
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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November 28, 2002

DIRECTORY

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CONTENTS

DOCKET
CALENDAR of December 17, 2002	
Morning
Afternoon

CONTENTS

MINUTES of Regular Meetings,
Tuesday, November 19, 2002

Morning Calendar

Affecting Calendar Numbers:

438-29-BZ	406-418 Remsen Avenue, Brooklyn
109-34-BZ	64-40 Myrtle Avenue, Queens
915-46-BZ	40-08 30 th Avenue, Queens
838-55-BZ	1866-90 Westchester Avenue, The Bronx
292-55-BZ	239-15 Jamaica Avenue, Queens
834-60-BZ	140 Vanderbilt Avenue, Brooklyn
352-64-BZ	408-424 East 51 st Street, Manhattan
190-75-BZ	301-321 East 79 th Street, Manhattan
151-90-BZ	115-49 118 th Street, Queens
145-92-BZ	403 East 91 st Street, Manhattan
25-95-BZ	2881 Nostrand Avenue, Brooklyn
219-97-BZ	130-11 North Conduit Avenue, Queens
203-01-BZ	5701 Broadway, The Bronx
204-01-BZ	73-15 Parsons Boulevard, Queens
139-02-A	1511 Third Avenue, Manhattan
89-02-A	244-10 Merrick Boulevard, Queens

CONTENT

Afternoon Calendar

Affecting Calendar Numbers:

125-01-BZ thru 128-01-BZ	Classon Avenue, Brooklyn
229-01-A thru 232-01-A	Classon Avenue, Brooklyn
39-02-BZ	142-66/82 Rockaway Boulevard, Queens
49-02-BZ	189-19 Pineville Lane, Queens
108-02-BZ	4566 Broadway, Manhattan
126-02-BZ	296 West Fordham Road, The Bronx
148-02-BZ	72 Highlawn Avenue, Brooklyn
162-02-BZ	1222 East 22 nd Street, Brooklyn
196-02-BZ	1826/32 Coney Island Avenue, Brooklyn
207-02-BZ	2723 Avenue P, Brooklyn
240-01-BZ	110/20 Church Street, Manhattan
284-01-BZ	275 Castleton Avenue, Staten Island
292-01-BZ	69/71 MacDougal Street, Manhattan
297-01-BZ	201 East 23 rd Street, Manhattan
305-01-BZ thru 320-01-BZ	Terrace Court, Queens
360-01-BZ	2228 Gerritsen Avenue, Brooklyn
363-01-BZ thru 365-01-BZ	3304 Rombouts Avenue, The Bronx
388-01-BZ	2071 Clove Road, Staten Island
26-02-BZ	1680 Richmond Avenue, Staten Island
41-02-BZ	124 McLean Avenue, Staten Island
73-02-BZ	6 Stanwix Street, Brooklyn
76-02-BZ/77-02-BZ	265 Stobe Avenue, Staten Island
83-02-BZ	925 Bergen Street, Brooklyn
106-02-BZ	4502 14 th Avenue, Brooklyn
112-02-BZ	48 Eldrige Street, Manhattan
114-02-BZ	2493 Richmond Road, Staten Island
124-02-BZ	8000 Utopia Parkway, Queens
142-02-BZ	1070 East 24 th Street, Brooklyn
239-02-BZ	110 Waverly Place, Manhattan
250-02-BZ	3845 Bedford Avenue, Brooklyn

DOCKET

New Case Filed Up to November 19, 2002

327-02-BZ B.BK. 82 Union Street, south side, 266'-0" west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn. Applic.#301320657. Proposed erection of a four story, four family residence, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #6BK.

328-02-BZ B.M. Three Park Avenue, southeast corner of East 34th Street, Block 889, Lot 9001, Borough of Manhattan. Applic.#103271950. The legalization of the enlargement of a grandfathered physical culture establishment, located in portions of the first floor and first floor mezzanine of a forty-two story, school and commercial building, requires a special permit from the Board as per Z.R. §32-10.
COMMUNITY BOARD #5M.

329-02-BZ B.Q. 182-40 Radnor Road, east side, between Grand Central Parkway and Kent Street, Block 7246, Lot 11, Borough of Queens. Alt.#401102427. Proposed addition to an existing one family dwelling, which creates non-compliance with respect to the required side yard, is contrary to Z.R. §23-461.
COMMUNITY BOARD #8Q.

330-02-BZ B.BK. 48/60 Williams Avenue, bounded by Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of Brooklyn. Alt.#301426801. Propose conversion of a former welfare center, for use as an elementary school, Use Group 3, located in an M1--4 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #5BK

331-02-A B.Q. 29 Fulton Walk, west side, 14.68' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.#401531357. Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street, and has an upgraded private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and the Department of Buildings Policy.

332-02-A B.S.I. 107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island. Applic.#500564150. proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

333-02-A B.S.I. 148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island. Applic.#500564445. Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

334-02-BZ B.BK. 1281 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn. Applic.#301220355. The legalization of residential occupancy in a four story, eight unit building, which is located within a district zoned for manufacturing use, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK.

335-02-BZ B.BK. 1283 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn. Applic.#301220382. The legalization of residential occupancy in a one story, four unit building, which is located within a district zoned for manufacturing use, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK.

336-02-BZ B.BK. 1287 Atlantic Avenue, between New York and Nostrand Avenues, Block 1867, Lots 72, 75 and 76, Borough of Brooklyn. Applic.#301220373. The legalization of a four story mixed use building, that is located within a district zoned for manufacturing use, is contrary to Z.R. §42-00.
COMMUNITY BOARD #3BK.

DOCKET

337-02-A B.S.I. 1390 Richmond Terrace, southwest corner of Elm Street. Block 158, Lot 6, Borough of Staten Island. Alt.1#500580427. Proposed community facility, located on a portion of a lot which is fully within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

338-02-BZ B.Q. 14-01 College Point Boulevard, southeast corner, Block 4085, Lots 65 and 68, Borough of Queens. N.B.#401527095. Proposed erection and maintenance of a permitted drugstore, Use Group 6, which does not have the required parking, and provides a 5' sideyard on one side instead of the required 8' sideyard, is contrary to Z.R. §§33-291 and 36-21.
COMMUNITY BOARD #7Q.

339-02-BZ B.Q. 147-65/76 Springfield Boulevard, northeast corner of 147th Avenue, Block 13363, Lots 4 and 6, Borough of Queens. N.B.#90/76. Proposed reestablishment of an expired variance previously granted by the Board under Cal. No. 219-71-BZ Vol. II, which permitted a warehouse with offices in an R3-2 zoning district, also to permit the addition of Lot No. 4 to the premises, for use as the entrance ramp, is contrary to Z.R. §22-00.
COMMUNITY BOARD #13Q

340-02-A B.Q. 19 Atlantic Walk, between Beach 207th Street and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Applic.#401484791. Proposed reconstruction of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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

CALENDAR

DECEMBER 17, 2002, 10:00 A.M.

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

SPECIAL ORDER CALENDAR

573-55-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Stop Enterprises, Inc., owner.
SUBJECT - Application October 30, 2002 - reopening for an extension of term of variance which expired May 22, 2002 and for an amendment to the resolution.
PREMISES AFFECTED - 17-32/46 Clintonville Street, Clintonville Street southwest corner of 17th Road, Block 4730, Lot 4, Borough of Queens.
COMMUNITY BOARD #7Q

763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.
SUBJECT - Application October 10, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.
COMMUNITY BOARD #5BX

1673-61-BZ

APPLICANT - Victoria St. Clair, for Victoria St. Clair, owner.
SUBJECT - Application August 16, 2002 - reopening for an extension of term of variance which expired October 25, 2002.
PREMISES AFFECTED - 264 Winthrop Street, south side 252'.6" West of Nostrand Avenue, Block 5050, Lot 31, Borough of Brooklyn.
COMMUNITY BOARD #9BK

947-80-BZ

APPLICANT - Slater & Beckerman, LLP, for Hellmuth Owners Corp., owner.
SUBJECT - Application August 7, 2002 - reopening for an amendment to the resolution.
PREMISES AFFECTED - 154-158 West 18th Street, south side of 18th Street, 141' east of 7th Avenue, Block 793, Lot 67, Borough of Manhattan.
COMMUNITY BOARD #4M

543-91-BZ

APPLICANT - Fredrick A. Becker, Esq., for Barbara Salamy and Fredric Kalesh, owner; P.C. Richards and Sons, lessee.
SUBJECT - Application July 17, 2002 - reopening for an extension of term of variance which expired July 28, 2002.
PREMISES AFFECTED - 8605-8613 Fort Hamilton Parkway, east side of Fort Hamilton Parkway, 67.5" south of 86th Street, Block 6053, Lot 14, Borough of Brooklyn.
COMMUNITY BOARD #10BK

134-97-BZ

APPLICANT - John A. Lentini, for Thersa Garofalo, owner; Rivoli Fuel Oil Co., Inc, lessee.
SUBJECT - Application October 17, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.
PREMISES AFFECTED - 2467 Arthur Avenue, west side of Arthur Avenue, 115.01' south of E. 189th Street, Block 3066, Lot 51, Borough of The Bronx.
COMMUNITY BOARD #6BX

DECEMBER 17, 2002, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, December 10, 2002, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

CALENDAR

75-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 460 Union Street LLC, contract vendee.

SUBJECT - Application March 12, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story, 64-unit residential building, Use Group 2, located in an M2-1 zoning district, is contrary to §42-00.

PREMISES AFFECTED - 460 Union Street, bounded by Union, Bond and Presidents Streets, and Gowanus Canal, Block 438, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #6BK

138-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Faks Realty Corporation, owner.

SUBJECT - Application April 29, 2002 - under Z.R. §72-21 to permit the proposed one- story enlargement of an existing one-story and mezzanine building, Use Group 17, located in an M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, wall height, minimum setback, side yard and parking, is contrary to Z.R. §43-12, §43-43, §43-25 and §44-21.

PREMISES AFFECTED - 4302 Farragut Road, on the corner of East 43rd Street and Farragut Road, Block 5018, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #17BK

152-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Ruppert Housing Company, Inc., owner; Dolphin 93rd Fitness aka Synergy Fitness 93, lessee.

SUBJECT - Application May 9, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located in a portion of the cellar and the first floor, in a seventeen story, commercial and residential building, in a C2-8 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 1768/81 Second Avenue (aka 235/45 East 92nd Street and 220/48 East 93rd Street), hereinafter 1781 Second Avenue, southwest corner of East 93rd Street, Block 1538, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

194-02-BZ

APPLICANT - Michael DeRuvo, R.A., for WSP Capital, LLC/John McGrath, owner; Johnny Lat's Gym II, lessee.

SUBJECT - Application June 11, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture

establishment, located in a C4-3 zoning district, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 1775 South Avenue, south side of Meredith Avenue, Block 2800, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

280-02-BZ

APPLICANT - Slater & Beckerman, LLP, for Claysson Marks Realty Corp., owner; CNR Health Care Network, Inc., lessee.

SUBJECT - Application October 18, 2002 - under Z.R. §§73-01 & 73-452 to permit the proposed accessory parking with 33 spaces and a 24-hour attendant, which is located more than 200 feet from the zoning lot, containing the community facility (nursing home), requires a special permit as per Z.R. §25-53.

PREMISES AFFECTED - 458/62 St. Marks Avenue, a/k/a 684/92 Classon Avenue, Block 1155, Lots 48, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #8BK

Pasquale Pacifico, Executive Director

MINUTES

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 19, 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, October 8, 2002, were approved as printed in the Bulletin of October 17, 2002, Volume 87, No. 41.

SPECIAL ORDER CALENDAR

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

In Favor: Amit Itshiah, Lorin Lewis and Gary Rawlins.

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 December 10, 2002, at 10 A.M., for decision, hearing closed.

109-34-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for decision, hearing closed.

915-46-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 184 Jero, Inc., owner; Gaseteria Oil Corporation, lessee.

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

PREMISES AFFECTED - 40-08 30th Avenue, southeast corner of Newtown Road, Block 681, Lot 114, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for decision hearing closed.

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for continued hearing.

292-55-BZ

APPLICANT- Carl A. Sulfaro, Esq., for K & P Jamaica Oil Company, Inc., owner.

SUBJECT - Application June 11, 2002 - reopening for an extension of term of variance which expired April 10, 2001 and for an amendment to the resolution.

MINUTES

PREMISES AFFECTED - 239-15 Jamaica Avenue, northwest corner of 240th Street, Block 8001, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for continued hearing.

834-60-BZ

APPLICANT - Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application March 27, 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 March 2, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

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

352-64-BZ

APPLICANT - Sheldon Lobel, P.C., for Garage Management Company, owner.

SUBJECT - Application April 1, 2002 - request for a waiver

of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 16, 1979.

PREMISES AFFECTED - 408-424 East 51st Street, East 51st Street between First Avenue and Beekman Place, Block 1362, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 10 A.M., for continued hearing.

190-75-BZ

APPLICANT - Kevin B. McGrath, Esq., for Condominium, owner.

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

PREMISES AFFECTED - 301-321 East 79th Street, Second Avenue and East 79th Street, Block 1542, Lots 1001-1546, 7501, 12, 49, Block 8, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Kevin B. McGrath.

For Opposition: Philip Schneider, City Planning.

For Administration: John A. Yacovone, Fire Department

ACTION OF THE BOARD - Laid over to March 18, 2003, at 10 A.M., for continued hearing.

151-90-BZ

APPLICANT - The Augusta Group, for Carmen Bosato, owner.

SUBJECT - Application August 26, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 25, 2001.

PREMISES AFFECTED - 115-49 118th Street, east side of 118th Street 240' north of Sutter Avenue, Block 11711, Lot 18, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: John A. 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 December 10, 2002, at 10 A.M., for decision, hearing closed.

145-92-BZ

APPLICANT - Fredrick A. Becker, Esq., for PPI New York LLC, owner; Broadway Body Builders, Inc., lessee.

SUBJECT - Application September 10, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 403 East 91st Street, north side of East 91st Street, 94' east of First Avenue, Block 1571, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #8M

MINUTES

APPEARANCES -

For Applicant: Fredrick A. Becker and Jim Maceda.
For Administration: John A. 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 December
10, 2002, at 10 A.M., for decision, hearing closed.

25-95-BZ

APPLICANT - Anthony M. Salvati, for Mr. Joseph
Packman, owner.
SUBJECT - Application July 16, 2001 - reopening for an
extension of term of variance which expired June 11, 2001.
PREMISES AFFECTED - 2881 Nostrand Avenue, Nostrand
Avenue and Marine Parkway, Block 7691, Lot 19, Borough
of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Peter Hirshman.
ACTION OF THE BOARD - Laid over to December
17, 2002, at 10 A.M., for continued hearing.

219-97-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Amoco Corp.,
owner.
SUBJECT - Application September 26, 2002 - reopening
for an amendment to the resolution.
PREMISES AFFECTED - 130-11 North Conduit Avenue,
North Conduit between 130th Street and 130th Place,
Block 11864, Lots 13 and 16, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.
For Administration: John A. 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 December
10, 2002, at 10 A.M., for decision, hearing closed.

203-01-BZ

APPLICANT - Sheldon Lobel, P.C., for BP Products, N.A.
C/O Bohler Engineering, owner.

SUBJECT - Application September 3, 2002 - reopening for
an amendment to the resolution.

PREMISES AFFECTED - 5701 Broadway at West 234th
Street, northwest corner of Broadway and West 234th
Street, Block 5760, Lot 175, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Eric Palatnik.
For Administration: John A. 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 December
10, 2002, at 10 A.M., for decision, hearing closed.

204-01-BZ

APPLICANT - Sheldon Lobel, P.C., for B.P. Amoco Corp.,
owner.

SUBJECT - Application September 26, 2002 - reopening
for an amendment to the resolution.

PREMISES AFFECTED - 73-15 Parsons Boulevard,
Parsons Boulevard between 73rd and 75th Avenues, Block
6822, Lot 20, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.
For Administration: John A. 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 December
10, 2002, at 10 A.M., for decision, hearing closed.

139-02-A

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

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

PREMISES AFFECTED - 1511 Third Avenue, northeast

MINUTES

corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: S. Scott Mason, Department of Buildings, Michael Sillerman, Julia Marx, Jesse Masy and Samuel Lindenbaum.

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

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:30 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 19, 2002

2:00 P.M.

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

ZONING CALENDAR

125-01-BZ thru 128-01-BZ

229-01-A thru 232-01-A

APPLICANT - Klein & O'Brien, LLP, for Taffee Place, LLC, owner.

SUBJECT - Application March 23, 2001 - under Z.R. §72-21 to permit the proposed residential dwellings (Use Group 2) to be located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not meet the zoning requirements for setback and location of balconies, as per Z.R. §43-43, §23-12(d) and §23-131.

PREMISES AFFECTED -

125 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 106, Borough of Brooklyn.

131 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 105, Borough of Brooklyn.

135 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1 (tentative 4), Borough of Brooklyn.

141 Classon Avenue, bounded by Park Avenue on the south and Flushing Avenue on the north, Block 1881, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application Nos. 300713495, 300713486, 300716625, 300715616 reads;

"1. Proposed Residential Dwellings in M1-2 Zoning District are contrary to Section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals.

2. NYC Building Code Section 27-733 light and air not provided.

3. Set back requirement not provided as per Zoning Resolution Section 43-43. Initial setback of 15 feet at 60 feet on wide street."; and

WHEREAS, a public hearing was held on this application on January 8, 2002, after due notice by publication in The City Record and laid over to February 26, 2002, April 23, 2002, June 4, 2002, July 23, 2002, September 10, 2002 and then to November 19, 2002 for decision; and

WHEREAS, the premises and surrounding area had a

MINUTES

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the construction of residential dwellings (Use Group 2) contrary to Z.R. §42-00 that does not meet the zoning requirements for setback and location of balconies contrary to Z.R. §§ 43-43, 23-12(d) and 23-131; and

WHEREAS, the instant proposal seeks to develop, on a vacant lot, four (4), adjoining and connected seven-story and cellar buildings with a total of 56 residential dwelling units on a nearly rectangular mid-block and corner parcel with 155.10' of frontage along Classon Avenue, and 95.5' of frontage along Park Avenue containing 14,998 square feet in area; and

WHEREAS, the applicant contends that the instant proposal would re-establish residential use previously located on the site; and

WHEREAS, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is vacant and the existing zoning regulations permit a 2.0 Floor Area Ratio for commercial or manufacturing uses; and

WHEREAS, moreover, there is no side yard or rear yard requirement for the first 100 feet on Classon Avenue as measured from Park Avenue; and

WHEREAS, the applicant also contends that the subject site is unique because it requires expensive environmental remediation and that any development would trigger site-specific, unique expenditures; and

WHEREAS, the record indicates that the EEA report reference by the applicant states that based on the subsurface investigation of the Site, several locations exceeded (TAGM-4046) guidelines for Polyaromatic Hydrocarbons and Priority Pollutant Metals; and

WHEREAS, however, the Board notes that the above standard is only a goal for regulatory purposes and is applicable in projects requiring discretionary approvals, not in as-of-right developments; and

WHEREAS, further, the EEA report also states that at locations P-1 and P-8, contamination levels represents a risk to human health; and

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

WHEREAS, the record indicates that the clean-up costs alleged by the applicant are not applicable to an as-of-right manufacturing or commercial development; and

WHEREAS, the record suggests that the proposal

seeks a different density than what is permitted in this district in order to obtain a greater rate of return; and

WHEREAS, the Board finds that the applicant's analysis does not adequately demonstrate that a conforming manufacturing use would not yield a reasonable return; and

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

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

WHEREAS, evidence in the record including testimony at BSA hearings from an adjacent manufacturing use owner demonstrate that there is demand for the site for manufacturing uses; and

WHEREAS, the Board determines that the subject site is presently vacant, that an as-of-right development will not trigger expensive remediation costs, that the immediate surrounding area is characterized by conforming manufacturing or commercial uses, therefore conversion of this vacant site will alter the character of the surrounding area; and

WHEREAS, the Board finds that the applicant has failed to document that the proposed housing development would not impair the character of the neighborhood; and

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

WHEREAS, Z.R. §72-21 (d) requires that the particular difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title (emphasis added); and

WHEREAS, the applicant contends that the removal of contaminated soil and other environmental remediation results in an extraordinary expense leading to an unnecessary hardship; and

WHEREAS, the Board notes that the subject site became contaminated by long-term industrial activities that occurred at the site; and

WHEREAS, therefore the Board finds that the above constitutes a self-created hardship and the applicant has failed to meet the requirements of Z.R. §72-21 (d) ; and

WHEREAS, this site was the subject of a prior Board application that sought a smaller variance; and

WHEREAS, the Board recalls that the prior application would not have met the findings under Z.R. §72-21; and

WHEREAS, that even if this application met of Z.R. §72-21 (a), (b), (c) and (d) a lesser development would be more appropriate; and

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

MINUTES

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

Resolved, the decision of the Borough Commissioner, dated December 4, 2001, acting on Application Nos. 300713495, 300713486, 300716625, 300715616 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 19, 2002.

on a site previously before the Board, to permit, in an R3-2 zoning district within a C1-2 zoning district, the legalization of an existing warehouse, a use previously permitted under BSA Cal. No. 761-80-BZ, the conversion of a small portion of the premises to be used as a storefront retail use, and for the accessory parking area located on Lot 70 which is contrary to Z.R. §22-00; and

WHEREAS, the site is situated on the southwest corner of Bascom Avenue and 143rd Street, improved with a non-conforming, Board approved, Use Group 16 warehouse under Calendar Number 761-80-BZ; and

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT- Application January 29, 2002 - under Z.R. §72-21, to permit, in an R3-2 zoning district within a C1-2 zoning district, the legalization of an existing warehouse, a use previously permitted under BSA Cal. No. 761-80-BZ, the conversion of a small portion of the premises to be used as a storefront retail use, and for the accessory parking area located on Lot 70 which is contrary to Z.R. §22-00.

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: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 29, 2001 acting on Application No. 401369531 reads:

- " 1-Comply with BSA #761/80 BZ
- 2-Use Group 16 is not permitted in a C1-2 & R3-2 District as per Section 32.00ZR."; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record and laid over to October 1, 2002, October 29, 2002 and then to November 19, 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,

WHEREAS, the above variance lapsed on November 4, 1996; and

WHEREAS, the applicant represents that the lapse resulted from a change in ownership and notes that the use has been permitted since 1976 under Calendar Number 500-76-BZ, when the Board permitted the open area in the residential portion of the lot to be used as an accessory parking lot; and

WHEREAS, site's history of development with non-conforming Board approved uses and evidence in the record indicating that the subject site cannot house or be converted to a viable conforming use creates an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject property is located in an area characterized by commercial uses; and

WHEREAS, the Board notes that this is a legalization and that the site has housed non-conforming uses for over 25 years; and

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

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

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

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

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

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

MINUTES

preparation of an Environmental Impact Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3-2 zoning district within a C1-2 zoning district, the legalization of an existing warehouse, a use previously permitted under BSA Cal. No. 761-80-BZ, the conversion of a small portion of the premises to be used as a storefront retail use, and for the accessory parking area located on Lot 70 which is 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 October 22, 2002"-(3) sheets, and "November 12, 2002" -(3) sheets; and on further condition;

THAT; the term of the variance shall be limited to ten years from the date of this grant, to expire on November 19, 2012;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, November 19, 2002.

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 8, 2002 acting on NB Application No. 401270413, reads:

"PROPOSED ONE-FAMILY DWELLING DOES NOT PROVIDE THE REQUIRED FRONT YARD, OPEN SPACE, SKY EXPOSURE CLEARANCE, WIDTH OR LOT AREA, AND EXCEEDS THE PERMITTED FLOOR AREA IN AN R2 ZONING DISTRICT, AND MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record, laid over to October 10, 2002, and then to November 29, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; and

WHEREAS, the record indicates that the subject premises is an triangularly shaped lot with 39.9 feet of frontage on Pineville Lane and 96.8 feet of frontage on Lucas Street, and a total of 1,759 square feet of lot area; and

WHEREAS, the applicant states that the site is currently vacant, and the proposal seeks to erect a two-story and cellar one-family dwelling; and

WHEREAS, the applicant represents that due to the corner location on the site 15 foot front yards are required along both Pineville Lane and Lucas Street, which effectively prohibits the construction of any structure on the small lot; and

WHEREAS, the aforementioned unique physical condition, namely irregularly shaped small corner lot with its triangular shape, makes its occupancy for a conforming R2 use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning;

MINUTES

and

WHEREAS, the instant application is for a single family house and the Board has determined that no showing of financial hardship is required pursuant to Z.R. §72-21(b); and

WHEREAS, upon site inspection, the Board has noted that the enlargement is contextually compatible with the surrounding homes and neighborhood; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to ZR §§23-30, 23-141 and 23-45; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 27, 2002"-(7) sheets, and on further condition;

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

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

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

Adopted by the Board of Standards and Appeals, November 19, 2002.

108-02-BZ

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

SUBJECT - Application April 4, 2002 - under Z.R. §73-21, to permit, on a site previously before the Board, in a C2-4/R7-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #1.

PREMISES AFFECTED - 4566 Broadway, corner of Nagle Avenue, Block 2172, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 25, 2002 acting on Application No. 103117093 reads:

"1. Proposed construction of a new building to be operated as a gasoline service filling station with an accessory convenience store (U.G. 16) located in a C2-4 within an R7-2 Zoning District is contrary to BSA calendar 822-77-BZ and therefore must be referred to the BSA."; 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 for decision, when it was re-opened and laid over for continued hearing until October 22, 2002, and then to for decision on November 19, 2002; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, to permit, on a site previously before the Board, in a C2-4/R7-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #1; and

WHEREAS, the subject parcel is an irregularly shaped lot containing approximately 15,691 square feet of lot area with approximately 66 feet of frontage along Nagle Avenue and 84 feet of frontage along Broadway; and

WHEREAS, the subject site is presently improved with a single-story 288 square feet brick building with a small gas station attendant kiosk; and

MINUTES

WHEREAS, the instant proposal will demolish the above structures and replace them with a new 1,940 square foot automotive service station with an accessory convenience store and overhead canopy; and

WHEREAS, the proposed food mart will contain 897 square feet of sales area, and

WHEREAS, the applicant also proposes to install 98.67 square feet of illuminated signage and 77.92 square feet of non-illuminated signage; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 7 vehicles; and

WHEREAS, the applicant represents that a 6' high chain link fence with privacy slats along the top will provide screening to the adjoining lots within the C2-4/R7-2 zoning district, and white pines will line the Southeastern property line where the site adjoins residential uses; and

WHEREAS, under Z.R. §73-211(a) the site housing the proposed must contain a minimum area of 7,500 square feet; and

WHEREAS, the instant proposal contains 15,691 square feet of lot area; and

WHEREAS, Z.R. §73-211(b) limits the proposed use to 15,000 square feet for sites not located on an arterial highway or major street; and

WHEREAS, the Board notes that both Broadway and Nagle Avenue are heavily traveled thoroughfare and that the entrances and exits to the site are planned so that at maximum operation, vehicular movement into or from the premises will cause a minimum obstruction on the streets or sidewalk; and

WHEREAS, therefore, the Board finds that Z.R. §73-211(b) is not applicable to the subject application; and

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-211 and 73-03.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211 and 73-03, to permit, on a site previously before the Board, in a C2-4/R7-2 zoning District, the proposed construction of an automotive service station with an accessory convenience store on lot #1, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received September 26,

2002" -(6) sheets; and on further condition;

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

THAT there shall be no lubrication, repair or washing of cars at the premises;

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

THAT there shall be no parking of cars on the sidewalk at any time;

THAT there shall be no automobile vacuums on the premises;

THAT the term of this special permit shall be limited to ten years from the date of this grant, expiring November 19, 2012;

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

THAT a new Certificate of Occupancy shall be obtained within 2 years of this grant;

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

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

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

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

Adopted by the Board of Standards and Appeals, November 19, 2002.

126-02-BZ

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

SUBJECT - Application April 19, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, which is located in both C8-3 and R5 zoning districts and is contrary to §22-00.

PREMISES AFFECTED - 296 West Fordham Road, corner of Major Deegan Expressway off-ramp and Cedar Avenue, Block 3233, Lot 65, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

MINUTES

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 28, 2002 acting on Application No. 200712005 reads:

"Proposed construction of a new building 2,400 SF with canopy and signage to be operated as a gasoline filling station with an accessory convenience store (U.G. 16) located in a C8-3 and R5 which is contrary to BSA Calendar 214-27 and therefore must be referred to the BSA."; 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 November 19, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, which is located in both C8-3 and R5 zoning districts and is contrary to §22-00; and

WHEREAS, the record indicates that the premises is located between the off-ramp of the Major Deegan Expressway, West Fordham Road and Cedar Avenue in the Bronx, with 117.96 feet of frontage along West Fordham Road and 162.5 feet of frontage on Cedar Avenue; and

WHEREAS, the applicant represents that the premises has been used in an automotive capacity as far back as 1927, when it was granted a use variance under BSA Calendar No. 214-27-BZ; and

WHEREAS, the proposal seeks to demolish the existing structure and replace it with a new automotive service station with a solar energy collecting vehicle canopy over the proposed four (4) multi-product dispensers and totaling 2,400 square feet of floor area, 1,256 of which will be sales area for the convenience store, ; and

WHEREAS, the applicant represents that the site is trapezoidal in shape with a width of 117.96 feet at its northern edge, a width of 96 feet at its southern edge, a length of 162.5 feet on its eastern edge and a length of 93.96 feet on its western edge; and

WHEREAS, the premises is located primarily in a C8-3 zoning district with only a small triangular shaped portion located in the R5 zoning district; and

WHEREAS, the applicant states that the irregular shape of the R5 portion is poorly located and is of an insufficient size to create new housing; and

WHEREAS, therefore, the Board finds that these

unique conditions, namely the irregularly shaped lot, the relatively small portion of the lot located in a residential district, and the history of non-conforming automotive uses, create an unnecessary hardship in complying strictly with the Zoning Resolution; and

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

WHEREAS, the record indicates that an automotive use has occupied the premises for the past 75 years; and

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

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, which is located in both C8-3 and R5 zoning districts and is contrary to §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 November 12, 2002"-(6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant, to expire on November 19, 2012;

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

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

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

MINUTES

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, November 19, 2002.

148-02-BZ

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

SUBJECT - Application May 8, 2002 - under Z.R. §72-21, to permit, in an R-5 zoning district, the legalization of an existing in-ground accessory swimming pool which was constructed in the front yard of a corner zoning lot contrary to Z.R. §§ 12-10, and 23-44.

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

COMMUNITY BOARD #11BK

APPEARANCES - None.

ACTION OF THE BOARD - Application Denied.

THE VOTE TO GRANT -

Affirmative:0

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 5, 2002, acting on Application No. 300831107, reads in pertinent part;

"1. Proposed accessory in-ground swimming pool is contrary to Section 23-44(a) since it is located in the front yard of a single family dwelling in an R5 zoning district.

2. Proposed accessory in-ground swimming pool is contrary to Section 12-10 since an accessory swimming pool to a single family dwelling must be located a minimum of five feet from any lot line"; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R-5 zoning district, the legalization of an existing in-ground accessory swimming pool which was constructed in the front yard of a corner zoning lot contrary to Z.R. §§ 12-10, and 23-44; and

WHEREAS, the applicant claims that the existing structures on a narrow zoning lot dictate that the construction of the pool be set back so as to be consistent with good construction practice and placing the pool in a compliant manner would undermine the existing foundations; and

WHEREAS, however, the Board notes that the lot is completely regular in shape, has a width of 52', a depth of 100' and is larger than most nearby zoning lots illustrated in the submitted radius diagram; and

WHEREAS, therefore, the Board finds no merit in the applicant's contention that the site's slight irregularity contributes to uniqueness leading to a practical difficulty in constructing a conforming development because the site is zoning for residential use and the existing dwelling is viable; and

WHEREAS, the Board notes that in order to satisfy the requirements of ZR §72-21 (a), a unique condition that leads to a practical difficulty or unnecessary hardship must relate to the site's primary use, not accessory use; and

WHEREAS, the Board determines that the primary use on this zoning is the residential dwelling and that the subject swimming pool is at best an "accessory use" as defined in Z.R. §12-10; and

WHEREAS, from site inspection and evidence in the record, the Board has determined that the existing residential structure (the primary use on the lot) is completely viable and no unique condition that leads to a practical difficulty or unnecessary hardship exists; and

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

WHEREAS, the Board notes that the intent of the front yard requirements of the Zoning Resolution are to have accessory swimming pools setback so as to not be a nuisance to adjoining neighbors' lots, and public areas such as sidewalks; and

WHEREAS, the record indicates that the applicant can comply with the front yard requirements of Section 23-44(a) by reconfiguring the location of the subject pool; and

WHEREAS, therefore, the Board finds that the applicant has created his own hardship and fails to meet the requirements Z.R. §72-21(d); and

WHEREAS, since the application fails to meet the requirements of Z.R. §72-21 (a) and (d) it must be denied. Resolved, the decision of the Borough Commissioner, dated April 5, 2002, acting on Application No. 300831107 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 19, 2002

MINUTES

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, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side and rear yards, and is contrary to Z.R §§23-141, 23-46 and 23-461.

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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 10, 2002, acting on ALT Application No. 301064531 reads:

" Proposed plans are contrary to ZR: 23-141 in that it exceeds the maximum permitted floor area ratio of .5, and does not provide the minimum required open space ratio of 150.

Proposed plans are contrary to ZR: 23-46 in that the proposed rear yard is less than 30 feet.

Proposed plans are contrary to ZR: 23-461 in that the proposed side yard is less than the minimum 5' required on one side."; and

WHEREAS, a public hearing was held on this application on October 29, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side and rear yards, and is contrary to Z.R §§23-141, 23-46 and 23-461; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio and side and rear yards, and is contrary to Z.R §§23-141, 23-46 and 23-461, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received "September 4, 2002" -(7) sheets and "November 12, 2002" - (4) sheets; and on further condition;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, November 19, 2002.

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, in a C8-2 OP zoning district, the proposed addition of sleeping accommodations of 16 beds to an existing community facility, 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.

MINUTES

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 19, 2002 acting on Application No. 301020712, reads;

"THE PROPOSED ADDITIONAL USE OF SLEEPING ACCOMMODATIONS (DOMICILIARY CARE FACILITY -UG 3) TO THE EXISTING COMMUNITY FACILITY IN A C8-2 (OP) IS NOT PERMITTED AS PER 32-13 ZR AND IS REFERRED TO THE BOARD OF STANDARDS AND APPEALS."; AND

WHEREAS, a public hearing was held on this application on September 24, 2002 after due notice by publication in The City Record, and laid over to October 29, 2002 and then to November 19, 2002 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21 to permit, in a C8-2 OP zoning district, the proposed addition of sleeping accommodations of 16 beds to an existing community facility, which is contrary to Z.R. §32-13; and

WHEREAS, the subject site is a three-story plus basement building, situated on Coney Island Avenue in Brooklyn; and

WHEREAS, the applicant states that the community facility (Dynamic Youth Community) has existed on the site for the past thirty years, and the mission of this existing community facility is to provide a vehicle for recovered substance abusers to re-enter society in a systematic and planned manner; and

WHEREAS, the proposal seeks to expand the existing third floor and create a fourth floor, allowing the facility to provide needed services and counseling for patient care; and

WHEREAS, the Board notes that the proposed floor area and building height increase could be done as-of-right, and it is the proposed sleeping use which requires a use variance due to the fact that such use is not permitted in a C8-2 zoning district;

WHEREAS, the record indicates that the programmatic

need of this community facility, specifically the provision of transitory sleeping accommodations for clients without a family or home to go to after completing the program, is not able to be fulfilled due to the zoning restrictions; and

WHEREAS, the Dynamic Youth Community's current program consists of two phases, with the first phase (intensive day treatment) taking place in Fallsburg, NY, and the second phase (re-immersion back to the mainstream society) on the subject site; and

WHEREAS, the applicant represents that the transitory sleeping accommodations are essential at this site in particular, as many of the adolescent clients and their guardians are from the New York City area; and

WHEREAS, the Board finds that there are unique conditions, namely the growing programmatic needs of the community facility, which create practical difficulties and unnecessary hardships in constructing a building in compliance with the underlying district regulations; and

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

WHEREAS, the Board notes that the subject community facility has existed on the site since 1970 and that the proposed domiciliary use will be consistent with the nearby residential uses; and

WHEREAS, the applicant has represented that the sleeping accommodations will be used only by the clientele of the first three floors and that no substantial increased occupancy or enrollment is anticipated; and

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

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

WHEREAS, evidence in the record demonstrates that this proposal is the minimum necessary to meet the programmatic needs of the school; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every

MINUTES

one of the required findings under Z.R. §72-21 to permit, in a C8-2 OP zoning district, the proposed addition of sleeping accommodations of 16 beds to an existing community facility, which is contrary to Z.R. §32-13, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received June 17, 2002"- (6) sheets, "October 29, 2002"- (1) sheet, and "November 12, 2002"- (1) sheet; and on further condition;

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

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

THAT a Certificate of Occupancy shall be obtained within two years 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.

Adopted by the Board of Standards and Appeals, November 19, 2002.

Application No. 301361381 reads:

"Proposed side extension and new Attic extension to an existing One (1) Family Dwelling are contrary to: ZR Sec 23-141(b) Floor Area and requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622"; and

WHEREAS, a public hearing was held on this application on October 22, 2002 after due notice by publication in The City Record, and laid over to November 19, 2002 for decision; and

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R3-2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, and is contrary to Z.R §23-141; and

WHEREAS, the proposed enlargement will only create a new non-compliance with regard to floor area; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and grants a special permit to allow, in an R3-2 zoning district, the enlargement to an existing single-family dwelling which creates non-compliance with regard to Floor Area Ratio, and is contrary to Z.R §23-141, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 10, 2002" -(10) sheets; and on further condition;

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

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

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

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

207-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Harold Gelernter, owner.

SUBJECT - Application July 10, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, is contrary to Z.R. §23-141(b). PREMISES AFFECTED - 2723 Avenue "P", northwest corner of Avenue "P" and East 28th Street, Block 7688, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 10, 2002, acting on ALT

MINUTES

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

Adopted by the Board of Standards and Appeals, November 19, 2002.

240-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.
SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, within portions of the first and second floors, of an existing mixed use 21 story building, requires a special permit.
PREMISES AFFECTED - 110/20 Church Street, aka 54 Murray Street, aka 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Hiram A. Rothkrug

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Stanley K. Schlein, Joan Giebelhaus and Willy Zambrano.

For Opposition: Denise Bilenzikyan and Rosemarie Maldonado.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2 P.M., for continued hearing.

292-01-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to December 17, 2002, at 2 P.M., for continued hearing.

297-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Snake River Development LLC, owner; Synergy Fitness 23rd Street Inc., lessee.

SUBJECT - Application April 15, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the second floor of an existing two story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 201 East 23rd Street, northeast corner of Third Avenue, Block 904, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For the Applicant: Eric Palatnik

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2 P.M., for continued hearing.

305-01-BZ thru 320-01-BZ

APPLICANT - Sheldon Lobel, P.C., for HRF Construction, Co., Inc., owner.

SUBJECT - Application October 31, 2001 - under Z.R. §72-21, to permit the proposed construction of a residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

65-97 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 28, Borough of Queens.

MINUTES

65-77 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 20, Borough of Queens.

65-79 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 21, Borough of Queens.

65-81 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 22, Borough of Queens.

65-83 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 23, Borough of Queens.

65-85 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 24, Borough of Queens.

65-87 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 25, Borough of Queens.

65-89 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 26, Borough of Queens.

65-91 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 27, Borough of Queens.

65-90 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 29, Borough of Queens.

65-88 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 30, Borough of Queens.

65-86 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 31, Borough of Queens.

65-84 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 32, Borough of Queens.

65-82 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 33, Borough of Queens.

65-80 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and

65th Lane, Block 3605, Lot 34, Borough of Queens.

65-78 Terrace Court, at the end of Admiral Avenue, near the juncture of Admiral Avenue and 65th Lane, Block 3605, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 14, 2003, at 2 P.M., for continued hearing.

360-01-BZ

APPLICANT - Carl. A. Sulfaro, Esq., for Kings Knapp Development Corp., owner.

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 & 73-212, to permit the proposed enlargement in lot area to an existing automotive service station with accessory uses (Use Group 16) previously before the Board under Cal. Number 249-29-BZ, and the construction of a new one story accessory convenience store and a new metal canopy above a new fuel dispensing area, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

For Applicant: Carl A. Sulfaro and Robert W. Bronzino.

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan

MINUTES

Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 2 P.M., for continued hearing.

388-01-BZ

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

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

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

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: 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 December 17, 2002, at 2 P.M., for decision, hearing closed.

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: Eric Palatnik.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 2 P.M., for deferred decision.

41-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Salvatore Calcagno, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed eating and drinking establishment with live musical entertainment and dancing, Use Group 12, located in a C1-2 zoning district, is contrary to Z.R. §32-15.

PREMISES AFFECTED - 124 McLean Avenue, southwest corner of Railroad Avenue, Block 3115, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

For Opposition: Catherine Pirrella.

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

73-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Aron Adler, owner.

SUBJECT - Application July 9, 2002 - under Z.R. §72-21, to permit the proposed conversion of an existing four story building, located in a manufacturing zoning district, into a mixed-use building, with floors 2 through 4 for residential use, and the first floor to remain commercial, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 6 Stanwix Street, a/k/a 59 Jefferson Street, a through lot fronting Stanwix and Jefferson Streets, Block 3162, Lot 1, Borough of Brooklyn. **COMMUNITY BOARD #4BK**

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Opposition: Rev. J. Thomas Herrmaning.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 1:30 P.M., for continued hearing.

76-02-BZ/77-02-BZ

APPLICANT - Vito J. Fossella, P.E., Land Planning and Engineering Consultants, P.C., for Gary Angiuli, owner.

SUBJECT - Applications March 12, 2002 - under Z.R. §72-

MINUTES

21, to permit the proposed open auto sales establishment, accessory to an existing auto sales establishment, Use Group 16, located in an R3-2 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 265 Stobe Avenue, southeast corner of Hylan Boulevard, Block 3664, Lot 1, Borough of Staten Island.

277 Stobe Avenue, northeast corner of Boundary Avenue, Block 3664, Lot 13, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han.

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

83-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 21, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building, located in an M1-1 zoning district, into a residential dwelling with 34 units, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 925 Bergen Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40 (Tentative Lot 60), Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wrigh and Jack Freeman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 7, 2003, at 1:30 P.M., for continued hearing.

106-02-BZ

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

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

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

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Bernice ? and Schonbeyer.

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

112-02-BZ

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

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

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Richard Bowers.

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., - Vito J. Fossella, P.E., for Jerry Campitiello, owner.

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

MINUTES

APPEARANCES -

For Applicant: Victor Han

For Opposition: John Belnaris, Kathleen Vorwick, Stella Orso and Joseph E. Markowski.

ACTION OF THE BOARD - Laid over to January 28, 2003, at 2 P.M., for continued hearing.

124-02-BZ

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

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

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Howard Goldman and Larry Rosenbloom.

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

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: Larry 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 December 17, 2002, at 2 P.M., for decision, hearing closed.

239-02-BZ

APPLICANT- Deirdre A. Carson, Esq./GreenbergTraurig, LLP, for Rabbo Realty, LLC, owner.

SUBJECT- Application August 29, 2002 - under Z.R. §72-21, to permit the reestablishment of restaurant use, Use Group 6A, after a discontinuance of more than two year, located in an R7-2 zoning district, that is part of a designated historic district, is contrary to Z.R. §§22-10 and 52-61.

PREMISES AFFECTED - 110 Waverly Place, south side, 132' west of the intersection of Waverly Place and Washington Square West, Block 552, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Deidre A. Carson, Joseph Bastianich, Doris Diether, CB#2; Carin Mirowitz, Councilmember Quinn; Joan Schechter, Greenwich Village Chelsea Chamber of Commerce; Molly Goodrich, Serge Lafontant/J. Hoover and Akguz.

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 December 17, 2002, at 2 P.M., for decision, hearing closed.

250-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yaacov Azrad, owner.

SUBJECT - Application September 17, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, minimum side yard and rear yard, and is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

PREMISES AFFECTED - 3845 Bedford Avenue, east side, 340' south of Bedford Avenue and Quentin Road, Block 6808, Block 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Josef Friedman.

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 December

MINUTES

17, 2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:35 P.M.