
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 88, No. 47

November 27, 2003

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

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

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET	813-814
CALENDAR of December 23, 2003	
Morning	815
Afternoon	816
CALENDAR of January 6, 2004	
Morning	817
Afternoon	818

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, November 18, 2003**

Morning Calendar819

Affecting Calendar Numbers:

873-77-BZ/	62-66 Fresh Pond Road, Queens
253-06-A	
370-82-BZ	242-02 61 st Avenue, Queens
515-89-BZ	50 East 78 th Street, Manhattan
389-37-BZ	31-08 to 31-12 45 th Street, Queens
803-61-BZ	1416 Hylan Boulevard, Staten Island
289-63-BZ	150 East 61 st Street, Manhattan
140-71-BZ	12-40/42 150 th Street, Queens
994-77-BZ	89-43/49 Doran Avenue, Queens
405-82-BZ	8-14 Ford Street, Brooklyn
489-82-BZ	2025 Atlantic Avenue, aka 228 Hopkinson Avenue, Brooklyn
62-83-BZ	696 Pacific Street, Brooklyn
69-91-BZ	49-61 West 62 nd Street, Manhattan
235-01-BZ	2009 Mermaid Avenue, Brooklyn
361-02-BZ	214 25 th Street, Brooklyn
292-03-A	919 Bayside Walk, Queens
293-03-A	928 Bayside Walk, Queens
235-03-A &	
236-03-A	119 Kenilworth Avenue & 18 Winston Street, Staten Island
254-03-A	423 Cross Bay Boulevard, Queens
297-03-A	101-10 Metropolitan Avenue, Queens

CONTENTS

Afternoon Calendar.....	825
<u>Affecting Calendar Numbers:</u>	
233-01-BZ	537 West 19 th Street, Manhattan
96-03-BZ	86 Franklin Avenue, Brooklyn
222-03-BZ	30-04 73 rd Street, Queens
232-03-BZ	32-25 75 th Street, Queens
241-02-BZ	130 Third Street, Brooklyn
256-02-BZ	160 Imlay Street, Brooklyn
360-02-BZ	130 North Fourth Street, Brooklyn
374-02-BZ	267-20 74 th Avenue, Queens
36-03-BZ	271-17 76 th Avenue, Queens
73-03-BZ	400 Lenox Avenue, Manhattan
80-03-BZ	602 39 th Street, Brooklyn
108-03-BZ thru	
110-03-BZ	135 Coffey Street, 71 & 79 Walcott Street, Brooklyn
150-03-BZ	136 Metropolitan Avenue, Brooklyn
184-03-BZ	165-02 120 th Avenue, Queens
199-03-BZ thru	
205-03-BZ	148, 152 & 156 Classon Avenue and 81, 85 & 89 Emerson Place, Brooklyn
238-03-BZ	2305 Olean Street, Brooklyn
240-03-BZ	83-10 and 83-16 188 th Street, Queens
244-03-BZ	3975 Bedford Avenue, Brooklyn
251-03-BZ &	
252-03-BZ	217-25 106 th Avenue, Queens
253-03-BZ	163-15 Northern Boulevard, Queens
298-03-BZ	260 Park Avenue South, Manhattan
CORRECTIONS	834
<u>Affecting Calendar Numbers:</u>	
178-03-BZ	114-02 Van Wyck Expressway, Queens

DOCKET

New Case Filed Up to November 18, 2003

339-03-BZ B.S.I. 122 Arthur Kill Road, between Clarke and Newvale Avenues, Blocks 4475 and 4463, Lots 1 and 175, Borough of Staten Island. Alt.II#500645929. Proposed installation of a non-accessory radio tower, disguised as an eighty-two feet (82') flagpole, together with related equipment at the base thereof ("facility"), on said premises, located in an R3-2 zoning district, requires a special permit from the Board as per §73-30.

COMMUNITY BOARD #3SI

340-03-BZ B.M. 408 Greenwich Street, aka 22/24 Hubert Street, between Laight and Hubert Streets, Block 217, Lot 23, Borough of Manhattan. N.B.#103447646. Proposed nine story mixed use building, commercial and residential (Use Groups 2 and 6), located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, is contrary to Z.R. §42-00, §43-12 and §43-42.

COMMUNITY BOARD #1M

341-03-BZ B.M. 343 West 16th Street, between Eighth and Ninth Avenues, Block 740, Lot 12, Borough of Manhattan. Applic.#103420647. Proposed construction of a new residential building, on a merged zoning lot with an existing multiple dwelling, which creates non-compliances with respect, floor area ratio, number of dwelling units, and rear yard equivalent, is contrary to Z.R. §23-145, §23-22 and §23-533.

COMMUNITY BOARD #4M

342-03-BZ B.M. 92/94 Greene Street, aka 109 Mercer Street, 100' north of Spring Street, Block 499, Lot 1, Borough of Manhattan. Applic.#103595174. Proposed seven-story building, that will have retail use in its cellar and first floor, and residential use on its upper six floors, Use Groups 2 and 6, located in an M1-5A zoning district, is contrary to Z.R. §42-14D, §42-00, §42-10 and §43-12.

COMMUNITY BOARD #2M

343-03-BZ B.BK. 90 Havemeyer Street, between Hope Street and Metropolitan Avenue, Block 2368. Lot 26(Former Lots 26, 27 and 28), Borough of Brooklyn. N.B.#301574035. Proposed construction of seven story, nineteen unit, residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

344-03-BZ D.SBS 2777 Flatbush Avenue, corner of

Mill Basin, Block 8591, Part of Lots 980 and 175, Borough of Brooklyn. Applic.#2003141. The legalization of the reconstruction and extension of an existing building, being operated as an eating and drinking establishment, located in a C-3 zoning district, is contrary to Z.R. §32-00.

COMMUNITY BOARD #18BK

345-03-A D.SBS. 2777 Flatbush Avenue, corner of Mill Basin, Block 8591, Part of Lots 980 and 175, Borough of Brooklyn. Applic.#2003141. The legalization of the reconstruction and extension of an existing building, being operated as an eating and drinking establishment, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

346-03-BZ B.Q. 156-05 Cross Island Parkway, east of 156th Street, Block 4566, Lot 78 (tentative Lot No. 94), Borough of Queens. Alt.1#401484773.

The legalization of an existing two family dwelling, Use Group 2, located in an R2 zoning district, which does not comply with the zoning requirements, regarding the number of units permitted on the zoning lot, is contrary to Z.R. §23-22.

COMMUNITY BOARD #7Q

347-03-BZ B.BK. 2611 Avenue "N", between East 26th and East 27th Streets, Block 7662, Lot 5, Borough of Brooklyn. Alt.1#301654430. Proposed enlargement of an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141(a).

COMMUNITY BOARD #14BK

348-03-BZ B.Q. 66-18 74th Street, west side, 169' south of Juniper Valley Road, Block 3058, Lot 35, Borough of Queens. Applic.#401729509. Proposed construction of a three story, one family semi-detached dwelling, which does not comply with the minimum eight foot side yard, is contrary to Z.R. §23-461(a).

COMMUNITY BOARD #5Q

DOCKET

349-03-BZ B.Q. 85-14 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 21, Borough of Queens. Applic.#401582603. The legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

COMMUNITY BOARD #6Q

350-03-BZ B.Q. 85-16 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 22, Borough of Queens. Applic.#401585334. The legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

COMMUNITY BOARD #6Q

351-03-A B.Q. 23 Pelham Walk, east side, 240.61' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens. Alt.1#401721455. Proposed reconstruction and enlargement of the first floor, and the addition of a second story, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

352-03-A B.Q. 362-1/2 Sea Breeze Avenue, south side, 43.19' west of Beach 181st Street, Block 16340, Part of Lot 50, Borough of Queens. Alt.1#401732354. Proposed reconstruction and enlargement of the first floor, and the addition of a second story, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

353-03-A B.Q. 396 Sea Breeze Avenue, east side, of Beach 182nd Street, Block 16340, Lot 50, Borough of Queens. Alt.1#401712401. Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and not fronting on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

354-03-BZ B.M. 209/15 East 51st Street, between Second and Third Avenues, Block 1325, Lot6, Borough of Manhattan. Alt.1#103548626. Proposed physical culture establishment, in the cellar of a multi-story mixed -use building which sits on property divided by an R8-B and a C6-6/R8-B district boundary, is contrary to Z.R. §22-10 and §32-10.

COMMUNITY BOARD #6M

355-03-BZ B.Q. 64-01/07 Grand Avenue, northeast corner of 64th Street, Block 2716, Lot 1, Borough of Queens.

N.B.#401601423. Proposed four story and penthouse mixed-use multiple dwelling, Use Groups 2 and 6, in a C2-2/R4 zoning district, which does not comply with the zoning requirements for residential floor area, building height, number of dwelling units and residential front yard, is contrary to Z.R. §23-141, §23-60, §35-20, §23-22 and §23-45.

COMMUNITY BOARD #5Q

356-03-BZ B.BK. 2311 Avenue "J", between East 23rd and East 24th Streets, Block 7587, Lot 6, Borough of Brooklyn. Alt.1#301664349. Proposed enlargement to an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space and side yard, is contrary to Z.R.§23-141 and §23-461.

COMMUNITY BOARD #14BK

357-03-BZ B.BK. 144 North 12th Street, aka 33 Berry Street, southwest corner, Block 2290, Lot 5, Borough of Brooklyn. N.B. #301480706. Proposed four story and penthouse, thirty-four unit multiple dwelling, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #1BK

358-03-BZ B.BK. 1651 52nd Street, north side, 334'-4 1/2" west of 17th Avenue, Block 5466, Lot 69, Borough of Brooklyn. Applic.#301642453. Proposed enlargement to an existing single family residence, Use Group 1, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, also rear and side yards, is contrary to Z.R.§23-146 and §23-47.

COMMUNITY BOARD #12BK

359-03-A B.Q. 220-43 135th Avenue, north side, 670' from 219th Street, Block 13101, Lot 15, Borough of Queens. N.B.#401712535. Proposed two story one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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 23, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, December 23, 2003, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

731-61-BZ

APPLICANT - Richard A. Kaplin, Esq., for McLaughlin & Sons, Inc., owner.

SUBJECT - Application October 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 31, 2001.

PREMISES AFFECTED - 9620 Third Avenue, 97th Street and Third Avenue, Block 6121, Lots 31 and 33, Borough of Brooklyn.

COMMUNITY BOARD #10BK

27-00-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Emanuel N. Hartofilis, owner; VanDoren Oil Co., Inc. Lessee.

SUBJECT - Application October 28, 2003 - 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 - 110-35 Horace Harding Expressway, northwest corner of VanDoren Street, Block 1970, Lot39, Borough of Queens.

COMMUNITY BOARD #4Q

200-00-BZ

APPLICANT - The Agusta Group, for Blans Development Corp., owner.

SUBJECT - Application August 28, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 107-24 37th Avenue, aka 37-16 108th Street, southwest corner of 108th Street and 37th Avenue, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

106-02-BZ

APPLICANT - Eric Palatnik, P.C., for Beth Jacobs of Boro Park

334-03-A
APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Theresa McKeever, lessee.

SUBJECT - Application October 28, 2003 - Proposed second story enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street,

Inc., owner.

SUBJECT - Application October 2, 2003 - reopening for an amendment to the resolution.

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

COMMUNITY BOARD #12BK

APPEALS CALENDAR

123-03-A thru 127-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Collier Realty, LLC., owner.

SUBJECT - Application April 17, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

437 Beach 28th Street, west side, 141.5" south of Brookhaven Avenue, Block 15793, Lot 9, Borough of Queens.

435 Beach 28th Street, west side, 174.9" south of Brookhaven Avenue, Block 15793, Lot 10, Borough of Queens.

431 Beach 28th Street, west side, 200.2" south of Brookhaven Avenue, Block 15793, Lot 12, Borough of Queens.

434 Beach 29th Street, east side, 10" south of Brookhaven Avenue, Block 15793, Lot 48, Borough of Queens.

436 Beach 29th Street, east side, 39.3" south of Brookhaven Avenue, Block 15793, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

128-03-A thru 130-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Brookside Development Corp., owner.

SUBJECT - Application April 18, 2003 - Proposed construction of a two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

22 Brookside Loop, west side, 162' south of Woodrow Road, Block 7022, Lot 5, Borough of Staten Island.

26 Brookside Loop, west side, 25.5' south of Woodrow Road, Block 7022, Lot 8, Borough of Staten Island.

30 Brookside Loop, west side, 341.5' south of Woodrow Road, Block 7022, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

and has an upgraded private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings= Policy.

PREMISES AFFECTED - 40 Graham Place, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

CALENDAR

335-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Robert Kelly, lessee.

SUBJECT - Application October 28, 2003 - Proposed enlargement, to an existing one family dwelling, located within the bed of a mapped street, not fronting on a legally mapped street, and has an upgraded private disposal system in the bed of a private service road, is contrary to Sections 35 and 36, Article 3 of the General City Law, and Department of Buildings' Policy.

PREMISES AFFECTED - 47 Tioga Walk, east side, 110.96 south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

336-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patricia Devine, lessee.

SUBJECT - Application October 28, 2003 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 112 Beach 216th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

DECEMBER 23, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, December 23, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

PREMISES AFFECTED - 1455 East 24th Street, east side, 450' south of Avenue "N", Block 7678, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #14BK

217-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mr. Vincenzo Adragna, owner.

SUBJECT - Application June 24, 2003 - under Z.R. §72-21 to permit the proposed one story and cellar expansion, of an existing

ZONING CALENDAR

84-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Nissan Perla, Partner: N.P. Holdings, LLC, owner.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed nine (9) story plus penthouse residential building, Use Group 2, located in an R5, C1-2 overlay zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, total height, perimeter wall height, lot area per dwelling unit and the required number of parking spaces, is contrary to Z.R. §23-141, §23-631, §23-222 and §25-521.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

133-03-BZ

APPLICANT - Harold Weinberg, P.E., for Natan Bukai, owner.

SUBJECT - Application April 22, 2003 - under Z.R. §73-622 to permit the proposed erection of an additional story, and a rear enlargement, to an existing two family dwelling, and to change the use of the altered premises to a one family residence, Use Group 1, which does not zoning requirements for floor area ratio and minimum rear yard, is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 2354 East 5th Street, west side, 100'-0" south of Avenue "W", between Avenue "W" and Angel Court, Block 7180, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #15BK

210-03-BZ

APPLICANT - Harold Weinberg, P.E. & Jack Gamill, P.E., for Mordechai Beityakov, owner.

SUBJECT - Application June 20, 2003 - under Z.R. §73-622 to permit the proposed erection of a two-story enlargement, at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

one story and cellar retail building, Use Group 6, located in an R5 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 140/42 Pennsylvania Avenue, southeast corner of Liberty Avenue, Block 3703, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #5BK

265-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 2856-2860 Steinway Street, LLC by Lloyd Goldman, owner; TSI Astoria

CALENDAR

Inc. dba New York Sports Club, lessee.

SUBJECT - Application August 21, 2003 - under Z.R. §73-36 to permit the proposed physical culture establishment, located on the second and third floors of an existing three story commercial structure, situated within C2-2 and C4-2A zoning districts.

PREMISES AFFECTED - 28-56/60 Steinway Street, northwest corner of 30th Avenue, Block 662, Lot 41, Borough of Queens.

COMMUNITY BOARD #1Q

Pasquale Pacifico, Executive Director

JANUARY 6, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 6, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

633-87-BZ

APPLICANT - Martyn & Don Weston, for The Fristachi Trust, owner.

SUBJECT - Application October 1, 2003 - reopening for an extension of term of variance which expired September 7, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 216 Grand Street, southwest corner of Driggs Avenue, Block 2393, Lots 27 & 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

268-03-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 22, 2003 - under Z.R. §§11-411 & 11-412 to permit the reestablishment of a previous variance granted under Cal. No. 704-53-BZ for an automotive service station, the legalization of the existing air station, vacuum and beverage machines, and the modification of the existing signage, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 145-55 Guy Brewer Boulevard, a/k/a 145-51/67 Guy Brewer Boulevard and 145-54/66 Farmers Boulevard, northeast corner, Block 13313, Lot 40, Borough of Queens.

COMMUNITY BOARD #13Q

246-03-BZ

33-92-BZ

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner.
SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, aka 143-0295th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

JANUARY 6, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, January 6, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

294-03-BZ

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.

SUBJECT - Application September 19, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues "N and M", Block 7659, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

248-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to

CALENDAR

permit the proposed operation of a physical culture establishment, in an existing two story commercial building, with mezzanine and cellar, that is located in C1-5(R7-2) zoning district.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

COMMUNITY BOARD #6Q

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 18, 2003

10:00 A.M.

Present: Chairman Chin, Commissioner Caliendo and Commissioner Miele.

Absent: Vice-Chair Babbar.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, September 16, 2003, were approved as printed in the Bulletin of September 25, 2003, Volume 88, Nos. 38-39.

SPECIAL ORDER CALENDAR

873-77-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - reopening for an amendment to the resolution.

272-03-BZ

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

Pasquale Pacifico, Executive Director

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Fresh Pond Road and Metropolitan Avenue, Block 3521, Lots 35, 37, 45, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Peter Geis.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on October 21, 2003, after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, the subject application has a companion appeals case, Calendar Number 256-03-A; and

WHEREAS, the subject application seeks a reopening and an amendment to the variance for a change in use from an existing Use Group 6 diner to a Use Group 6 bank; and

MINUTES

WHEREAS, on February 21, 1978, when the zoning district was R5, the Board granted an application to permit the erection of a one-story enlargement to an existing diner which increased the degree of non-compliance of said structure.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read:

"to permit the change in use from a Use Group 6 diner to a Use Group 6 bank", on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 11, 2003"- (7) sheets and "November 12, 2003" - (1) sheet; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

(DOB Alt. # 998/62)

Adopted by the Board of Standards and Appeals, November 18, 2003.

WHEREAS, by letter dated October 20, 2003, the Department of Environmental Protection has indicated that they find the proposal acceptable on condition that the applicant submit an application for relocation of the fire hydrant prior to issuance of a building construction permit; and

WHEREAS, by letter dated October 2, 2003, the Department of Transportation ("DOT") has indicated that it has reviewed the above project; no objections to the project are stated in the letter, but DOT does recommend that left hand turns from the proposed driveways be prohibited for safety reasons and that the proposed signage not obstruct the line of vision at the intersection; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 1, 2003, acting on ALT 1. Application No. 401705561 is modified under the power vested in the Board by Sections 35 and 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received November 12, 2003" -(1) sheet; and that the proposal comply with all applicable C1-2, C2-2, & R5-B zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; and on further condition

THAT the premises shall be maintained free of debris and graffiti;

256-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for John Brunjes, owner.

SUBJECT - Application August 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 62-66 Fresh Pond Road, southwest corner of Metropolitan Avenue, Block 3521, Lots 35, 37 and 45, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated August 1, 2003, acting on Application No. 401705561, reads in pertinent part:

"CONSTRUCTION IN THE BED OF A MAPPED STREET IS CONTRARY TO GENERAL CITY LAW '35, THEREFORE MUST BE REFERRED TO THE BOARD OF STANDARDS AND APPEALS"; and

WHEREAS, the subject application has a companion case on the Special Order calendar, Calendar Number 873-77-BZ; and

WHEREAS, by the letter dated October 21, 2003, the Fire Department has reviewed the above project and has no objections; and

THAT any graffiti located on the premises shall be removed within 48 hours;

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 on November 18, 2003.

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner.

SUBJECT - Application August 21, 2003 - reopening for an extension of time which expired October 16, 2003.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Arthur Sullivan.

MINUTES

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution, allowing for an extension of time to obtain a new certificate of occupancy, which expired on October 16, 2003; and

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, on December 14, 1982, the Board permitted, in an R4 zoning district, within an existing shopping center, the conversion of former retail store space into a multiplex theatre with accessory signs.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution to extend the time to obtain a Certificate of Occupancy which expired on May 11, 2000, said resolution having been adopted on December 14, 1982 amended through June 2, 1998, so that as amended this portion of the resolution shall read:

"to extend the time to obtain a new Certificate of Occupancy SUBJECT - Application August 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time which expired October 16, 1998.

PREMISES AFFECTED - 50 East 78th Street, 78th Street between Madison and Park Avenues, Block 1392, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Negative:0
Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution allowing for an extension of time to obtain a new certificate of occupancy which expired on May 11, 2000; and

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in The City Record, and laid over to November 18, 2003 for decision; and

WHEREAS, on May 11, 1999, the Board granted the extension of term of a special permit, until October 7, 2007, for a commercial art gallery, on condition that a Certificate of Occupancy be obtained by May 11, 2000.

Resolved, that the Board of Standards and Appeals, waives the rules of practice and procedures reopens and amends the

so that a new Certificate of Occupancy shall be obtained within twenty-five (25) months from October 16, 2003, on condition; THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

(DOB Alt # 401225456)

Adopted by the Board of Standards and Appeals, November 18, 2003.

515-89-BZ

APPLICANT - Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.

resolution to extend the time to obtain a Certificate of Occupancy which expired on May 11, 2000, said resolution having been adopted on October 16, 1990 amended through May 11, 1999, so that as amended this portion of the resolution shall read:

"to extend the time to obtain a new Certificate of Occupancy so that a new Certificate of Occupancy shall be obtained within sixty (60) months from May 11, 2000", on condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

(DOB Alt #265/30)

Adopted by the Board of Standards and Appeals, November 18, 2003.

389-37-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Rosemarie Fiore, Georgette Fiore ad George Fiore, owner.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 13, 2003.

MINUTES

PREMISES AFFECTED - 31-08 to 31-12 45th Street, 44-09 Newtown Road, 44-16 31st Avenue, 1.01' feet west of 45th Street, Block 710, Lots 5, 6, 17, 18, 19, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for decision, hearing closed.

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension
PREMISES AFFECTED - 150 East 61st Street (aka 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for continued hearing.

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for decision, hearing closed.

994-77-BZ

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of

of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

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

Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to January 6, 2004, at 10 A.M., for continued hearing.

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.

SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

489-82-BZ

APPLICANT - Beryl J. Levi, for Tower Isles Frozen Foods, Ltd., owner.

SUBJECT - Application October 3, 2003 - request for a waiver of

MINUTES

the Rules of Practice and Procedure, reopening for an extension of term of variance which expired February 1, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 2025 Atlantic Avenue, aka 228 Hopkinson Avenue, north side of Atlantic Avenue bounded by Radde Place and Hopkinson Avenue, Block 1564, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #16BK

APPEARANCES -

For Applicant: Beryl J. Levi.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 13, 2003, at 10 A.M., for decision, hearing closed.

69-91-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 61 West 62 Owners Corp., owner; TSI Lincoln, Inc. dba New York Sports Club, lessee.

SUBJECT - Application September 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 26, 2001.

PREMISES AFFECTED - 49-61 West 62nd Street aka 61-67 Columbus Avenue aka 1881-1887 Broadway, West 62nd Street on the northeast corner of Columbus Avenue, Block 1115, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for decision, hearing closed.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 10 A.M., for deferred decision.

62-83-BZ, Vol. II

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Shaya B. Pacific, LLC.

SUBJECT - Reopening for possible rescindment.

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

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Paul Sheridan.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for continued hearing.

361-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 214 25 Street Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenue, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

In Favor: Marianne Russo.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for decision, hearing closed.

292-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Karen Carey & George Zandalasini, lessees.

SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 919 Bayside Walk, 716.86' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

MINUTES

WHEREAS, the decision of the Queens Borough Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401684888, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8%

Resolved, that the decision of the Queens Borough Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401684888 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 5, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 on November 18, 2003

293-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Lorraine & William Baker, lessees.

SUBJECT - Application September 5, 2003 - Proposed alteration and enlargement, to single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 928 Bayside Walk, 457.43' north of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough

of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated September 22, 2003, the Fire Department has reviewed the above project and has no objections; and

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

Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401689776, reads in pertinent part:

"A1- The street giving access to the existing dwelling to be altered is not duly placed on the official map of the City of New York, Therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated September 22, 2003, the Fire Department has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated August 26, 2003, acting on ALT 1. Application No. 401689776 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received September 5, 2003"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 on November 18, 2003.

235-03-A & 236-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for

MINUTES

Castle View Associates, LLC, owner.

SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island.

18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island.

ACTION OF THE BOARD - Laid over to December 9, 2004, at 10 A.M., for decision, hearing closed.

254-03-A

APPLICANT - Petraro & Jones, LLP, for Robert J. Eckert, II ad Jessica Rojas Eckert, owners.

SUBJECT - Application August 8, 2003 - Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 10 A.M., for continued hearing.

297-03-A

APPLICANT - Fischbein Badillo Wagner Harding, for 101-02/10 Metropolitan, owner.

SUBJECT - Application September 11, 2003 - Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 101-10 Metropolitan Avenue, aka 91-51/99 71st Avenue, southwest corner, Block 3896, Lot 42, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Peter Geis and Howard Hornstein.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo.....3
Negative:0
Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 23, 2004, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:15 A.M.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

REGULAR MEETING

TUESDAY AFTERNOON, NOVEMBER 18, 2003

2:00 P.M.

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

ZONING CALENDAR

233-01-BZ

APPLICANT - Irving Minkin, Esq., for Heller Realty Corporation, owner.

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Minkin and Ken Heller.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 11, 2001 acting on Application No. 102291280, reads:

"1) PROPOSED RESIDENTIAL USE (USE GROUP 2) IN AN M1-5 IS NOT PERMITTED PURSUANT TO 42-10 Z.R.

2) THERE ARE NO APPLICABLE BULK OR PARKING REGULATIONS FOR RESIDENTIAL USES IN AN M1-5 DISTRICT.

3) ACCESSORY OFF STREET PARKING SPACES

MINUTES

ARE NOT PERMITTED AS SHOWN ON PLANS PURSUANT TO 13-11 / 13-12 ZR.

4) THE WIDTHS OF THE OUTER COURTS ARE CONTRARY TO 23-84 ZR."; and

WHEREAS, a public hearing was held on this application on

WHEREAS, the site and surrounding area have had numerous site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 for the construction of a proposed sixteen-story mixed use commercial and residential building, Use Groups 2 and 6, in an M1-1 Zoning District, in which a residential use with accessory off street parking is not permitted and which does not meet the zoning requirements for outer courtyards, contrary to Z.R. §42-10, §13-11, §13-12 and §23-84; and

WHEREAS, the subject zoning lot has a total lot area of 12,529.4 square feet, is currently being used for public parking (Use Group 8), and is improved with a small attendant's booth, paved areas and lighting fixtures; and

WHEREAS, the applicant contends that due to the location of the site across West Street from the Chelsea Piers amusement center "with a massive bulk with a height of 80 feet," a low-rise residence would be esthetically unmarketable; and

WHEREAS, though the Board has no opinion as to the merit of the assertion above, it notes that the applicant has failed to document why the site could not support an as-of-right manufacturing or commercial building, where esthetics and window views are far less imperative for marketability; and

WHEREAS, the record shows a long history of automotive and commercial uses on the subject property; and

WHEREAS, the record indicates that within a 400 foot radius, the subject property is surrounded by numerous garages, warehouses, parking facilities and commercial properties; and

WHEREAS, the Board notes that the area within an 800 foot radius is still dominated by manufacturing, commercial and warehouse uses; and

WHEREAS, the proposed building rises to a height of 185 feet; and

WHEREAS, the Board notes that the surrounding area is comprised mostly of low rise development with the exception of a small amount of buildings; and

WHEREAS, the Board finds that, if constructed, the proposed building would tower over all of the other buildings within a 800 foot radius, exceeding the next highest building by 45 feet; and

WHEREAS, the proposed building has an Floor Area Ratio ("FAR") of 9.81 while the underlying zoning district regulations permit a maximum FAR of 5.0 for commercial and manufacturing uses and 6.5 for community facility uses; and

WHEREAS, on the plans submitted to the Board on October 9, 2003, the applicant claims that the equivalent residential zoning designation for a M1-5 district is an R10 zoning district, which permits an FAR of 10.0; and

WHEREAS, on the aforementioned plans, the applicant "Proposed residential use not permitted in subject M1-1 zoning district must be referred to the Board of Standard and

October 1, 2002, after due notice by publication in The City Record, and laid over to December 17, 2002, March 4, 2003, June 17, 2003, August 12, 2003, November 5, 2003 and then to November 18, 2003 for decision; and

further asserts states that since the proposed FAR of 9.81 is less than 10, that this bulk is "THEREFORE O.K."; and

WHEREAS, the Board is unaware of any section of the New York City Zoning Resolution which supports the applicant's assertion regarding equivalent zoning designations for manufacturing districts and therefore, the Board finds no merit in the applicant's contention that the proposed FAR is acceptable; and

WHEREAS, for the foregoing reasons the Board finds that the proposed application would alter the essential character of the surrounding neighborhood; and

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

Resolved, the decision of the Borough Commissioner, dated June 11, 2001 acting on Application No. 102291280 must be sustained and the application denied.

Adopted by the Board of Standards and Appeals, November 18, 2003.

96-03-BZ

APPLICANT - Agusta & Ross, for Brucha Building Corp., owner.
SUBJECT - Application March 27, 2003 - under Z.R. §72-21 to permit the proposed erection of a five story, ten unit multiple dwelling, Use Group 2, upon a vacant shallow corner zoning lot, located in an M1-1 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 86 Franklin Avenue, a/k/a 450/52 Park Avenue, southwest corner, Block 1898, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 28, 2003, acting on Application No. 301491936 reads: Appeals. There are no applicable bulk yard or parking regulations."; and

MINUTES

WHEREAS, a public hearing was held on this application on August 5, 2003 after due notice by publication in The City Record, and laid over to September 16, 2003, September 30, 2003 and October 28, 2003 and then to November 18, 2003 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection of a five story, 10 unit multiple dwelling (Use Group 2) upon a vacant lot within an M1-1 zoning district, which is contrary to Z.R. §42-00; and

WHEREAS, the subject zoning lot is 3,372.3 square feet, and situated on the southwest corner of Franklin and Park Avenues; and

WHEREAS, the applicant represents that the subject zoning lot is vacant, shallow, and uniquely burdened by extensive remains of substantial foundations and rubble-filled cellars from pre-existing but now demolished residential buildings, and that said materials must be removed prior to any new construction on the subject lot; and

WHEREAS, the Board finds that the combination of the aforementioned unique physical conditions create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

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

WHEREAS, the applicant states that the area is predominantly residential, and in spite of the site's M1-1 zoning designation, that the surrounding adjacent uses are residential; and

WHEREAS, the record shows that the height of the proposed building is in scale with the height of neighboring residential buildings, many of which are the same height or higher; and

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

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

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

WHEREAS, therefore, 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 the Final Environmental Assessment Statement and has carefully considered all relevant

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Alfonso Duarte.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

areas of environmental concern; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection of a five story, 10 unit multiple dwelling (Use Group 2) situated on a vacant lot within an M1-1 zoning district, which is contrary to Z.R. §42-00, 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 14, 2003"- (12) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety measures;

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

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

THAT this approval is limited to the relief granted 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 18, 2003.

222-03-BZ

APPLICANT - Alfonso Duarte, for Emanuel T. Loras, owner.

SUBJECT - Application June 27, 2003 - under Z.R. §72-21 to permit, within an R4 zoning district, the proposed enlargement of the attic level of a one family dwelling, to be converted into a two family dwelling, with said enlargement encroaching upon the required front yard, contrary to Z.R. §23-45.

PREMISES AFFECTED - 30-04 73rd Street, southwest corner of 30th Avenue, Block 1121, Lot 6, Borough of Queens.

Absent: Commissioner Miele.....1

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated June 13, 2002, acting on Application No. 401573631 reads, in part:

“The proposed enlargement on second floor encroaches into front yard and is contrary to Section 23-45 Z.R.”; and

WHEREAS, a public hearing was held on this application on

MINUTES

October 21, 2003, after due notice by publication in The City Record, and laid over to November 5, 2003, and then to November 18, 2003 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R4 zoning district, the proposed enlargement of the attic level of a one family dwelling, to be converted into a two family dwelling, with said enlargement encroaching upon the required front yard, contrary to Z.R. §23-45; and

WHEREAS, the building is on a corner lot, and there is presently a 5'-0" encroachment into the front yard at the first floor level; and

WHEREAS, the Board agrees with the applicant's assertions that to enlarge the existing building in compliance with existing zoning regulations as to front yards would require expensive and structurally infeasible construction methods, and lead to an aesthetically displeasing residential structure; and

WHEREAS, the aforementioned unique physical conditions, namely the location of the building on a corner lot combined with the existing non-complying front yard, creates practical difficulties in developing the site in conformity with current zoning; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood, in that there are other two story dwellings in the immediate vicinity; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

232-03-BZ

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

SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed additional storage of vehicles, on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to Calendar No. 171-93-BZ and Z.R. 22-00.

PREMISES AFFECTED - 32-25 75th Street, eastside, 100' north of Northern Boulevard, Block 1171, Lot 46, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, within an R4 zoning district, the proposed enlargement of the attic level of a one family dwelling, to be converted into a two family dwelling, with said enlargement encroaching upon the required front yard, contrary to Z.R. §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, 2003"-(2) sheets and "September 5, 2003"-(1) sheet, and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located in the premises shall be removed within 48 hours;

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

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

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; 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 18, 2003.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 27, 2003, updated March 25, 2003 and again on June 27, 2003, acting on Application No. 401563287, reads:

"A denial for the purpose of filing with the Board of Standards and Appeals is herewith requested for the following objection(s):

#2) Comply with BSA cal no 171-93-BZ

#4) BSA approval is required prior to approval; in that:

MINUTES

increase to existing non-conforming use non-complying building. Existing use approved as per BSA# 171-93-BZ."; and

WHEREAS, a public hearing was held on this application on October 21, 2003 after due notice by publication in The City Record, and laid over to November 18, 2003 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 Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed additional storage of vehicles on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to BSA Calendar No. 171-93-BZ and Z.R. 22-00; and

WHEREAS, the applicant represents that the subject property is comprised of a large, irregular shaped lot, which has a long history of automotive and commercial uses; and

WHEREAS, the applicant asserts that prior to a 1947 zoning restriction, which designated a portion of the property for residential use, the use of a portion of the property was unrestricted and was developed with a gasoline service station; and

WHEREAS, the record shows that on September 30, 1952, under Calendar No. 35-52-BZ, the Board granted an extension of use for an existing gasoline service station, auto repair, lubricatorium, and parking lot; and

WHEREAS, the record shows that on December 16, 1958, the resolution under Calendar No. 35-52-BZ was amended to permit the construction of a one-story building with increased floor area to be used as a bowling alley, restaurant, bar and lounge, with accessory parking; and

WHEREAS, the applicant represents that in 1991 the property was vacated and sometime after it was converted into an automobile storage facility; and

WHEREAS, the record shows that on November 22, 1994, under Calendar No. 171-93-BZ, the Board granted the legalization

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed additional storage of vehicles on the roof of an existing automotive storage facility, Use Group 16c, located in an R4 zoning district, which is contrary to BSA Calendar No. 171-93-BZ and 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 28, 2003"- (3) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the premises shall comply with all applicable fire safety

of the existing automobile storage facility; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the long history of automotive and commercial uses on the subject property and the lot's irregular shape, create an unnecessary hardship in developing the site in conformity with the current zoning regulations; and

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

WHEREAS, the record shows a long history of automotive and commercial uses on the subject property; and

WHEREAS, the applicant represents that the subject zoning lot borders a C8-1 zoning district to the south; and

WHEREAS, the applicant also represents that there is an automobile sales establishment across the street, which the establishment on the subject property services, and there is also an automobile establishment adjacent to the subject property; and

WHEREAS, the applicant asserts the proposed building will stand three inches lower than the existing structure and the rooftop parking will not be visible from the street, due to the height of the parapet; and

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

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

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

WHEREAS, therefore, 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 the Final Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern; and measures;

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

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

THAT this approval is limited to the relief granted 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 18, 2003.

241-02-BZ

APPLICANT - Sheldon Lobel, P.C., for HFK Inc., owner.

SUBJECT - Application August 30, 2002 - under Z.R. §72-21 to

MINUTES

permit the proposed conversion to residential use, of two connected vacant manufacturing building, Use Group 2, located in an M2-1 zoning district, that will provide 48 residential loft type units, and is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 Third Street, corner of Bond and Third Streets, Block 466, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Janice Cahalane and Buddy Scotio.

For Opposition: Ernest Migliaccio, Bette Stoltz Mrs. Celia Maniero Cacace, Joseph J. Ferrara, Serafine Tomassth Empere and Phaedra Thomas.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

256-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 160 Imlay Street Real Estate LLC, owner.

SUBJECT - Application September 18, 2002- under Z.R. §72-01 to permit the proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, which is contrary to Z.R. §42-00 and §43-00.

PREMISES AFFECTED - 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets, and Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn.

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

374-02-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit the proposed 1,660 space parking garage, located within the medical center campus, in an R3-2 zoning district, which exceeds the number of spaces permitted by Z.R. §§25-12 and 25-13, and also will have rooftop parking that is only permitted pursuant to Z.R. §25-11, which requires a special permit as per Z.R. §73-481 and §73-49.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Howard Goldman, Florence Neal, Buddy Scotto, Manuel Ortiz-Arroyo..

For Opposition: Peter Basta Brightbill, Ernest Migliaccio, Matt Yale, Don Muchow, Lou Jones, Celia Maniero Cacace and Phaedra Thomas.

For Administration: John McGehrick Red Hook Civic.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 23, 2004, at 1:30 P.M., for decision, hearing closed.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002- under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

THE VOTE TO REOPEN HEARING -

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for deferred decision.

36-03-BZ

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit the proposed increase in the total number of parking spaces, through the use of attended parking, at an accessory parking garage, for an existing medical center, which requires a special permit as per Z.R. §73-481.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for deferred decision.

73-03-BZ

MINUTES

APPLICANT - Mark A. Levine, Esq., for Uptown Partners, contract vendee.

SUBJECT - Application February 20, 2003 - under Z.R. §72-21 to permit the proposed construction of a 24-story mixed use building (residential and commercial), in an R7-2 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, setbacks and exposure planes, and also has commercial use on the same floor as residential use, is contrary to Z.R. §23-142, §23-632, §23-64 and §32-421.

PREMISES AFFECTED - 400 Lenox Avenue, situated between West 129th and 130th Streets, Block 1727, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Mark A. Levine, Joseph Holland, Antonio Martins and Joanne Gray.

For Opposition: Carlos Vargas-Ramos, Georgina Bailey, Paulette Akonnor, Rosetta WilliamS and Juanita H.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnikk.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 9, 2004, at 1:30 P.M., for decision, hearing closed.

150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to December 16,

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

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Opposition: Stuart A. Klein.

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

108-03-BZ thru 110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47.

PREMISES AFFECTED -

135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15,22, 23, 49 and 50, Borough of Brooklyn.

2003, at 1:30 P.M., for continued hearing.

184-03-BZ

APPLICANT - The Agusta Group, for Troy McKenzie, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a two-story, two-family detached dwelling, Use Group 2, located in an R3-2 zoning district, which encroaches into the required front yards, is contrary to Z.R. §23-45.

PREMISES AFFECTED - 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Philip P. Agusta.

For Opposition: Sheila Vandeyar, Nellie B. Wright and Natalie K. Nelson.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2004, at 1:30 P.M., for decision, hearing closed.

199-03-BZ thru 205-03-BZ

MINUTES

APPLICANT - Stuart A. Klein, Esq., for Classon Holding Co., owner.

SUBJECT - Application June 17, 2003 - under Z.R. §72-21 to permit the proposed seven story residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED -

148 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 42, Borough of Brooklyn.

152 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 46, Borough of Brooklyn.

156 Classon Avenue, between Myrtle and Park Avenues, Block 1895, Proposed Lot 47, Borough of Brooklyn.

77 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 117, Borough of Brooklyn.

81 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 116, Borough of Brooklyn.

85 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 115, Borough of Brooklyn.

89 Emerson Place, between Myrtle and Park Avenues, Block 1895, Proposed Lot 114, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Stuart Klein.

For Opposition: Cataldo Leone and Jean Baptiste Bruna.

ACTION OF THE BOARD - Laid over to January 13, APPLICANT - Sheldon Lobel, P.C., for Young Israel of Jamaica Estates, Inc., owner.

SUBJECT - Application July 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district, which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted under Cal. No. 815-85-BZ.

PREMISES AFFECTED - 83-10 and 83-16 188th Street, south side, between Midland Parkway and Radnor Road, Block 7263, Lots 35 and 39, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Jordan Most, David Weprin, Meir Mishkoff.

For Opposition: Linda Gordon, Fred Montas, Doreen Fusco and others.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

244-03-BZ

APPLICANT - Eric Palatnik, P.C., for Victor Falah, owner.

SUBJECT - Application July 17, 2003 - 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 side yard, rear yard, floor area and open space ratio, is contrary to Z.R. §23-461, §23-47 and §23-141.

PREMISES AFFECTED - 3975 Bedford Avenue, between Avenues "S" and "R", Block 6831, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

2004, at 1:30 P.M., for continued hearing.

238-03-BZ

APPLICANT - Harold Weinberg, P.E., for Congregation Derech Emunah, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §72-21 to permit the proposed side and rear enlargements, to an existing synagogue and parsonage, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and rear yards, is contrary to Z.R. §24-11, §24-35 and §24-36.

PREMISES AFFECTED - 2305 Olean Street, north side, 16'-1½" east of East 23rd Street, Block 7677, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, Rabbi Chaim Segelbaum, Arnold Binet, Sholomo Abecasis, Menashe Omari, Menachem Wiederman, Gershum Weinbraub and others.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for continued hearing.

240-03-BZ

APPEARANCES -

For Applicant: Eric Palatnik

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for continued hearing.

251-03-BZ & 252-03-BZ

APPLICANT - Sheldon Lobel, P.C., for A.N. Glory Associates, owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit

the proposed construction of a semi-detached two-story, two family dwelling, Use Group 2, having on-site accessory parking, on a lot having that has a non-complying rear yard, is contrary to Z.R. §23-47.

PREMISES AFFECTED - 217-25 106th Avenue, corner of 217th Street, Block 11104, Lot 268, Borough of Queens.

217-31 106th Avenue, corner of 217th Street, Block 11104, Lot 270, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Jordan Most and Myran Dubin.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for decision, hearing closed.

253-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 163-15 Northern Flushing

MINUTES

Corp., owner.

SUBJECT - Application August 4, 2003 - under Z.R. §72-21 to permit the proposed reduction in the number of required parking spaces, for an as of right, two story and basement building, to be used as five retail stores, located in a C2-2/R4 zoning district, is contrary to Z.R. §36-21.

PREMISES AFFECTED - 163-15 Northern Boulevard, bounded by 164th Street and Station Road, Block 5338, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING

Affirmative: Chairman Chin, Vice-Chair Babbar and

Commissioner Caliendo.....3

Negative:0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to December 16, 2003, at 1:30 P.M., for decision, hearing closed.

298-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 260 Park Avenue South, owner.

SUBJECT - Application September 12, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, and is contrary to Z.R. §23-145.

PREMISES AFFECTED - 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Laid over to December 9, 2003, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 5:25 P.M.

CORRECTIONS

*CORRECTION

These resolution adopted on October 28, 2003, under Calendar No. 178-03-BZ and printed in Volume 88, Bulletin No. 45, is hereby corrected to read as follows:

178-03-BZ

CEQR#03-BSA-195Q

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application May 23, 2003 - under Z.R. §73-211 to permit the continued use of the premises as an automotive service station, Use Group 16, also a modification to the existing signage, located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, southwest corner of Linden Boulevard, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative:0

Absent: Vice-Chair Babbar1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003 acting on Application No. 401638885 reads:

“Proposed continuance of Gas Station use in C2-2 in R3-2 Zone is not in conformance with ZR Section 32-35 and therefore requires a Special Permit by BSA pursuant to ZR Section 73-211. In addition, application to seek changes to existing signage. Application must be referred to the Board of Standards and Appeals”; and

WHEREAS, a public hearing was held on this application on August 12, 2003 after due notice by publication in The City Record, and laid over to October 7, 2003 and then to October 28, 2003 for decision; and

WHEREAS, Community Board No. 10 in Queens recommended approval of the application; and

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

of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211 and 73-03, on a site previously the subject of applications before the Board, to permit in a C2-2/R5 zoning District, the legalization of an automotive service station use, as well as approval of modifications to existing signage; and

WHEREAS, on or around May 7, 1948, under Calendar Number 512-48-BZ, as amended and/or extended at various times, the Board approved a variance of the use district regulations applicable at the time to allow a gasoline service station on the subject lot; and

WHEREAS, on or around October 14, 1987, under Calendar Number 844-87-BZ, the Board granted a special permit for construction of, and the use of the subject lot as, a self-service gasoline station, for a term of ten (10) years; and

WHEREAS, the grant under Calendar Number 844-87-BZ included a Conditional Negative Declaration (the “1989 CND”), which contained various requirements to be satisfied, all related to the use of the premises as a gasoline service station; and

WHEREAS, the special permit granted under Calendar Number 844-87-BZ expired on December 5, 1999; and

WHEREAS, the applicant represents that the subject premises has been continuously utilized as a gasoline service station since December 5, 1999; and

WHEREAS, the record indicates that the instant application meets the requirements of Z.R. §73-211(a) because the subject lot’s area is 8,917 square feet, and therefore complies with the requirement that the site contain a minimum lot area of 7,500 square feet; 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 subject site is located at the corner of the Van Wyck service road and Linden Boulevard, which the Board finds is a major intersection; and

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

WHEREAS, the Board has also determined that the entrances and exits are planned so that at maximum operation, vehicular traffic into or from the premises will cause a minimum obstruction on the streets or sidewalks; and

WHEREAS, the applicant further represents that there will be no lubrication, repair or washing of cars at the subject premises; and

WHEREAS, the applicant also proposes to install 66.25 square feet of illuminated signage; and

WHEREAS, the Board finds that the proposed signage modifications comply fully with Z.R. §73-211(5)(i), which allows a total surface area of 150 square feet of illuminated signage; and

CORRECTIONS

WHEREAS, the Board finds that the existing screening at the subject premises complies with Z.R. §73-211(4); and

WHEREAS, the Board finds that the site is so designed as to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available at the pumps; 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 stipulated on the conditions noted below 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, on a site previously before the Board, to permit in a C2-2/R3-2 zoning District, the legalization of an automotive service station use, as well as approval of modifications to existing signage, 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, 2003"-(5) sheets ; and on further condition;

THAT within six months from the date of this grant, the applicant shall:

- (1) Obtain NYC Department of Environmental Protection ("DEP") sign-off that the DEP-related requirements contained in the 1989 CND have been satisfied or that no further action is necessary, and submit proof of same to the Board;
- (2) Submit a revised letter and revised EAS to the BSA stating that there are five 4,000 gallon petroleum underground storage tanks (USTs) on the subject site;
- (3) Submit an affidavit filed with New York City Fire Department regarding the removal of the twelve 550 gallon USTs;
- (4) Provide a New York State Department of Environmental Conservation ("DEC") PBS Facility Information Report that reflects the removal of the twelve 550 gallon USTs. The current DEC Form reflects the closure of six 550 gallon USTs;
- (5) Conduct a second search with ("DEC") confirming if there were or were not, any petroleum spills on the subject site;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

THAT the term of this special permit shall be limited to six (6) months from the date of this grant, expiring April 28, 2004, at which time a new application must be submitted;

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

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

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

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

Adopted by the Board of Standards and Appeals, October 28, 2003.

****The resolution has been corrected in that the portion which read: "WHEREAS, the subject site is located on Bussing Avenue and East 233rd Street, which the Board finds is a major intersection" now reads: "WHEREAS, the subject site is located at the corner of the Van Wyck service road and Linden Boulevard, which the Board finds is a major intersection". . Corrected in Bulletin No. 47, Vol. 88, dated November 27, 2003.**