z.R. §§ 23-141, 23-631, 23-47 and 23-48.

PREMISES AFFECTED - 1761 East 29th Street, east side, 305' north of Avenue "R", Block 6812, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

ACTION OF THE BOARD- Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 14, 2001, acting on ALT 1 Application No. 301247238 reads:

"Proposed extensions to existing One (1) Family Dwelling are contrary to

ZR Sec 23-141 (a)	Floor Area
ZR Sec 23-141 (b)	Open Space & Lot Coverage
ZR Sec 23-631 (b)	Perimeter Wall
ZR 23-47	Rear Yard
ZR 23-48	Minimum Side Yard

and requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622"; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to March 26, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space, Lot Coverage, perimeter wall and side and rear yards contrary to Z.R. §§ 23-141, 23-631, 23-47 and 23-48; and

WHEREAS, the applicant has proposed that the enlargement will increase the FAR from .46 to .85, decrease the Open Space from .74 to .55; and

WHEREAS, the applicant also seeks to increase the Lot Coverage Ratio from .257 to .446, increase the Open Space from 1102.5 square feet to 1405 square feet and reduce the rear yard from 47 feet to 20 feet; and

WHEREAS, evidence in the record indicates that the subject building was constructed in 1927 and that the pre-existing non-complying side yards of 7 feet and 2 feet 8 inches will be maintained; and

WHEREAS, the applicant also proposes to maintain the pre-existing, non-complying perimeter wall measuring 21'-2"; 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 under Z.R. §73-622 to permit, in an R2 zoning

MINUTES

district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space, Lot Coverage, perimeter wall and side and rear yards contrary to Z.R §§ 23-141, 23-631, 23-47 and 23-48, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received November 19, 2001"-(5) sheets and "March 5, 2002"-(2) sheets; and on further condition;

THAT there shall be no habitable room in the cellar other than a recreation room;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 26, 2002.

381-01-BZ

APPLICANT - Rothkrug & Rothkrug & Spector, for Therapy Learning Center, owner.

SUBJECT - Application December 6, 2001 - under Z.R. §72-21, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district resulting in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, which is contrary to Z.R. §§ 54-31, 24-11, 24-34 and 24-521.

PREMISES AFFECTED - 1723 8th Avenue, a/k/a 443 18th Street, northeast corner, Block 876, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2002 acting on ALT. Application No. 301230353, reads:

"Proposed enlargement of an existing non-profit institution

without sleeping accommodations (Use Group 4) in an R5 zoning district, will increase the degree of non-compliance with respect to floor area, perimeter wall height and encroachment in the sky exposure plane. And must be referred to the Board of Standards and Appeals.";and

WHEREAS, a public hearing was held on this application on February 26, 2002, after due notice by publication in the City Record and laid over to March 26, 2002 for decision; and

WHEREAS, Community Board No. 7 in Brooklyn recommended approval of the subject application;

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district resulting in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, which is contrary to Z.R. §§ 54-31, 24-11, 24-34 and 24-521; and

WHEREAS, the zoning lot is a rectangular corner lot with 50.1' of frontage on Eighth Avenue by 100'-0" of frontage on 18th Street consisting of 5,000 square feet of area, developed with an existing three-story building in the process of being converted into a "non-profit institution without sleeping accommodations (Use Group 4)"; and

WHEREAS, the subject premises is operated by the Therapy and Learning Center, a not-for-profit organization that serves the physical and mental needs of children from birth to age 16; and

WHEREAS, the record indicates that the proposed enlargement includes the enclosure of a portion of the approved roof-top recreation area, to be used for indoor recreation/multi-purpose area creating the need for the instant application; and

WHEREAS, the history of the site indicates that it previously housed a three-story manufacturing or warehouse building and then in 1962 a Certificate of Occupancy indicated that the property was located in a "local retail" Use District and allowed use of the premises as a factory; and

WHEREAS, the applicant represents that the prior use of the building as a non-conforming factory in a residential district severely limited the use of the building for permitted residential or community facility use; and

WHEREAS, the applicant further suggests that the zoning lot's location is undesirable for complying residential uses because it is adjacent to Prospect Expressway and it would be costly to convert the building to a conforming development; and

WHEREAS, the applicant represents that since use of the building was contingent upon obtaining approval for use of a portion of the rooftop as an indoor recreation area, the proposed enlargement will enable the Therapy Learning Center to continue using the building; and

WHEREAS, the applicant represents that the size, history of

MINUTES

development and location of the existing building create unique conditions which result in practical difficulty in redeveloping the site in accordance with the current zoning while meeting the increased programmatic needs of the instant community facility; and

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

WHEREAS, the applicant notes that the Learning Center's use of the subject building will result in the elimination of non-conforming manufacturing uses which would be permitted by the current Certificate of Occupancy; and

WHEREAS, evidence in the record indicates that the proposed community facility use is consistent with the existing R5 zoning district regulations, except for bulk and area regulations; and

WHEREAS, the applicant represents that the proposed rooftop addition will not have a significant impact on adjacent residential uses, and will not result in an increase in the anticipated number of students, staff or visitors; 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; and

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

WHEREAS, the Board finds that the variance application is the minimum variance 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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the proposed enlargement to an existing community facility (Use Group 4) located in an R5 zoning district resulting in an increase in the degree of non-compliance with respect to floor area, perimeter wall height, encroachment within the sky exposure plane and required front yards, which is contrary to Z.R. §§ 54-31, 24-11, 24-34 and 24-521; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "December 6, 2001"-(4) sheets and "March 15, 2002"-(4) sheets; and on further condition;

THAT the cellar, first floor, and all spaces have fire alarm systems and smoke detection systems connected to a Fire Department approved central station;

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

THAT the approved plans shall be considered approved only

for the portions related to the specific relief granted;

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

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

Adopted by the Board of Standards and Appeals, March 26, 2002.

217-00-BZ

APPLICANT - Anthony M. Salvati/Mario Pesa, for Double B Realty c/o Lab Plumbing, owner.

SUBJECT - Application September 13, 2000 - under Z.R. §72-21 to permit the proposed construction of four additional stories to the rear of a two story residential structure, located in an R8 zoning district, (Special Clinton District), which exceeds the allowable F.A.R. and is contrary to Z.R. §96-101.

PREMISES AFFECTED - 530 West 50th Street, south side, 375' west of 10th Avenue, Block 1078, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

226-00-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

MINUTES

136-01-BZ

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

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

198-01-BZ

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

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

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

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

ACTION OF THE BOARD - Laid over to May 7, 2002, at 2 P.M., for continued hearing.

207-01-BZ

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

SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

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

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Phil Parr and John Scrofani,

Fire Department.

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for continued hearing.

250-01-BZ

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

SUBJECT - Application August 7, 2001 - under Z.R. §72-21 to permit the proposed construction of a one story building, for use as retail stores (Use Group 6) located in an R3-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 101-03 Astoria Boulevard, aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

For Opposition: Yvonne Barno, Roy Caldwood, Janita F. and others.

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

ACTION OF THE BOARD - Laid over to May 14, 2002, at 2 P.M., for continued hearing.

253-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding for GHC NY Corp., owner; West Thirteenth Street Development, LLC, lessee.

SUBJECT - Application August 13, 2001 - under Z.R. §72-21 to permit the proposed residential use (34 units) Use Group 2, to be located in a 32 story mixed use building, also the use of additional accessory parking, in an M1-5 zoning district, which is contrary to Z.R. §42-00 and §13-12.

PREMISES AFFECTED - 848 Washington Street, west side, between Little West 12th and West 13th Streets, Block 645, Lots 9 and 11, Borough of Manhattan.

COMMUNITY BOARDS #2M & 4M

APPEARANCES -

For Applicant: Howard Hornstein.

For Opposition: Doris Diether and Stuart Beckerman.

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

ACTION OF THE BOARD - Laid over to April 25, 2002, at 1 P.M., for continued hearing.

259-01-BZ

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

SUBJECT - Application August 23, 2001 - under Z.R. §72-21, to

MINUTES

permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an 1-2 zoning district, which is contrary to Z.R. §32-25. PREMISES AFFECTED - 222-25 Jamaica Avenue, north side, between 222nd and 224th Streets, Block 10741, Lot 48, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik.

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

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

287-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Related Broadway Development, LLC, owner; TSI West 94th Street Inc., (New York Sports Club) lessee.

SUBJECT - Application October 16, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within portions of the cellar and second floor of a twenty-one story mixed use building in a C4-6A/R8 zoning district, which requires a special permit as per 32-10.

PREMISES AFFECTED - 2525 Broadway, west side, between West 93rd and West 94th Streets, Block 1242, Lot 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, Inc., owner.

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38th Street, between 12th and 13th Avenues, Block 5295, Lots 47, 48 and 49, Borough of

Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter, Howard Hornstein and Ethan Eldon.

For Administration: John Scrofani and Arthur Haven, Fire Department.

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for continued hearing.

372-01-BZ

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

SUBJECT - Application November 28, 2001 - under Z.R. §73-21, to permit the proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, which is contrary to a previous variance granted under Cal. Number 94-97-BZ and Z.R. §32-25.

PREMISES AFFECTED - 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

379-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Consolidated Edison of New York, owner; TSI Irving Place, Inc., dba New York Sports Club, lessee.

SUBJECT - Application December 3, 2001 - under Z.R. §32-10, to permit the proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 4/10 Irving Place, east side, between East 14th and 15th Streets, Block 870, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE CLOSE HEARING -

MINUTES

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

390-01-BZ

APPLICANT - Howard Z. Zipser, Stadtmauer Bailkin, for Macy's Northeast Inc., owner.

SUBJECT - Application February 11, 2002 - under Z.R. §73-44, to permit the proposed reduction in the number of required accessory off-street parking spaces, for a proposed furniture store, which requires a special permit as per Z.R. §73-44.

PREMISES AFFECTED - 98 Richmond Hill Road, south side, 1014' off Richmond Avenue, Block 2400, Lot 118, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES -

For Applicant: Steven Sinacori, Howard Zipser, Harvey Samuelson, Edward Goldberg and Vincent Iavavone.

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

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

396-01-BZ

APPLICANT - Fredrick A. Becker, Esq., for Glass House Cooperative, Inc., owner; Le Spa D'Soleil, LLC dba Lounge Spa, lessee.

SUBJECT - Application December 19, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, located in the cellar level with an entrance on the first floor in an existing cellar and nine story mixed use building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 43A West 13th Street, north side, 275' east of Sixth Avenue, Block 577, Lot 66, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker and Doris Diether.

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

ACTION OF THE BOARD - Laid over to April 23, 2002, at 2 P.M., for decision, hearing closed.

APPLICANT - Salans Hertzfeld Heilbronn, Christy & Viener, for Long Island Jewish Medical, owner.

SUBJECT - Application January 16, 2002 - under Z.R. §72-21, to permit the proposed two-level addition, to an existing main parking garage, which encroaches into the required front yard, side yard and setback, and increases the total number of parking spaces beyond the maximum permitted by the Zoning Resolution, is contrary to Z.R. §24-34, §24-35, §24-521, §25-11, §25-12, §25-13 and §54-31. PREMISES AFFECTED - 271-17 76th Avenue, block bounded by 76th Avenue, 74th Avenue, 263rd Street and the Queens/Nassau County Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

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

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

34-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paula & Michael Pinedo, owners.

SUBJECT - Application January 18, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing single family residence, Use Group 1, which does not comply with the zoning requirements for floor area, rear yard and lot coverage, is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 1705 East 22nd Street, between Quentin Road and Avenue "P", Block 6785, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to April 16, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 5:00 P.M.

29-02-BZ

MINUTES

SPECIAL HEARING

WEDNESDAY MORNING, MARCH 27, 2002

9:30 A.M.

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

ZONING CALENDAR

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street a.k.a. 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Palazzo, Dan Lane, Gall Guillet and others.

For Opposition: Doris Diether, Kenneth McCallion, Katy Bordonaro and Richard Barrett.

For Administration: John Scrofani, Fire Department.

THE VOTE CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to June 18, 2002, at 9:30 A.M., for decision, hearing closed.

SPECIAL HEARING

WEDNESDAY AFTERNOON, JANUARY 30, 2002

1:00 P.M.

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

ZONING CALENDAR

261-01-BZ

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

SUBJECT - Application August 27, 2001 - under Z.R. §72-21 and §73-16, to permit the proposed construction of an electric utility substation, Use Group 17(c), located in C6-4X zoning district, which does comply with the zoning requirements for street wall location and setback, is contrary to Z.R. §32-10, §33-432 (b) and §35-25 (b) and (c), and also requires a special permit as per §73-16.

PREMISES AFFECTED - 105 West 24th Street, aka 735/57 Avenue of the Americas, west side, at the corner formed by the intersection of 24th Street and Avenue of the Americas, Block 800, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Robert S. Davis, David Helpem, John Miksad and Sharon Ullman.

For Opposition: Stephen Kass, Michael Tracy, Sylvia Lachter, Peter Weiner and others.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to May 17, 2002, at 1:30 P.M., for decision, hearing closed.

MINUTES

CORRECTIONS

Pasquale Pacifico, Executive Director.

Adjourned: :00 P.M.

***CORRECTION**

This resolution adopted on December 18, 2001, under Calendar No. 218-01-BZ and printed in Volume 86, Bulletin Nos. 51-52, is hereby corrected to read as follows:

218-01-BZ

CEQR #01-BSA-161X

APPLICANT - Moshe M. Friedman, P.E., for Misrad Associates, LP, owner; Yeshiva Ohavei Torah, lessee.

SUBJECT - Application June 25, 2001 - under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. 24-111, 24-521, 24-34 and 25-31.

PREMISES AFFECTED - 450 West 250th Street, south east corner of Henry Hudson Parkway, Block 5824, Lot 2470, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Moshe M. Friedman.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:0

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 12, 2001 acting on Applic. No. 200673789 reads:

“In an R1-2 in an NA-2 Zoning District

1. Proposed vertical extension of existing School Building is contrary to

ZR 24-111 FAR

ZR 24-521 Height, Perimeter Wall & Sky Exposure

ZR 25-31 Parking and requires a Variance from the Board of Standards and Appeals.

2. Approval from City Planning Commission required in a Special Natural Area (NA-2)
District ZR 105-02”

WHEREAS, a public hearing was held on this application on October 2, 2001, after due notice by publication in *The City Record* and laid over to October 18, 2001 and November 20, 2001 and then to December 18, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31; and

WHEREAS, the subject site is improved with an existing building which is a one story, detached brick school building; and

WHEREAS, the applicant represents the existing school requires more space in order to accommodate the growing needs of the community; and

WHEREAS, the applicant represents that the school requires more floor area in order to have more classrooms and a larger Synagogue; and

WHEREAS, the applicant represents the proposed construction takes into account the unique sensitivity of the current zoning as a Special Natural Area and in order not to disturb the ground or create more covered space, the building will only be enlarged vertically; and

WHEREAS, the applicant represents the subject premises is occupied by a brick school building on an irregularly shaped lot of 10,510'; and

WHEREAS, the applicant represents the site is bounded on three sides by streets, West 250th Street to the north, Delafield Avenue to the east, and Henry Hudson Parkway to the west; and

WHEREAS, it is proposed to vertically extend the school building without change to the existing footprint; and

WHEREAS, these circumstances create a unique burden on the school, creating the need for a non-complying design that is better suited to its programmatic needs; and

WHEREAS, the proposed non-complying design is necessary in order to meet the programmatic needs of the Religious School-Yeshiva requiring both Synagogue study hall and classrooms in the same building; and

WHEREAS, the site itself is unique, as the lot fronts three Streets, and is graded at an extreme slope causing construction to be difficult and expensive; and

WHEREAS, the site also fronts an arterial highway- the Henry Hudson Parkway, making the site undesirable for a one family residential use; and

WHEREAS, the applicant represents and the Board agrees that the practical difficulties and unnecessary hardship arise from the impact of the applicable zoning restrictions on the subject lot; and

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

CORRECTIONS

WHEREAS, as the building fronts a busy arterial highway and is at a different level than all the residential buildings in the neighborhood, it will not substantially impair the appropriate use or development of adjacent properties; and

WHEREAS, the Board has reviewed the applicant's proposal and finds it consistent with New York City's Waterfront policy; and

WHEREAS, the applicant represents the proposed addition will not have any impact on any adjacent property, and will not alter the essential character of the neighborhood and that the addition is modest in size; and

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

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

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

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

WHEREAS, the evidence demonstrates no foreseeable

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed vertical addition of a second story, to an existing one story school building, Use Group 3, located in an R1-2 within an

NA-2 zoning district, which creates non-compliance with respect to FAR, height, perimeter wall, sky exposure plane, front yard and parking, is contrary to Z.R. §24-111, §24-521, §24-34 and §25-31, 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 16, 2001"-(2) sheets, "November 20, 2001"- (9) sheets and "January 29, 2002"-(1) sheet; and on further condition;

THAT the development, as approved, is subject to approval from City Planning Commission as required in a Special Natural Area (NA-2) District Z.R. §105-02; and

THAT in accordance to the request from the Fire Department that the premises is not to be used for housing;

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 new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, December 18, 2001.

***The resolution has been corrected in that the portion which read: "Received, November 20, 2001-(9) sheets and "January 29, 2002"-(1) sheet" now reads: "Received, August 16, 2001"-(2) sheets, November 20, 2001-(9) sheets and "January 29, 2002"-(1) sheet". Corrected in Bulletin No. 14, Vol. 87, dated April 4, 2002.**

***CORRECTION**

This resolution adopted on October 16, 2001, under Calendar No. 313-00-BZ and printed in Volume 86, Bulletin Nos. 35-44, is hereby corrected to read as follows:

313-00-BZ

CEQR # 01-BSA-080Q

APPLICANT - Alfonso Duarte, for Rajesh Pushparajan, owner.
SUBJECT - Application December 28, 2000 - under Z.R. §72-21, to permit the legalization of an existing auto repairs and sales

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Alfonso Duarte.

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

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative:.....0

THE RESOLUTION -

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

- "1. Proposed automobile repairs and sales in C2-2/R4 district contrary to Sect. 32-00 Z.R. and BSA CAL.

CORRECTIONS

- 2) Proposed extension in side yard contrary to Sect. 33-291 Z.R.”;and

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

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

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

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

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

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

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

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

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

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

WHEREAS, the aforementioned history of development with a gasoline service station creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

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

WHEREAS, the record indicates that within the vicinity of the subject premises many commercial uses are present; and

WHEREAS, therefore, the Board finds that this action will not

alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, to permit in a C2-2 within an R4 zoning district, on a site previously before the Board, the legalization of an existing auto repair and establishment (Use Groups 16 A and 16 B) which is contrary to Z.R. §32-00 and Calendar Number 107-34-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received, March 28, 2001”-(2) sheets and “August 2, 2001”-(1) sheet; and on further condition;

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

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

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

***The resolution has been corrected in that the portion of the Resolved which read: “...and a proposed extension into the side yard of the subject premises...” has been removed. Corrected in Bulletin No. 14, Vol. 87, dated April 4, 2002.**

Pasquale Pacifico, Executive Director.

MINUTES

[BLANK PAGE]