
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DOCKET

New Case Filed Up to August 6, 2002

216-02-A B.Q. 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens. Alt I #401451406. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

221-02-A B.Q. 107-78 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 47, Borough of Queens. Applic. #401466622. Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

217-02-A B.S.I. 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island. N.B. #500526807. Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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

218-02-BZ B.BK. 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn. Applic. #301303104. Proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, is contrary to Z.R. §32-00.

COMMUNITY BOARD #7BK

219-02-A B.Q. 107-72 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 43, Borough of Queens. Applic. #401466604. Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

220-02-A B.Q. 107-76 Watson Place, south side, 700' east of Polhemas Avenue, Block 10251, Tentatively Lot 45, Borough of Queens. Applic. #401466613. Proposed two story and basement, two family dwelling, located within the bed of a mapped street, is contrary to Section 35, of the General City Law.

CALENDAR

OCTOBER 1, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 1, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

109-34-BZ

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

SUBJECT - Application August 6, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 64-40 Myrtle Aenue aka 72-02 Cypress Hills Street, southwest corner of Myrtle Avenue and Cypress Hills Street, Block 3594, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

234-56-BZ

APPLICANT - Richard Bowers, Stadtmauer Bailkin, for Haymeli Enterprises, Inc., owner; 10th Avenue Auto Services, Corp., lessee.

SUBJECT - Application July 24, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED- 10-02 Clintonville Street, corner of 10th Avenue, Block 4515, Lot 29, Whitestone, Borough of Queens.

COMMUNITY BOARD #7Q

459-73-BZ

APPLICANT - Sheldon Lobel, P.C, for Joseph Angelone, owner; The Great Atlantic Pacific Tea Co., lessee.

SUBJECT - Application July 18, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expires July 25, 2002.

PREMISES AFFECTED - 2424/2448 Flatbush Avenue, southern corner of Avenue T and Flatbush Avenue, Block 8542, Lots 41 and 46, Borough of Brooklyn.

COMMUNITY BOARD #18BK

540-86-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLC, for 148 Jamaica Avenue Company, LLC, owner.

SUBJECT - Application June 19, 2002 - reopening for an extension of term of variance which expired June 23, 2002.

PREMISES AFFECTED - 32-11/21 Newtown Avenue, aka 28-36/58 33rd Street, north west corner of Newtown Avenue and 53rd Street, Block 619, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT- Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED- 55 West Houston Street, aka 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #2M

OCTOBER 1, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 1, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

228-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Onofrio and Joanne Rocco, lessee.

SUBJECT - Application August 12, 2002 - proposed replacement of the existing foundation and the defective structure, rearrange the interior partitions and install a new septic system, in a one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Article 3, Sections 35 and 36 of the General City Law.

PREMISES AFFECTED - 231 Bayside Drive, southeast corner of Roxbury Boulevard, Block 16350, Part of Lot 50, Borough of Queens.

CALENDAR

COMMUNITY BOARD #14Q

OCTOBER 1, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 1, 2002, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

233-01-BZ

APPLICANT - Rampulla Associates Architects, for Heller Realty Corporation, owner.

SUBJECT - Application July 9, 2001 - under Z.R. §72-21, to permit the proposed construction of a mixed use 16 story commercial/residential building, Use Groups 2 and 6, in an M1-5 zoning district, in which the residential use with accessory off street parking spaces is not permitted, and also does not meet the zoning requirement for outer courts, which is contrary to Z.R. §42-10, §13-11, §13-12 and §23-84.

PREMISES AFFECTED - 537 West 19th Street, northwest corner of 11th Avenue, Borough of Manhattan.

COMMUNITY BOARD #4M

292-01-BZ

APPLICANT - Anthony M. Salvati, for Peter Mosconi, owner.

SUBJECT - Application October 18, 2001 - under Z.R. §72-21, to permit the legalization of a new dining room at the rear of the structure, and a storage room in the cellar, which is part of an existing and drinking establishment, Use Group 6, located in an R7-2 zoning district, is contrary to Z.R. §52-22.

PREMISES AFFECTED - 69/71 MacDougal Street, north side, 120-3 1/2" of West Houston Street, Block 526, Lots 33 and 34, Borough of Manhattan.

COMMUNITY BOARD #2M

26-02-BZ

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

SUBJECT - Application January 14, 2002 - under Z.R. §72-21, to permit the reestablishment of an expired variance

previously granted under Cal. No.141-69-BZ for an automotive service station, and a proposal for minor modifications to the pump islands, which is contrary to Z.R. §32-25, located in a C1-2 zoning district.

PREMISES AFFECTED - 1680 Richmond Avenue, northwest corner of Victory Boulevard, Block 2160, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

87-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Harvinder Singh, owner.

SUBJECT - Application March 27, 2002 - under Z.R. §72-2, to permit the proposed enlargement and modification of an existing automotive service station with repairs, Use Group 16, so as to include an accessory convenience store, located in an R5 zoning district.

PREMISES AFFECTED - 8401 Flatlands Avenue, between East 83rd and East 84th Streets, Block 8005, Lots 2 and 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

106-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Beth Jacob of Boro Park, Inc., owner.

SUBJECT - Application April 3, 2002 - under Z.R. §72-21, to permit the proposed expansion of an existing childcare facility and yeshiva, Use Groups 3 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and the required off-street parking and is contrary to Z.R. §24-11, §24-12, §24-36 and §25-31.

PREMISES AFFECTED - 4502 14th Avenue, a/k/a 1371 46th Street, Block 5617, Lots 38, 43 and 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

112-02-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for Sima Realty LLC, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §72-21, to permit the proposed top five stories of a six story commercial building, erected before December 15, 1961, for residential use, which is contrary to Z.R. §15-021(e), located in a C6-1G.

PREMISES AFFECTED - 48 Eldrige Street, east side, between Hester and Canal Streets, Block 300, Lot 7,

CALENDAR

Borough of Manhattan.

COMMUNITY BOARD #3M

Pasquale Pacifico, Executive Director

124-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for St. John's University, owner.

SUBJECT - Application April 18, 2002 - under Z.R. §72-21, to permit the proposed combination of three existing accessory group parking facilities, into a single facility with roof top parking, and secondly the construction of a new accessory garage with rooftop parking, for an existing university campus, located in an R4 zoning district, which is contrary to §25-11 and §25-13.

PREMISES AFFECTED - 8000 Utopia Parkway, bounded by Union Turnpike, 82nd Avenue and 170th Street, Block 7021, Lots 1, 50, 75 and 100, Borough of Queens.

COMMUNITY BOARD #8Q

157-02-BZ

APPLICANT- Dennis D. Dell' Angelo, R.A., for Jeffrey M. Eisenberger, owner.

SUBJECT - Application May 15, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and rear yards, is contrary to Z.R. §23-14, §23-46 and §23-47.

PREMISES AFFECTED - 1334 East 27th Street, west side, 260' south of Avenue "M", Block 7662, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

163-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Edmond and Terri Harary, owners.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side and rear yards, lot coverage and wall height, is contrary Z.R. §23-47, §23-461 and §23-141 and §23-461.

PREMISES AFFECTED - 2029 East 21st Street, 300' south of Avenue "S", between Avenues "S and "T", Block 7300, Lot 72, Borough of Brooklyn.

COMMUNITY BOARD # 15BK

MINUTES

**REGULAR MEETING
TUESDAY MORNING, AUGUST 6, 2002
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 9, 2002, were approved as printed in the Bulletin of July 18, 2002, Volume 87, No. 27-28.

SPECIAL ORDER CALENDAR

674-52-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Steven Ibrahim, owner.

SUBJECT - Application August 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 13, 2000.

PREMISES AFFECTED - 21-04 21st Avenue, southeast corner of 21st Street, Block 880, Lot 46, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired December 13, 2000; and

WHEREAS, a public hearing was held on this application on May 14, 2002, after due notice by publication in *The City Record*, laid over to July 9, 2002, and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of

the variance for a gasoline service station for an additional ten (10) years; and

WHEREAS, by letter dated June 18, 2002, the applicant acknowledges that the subject premises is not in compliance with the said resolution in regard to the provision and maintenance of the sidewalk, the masonry wall in the rear, and the landscaping;

WHEREAS, furthermore, the applicant has indicated that the current tenant of the property has refused to bring the premises into compliance, and that the necessary repairs are not forthcoming.

Therefore it is resolved that the decision of the Borough Superintendent must be sustained and this application is denied.

(DOB No. 401290928)

Adopted by the Board of Standards and Appeals, August 6, 2002.

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

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening, an amendment to the resolution and extension of the term of the variance which expired on December 7, 2001; and

WHEREAS, a public hearing was held on this application April 23, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002, July 16, 2002 and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a retail building in an R4 district for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to reflect changes in the layout of the premises.

Resolved, that the Board of Standards and Appeals

MINUTES

reopens and amends the resolution pursuant to §11-411, said resolution having been adopted on June 19, 1953, as amended through February 2, 1982, so that as amended this portion of the resolution shall read:

‘To extend the term of the variance for ten years from December 7, 2001 expiring December 7, 2011; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received February 12, 2002”-(3) sheets; and on further condition

THAT there shall be a permanent sign posted outside, at the rear of the building, alerting the Fire Department that in order to gain access, you must pass through two (2) steel plate doors, approximately 10 feet apart;

THAT the rear access foyer is not to be used for storage of any kind;

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

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 401302194)

Adopted by the Board of Standards and Appeals, August 6, 2002.

publication in *The City Record*, laid over to July 9, 2002 and then laid over to August 6, 2002 for decision; and

WHEREAS, on December 3, 1957 as amended through October 25, 1994, expiring May 1, 2003, the Board permitted in a residence use district the erection and maintenance of a gasoline service station, lubricatorium, minor auto repairs, car washing, office and sales, storage room, parking and storage of motor vehicles; and

WHEREAS, the above approval was granted on condition that the existing fence on the eastern lot line shall be extended to 10’ high with 100% screening throughout; that landscaping shall be provided and maintained in accordance with BSA approved plans; that there shall be no automobile repairs in the open portion of the lot; that there shall be no parking of vehicles on the sidewalk or in such a manner as to obstruct pedestrian or vehicular traffic; that bumpers shall be provided in accordance with BSA approved plans; that the premises shall remain graffiti-free; that there shall be no movable signs on the premises; and

WHEREAS, The Board received complaints alleging non-compliance with a Variance granted for the subject premises under BSA Cal. No. 889-55-BZ; and

WHEREAS, Specifically, the complaints allege that the site was unpaved, the sidewalk needed repair, that vehicles were being parked on residential sidewalks, that bumpers had not been provided, that landscaping had not been maintained, that banners, bumpers, movable signs and other signage were displayed, that automotive repairs were being performed with machine tools and outdoors; and

WHEREAS, on December 4, 2001, the Board informed the owner of the premises of the above allegations and requested documentation by December 15, 2001, that allegations were not true or that the property conformed to the Board’s grant; and

WHEREAS, the owner’s response to the Board’s request was, that the operator of the property was responsible for the condition of the premises; and

WHEREAS, on February 2002, Board staff made a site visit which revealed that many of the above allegations were true and the operator was informed that at the very least, the property needed to be paved, bumpers provided that parking need to be limited to the 18 spots previously granted, that all work needed to be done indoors, and that signage not previously approved had to be removed; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, the Board notes that on April 24, 2002, the subject property was not in compliance with the Board’s grant as some of the issues raised in the December 4, 2001 letter had not been resolved; and

WHEREAS, both the owner and the operator appeared before the Board and the operator expressed regret for the condition of the property and requested an opportunity to bring the premises into compliance with the 1994 grant; and

889-55-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 69-15 164th Street, Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by

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WHEREAS, the Board gave the operator sixty (60) days to provide signage calculations, provide an affidavit that no autobody work would be conducted on the premises, pictures of the site showing that the sign advertising autobody work is removed and that sidewalk cracks have been repaired; and

WHEREAS, the Board notes that the subject variance is subject to Board renewal in May 2003; and

WHEREAS, in response to Board requests for documentation that the alleged violations had been cured, the operator submitted photographs illustrating that the site is in compliance with the conditions set forth in the Board's resolution; and

WHEREAS, the record also contains a signed Affidavit from the site operator stating that he is aware that autobody repair and painting is not permitted at the premises and that he will not conduct autobody repair or painting in the future; and

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board's prior grant and this application to rescind the variance is withdrawn from the Compliance Calendar.

Adopted by the Board of Standards and Appeals August 6, 2002.

545-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo, Commissioner Miele.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a re-opening, an amendment to the resolution and extension of the term of the variance which expired on October 29, 2002; and

WHEREAS, a public hearing was held on this application June 18, 2002, after due notice by publication in *The City Record*, laid over to July 16, 2002 and then to

August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station with accessory uses for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to permit the elimination of the swing gates on the southwest corner of the site and on the north side of the property, the use of a countertop rather than a partition to separate the attendant's booth from the sales area and the maintenance of a vending machine and vacuum along the north side of the site.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §§11-411 and 11-412, said resolution having been adopted on October 29, 1957, as amended through July 18, 1995, so that as amended this portion of the resolution shall read:

"to extend the term of the variance for ten years from October 29, 2002 expiring October 29, 2012 and to permit the elimination of the swing gates on the southwest corner of the site and on the north side of the property, the use of a countertop rather than a partition to separate the attendant's booth from the sales area and the maintenance of a vending machine and vacuum along the north side of the site; *on condition*

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received March 19, 2002"- (3) sheets; *and on further condition*

THAT the hours of operation for the automobile vacuums shall be limited to 9AM-7PM;

THAT there shall be no change in use, ownership or lessee without Board approval;

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

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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." (NB. No. 638/56)

Adopted by the Board of Standards and Appeals, August 6, 2002.

820-67-BZ

APPLICANT - Willy C. Yuin, R.A., for Rick Corio, Pres.

MINUTES

Absolute Car Carrier, owner.

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance permitting a motor vehicle repair shop, which expired November 8, 2001; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in *The City Record*, laid over to June 11, 2002, and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years; and

WHEREAS, Community Board #1 in Staten Island has recommended approval of this application.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extend* the term of the variance, said resolution having been adopted October 31, 1967 so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten (10) years from November 8, 2001 expiring November 8, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received March 15, 2002"-(2) sheets and "July 30, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT there shall be no outdoor repair work;

THAT there shall be no outdoor storage;

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;

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."

(ALT. No. 457/85)

Adopted by the Board of Standards and Appeals, August 6, 2002.

837-85-A

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

SUBJECT - Application December 13, 2000 - reopening for an extension of the term of variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73rd Avenue and 73-02 167th Street, southwest corner of 73rd Avenue and 167th Street, Block 6974, Lot 19, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired December 17, 2000; and

WHEREAS, a public hearing was held on this application on February 27, 2001, after due notice by publication in *The City Record*, laid over to April 17, 2001, May 22, 2001, July 10, 2001, December 4, 2001, February 26, 2002, May 21, 2002 and then to August 6, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years for the use of the first floor of a one-story and cellar wood frame building for medical offices.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §§73-211 and 73-212, said resolution having been

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adopted December 17, 1985, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten (10) years from December 17, 2000 expiring December 17, 2010, *on condition*

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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." (ALT. No. 457/85)

Adopted by the Board of Standards and Appeals, August 6, 2002.

16-99-BZ

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

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

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo, and Commissioner Miele.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on August 10, 2001; and

WHEREAS, a public hearing was held on this application on February 12, 2002, after due notice by publication in *The City Record*, laid over to March 19, 2002, April 9, 2002, May 7, 2002, June 11, 2002, July 16,

2002, and then to August 6, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on August 10, 1999, pursuant to §73-622, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

"That a new Certificate of Occupancy shall be obtained within twenty-four (24) months from August 10, 2001; and on further condition

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

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

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

Adopted by the Board of Standards and Appeals, August 6, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman and Frank Mormando.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1,

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Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

657-49-BZ

APPLICANT - Fredrick A. Becker, Esq., for Geofra Realty Corp., owner.

SUBJECT - Application April 8, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 20, 2000.

PREMISES AFFECTED - 92-02/08 Rockaway Beach Boulevard, northwest corner of Rockaway Beach Boulevard and Beach 92nd Street, Block 16127, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

906-50-BZ, Vol. II

APPLICANT - Vassalotti Associates Architects, LLP, for Martin Siegel, owner; ExxonMobile, lessee.

SUBJECT - Application March 19, 2002 - request for a

waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 8101/8111 Third Avenue, southeast corner of 81st Street and Third Avenue, Block 5997, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

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

618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

827-55-BZ

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APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America, Inc., lessee.
SUBJECT - Application April 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 31, 2001.

PREMISES AFFECTED - 245-20 139th Avenue aka 245-22/32 S. Conduit Avenue and 139-02/10 246th Street, southwest corner of 246th Street, Block 13514, Lot 23, Rosedale, Borough of Queens.

COMMUNITY BOARD #13

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Lawrence Dalfino.

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

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue aka 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 10 A.M., for continued hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10 A.M., for continued hearing.

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Manuel B. Vidal, Jr.

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

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

MINUTES

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

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

68-91-BZ

APPLICANT - Walter T. Gorman, P.E., for Cumberland Farms, (GULF) Inc., owner; NOR-Springfield Service Station, owner.

SUBJECT - Application February 5, 2002 - reopening for an extension of term of variance which expired May 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 223-15/25 Union Turnpike aka 79-10 Springfield Boulevard, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

37-96-BZ

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

SUBJECT - Application June 1, 2001 - reopening for an amendment to the resolution and for an extension of time to complete construction.

PREMISES AFFECTED - 1601 Bronxdale Avenue, southwest corner of East Tremont Avenue, Block 4042, Lot 200, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

333-01-A thru 358-01-A

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

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

PREMISES AFFECTED -

50 Tennyson Drive, east side, 349.3' north of

Nelson Avenue, Block 5212, Tentative Lot 56, Borough of Staten Island.

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

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

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

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

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

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

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

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

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

70 Tennyson Drive, east side, 186.28' north of Nelson Avenue, Block 5212, Tentative Lot 66, Borough of Staten Island.

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

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

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

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

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

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

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

86 Tennyson Drive, east side, 50.54' north of

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Nelson Avenue, Block 5212, Tentative Lot 174, Borough of Staten Island.

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

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

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

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

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

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

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 11 A.M., for continued hearing.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, 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 - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 11 A.M., for postponed hearing.

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point

Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 11 A.M., for decision, hearing closed.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 11 A.M., for continued hearing.

140-02-A

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

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

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Dwelling Law and the Zoning Resolution.
PREMISES AFFECTED - 67-35 73rd Place, east side,
96.37' south of 67th Road, Block 3771, Lot 8, Borough of
Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: John Resinger, Department of Buildings and
John Feijoo.

ACTION OF THE BOARD - Laid over to October 8,
2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:20 A.M.

REGULAR MEETING TUESDAY AFTERNOON, AUGUST 6, 2002 2:00 P.M.

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

ZONING CALENDAR

215-01-BZ

CEQR #01-BSA-158K

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

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

PREMISES AFFECTED - 85 Union Avenue, southwest

corner of Lorimer Street, Block 2245, Lot 24, Borough of
Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Fredrick Becker.

For Administration: Capt. Michael Maloney and John
Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on
condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough
Commissioner, dated May 24, 2001 acting on NB
Application No. 301161604 reads:

“Proposed multiple dwelling (U.G 2) in subject
M3-1 zoning district is contrary to Z.R. 42-10.
Must be referred to BSA.

There are no applicable bulk, parking or yard
regulations.”

WHEREAS, a public hearing was held on this
application on June 4, 2002 after due notice by publication
in *The City Record* and laid over to July 9, 2002, July 23,
2002 and then to August 6, 2002 for decision; and

WHEREAS, Community Board #1 in Brooklyn has
approved this 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, Vice-Chairman Babbar,
Commissioner Mitchell Korbey and Commissioner Peter
Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to
permit the proposed construction of a four story plus cellar
multiple dwelling, Use Group 2, located in an M3-1 zoning
district, which is contrary to Z.R. §42-10; and

WHEREAS, the subject property is located within an
M3-1 zoning district and is improved with one story
structure that is currently occupied by automobile repair
use; and

WHEREAS, the applicant proposes to replace the
existing structure with a four story multiple dwelling that
will contain one unit on each floor, each of which will
contain four bedrooms; and

WHEREAS, the subject site is an irregularly shaped
corner parcel of land located at the intersection of Lorimer
Street and Union Avenue in Brooklyn; and

WHEREAS, the site is of a triangular shape with 77 feet
of frontage on Lorimer Street, 116 feet and 4 3/8 inches of
frontage on Union Avenue and a total lot area of 3358.7
square feet; and

WHEREAS, the applicant represents that the existing

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and potential as-of-right use is constrained by the small and irregular lot size; and

WHEREAS, the applicant further represents that the small size of the lot creates a practical difficulty in developing the site with a new as-of-right building due to the limited floor area and awkward layout that can be constructed; and

WHEREAS, the record shows that several larger and more functional commercial and manufacturing buildings exist in the area which the Board finds hinders the manufacturing and commercial marketability of the subject premises;

WHEREAS, the Board finds that the aforementioned unique physical conditions which are the result of the site's functional obsolescence, irregular shape and small size, present a practical difficulty and unnecessary hardship for a conforming use; and

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

WHEREAS, the record indicates that subject premises is surrounded with a mixture of residential uses despite the manufacturing zoning classification; and

WHEREAS, the applicant states that the majority of the structures located on the north side of the Lorimer Street block front between Union Avenue / Harrison Avenue and Marcy Avenue opposite the subject premises are occupied by residential uses; 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, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. § 72-21 to permit the proposed construction of a four story plus cellar multiple dwelling, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-10, *on condition* that

all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 13, 2001"-(9) sheets, "February 13, 2002" -(1) sheet and "April 29, 2002" -(1) sheet and on further condition;

THAT the subject building shall comply with all R6 Quality Housing regulations other than the exceptions for exemptions granted by the Board;

THAT the Certificate of Occupancy be obtained within two years;

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, including Local Law 10/99 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, August 6, 2002.

250-01-BZ CEQR #02-BSA-016Q

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 and Ellen Hay.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

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Affirmative:.....0
Negative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele...5

THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated July 17, 2001, acting on Application
No. 401269550 reads;

“Commercial use not permitted in residential
district as per 22-00 as per N.Y.C. zoning
resolution. Respectfully request reconsideration
to objection #1”; and

WHEREAS, a public hearing was held on this
application on January 8, 2002, after due notice by
publication in *The City Record* and laid over to February
12, 2002, March 26, 2002, May 14, 2002, and July 16,
2002 and then to August 6, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21,
to permit, in an R3-2 zoning district, the construction of a
one-story building, for use as retail stores (Use Group 6)
which is contrary to Z.R. §22-00; and

WHEREAS, the subject site is a vacant lot on the
northern side of Astoria Boulevard and the northeasterly
side of Kearney Street; and

WHEREAS, the instant proposal seeks to erect a one-
story 15’ high commercial building covering approximately
68% of the lot containing approximately 4,297 square feet
of floor area, which will be divided into three commercial
units with each unit having separate front and rear
entrances; and

WHEREAS, the record indicates that the subject block
is within a residential district, and that the applicant’s claim
for uniqueness is the representation that there is little
demand for residential development due to Astoria
Boulevard being an eight lane thoroughfare; and

WHEREAS, the record indicates that the subject site
is only slightly irregular and, that the two side lot lines are
parallel; and

WHEREAS, the Board finds no merit in the applicant’s
contention that the site’s slight irregularity contributes to
uniqueness leading to a practical difficulty in constructing
a conforming development; and

WHEREAS, the applicant also contends that the
subject parcel is unique and residential development
presents a hardship because there are no buildings along
Astoria Boulevard that are exclusively used for residential
purposes; and

WHEREAS, however, the Board finds this contention
without merit and notes that the site itself is bounded by

residential uses and that the applicant has failed to
demonstrate that the surrounding area lacks residential
character; and

WHEREAS, therefore, based on the applicant’s failure
to show that the site is unique and that such uniqueness leads
to a practical difficulty in constructing a conforming
development, the Board finds that the applicant has failed to
meet the requirements of Z.R. §72-21 (a); and

WHEREAS, despite numerous requests from the Board,
the applicant has failed to document a sustained and
reasonably concerted effort to market the subject site for
sale or lease to a conforming community facility or
residential user; and

WHEREAS, the applicant contends that new housing
development would not yield a reasonable return and
provides some documentation supporting this claim; and

WHEREAS, however, the Board finds that the
applicant’s analysis of the neighborhood housing market,
particularly area rent levels, does not adequately
demonstrate that the site could not be built with conforming
residential uses yielding a reasonable return; and

WHEREAS, the Board finds that the applicant’s own
financial analysis of a conforming community facility
building would generate a reasonable return; and

WHEREAS, based upon evidence in the record and
testimony provided, the Board finds that the applicant has
not presented adequate documentation demonstrating that a
conforming tenant or user would not provide reasonable
return to the property owner; and

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

WHEREAS, the applicant represents that some
buildings within the instant residential district contain
commercial uses; and

WHEREAS, however, the Board finds that because the
subject site is presently vacant and because of the existence
of some buildings that are used for commercial purposes,
does not mean that the conversion of this vacant site will not
alter the character of the surrounding area; and

WHEREAS, the applicant contends that the proposed
commercial development would not depart from the
character of the community because the area contains few
residential developments, particularly along Astoria
Boulevard; and

WHEREAS, however, the Board finds that the applicant
has failed to document that the surrounding neighborhood is
not residential in character; and

WHEREAS, the Board further notes that the site is
bounded on two sides by one or two-family homes and that
Kearny Street is overwhelmingly characterized by low-
density residential uses; and

WHEREAS, the Board finds that the applicant has failed
to show that the proposed commercial development would

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not negatively impact the one and two-family homes that immediately border the site; and

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

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

Resolved, the decision of the Borough Commissioner, dated July 17, 2001, acting on Application No. 401269550 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, August 6, 2002.

367-01-BZ

CEQR #02-BSA-075M

APPLICANT - Rosenberg & Estis, P.C., by Ellen Hay, for Fifty Third Group, LLC, owner.

SUBJECT - Application March 18, 2002 - under Z.R. §72-21, to permit the legalization of the change in occupancy of a portion of the first floor, in an existing six story mixed use building, from residential to commercial use, located in an R-8B (TA) zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 226 East 53rd Street, south side, between Second and Third Avenues, Block 1326, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated February 22, 2002 acting on Application No. 102963615 reads:

“THE EXTENSION OF THE NON-CONFORMING USE (USE GROUP 6) ON THE EASTERN PORTION OF THE FIRST FLOOR OF THE BUILDING LOCATED IN THE R8B ZONING DISTRICT IS CONTRARY TO SECTION 22-00 AND 52-41 OF THE ZONING RESOLUTION.”; and

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in *The City Record* and laid over to June 11, 2002 and then to July 16, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in an R-8B (TA) zoning district, the legalization of the change in occupancy of a portion of the eastern portion of the first floor presently being used as an eating and drinking establishment, in an existing six-story mixed use building which is contrary to Z.R. § 32-15; and

WHEREAS, Community Board 6, Manhattan, recommends approval of this application; and

WHEREAS, the applicant represents that the current owner purchased the property at a foreclosure sale in 1995 and that neither the closing documents nor the Certificate of Occupancy made reference to the property being subject to Board jurisdiction regarding a commercial occupancy of the ground floor in the eastern portion of the building; and

WHEREAS, the applicant asserts that by letter dated June 22, 1999, the owners received notice from the Board that the property was subject to a variance under Calendar Number 604-83-BZ, which term had expired; and

WHEREAS, the subject site is located in an R8B zoning district in the TA Special District along the south side of East 53rd Street between Second and Third Avenues ; and

WHEREAS, the record indicates that both the north and south sides of East 53rd Street contain numerous commercial uses that predate the 1961 zoning resolution; and

WHEREAS, the applicant has demonstrated that the subject ground floor space in the eastern portion of the building has been in continuous commercial use pursuant to a Board variance since February 18, 1969, when under Calendar Number 832-68-BZ, the Board permitted a change of use from a residential apartment to a commercial store; and

WHEREAS, the variance granted on February 18, 1969 expired in 1974 and then on January 17, 1984, under Calendar Number 604-83-BZ, the Board permitted the maintenance of a store on the easterly side of the first floor, thus increasing the degree of the non-conforming use; and

WHEREAS, the Board notes that the applicant never abandoned the prior variance; and

WHEREAS, additionally, the applicant represents that a conforming residential use is not desirable or viable at the subject premises due to the history of development with street-level commercial uses along East 53rd Street; and

WHEREAS, the record indicates that the sites history of development with a commercial variance since 1969, creates an undue hardship, if the Board were to require conversion of the subject space from commercial back to residential use; and

WHEREAS, the evidence in the record, including a

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feasibility study and financial analysis demonstrate that reverting to a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies; and

WHEREAS, the present commercial use has been in existence without causing any adverse impacts to the surrounding area for many years, and the applicant represents that its continued use will have no adverse effect on the neighborhood; 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 §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.

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, to permit, in an R-8B (TA) zoning district, the legalization of the change in occupancy of a portion of the eastern portion of the first floor presently being used as an eating and drinking establishment, in an existing six-story mixed use building which is contrary to Z.R. §32-15 "Received March 18, 2002"-(2) sheets and "July 9, 2002"-(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)

and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, August 6, 2002.

387-01-BZ CEQR #02-BSA-092X

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated November 20, 2001, updated June 21, 2002, acting on Application No. 200685044 reads:

"The Proposed outdoor storage of automobiles, Use group 16, in a C2-2/R4 is not permitted, contrary to section 32-00 of The Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record* and laid over to June 18, 2002, July 16, 2002 and then to August 6, 2002 for decision; and

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

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

WHEREAS, this is an application under Z.R. §72-21 to permit, within an R-4 zoning district C2-2 overlay, the outdoor storage of automobiles on the subject lot, which will be improved with a building housing a car dealership which is contrary to Z.R. § 32-00; and

WHEREAS, Community Board 12, the Bronx, recommends approval of this application; and

WHEREAS, the record indicates that a car dealership (Use Group 9), an accessory outdoor parking lot and the indoor storage of vehicles are permitted as-of-right on the subject lot; and

WHEREAS, however, the outdoor storage of cars, (Use Group 16) requires a variance; and

WHEREAS, applicant represents that the only distinction between the as-of-right use and the proposed use is the ownership status of the cars, because parking sold cars is permitted, while unsold cars require a variance; and

WHEREAS, the subject site sits on the southerly side of Boston Road bounded by Bruner and Ely Avenues with 198' of frontage on Boston Road containing 23,545 square feet; and

WHEREAS, the Board notes the existence of a 22' x 13 two sided sign providing 286 square feet of advertising space standing 42' above grade; and

WHEREAS, the record indicates that the present lessee is operating a car dealership from a temporary trailer on the site; and

WHEREAS, prior to its current use the site housed a nursery, a Use Group 17 use, only permitted in M1, M2 and M3 zoning districts; and

WHEREAS, the applicant's proposal includes the erection of a one-story with mezzanine 23 feet tall building containing 5,793 square feet; and

WHEREAS, the applicant represents that Boston Road is a main thoroughfare with many car dealerships within its immediate vicinity; and

WHEREAS, the applicant contends that the above-mentioned competitors use outdoor displays to attract customers; and

WHEREAS, the record indicates that the site is through lot at the end of the block, fronts on three streets and is burden by irregular dimensions, and irregular angles running West on a 73 degree angle and north on a 106 degree angle along Boston Road; and

WHEREAS, further, the side lot lines do not meet and the site has a rear lot line of 35' creating land that is uneven sloping sharply up and down from the roadbed; and

WHEREAS, the site's history of development as a Use Group 17 nursery, its location on a major thoroughfare surrounded by competing automobile dealerships and its irregular topography, are conditions which the applicant

asserts are unique to this property; and

WHEREAS, therefore, the Board finds that these unique conditions demonstrate that the development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study and a financial analysis sufficiently demonstrate that a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of automobile dealerships and that outdoor parking is permitted as-of-right; 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 §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.

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, within an R-4 zoning district C2-2 overlay, the outdoor storage of automobiles on the subject lot, which will be improved with a building housing a car dealership, which is contrary to Z.R. §32-00, on condition that the lot be paved, striped and maintained in accordance with the drawings as they apply to the objections above noted, filed with this application marked "Received December 17, 2001"-(5) sheets and "July 30, 2002" -(1) sheet; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant;

THAT the maximum number of automobiles permitted on the lot shall be thirty-one (31);

THAT an automatic wet sprinkler system shall be installed throughout the entire building;

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

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

THAT a new Certificate of Occupancy shall be obtained

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within two years from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, August 6 2002.

**110-02-BZ
CEQR #02-BSA-178K**

APPLICANT - Sheldon Lobel, P.C., for Anna Shchiglik and Mark Kotliar, owner.

SUBJECT - Application April 5, 2002 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Floor Area and Side and Rear Yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1880 East 22nd Street, between Avenues "R" and "S", Block 6827, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2001, acting on Alt. 1. Application No. 301237249 reads, in pertinent part:

- "1) Proposed FAR and Floor Area are contrary to Section 23-141b.
- 2) Proposed side yard is contrary to Section 23-461a.
- 3) Proposed rear yard is contrary to Section 23-47."; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in *The City Record*, and laid over to August 6, 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 R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Floor Area, and Side and Rear Yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the proposed enlargement will increase the FAR to .823, shorten the Rear Yard from the required 30 feet to 22 feet, and decrease the side yard from the required 5 feet to 4 feet, one and one quarter inches; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special to permit, in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Floor Area and Side and Rear Yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 2, 2002"-(8) sheets and "July 22, 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 and maintained in the cellar;

THAT the above conditions shall appear in 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

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

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

Adopted by the Board of Standards and Appeals, August 6, 2002.

143-01-BZ

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

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

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

217-01-BZ

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

SUBJECT - Application June 15, 2001 - under Z.R. §72-21 to permit the reinstatement of an expired variance for an attended open parking lot, Use Group 8, located in an R6 zoning district, previously granted under Cal. No. 232-77-BZ, and the adding of Lot 41 to the premises, which is contrary to Z.R. §22-00.

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

COMMUNITY BOARD #6BX

APPEARANCES -

For Applicant: David Flores-Rivera.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

234-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 80 North 5th Street, Corp., owner.

SUBJECT - Application July 10, 2001 - under Z.R. §72-21, to permit the proposed conversion of the second, third and fourth floors of an existing building in an manufacturing zone (M3-1 zoning district), to residential uses, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 80 North 5th Street, north side, bounded west by Wythe Avenue and south by North 4th Street, Block 2342, Lots 1, 15 and 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for decision, hearing closed.

244-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Opposition: Pat Jones.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

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THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Patrick Jones, Robert Klein and others.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

324-01-BZ

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

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

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

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Eric Palatnik and Daniel Lane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

366-01-BZ

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

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Jerry Jacobs.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

373-01-BZ

APPLICANT - Sheldon Lobel, P.C., for 372-376 Avenue U Realty, LLC, owner.

SUBJECT - Application November 29, 2001 - under Z.R. §72-21, to permit the proposed use of the 2nd, 3rd and 4th floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, which is contrary to Z.R. §22-14.

PREMISES AFFECTED - 372 Avenue 'U', between East 1st

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and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

32-02-BZ

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

42-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Philip Folino, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 4601 Amboy Road, northwest corner of Waimier Place, Block 5585, Lot 99, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Dennis D. Dell'Angelo, Lydia A. Langell, Richard D. Langell and Ann DeLase.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

44-02-BZ

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a twenty-two

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story dormitory building (Use Group 3) to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Raymond Levin.

For Opposition: John Tripp, William Harris, Ken Diamondstone, Julia H. Stanta, Frances Yauch and Irma Kennedy.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Abstain: Commissioner Korbey.....1

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 2 P.M., for continued hearing.

61-02-BZ

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1

zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

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

104-02-BZ

APPLICANT - Joseph P. Morsellino, for Flushing Bay Realty Corp., owner; Helms Brothers, contract vendee.

SUBJECT - Application April 9, 2002 - under Z.R. §72-21, to permit the proposed use of the property for the storage of new automobiles, prior to delivery to customers, located in a C3 zoning district, which is contrary Z.R. §32-10.

PREMISES AFFECTED - 23-40 120th Street, a/k/a 23-16 120th Street, southwest corner of 20th Avenue, Block 4223, Lot 21, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

148-02-BZ

APPLICANT - The Agusta Group, for Mr. Vito Petito, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21, to permit the legalization of an existing inground swimming pool, which was constructed in the front yard of a corner zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #11BK

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APPEARANCES -

For Applicant: Philip P. Agusta.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

153-02-BZ

APPLICANT- Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT- Application May 10, 2002 - under Z.R. §72-21, to permit the proposed three-story school building, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Francis R. Angellino, Susan Campbell, Joan Radigan and Deborah Frantera.

For Administration: Capt. Michael Maloney and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 7:30 P.M.

SPECIAL HEARING

WEDNESDAY MORNING, AUGUST 7, 2002

11:00 A.M.

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

189-00-BZ

Applicant - New York City Board of Standards and Appeals. Law Offices of Howard Goldman LLC, for Houston Street Properties LLC, owner.

SUBJECT- On remand from the New York County Supreme Court for a detailed justification of the BSA grant in this matter.

PREMISES AFFECTED - 215 East Houston Street, MANHATTAN

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Goldman.

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:10 A.M.

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