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# BULLETIN

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

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Volume 87, No. 44

November 7, 2002

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### DIRECTORY

**JAMES CHIN**, *Chairman*

**SATISH BABBAR**, *Vice-Chair*

**MITCHELL KORBEBY**

**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Roy Starrin**, *Deputy Director*

*(Vacant), Counsel*

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# DOCKET

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New Case Filed Up to October 29, 2002

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**283-02-BZ** B.BK. 1246 East 24th Street, west side, 396'-0" north of Avenue "M", Block 7641, Lot 66, Borough of Brooklyn. Applic.#301419880. Proposed two story 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, rear and side yards, is contrary to Z.R. §23-141, §54-31, §23-47 and §23-461.

**COMMUNITY BOARD #14BK**

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**284-02-BZ** B.BK. 121/35 Court Street, 211/35 Atlantic Avenue and 204/24 State Street, property fronts on Court Street, and is bounded by Atlantic Avenue and State Street, Block 277, Lot 8, Borough of Brooklyn. N.B.#301425740. Proposed development of an eleven story mixed-use building, located in a C6-2A(DB) Special Downtown Brooklyn District, which does not comply with the zoning requirements, for base height, height, setback, rear yard, retail continuity and lot coverage, is contrary to Z.R. §23-145, §33-26, §35-24 and §101-10.

**COMMUNITY BOARD #2BK.**

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**285-02-BZ** B.BX. 900 East 213th Street, aka 3580 Bronxwood Avenue, southeast corner, Block 4683, Lot 49, Borough of The Bronx. Alt.#200745266. The legalization of an existing eating and drinking establishment, and a retail store, Use Group 6, is contrary to two previous variances granted by the Board under Cal. #s 905-53-BZ and 1052-66-BZ, which permitted a factory building in an R4 zoning district, and also Z.R.§22-00.

**COMMUNITY BOARD #12BX.**

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**286-02-BZ** B.BK 1111 East 26th Street, between Avenues "K and "L", 100' south of Avenue "K", Block 7626, Lot 39, Borough of Brooklyn. Applic.#301413058. Proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

**COMMUNITY BOARD #14BK.**

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**287-02-A** B.S.I. 3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island. Applic.#500565195. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**288-02-A** B.S.I. 5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island. Applic.#500565239. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**289-02-A** B.S.I. 7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island. Applic.#500565248. Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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**290-02-BZ** B.Q. 114-01 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 125, Borough of Queens. N.B.#401208135. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**291-02-BZ** B.Q. 114-03 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 126, Borough of Queens. N.B.#401208144. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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# DOCKET

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**292-02-BZ** B.Q. 114-05 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 127, Borough of Queens. N.B.#401208153. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**293-02-BZ** B.Q. 114-07 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 128, Borough of Queens. N.B.#401208162. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**294-02-BZ** B.Q. 114-09 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 129, Borough of Queens. N.B.#401208171. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**295-02-BZ** B.Q. 114-11 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 130, Borough of Queens. N.B.#401208180. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**296-02-BZ** B.Q. 114-13 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 131, Borough of Queens. N.B.#401208199. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**297-02-BZ** B.Q. 114-15 Taipei Court, west side, 576' west of 115th Street, Block 4019, Lot 132, Borough of Queens. N.B.#401208206. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**298-02-BZ** B.Q. 114-21 Taipei Court, north side, 501' west of 115th Street, Block 4019, Lot 133, Borough

of Queens. N.B.#401208215. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**299-02-BZ** B.Q. 114-23 Taipei Court, north side, 491' west of 115th Street, Block 4019, Lot 134, Borough of Queens. N.B.#401208224. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**300-02-BZ** B.Q. 114-25 Taipei Court, north side, 471' west of 115th Street, Block 4019, Lot 135, Borough of Queens. N.B.#401208233. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**301-02-BZ** B.Q. 114-27 Taipei Court, north side, 451' west of 115th Street, Block 4019, Lot 136, Borough of Queens. N.B.#401208242. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**302-02-BZ** B.Q. 114-29 Taipei Court, north side, 421' west of 115th Street, Block 4019, Lot 137, Borough of Queens. N.B.#401208251. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q.**

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**303-02-BZ** B.Q. 114-31 Taipei Court, north side, 411' west of 115th Street, Block 4019, Lot 138, Borough of Queens. N.B.#401208260. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**304-02-BZ** B.Q. 114-33 Taipei Court, northwest corner of 115th Street, Block 4019, Lot 139, Borough of Queens. N.B.#401208279. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**305-02-BZ** B.Q. 114-35 Taipei Court, north side, 371' west of 115th Street, Block 4019, Lot 141, Borough of Queens. N.B.#401208288. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**306-02-BZ** B.Q. 114-20 Taipei Court, south side, 501' west of 115th Street, Block 4019, Lot 124, Borough of Queens. N.B.#401208457. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**307-02-BZ** B.Q. 114-22 Taipei Court, south side, 491' west of 115th Street, Block 4019, Lot 123, Borough of Queens. N.B.#401208466. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**308-02-BZ** B.Q. 114-24 Taipei Court, south side, 471' west of 115th Street, Block 4019, Lot 122, Borough of Queens. N.B.#401208475. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**309-02-BZ** B.Q. 114-26 Taipei Court, south side, 451' west of 115th Street, Block 4019, Lot 121, Borough of Queens. N.B.#401208484. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**310-02-BZ** B.Q. 114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens. N.B.#401208493. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**311-02-BZ** B.Q. 114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens. N.B.#401208509. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**312-02-BZ** B.Q. 114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens. N.B.#401208518. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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**313-02-BZ** B.Q. 114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens. N.B.#401208527. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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# DOCKET

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**314-02-BZ** B.Q. 114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens. N.B.#401208536. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #7Q**

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

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# CALENDAR

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**NOVEMBER 26, 2002, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, November 26, 2002, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **SPECIAL ORDER CALENDAR**

### **554-54-BZ**

APPLICANT - Sheldon Lobel, P.C., for Mill Basin Service Center, Inc., owner.

SUBJECT - Application August 26, 2002 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired December 27, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

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### **798-76-BZ**

APPLICANT - Sheldon Lobel, P.C., for Harold M. Zweighaft, owner.

SUBJECT - Application October 11, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy which expired September 12, 2002.

PREMISES AFFECTED - 8 West 86th Street, south side of 86th Street, 150' west of Central Park West, Block 1199, Lot 39, Borough of Manhattan.

**COMMUNITY BOARD #7M**

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### **13-78-BZ**

APPLICANT - Joseph P. Morsellino, for Bernard Huttner, owner; Jamaica Plumbing and Heating Supply, Inc., lessee.

SUBJECT - Application August 1, 2002 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 144-20 Liberty Avenue, Liberty Avenue and Inwood Street, Block 10043, Lot 6, Borough of Queens.

**COMMUNITY BOARD #12Q**

### **71-91-BZ**

APPLICANT - Sheldon Lobel, P.C., for Belle Harbor Washington Hotel Inc., owner.

SUBJECT - Application October 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 196 Beach 125th Street, southeast corner of Rockaway Beach Boulevard and Beach 125th Street, Block 16234, Lot 1, Borough of Queens.

**COMMUNITY BOARD #14Q**

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### **195-96-BZ**

APPLICANT - Ellen Hay - Rosenberg & Estis, P.C., for Roc-Le Triomphe Associates, LLC, owner; 59th Street Gym LLC, lessee.

SUBJECT - Application October 4, 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 which expired July 22, 1998.

PREMISES AFFECTED - 1109 Second Avenue aka 245 East 58th Street, west side of Second Avenue between East 58th and East 59th Streets, Block 1332, Lot 29, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**NOVEMBER 26, 2002, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, November 26, 2002, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## **ZONING CALENDAR**

### **85-02-BZ**

APPLICANT - Mothiur Rahman, for Alan G. Markopoulos, owner; Giovanni Hincapie, lessee.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the legalization of an existing public parking lot, Use Group 8, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 850 East 181st Street, aka 2120 Crotona Parkway, southeast corner, Block 3119, Lot 16, Borough of The Bronx.

**COMMUNITY BOARD #6BX**

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# CALENDAR

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## **179-02-BZ**

APPLICANT - Charles R. Foy, Esq., for G.C. & G Enterprises, Inc., owner; KFC of America, Inc., lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §73-243, to permit the proposed accessory drive-thru facility, for a fast food restaurant, located in a C1-2 within an R3-2 zoning district.

PREMISES AFFECTED - 158-05 Union Turnpike, northeast corner of the Parsons Boulevard, Block 6831, Lot 1, Borough of Queens.

**COMMUNITY BOARD #8Q**

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## **185-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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## **204-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Palmana Realty Corp., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an R3-2 zoning district, which is contrary to a previous variance granted under Cal. No. 703-56-BZ and Z.R. §22-00.

PREMISES AFFECTED - 144-31 Farmers Boulevard, between North Conduit Avenue and 144th Road, Block 13090, Lot 4, Borough of Queens.

**COMMUNITY BOARD #13Q**

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## **208-02-BZ**

APPLICANT - David L. Businelli, for John Ingrassia, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §72-21 to permit the proposed erection of a one story professional office building, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 840 Jewett Avenue, between Waters Avenue and Markham Place, Block 427, Lot 38,

Borough of Staten Island.

**COMMUNITY BOARD #2**

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## **236-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Raymond and Vivian Dayan, owners.

SUBJECT - Application August 23, 2002 - under Z.R. §72-21 to permit the proposed enlargement of a single family residence, located in R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, perimeter wall height, building height, and front and side yards, and is contrary to Z.R. §23-141, §23-631, §23-45 and §23-461A.

PREMISES AFFECTED - 2324 Avenue "R", southwest corner of East 24th Street, Block 6829, Lot 9, Borough of Brooklyn

**COMMUNITY BOARD #15BK**

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## **249-02-BZ**

APPLICANT - Jay Segal, Esq., for Fordham Associates, LLC, owner.

SUBJECT - Application September 20, 2002 - under Z.R. §72-21, to permit the proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, which is contrary to §32-31.

PREMISES AFFECTED - 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #7BX**

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*Pasquale Pacifico, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, OCTOBER 29, 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, September 24, 2002, were approved as printed in the Bulletin of October 3, 2002, Volume 87, Nos. 38-39.

**SPECIAL ORDER CALENDAR**

**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 - None.

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, 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.....4  
Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant has requested a waiver of the Rules of Procedure and a reopening for an extension of the term of the variance which expired September 28, 2001; and

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in The City Record, laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002 for decision; and

WHEREAS, the applicant represents that there are no substantial changes from what was previously approved by the Board;

WHEREAS, the applicant seeks to extend the term of the variance, permitting a private parking lot, for an

additional ten years.

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, said resolution having been adopted January 17, 1961, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten years from September 28, 2001 expiring September 28, 2011, on condition;

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received February 15, 2002" - (5) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

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

THAT the conditions from all prior BSA resolutions for this site shall remain in effect;

THAT the Certificate of Occupancy shall expire with the termination of Certificate of Occupancy for the catering establishment located on Block 4743, Lot 8;

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."

(DOB. ALT No. 695/64)

Adopted by the Board of Standards and Appeals, October 29, 2002.

**62-83-BZ**

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

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

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

**COMMUNITY BOARD #8BK**

APPEARANCES -

For Applicant: Janice Cahalane and Sheldon Lobel.

**ACTION OF THE BOARD** - Application dismissed for

# MINUTES

lack of prosecution.

## THE VOTE TO DISMISS -

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

## THE RESOLUTION -

WHEREAS, an application was granted by the New York City Department of City Planning on December 13, 2000 and by the New York City Council on February 7, 2001 changing the zoning designation from M1-1 to C4-4A; and

WHEREAS, on March 27, 2001, pursuant to Z.R. §72-01 and §72-22, the Board permitted the retention of two (2) of the previously approved enclosed loading docks located on the Dean Street portion of the premises; created a lobby area, installation of a driveway and seating area within the previously green area and modified the landscaping, on condition,

THAT there shall be a 15-Minute limitation imposed for vehicles making pick-ups and drop-offs to the residential area;

THAT entry to the landscaped area at Dean Street residential be open to public between hours of 7:00 a.m. to 7:00 p.m.;

THAT deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday with no deliveries permitted on Sunday;

THAT, all loading and unloading of trucks shall be conducted within the loading docks;

THAT the curb on Dean Street, accessing the loading area shall be reduced from 95 feet to 22 feet and the curb cut accessing the residential driveway shall be limited to 18 feet;

THAT all commercial garbage shall be stored in the compactor within the loading dock;

THAT all commercial delivery shall be within the hours of 7:00 a.m. to 7:00 p.m.;

THAT the hours for commercial garbage pick-up shall be within 7:00 a.m. to 7:00 p.m.;

THAT there shall be no storage of any kind or parking within the open space provided on lots 55, 56, 58, 59 and 60 in accordance with the BSA approved plans;

THAT landscaping shall be provided and maintained in the open space of lots 55, 56, 58, 59 and 60;

THAT an intercom system shall be installed outside of the enclosed docks so that the drivers will be able to notify the building attendant of the delivery truck arrival;

THAT, a sign shall be posted clearly indicating that drivers shall not beep their horns or create any other noise in attempt to alert the building attendant of their arrival;

THAT Dean Street shall be maintained free of debris

and graffiti; and

WHEREAS, the instant application sought a re-opening and an amendment to the resolution to eliminate lots 155, 156, 157, 158, 159 and 160 from the prior variance, remove the two remaining loading docks and the adjoining open space on Dean Street; and

WHEREAS, the Board notes that the subject matter for The Special Order Calendar consists of applications for extensions of term of a use district exception, variance or special permit; an extension of time to complete work or to obtain a Certificate of Occupancy; for the restoration of a case to the docket by order of the Supreme Court of the State of New York; for minor amendments ; for restoration of a case to the docket by the Board for purposes of determining whether or not to revoke or modify variances and special permits previously granted if the terms and conditions of such a grant has been violated; for requests for re-hearing and re-argument; for dismissal for lack of prosecution; and

WHEREAS, the site has been rezoned to an R6B which allows a Floor Area Ratio of 2.0, and the applicant proposes a residential development with a Floor Area Ratio greater than 4.0; and

WHEREAS, since residential development is now permitted as of right the applicant was encouraged to give back the prior variance, develop the site with as-of-right development, and if additional bulk was desired a variance application should be filed on the Zoning Calendar; and

WHEREAS, the Board notes that The Special Order Calendar is limited to cases involving minor amendments and the applicant's proposal is not a minor amendment; and

WHEREAS, the applicant has not filed a variance application on the Zoning Calendar; and

WHEREAS, therefore, after ten months and 4 Public Hearings, the Board finds that it must dismiss this case for lack of prosecution.

Adopted by the Board of Standards and Appeals, October 29, 2002.

## 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**

# MINUTES

## APPEARANCES -

For Applicant: Manuel B. Vidal, Jr.

**ACTION OF THE BOARD** - Rules of Practice and Procedure Waived, application reopened and term of 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 decision of the Borough Commissioner, dated May 17 2002 acting on Application No.347-1985 reads:

1. Proposal to insert an accessory building to accommodate a convenience store and to extend the term of the variance granted under Cal. No. 793-88-BZ, which expired June 12, 2000.
2. To replace existing 25' sign with a 50' sign that will serve to inform vehicular traffic traveling on the Major Deegan Expressway of the entrance of a fuel facility easily accessible immediately upon exiting at the Willis Avenue exit ramp off the said expressway.
3. To eliminate the existing Kiosk completely.

WHEREAS, a public hearing was held on this application on August 6, 2002, after due notice by publication in The City Record, and laid over to September 10, 2002, October 8, 2002 and then to October 29, 2002, for decision; and

WHEREAS, Community Board #1, the Bronx, recommends approval of this application; and

WHEREAS, On June 12, 1990, the Board permitted within an R6/C-8 zoning district, for a term of ten years, expiring June 12, 2000, the construction of an automotive service station, (Use Group 16); and

WHEREAS, the instant application seeks to add an accessory convenience store and to extend the term of the expired variance; and

WHEREAS, by Certification of Inspection and Compliance dated June 7, 2002, the applicant states that he personally inspected the premises and surrounding area and has determined that the premises is in compliance with each condition of prior Board action, except that due to vandalism the landscaping has not been maintained; and

WHEREAS, in response to Board concerns, the applicant will replant trees and maintain other landscaping; and

WHEREAS, the applicant also seeks a extension of term of ten years.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends the resolution, adopted on June 12,

1990, so that as amended this portion of the resolution shall read:

" to permit the addition of an accessory convenience store; on condition

THAT the term of this grant shall be limited to ten years expiring October 29, 2012;

THAT landscaping be provided and maintained in accordance with BSA approved plans;

THAT the premises be maintained free of debris and graffiti;

THAT all lighting shall be positioned down and away from residential uses;

THAT there shall be no parking of vehicles on the sidewalk;

THAT signage shall comply with all applicable regulations at all times:

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

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received September 16, 2002"-(3) 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 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, October 29, 2002.

## 47-99-BZ

APPLICANT - Rampulla Associates Architects, for John Riggio, for Scott Lizo, owner.

SUBJECT - Application May 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 14, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3122 Victory Boulevard, between Richmond Avenue and Jones Street, Block 2159, Lot 13, Borough of Staten Island.

## COMMUNITY BOARD #2S.I.

## APPEARANCES -

For Applicant: Philip L. Rampulla.

**ACTION OF THE BOARD** - Rules of Practice and

# MINUTES

Procedure Waived, application reopened and resolution amended, term of variance extended.

**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 May 21 2002 acting on Application No. 500343773 reads:

"The proposal to convert the premises from the hand washing of automobiles (Use Group 16) to automobile detailing (Use Group 16) is contrary to BSA 47-99-BZ and must be referred back to the BSA. BSA term expired."; and

WHEREAS, a public hearing was held on this application on September 10, 2002, after due notice by publication in The City Record, and laid over to October 8, 2002 and then to October 29, 2002, for decision; and

WHEREAS, On March 14, 2000, the Board permitted within an R3-2 zoning district, for a term of one year, expiring March 14, 2001, the legalization of an automobile laundry; and

WHEREAS, the Board notes that the subject premises is presently padlocked and presently in litigation; and

WHEREAS, the instant application seeks to eliminate the automobile hand car wash and convert the use to an automobile hand detailing establishment with accessory automotive sales; and

WHEREAS, by Certification of Inspection and Compliance dated May 8, 2002, the applicant states that he personally inspected the premises and surrounding area and has determined that the premises is in compliance with each condition of prior Board action; and

WHEREAS, the applicant represents that the present car wash will cease operation a year from this grant to allow the owner time to construct the alterations need at his new location 1725 Richmond Avenue; and

WHEREAS, the applicant also seeks a 15 year term, to enable the owner to secure a new long term

lease with his new landlord, obtain long term financing and replace the existing septic system.

Resolved, that the Board of Standards and Appeals Waives the Rules of Practice and Procedure and reopens and amends pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on March 14, 2000, so that as amended this portion of the resolution shall read:

" to permit the elimination of the hand-washing of automobiles and convert the facility to an automotive detailing establishment with accessory automotive sales; on condition;

THAT the term of this grant shall be limited to 5 years expiring October 29, 2007;

THAT the car wash establishment cease operation one year from this grant;

THAT all detailing shall be done by appointment only;

THAT the Clifton Street ingress and egress shall remain permanently closed;

THAT all signs indicating hand washing of vehicles shall be removed from the premises;

THAT there shall be no parking of vehicles awaiting service or pickup, on Clifton Street or any neighboring street;

THAT the hours of operation shall be limited to Monday through Saturday 8:00 a.m. to 7:00 p.m. and Sunday 9:30 a.m. to 5:00 p.m.

THAT vehicle engines shall be turned off when being detailed;

THAT vehicles shall not park on the sidewalk;

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

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received May 30, 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 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, October 29, 2002.

764-56-BZ

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# MINUTES

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APPLICANT - Alfonso Duarte, P.E., for Barney's Service Station, Inc., owner.

SUBJECT - Application June 3, 2002 - reopening for an extension of term of variance which expired October 21, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 200-05 Horace Harding Expressway, north side between Hollis Court Boulevard and 201st Street, Block 7451, Lot 32, Borough of Queens.

**COMMUNITY BOARD #11Q**

APPEARANCES -

For Applicant: Alfonso Duarte, P.E.

**ACTION OF THE BOARD** - Laid over to November 26, 2002 at 10 A.M., for continued hearing.

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**219-71-BZ**

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES -

For Applicant: Joseph P. Morsellino

For Opposition: Barbara E. Brown

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

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**174-94-BZ**

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

**COMMUNITY BOARD #3Q**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

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**175-97-BZ**

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

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

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

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Doris Diether, Community Board #2M.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

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 -

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

Negative: .....0

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

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**165-98-BZ**

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimax, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

**COMMUNITY BOARD #13BK**

APPEARANCES -

For Applicant: Allison Kamensky.

For Administration: John A. Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 26, 2002, at 10 A.M., for continued hearing.

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# MINUTES

## 54-02-A & 55-02-A

APPLICANT-RothkrugRothkrug Weinberg & Spector, LLP, owner; Charleston Development Corp., owner.

SUBJECT - Application February 11, 2002 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 100 Gary Street, south side, 150.7' east of Kenilworth Avenue, Block 5720, Lot 99, Borough of Staten Island.

106 Gary Street, south side, 100.0' east of Kenilworth Avenue, Block 5720, Lot 102, Borough of Staten Island.

## COMMUNITY BOARD #3S.I.

### APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeal 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 Staten Island Commissioner, dated January 10, 2002, acting on N.B. Application Nos. 500511680 & 500511699, reads:

"1. Street Giving Access To The Proposed Building Is Not Placed On The Official Map Of The City of New York, Therefore :

A. No Certificate Of Occupancy can be issued as per Article 3, Section 36 of the General City Law and,

B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly on a legally mapped street or frontage space; and, therefore, contrary to Section 27-291 of the Administrative Code."; and

WHEREAS, by the letter dated September 27, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 26, 2002, Community Board #3 has reviewed the above project and has no objections;

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated January 10, 2002, acting on N.B. Application Nos. 500511680 & 500511699, is

modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 13, 2002"-(1) sheet; and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, October 29, 2002

## 141-02-A

APPLICANT - The Agusta Group for Raymond & Katherine Koon, owner.

SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

## COMMUNITY BOARD #11Q

### APPEARANCES -

For Applicant: Sol Korman.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Appeal 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 Queens Borough Commissioner, dated April 17, 2002, acting on N.B. Application No. 401064637, reads:

"Construction of a dwelling partly in the bed of a mapped street is contrary to General City Law Number 35. Refer to the Board of Standards and Appeals for their determination"; and

WHEREAS, by the letters dated June 25, 2002, and on July 31, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated June 28, 2002, 2002, the Department of Transportation has reviewed the above project and has no objections; and

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WHEREAS, by letter dated July 31, 2002 the Department of Environmental Protection has reviewed the above project and has requested that the applicant reserve 35 feet of the remaining portion of mapped Thebes Avenue for future drainage plan sewer; and

WHEREAS, in response to community concerns and at the request of the Board, the applicant has agreed to improve one half of Overbrook Street to terminate at the complete frontage of the new zoning lot, Lot 14; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated April 17, 2002, acting on N.B. Application No. 401064637, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received October 2, 2002"-(1) sheet; and that the proposal comply with all applicable R1-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT at the request of the DEP, 35' of the remaining portion of mapped Thebes Avenue shall be reserved for future drainage plan sewer;

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

Adopted by the Board of Standards and Appeals, October 29, 2002

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

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

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

#### PREMISES AFFECTED -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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: Adam Rothkrug.

**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

Adopted by the Board of Standards and Appeals October 29, 2002.

## 90-02-A

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

SUBJECT - Application March 27, 2002 - proposed seven story apartment building, with the layout of the living rooms on the 1st, 2nd, 3rd, 4th and 6th floors, lacking in the required natural ventilation, is contrary to NYC Building Code, Subchapter 12, Article 6, Section 27-746.

PREMISES AFFECTED - 392 11th Street, south side, 47'-3" west of Sixth Avenue, Block 1023, Lot 37, Borough of Brooklyn.

## COMMUNITY BOARD #6BK

APPEARANCES - None.

**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

Adopted by the Board of Standards and Appeals October 29, 2002.

## 216-02-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Thomas Concannon, lessee.

SUBJECT - Application July 25, 2002 - 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.

PREMISES AFFECTED - 42 Tioga Walk, between Sixth Avenue and Beach 216th Street, Block 16350, Lot 400, Borough of Queens

## COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John A. Yacovone, Fire Department.

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

**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 Queens Borough Commissioner, dated July 13, 2002, acting on ALT 1. Application No. 401451406, reads:

"For Board of Standards & Appeals only:

A1- The site is located partially in the bed of a mapped street therefore no permit of Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law.

A2 -The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. Sect. 36 of the General City Law ; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 (C26-401.1) of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated August 9, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated September 16, 2002,

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the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 3, 2002, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated July 13, 2002, acting on ALT 1. Application No. 401451406, is modified under the power vested in the Board by §35 & §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 25, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, October 29, 2002

## 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.

## COMMUNITY BOARD #14Q

### APPEARANCES -

For Applicant: John Ronan.

For Administration: John Yacovone, Fire Department.

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

### 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 Queens Borough Commissioner, dated August 5, 2002, acting on ALT 1. Application No. 401506884, reads:

"Proposal to replace the existing foundation and the defective structure framing, rearrange the interior partitions and install a new septic system at a home which lies within an R4 zoning district but which does not front on a mapped street (Bayside Drive) and simultaneously lies within the bed of a street that is mapped (coincidentally also named Bayside Drive) is contrary to Article 3, Sections 36 (2) and 35 of the General City Law respectively & contrary to Section 27-291 of the Building Code and must, therefore, be referred to the Board of standards and Appeals for approval."; and

WHEREAS, by the letter dated August 19, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 30, 2002, the Department of Environmental Protection has reviewed the above project and has no objections; and

WHEREAS, by letter dated October 3, 2002, the Department of Transportation has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 5, 2002, acting on ALT 1. Application No. 401506884, is modified under the power vested in the Board by § 35 & §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received August 12, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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# MINUTES

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Adopted by the Board of Standards and Appeals,  
October 29, 2002

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## 21-02-A thru 25-02-A

APPLICANT- Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT- Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

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

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## 127-02-A thru 137-02-A

APPLICANT- Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.

48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.

45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.

## COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John A. Yacovone, Fire Department.

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

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## 217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

## COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Rudolf J. Beneda.

For Opposition: John A. Yacovone, Fire Department.

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

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## 233-02-A

APPLICANT- Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.

SUBJECT - Application August 19, 2002 - Proposed alteration and enlargement, to an existing 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 - 107 Reid Avenue, east side,

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# MINUTES

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west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

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

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## 235-02-A

APPLICANT - Leventis Omotade, for Emtade Contracting Inc., owner.

SUBJECT - Application August 23, 2002 - Proposed construction of a one family dwelling, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 164-47 Nadal Place, between 110th Avenue and Nadal Place, Block 10193, Lot 90, Borough of Queens.

### COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Leventis Omotade.

For Administration: John A. Yacovone, Fire Department. **ACTION OF THE BOARD** - Laid over to December 10, 2002, at 11 A.M., for continued hearing.

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## 243-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.

SUBJECT - Application September 9, 2002 - Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law. PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

For Administration: John A. Yacovone, Fire Department.

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

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:25 A.M.

## REGULAR MEETING TUESDAY AFTERNOON, OCTOBER 29, 2002 2:00 P.M.

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

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## ZONING CALENDAR

### 12-02-BZ

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

SUBJECT - Application January 4, 2002 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, and is contrary to Z.R. §32-25.

PREMISES AFFECTED - 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Sheldon Lobel.

**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

Adopted by the Board of Standards and Appeals October 29, 2002.

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### 225-02-BZ

APPLICANT - Sheldon Lobel, P.C., for AJC Partners, LLC, owner.

SUBJECT - Application August 6, 2002 - under Z.R. §72-21, to permit, in a C2-3 /R5 zoning district, the legalization of a portion of an existing drug store (Use Group 6)contrary to Z.R. Section 22-00.

PREMISES AFFECTED - 6419 Fort Hamilton Parkway, between 64th and 65th Streets, Block 5743, Lot 40,

# MINUTES

Borough of Brooklyn.

## COMMUNITY BOARD #10BK

APPEARANCES - None.

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 July 23, 2002 acting on Application No. 301281752 reads:

"The proposed one (1) story commercial building, partly contained in a C2-3 Zoning District, encroaches in a R5 Zoning District by approximately thirty-eight feet contrary to Section 22-00 of the Zoning Resolution and thereby needs to be referred back to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in The City Record, and laid over to October 29, 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 Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C2-3 /R5 zoning district, the legalization of a portion of an existing drug store (Use Group 6) contrary to Z.R. Section 22-00; and

WHEREAS, the applicant notes that although the structure is complete, it has not opened for business; and

WHEREAS, the subject site is located at the north east corner of 65th Street and Fort Hamilton Parkway with the first 150' located within a C2-3 where a Use Group 6 drugstore is permitted "as-of-right"; and

WHEREAS, the record indicates that a variance is only needed for the portion of the site falling within the R-5 zoning district; and

WHEREAS, the Board notes that by special permit, pursuant to Z.R. §73-52 (Modifications for Zoning Lots Divided by District Boundaries), the applicant can obtain relief for the entire development, except for 303 square feet that would remain within the R-5 zoning district ; and

WHEREAS, the applicant represents that the portion of the lot within the R-5 district has never housed a residential use and has been developed with non-conforming automotive uses; and

WHEREAS, the record indicates that since 1928, automotive uses have occupied the site and has been

subject to Board jurisdiction since 1936; and

WHEREAS, the applicant indicates that an existing 25'-6" wall, erected in the 1930s running along the eastern property line provides a buffer for the residential users; and

WHEREAS, the site's history of housing non-conforming automotive uses, its history of prior Board actions and the relatively minor variance requested are unique conditions demonstrate that the development of this site with a conforming development creates an undue hardship; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that the site is surrounded by automotive related uses to the north, west and south; and

WHEREAS, an existing 25'-6" wall will provide a buffer for the adjacent residential uses; and

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

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

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

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

*Resolved*, that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in a C2-3/R5 zoning district, the legalization of a portion of an existing drug store (Use Group 6) contrary to Z.R. §22-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 6, 2002" - (8) sheets, and on further condition;

THAT in accordance with BSA approved plans an automatic wet sprinkler shall be installed and maintained;

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

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

THAT this approval is limited to the relief granted

# MINUTES

by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, October 29, 2002.

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## 257-01-BZ

APPLICANT - Harold Weinberg, P.E., for Kol Israel Cong by Albert Dweck, V. Pres, owner.

SUBJECT - Application August 24, 2001- under Z.R. §72-21, to permit the proposed construction of a three story synagogue, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards, setback and sky exposure is contrary to Z.R. §24-111, §24-11, §24-35, §24-34 and §24-521.

PREMISES AFFECTED - 2504 Avenue "K", southeast corner of Bedford Avenue, Block 7625, Lot 41, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Opposition: John Scrofani and John Yacovone, Fire Department and Michael Sucher.

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 November 12, 2002, at 1:30 P.M., for decision, hearing closed.

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## 282-01-BZ

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

LLC, owner.

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

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

### COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 29, 2003, at 1:30 P.M., for continued hearing.

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## 283-01-BZ

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

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

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

### COMMUNITY BOARD #1BK

APPEARANCES-

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 29, 2003, at 1:30 P.M., for continued hearing.

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## 325-01-BZ

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

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

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# MINUTES

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and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

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

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Harold Weinberg.

**ACTION OF THE BOARD** - Laid over to January 14, 2003, at 1:30 P.M., for continued hearing.

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**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: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 17, 2002, at 1:30 P.M., for continued hearing.

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**384-01-BZ**

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

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

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

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Sheldon Lobel, Solomon Witriol, Irving Minkin.

For Opposition: Robert Baird Paterson, Karl Camillucci, Councilmember Diane Reyna and Ron Weis.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 29, 2003, at 1:30 P.M., for continued hearing.

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**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.**

APPEARANCES -

For Applicant: Sheldon Lobel.

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 November 19, 2002, at 1:30 P.M., for decision, hearing closed.

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**28-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Sheldon Lobel/Janice Cahalane.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 10, 2002, at 1:30 P.M., for continued hearing.

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**39-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Shaturun

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Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

## COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Opposition: John Yacovone, 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 November 19, 2002, at 1:30 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.

**ACTION OF THE BOARD** - Laid over to January 14, 2002, at 1:30 P.M., for continued hearing.

## 71-02-BZ

APPLICANT - Raymond H. Levin, Esq., for Wachtel & Masyr, LLP, for Lafayette Crosby Development, LLC c/o Cape Advisors, owner.

SUBJECT - Application March 1, 2002 - under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is

contrary to Z.R. §42-00 and §42-14D(2)(b).

PREMISES AFFECTED - 204/210 Lafayette Street, aka 51 Crosby Street, between Spring and Broome Streets, Block 482, Lot 32, Borough of Manhattan

## COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jerry Johnson.

For Opposition: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 10, 2002, at 1:30 P.M., for continued hearing.

## 82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

## COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Robert Baird Paterson.

**ACTION OF THE BOARD** - Laid over to December 17, 2002, at 1:30 P.M., for continued hearing.

## 121-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Harbor Associates, owner; Harbor Fitness Inc., lessee.

SUBJECT - Application April 17, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1 zoning which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn.

## COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

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# MINUTES

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to November 26, 2002, at 1:30 P.M., for decision, hearing closed.

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## 122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee. SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

### COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick Becker.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to November 26, 2002, at 1:30 P.M., for continued hearing.

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## 142-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

**ACTION OF THE BOARD** - Laid over to November 19, 2002, at 1:30 P.M., for continued hearing.

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## 151-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

### COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Howard Goldman, Chris Wrigh, Mike Barrett and Jack Freeman.

For Opposition: Mark Nowlan.

**ACTION OF THE BOARD** - Laid over to December 10, 2002, at 1:30 P.M., for continued hearing.

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## 162-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Eli and Raizy Levitin, owner.

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 R2 zoning district, which does not comply with the zoning requirements for floor area ratio and side and rear yards, and is contrary Z.R. §23-46, §23-461 and §23-141.

PREMISES AFFECTED - 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn.

### COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

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 November 19, 2002, at 1:30 P.M., for decision, hearing closed.

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## 196-02-BZ

APPLICANT - SFS Associates by Peter Hirshman, for Dynamic Youth Community, Inc., owner.

SUBJECT- Application June 17, 2002 - under Z.R. §72-21, to permit the proposed construction of a fourth floor addition, for use as sleeping accommodations (domiciliary care facility) of 16 beds, to the existing three story community facility, Use Group 3, located in a C8-2 (OP) zoning district, which is contrary to Z.R. §32-13.

PREMISES AFFECTED - 1826/32 Coney Island Avenue, west side, 46' north of Avenue "O", Borough of Brooklyn.

### COMMUNITY BOARD #12BK

#### APPEARANCES -

For Applicant: Peter Hirshman and F. Feldman.

For Opposition: John Yacovone, Fire Department and Simcha Felder.

#### 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 November 19, 2002, at 1:30 P.M., for decision, hearing closed.

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## 197-02-BZ

APPLICANT - Gary H. Silver Architect, P.C., for Nostrand Kings Management, owner; Theater Fitness Inc., DBA Empire Fitness, lessee.

SUBJECT- Application June 19, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, in a two story commercial building, located in a C2-2 within an R3-2 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn.

### COMMUNITY BOARD #18BK

#### APPEARANCES -

For Applicant: Gary H. Silver.

For Administration: John Yacovone, 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

November 26, 2002, at 1:30 P.M., for decision, hearing closed.

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## 200-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

### COMMUNITY BOARD #11M

#### APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, 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 November 26, 2002, at 1:30 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 5:15 P.M.

**DISMISSAL HEARING  
WEDNESDAY MORNING, OCTOBER 30, 2002  
10:00 A.M.**

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

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# MINUTES

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**285-85-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Henry Inselstein.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 2353-2355 Coney Island Avenue, between Avenue T and Avenue U, Block 7315, Lot 67, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES -

In Favor: Sheldon Lobel/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

Adopted by the Board of Standards and Appeals, October 20, 2002.

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**172-86-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Jomar Associates LLC

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 256-10 Union Turnpike, south side Union Turnpike 84.65' east of 256th Street, Block 8693, Lot 14, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES -

In Favor: Hiram A. Rothkrug.

**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

Adopted by the Board of Standards and Appeals, October 20, 2002.

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**3-02-A thru 11-02-A**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Rocco Berardi

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 10 Gallant Court, east side, 679' north of Arbutus Avenue, Block 6517, Lot 105,

Borough of Staten Island.

21 Gallant Court, east side, 402.6' north of Arbutus Avenue, Block 6517, Lot 110, Borough of Staten Island.

31 Gallant Court, east side, 520.1' north of Arbutus Avenue, Block 6517, Lot 115, Borough of Staten Island.

36 Gallant Court, west side, 596' north of Arbutus Avenue, Block 6517, Lot 120, Borough of Staten Island.

41 Gallant Court, east side, 620' north of Arbutus Avenue, Block 6517, Lot 130, Borough of Staten Island.

46 Gallant Court, west side, 496' north of Arbutus Avenue, Block 6517, Lot 125, Borough of Staten Island.

51 Gallant Court, east side, 720' north of Arbutus Avenue, Block 6517, Lot 135, Borough of Staten Island.

61 Gallant Court, east side, 805' north of Arbutus Avenue, Block 6517, Lot 145, Borough of Staten Island.

66 Gallant Court, west side, 384' north of Arbutus Avenue, Block 6517, Lot 150, Borough of Staten Island.

**COMMUNITY BOARD #10BK**

APPEARANCES -

In Favor: Hiram A. Rothkrug.

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

THE VOTE TO DISMISS -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, October 30, 2002.

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**426-54-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Howard Levine.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 78-11 Linden Boulevard, northwest corner of Linden Boulevard and 79th Street, Block 11376, Lot 23, Borough of Queens.

**COMMUNITY BOARD #10Q**

APPEARANCES -

In Favor: Hiram A. Rothkrug.

**ACTION OF THE BOARD** - Laid over to January 15, 2003, at 10 A.M. SOC Calendar, for continued

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# MINUTES

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hearing

**COMMUNITY BOARD #3M**

APPEARANCES -

In Favor: Eric Palatnik.

**ACTION OF THE BOARD** - Laid over to January 15, 2003, at 10 A.M., for continued hearing

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**386-01-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Chrisanthy Zisimopoulos

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 223 84th Street, north side of 84th Street, between Ridge Boulevard and 3rd Avenue, Block 6016, Lot 67, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

APPEARANCES -

In Favor: Stuart Klein.

**ACTION OF THE BOARD** - Laid over to January 15, 2003, at 10 A.M. SOC Calendar, for continued hearing.

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**38-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Maria Palumbo

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1210 82nd Street, south side, 100' east of 12th Avenue, Block 6302, Lot 12, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

APPEARANCES -

In Favor: Harold Weinberg.

**ACTION OF THE BOARD** - Laid over to December 10, 2002, at 10 A.M. SOC Calendar, for continued hearing.

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**120-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Abraham Lokshin.

LESSEE: Dolphin Fitness Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 42-46 Avenue A, northeast corner of Avenue A and 3rd Street, Block 399, Lot 1, Borough of Manhattan.

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# MINUTES

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**178-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Diego Salazar.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 57 Eagle Street/aka 233 Franklin Street, Eagle Street corner of Franklin Street, Block 2494, Lot 26, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

In Favor: Peter Hirshman.

**ACTION OF THE BOARD** - Laid over to December 10, 2002, at 10 A.M. SOC Calendar, for continued hearing

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**203-02-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Marcello Porcelli, Fabrizio Realty Corp.

LESSEE: BP AMOCO, plc

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 110-18 Northern Boulevard, between 110 and 111th Streets, Block 1725, Lots 1, 3, 4, 7, 8, 11, 12, & 13, Borough of Queens.

**COMMUNITY BOARD #3Q**

APPEARANCES -

In Favor: Eric Palatnik.

**ACTION OF THE BOARD** - Laid over to January 15, 2003, at 10 A.M. for continued hearing

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**COMPLIANCE HEARING****WEDNESDAY MORNING, OCTOBER 30, 2002**

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

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**374-75-BZ**

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES:

SUBJECT -

PREMISES AFFECTED - 380-394 Amsterdam Avenue,

Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to January 7, 2003, at 10 A.M., for continued hearing

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*Pasquale Pacifico, Executive Director.*

**SPECIAL HEARING****WEDNESDAY MORNING, OCTOBER 30, 2002****11:00 A.M.**

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

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**134-99-BZ**

APPLICANT - Martyn and Don Weston Architects, for Franklyn Holding Company, owner; The Dwight School, owner.

SUBJECT - Application Remanded back to BSA as per Supreme Court Decision

PREMISES AFFECTED - 18 West 89th Street, aka 17-19 West 88th Street, south side, 160' west of Central Park West, Block 1202, Lots 25, and 40, Borough of Manhattan.

**COMMUNITY BOARD #7M**

APPEARANCES -

For Applicant: Don Weston, Sheldon Lobel Lyra Altman and Barbara Marks.

**ACTION OF THE BOARD** - Laid over to January 14, 2003, for continued hearing.

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**253-01-BZ**

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

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

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

**COMMUNITY BOARDS #2M & 4M**

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# MINUTES

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APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

For Opposition: Stuart Beckerman and Doris Diether,  
CB#2.

**ACTION OF THE BOARD** - Laid over to  
December 11, 2002, for continued hearing on the Special  
Hearing Calendar.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:15 A.M.