
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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June 26, 2003

DIRECTORY

JAMES CHIN, *Chairman*

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PETER CALIENDO

JOEL A. MIELE, SR.

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

Vacant - *Counsel*

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

TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

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183-03-BZ B.BK 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn. Alt.1 #301542141. Proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #1BK

184-03-BZ B.Q. 165-02 120th Avenue, southeast corner of 165th Street, Block 12381, Lot 90, Borough of Queens. N.B. #401599524. 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.

COMMUNITY BOARD #12Q

185-03-BZ B.M. 277 Canal Street, northeast corner of Broadway, Block 209, Lot 1, Borough of Manhattan. Applic. #103150162. Proposed change of use of a portion of an area located on the building's first floor, formerly occupied by single screen movie theater to retail use, and also a portion of the cellar for the same use, Use Group 6, in an existing three story with cellar commercial building, located in an M1-5B zoning district, is contrary to Z.R. §42-14 D2(b).

COMMUNITY BOARD #2M

186-03-BZ B.BK. 525 Union Avenue, west side, 48' south of Withers Street, Block 2315, Lot 14, Borough of Brooklyn. N.B. #301545898. Proposed seven story multiple dwelling, Use Group 2, with a total of sixty residential units and twenty-four parking spaces, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

187-03-BZ B.Q. 214-02 24th Avenue, southeast corner of Bell Boulevard, Block 6001, Lot 55, Borough of Queens. Alt.1 #401592772. The reestablishment of an expired special permit, previously granted by the Board under Cal. No. 142-88-BZ, which permitted medical offices, Use Group 4, that exceeded 1,500 square feet of floor area in an R2 zoning district.

COMMUNITY BOARD #11Q

188-03-A B.Q. 4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens. Alt.1 #401508999. Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

189-03-BZ B.BX. 836 East 233rd Street, northwest corner of Bussing Avenue, Block 4857, Lots 44 and 41, Borough of The Bronx. Applic. #200788870. The continued use of the premises as a gasoline service station, the alteration of the existing signage, and the legalization of the enlargement of the zoning lot on which the existing station rests, is contrary to §32-35.

COMMUNITY BOARD #12BX

190-03-BZ B.Q. 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens. Applic. #401641201. The legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, and to permit an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, is contrary to Z.R. §24-521, §24-35 and §24-34.

COMMUNITY BOARD #13Q

191-03-A B.Q. 87-48 215th Place, corner of Hillside Avenue, Block 10682, Lot 45, Borough of Queens. Applic. #401641201. The legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, and to permit an enlargement to the building, of Class II-D construction, located within the fire district, is contrary to §§27-301 and 27-305 of the NYC Administrative Code.

192-03-BZ B.BX. 509 East 165th Street, between Washington and Third Avenues, Block 2370, Lot 45, Borough of The Bronx. Alt.1 #200781920. Proposed head start facility, Use Group 3, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #3BX

DOCKETS

193-03-BZ B.BK. 824/34 Kent Avenue, south side of Park Avenue, and east of Taaffe Place, Block 1897, Lot 31, Borough of Brooklyn. N.B. #301469088. Proposed construction of a five (5) story, 27 unit residential building, in an M1-1 zoning district.

COMMUNITY BOARD #3BK

194-03-BZ B.BK. 739 East New York Avenue, between Troy and Albany Avenues, Block 1428, Lot 47, Borough of Brooklyn. Applic. #300988377. Proposed catering establishment, Use Group 9, in the cellar of a n existing one story, basement and cellar building (school for girls), located in an R6 zoning district, is contrary to Z.R.§22-00.

COMMUNITY BOARD #9BK

195-03-A B.Q. 31 Kildare Walk, east side, 192.27' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1 #401623301. Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

196-03-A B.Q. 6 Devon Walk, west side, 20.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #401613170. Proposed building not fronting on a legally mapped street, and has a private disposal system that is being upgraded in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings policy.

197-03-A B.Q. 30 Lincoln Walk, west side, 248.63' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1 #401636380. Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded 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.

198-03-A B.Q. 42 Roosevelt Walk, corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1 #401623392. Proposed building not fronting on a legally mapped street, located within the bed of a mapped street, and has a private disposal system that is being upgraded 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.

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

JULY 22, 2003, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 22, 2003, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

242-54-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 21-17 Jackson Avenue, aka 21-15 Jackson Avenue, fronting on Jackson Avenue, 21st Street and 46th Road, Block 74, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

548-69-BZ, Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for BP-North America, Inc., owner.

SUBJECT - Application May 2, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 25, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 107-10 Astoria Boulevard, southeast corner of 107th Street, Block 1694, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

608-85-BZ

APPLICANT - The Agusta Group, for J.C. Organization, LLC, owner.

SUBJECT - Application May 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 17, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 33-56 11th Street, west side 11th Street, 235' south of 33rd Road, Block 319, Lot 36, Borough of Queens.

COMMUNITY BOARD #1Q

JULY 22, 2003, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, July 22, 2003, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

323-98-BZ

APPLICANT - Paul Selver, Esq./Jeremiah H. Candreva, Esq., for 801 Eleventh Avenue, LLC, owner.

SUBJECT - Application May 21, 2003 - reopening for an extension of time to complete construction which expired April 27, 2003.

PREMISES AFFECTED - 795 Eleventh Avenue, west side of Eleventh Avenue, between West 55th Street and West 56th Street, Block 1103, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #4M

402-01-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Ruth Fischl, owner.

SUBJECT - Application May 20, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete construction which expired February 26, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 936 East 24th Street, East 24th Street, 260' south of Avenue I, Block 7587, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #14BK

180-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Julieta Pizzini, owner.

SUBJECT - Application May 28, 2003 - Proposed two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 86 Sweetbrook Road, southwest corner of Getz Avenue, Block 5523, Lot 83, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

188-03-A

APPLICANT - Frank R. Gencorelli, for Breezy Point Co-op Inc., owner; John DeAngelis, lessee.

SUBJECT - Application June 6, 2003 - Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 4 Bayview Walk, south side, corner of Bayside Connection Walk, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

ZONING CALENDAR

326-02-BZ

CALENDAR

APPLICANT - Gary H. Silver, Architect, P.C., for 230 Church Avenue Realty, LLC, owner; JF Fitness Inc., DBA Church Avenue Fitness, lessee.

SUBJECT - Application November 1, 2002 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, which occupies the cellar of the subject premises, located in a C4-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2238 Church Avenue, 213.8' east of the corner formed by the intersection of Flatbush and Church Avenues, Block 5103, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #14BK

363-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Rohith Rheddy, LLC, owner.

SUBJECT - Application December 16, 2002 - under Z.R. §72-21 to permit the proposed extension of Use Group 4, medical office use and occupancy, on the second floor of a new basement and two story community facility, is not permitted as per Z.R. §22-14. PREMISES AFFECTED - 9413 Flatlands Avenue, northeast corner of East 94th Street, Block 8182, Lots 1, 6, 11, 60 and 162, Borough of Brooklyn.

COMMUNITY BOARD #18BK

376-02-BZ

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

SUBJECT - Application December 30, 2002 - under Z.R. §73-622 to permit the proposed two story rear enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 916 East 23rd Street, west side, 100'-0" south of Avenue "I", Block 7586, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

145-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Juliana Vincenti, owner.

SUBJECT - Application May 8, 2003 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply

REGULAR MEETING

TUESDAY MORNING, JUNE 17, 2003

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 22, 2003, were approved as printed in the Bulletin of May 1, 2003, Volume 88, No. 18.

with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. §23-141, §23-48 and §23-141.

PREMISES AFFECTED - 2814 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

151-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Alan Shrem, owner.

SUBJECT - Application May 15, 2003 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, side yard and lot coverage, is contrary to Z.R. § 23-141 and §23-48.

PREMISES AFFECTED - 2812 Quentin Road, between East 28th and 29th Streets, Block 6811, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

340-41-BZ

APPLICANT - Walter T. Gorman, P.E, for Paul & Marie Sinanis, owner; S & J Service Station, Inc., lessee.

SUBJECT - Application March 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 72-09 Main Street, southeast corner of

MINUTES

72nd Avenue, Block 6660, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on May 1, 2002; and

WHEREAS, the subject application also seeks an amendment to the resolution for the legalization of the removal of a portion of the planting area on 72nd Avenue side of the property, legalization of a planting area along Vleigh Place which had been designated for parking, legalization of modifications to the interior, which include a wall to divide the office area into a smaller office and auto accessories sales area and the installation of a new slop sink, legalization of the erection of a chain link fence in lieu of a wooden railing at the corner of Vleigh Place and 72nd Avenue, legalization of the construction of a masonry wall rather than brick piers and wooden pickets along 72nd Avenue, legalization of the bricking over of the windows on the service building and its cupola, and elimination of the prohibition of vending machines at gasoline service stations located in a C1-2 within in a R4 zoning district; and

WHEREAS, on June 24, 1941, the Board granted an application to permit the erection of a gasoline service station with accessory uses; and

WHEREAS, on September 18, 1951, the Board extended the term of the variance for a period of ten years; and

WHEREAS, on February 3, 1953, the Board approved the installation of additional gasoline tanks on the premises; and

Resolved, that the Board of Standards and Appeals (DOB Application # 401612572)

Adopted by the Board of Standards and Appeals, June 17, 2003.

529-52-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Angelo Mordini, owner.

SUBJECT - Application January 13, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 9, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 77-11 Roosevelt Avenue, northwest

waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expires on May 1, 2002, so that as amended this portion of the resolution shall read:

“to permit the legalization of the removal of a portion of the planting area on 72nd Avenue side of the property, legalization of a planting area along Vleigh Place which had previously been designated for parking, legalization of modifications to the interior, which include a wall to divide the office area into a smaller office and auto accessories sales area and the installation of a new slop sink, legalization of the erection of a chain link fence in lieu of a wooden railing at the corner of Vleigh Place and 72nd Avenue, legalization of the construction of a masonry wall rather than brick piers and wooden pickets along 72nd Avenue, legalization of the bricking over of the windows on the service building and its cupola, elimination of the prohibition of vending machines at gasoline service stations located in a C1-2 within in a R4 zoning district, and to extend the term of the Variance for an additional ten (10) years from May 1, 2002 to expire on May 1, 2012, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received May 15, 2003”- (5) 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 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.

corner of 78th Street, and Roosevelt Avenue, Block 1288, Lot 39, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

MINUTES

WHEREAS, a public hearing was held on this application on March 18, 2003 and on April 15, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on May 9, 2001; and

WHEREAS, the subject application also seeks an amendment to the resolution for a change in use from a gasoline service station, lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles to auto repair with lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles; and

WHEREAS, on September 9, 1992, the Board granted an application to reopen and amend the resolution adopted on May 9, 1961, permitting the erection of a gasoline service station with accessory uses, as amended through February 9, 1982, expiring May 9, 1991; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on May 9, 2001, so that as amended this portion of the resolution shall read:

“to permit a change in use from a gasoline service station, lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles to auto repair with lubritorium, non-automatic auto wash, office, sale of accessories, minor repairs with hand tools only, safety inspection station, parking, ground sign and parking and storage of motor vehicles and to extend the term of the Variance for an additional ten (10) years from May 9, 2001 to expire on May 9, 2011, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received July 1, 2002” - (1) sheets

WHEREAS, a public hearing was held on this application on April 8, 2003 and again on April 15, 2003, after due notice by publication in *The City Record*, and laid over to May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, an extension of the term of the variance which expires on July 8, 2000; and

WHEREAS, the subject application also seeks an amendment to the resolution for a change in use on a portion of the subject property from Use Group 16 to Use Group 6, while still maintaining a portion of the subject property with a Use Group 16; and

and “January 13, 2003”-(1) sheet and “June 9, 2003”- (1); 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 Application # 401457286)

Adopted by the Board of Standards and Appeals, June 17, 2003.

80-75-BZ

APPLICANT - Fredrick A. Becker, Esq., for 1377 Sutter Avenue, Inc., owner.

SUBJECT - Application December 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired July 8, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 1377/1381 Sutter Avenue, north side of Sutter Avenue, 40' West of Lincoln Avenue, Block 4254, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Waiver of the Rules of Practice and Procedure, application reopened, resolution amended and term of Variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, on July 8, 1975, the Board granted an application to permit the erection of a one story enlargement to an existing beverage sale and distributors establishment; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on, July 8, 2000 so that as amended this portion of the resolution shall read:

“to permit the change in use from Use Group 16 to Use Group 6 and to extend the term of the Variance for an additional ten (10) years from July 8, 2000 to expire on July 8, 2010, on condition

THAT all work shall substantially conform to drawings

MINUTES

as they apply to the objections above noted, filed with this application marked "Received February 26, 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 Application # 321424830)

Adopted by the Board of Standards and Appeals, June 17, 2003.

190-75-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Kevin B. McGrath and other.

ACTION OF THE BOARD - Application re-opened and resolution amended.

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 legalization of an exhaust shed and changes to the fencing and railings including the fence currently situated between the plaza and the rear yard and the closure of the fencing located at the East 80th Street entrance to the driveway" on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 14, 2003"- (2) sheets; and on further condition;

THAT the posted notice plaques shall contain the following language:

"THIS PLAZA IS OPEN TO THE PUBLIC.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE RESOLUTION-

WHEREAS, a public hearing was held on this application on November 19, 2002, after due notice by publication in *The City Record*, and laid over to March 18, 2003, April 15, 2003, May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested an amendment to the variance for the legalization of an exhaust shed and changes to the fencing and railings on the subject property; and

WHEREAS, the requested amendment includes the legalization of the fence currently situated between the plaza and the rear yard and the closure of the fencing located at the East 80th Street entrance to the driveway; and

WHEREAS, on November 12, 1975 the Board granted an application to permit the enlargement of the lot and floor area of a thirty-six story mixed use building, on the condition that all work would substantially conform with the approved drawings; and

WHEREAS, in a letter dated October 10, 2002, Community Board #8M recommended approval of this application; and

WHEREAS, the record indicates that the New York City Department of City Planning has no objections to the subject application.

Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings of the City of New York.;"

THAT the public plaza shall remain open 24 hours a day;

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;

MINUTES

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 Application #ALT. I. 103182556 and #ALT. I. 103158306)

Adopted by the Board of Standards and Appeals, June 17, 2003.

561-87-BZ

APPLICANT - The Agusta Group, for Carlos Abreu, owner.
SUBJECT - Application September 13, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 13, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2700 Jerome Avenue, east side 222' north of E. Kingsbridge Road, Block 3371, Lot 17, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended and term of Variance extended.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4
Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4
Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening, an extension of the term of the variance which expired on April 13, 2002; and

WHEREAS, the applicant has requested an

THAT the hours of operation for the auto laundry shall be limited to 8:00am to 6:00 pm Monday through Saturday;

THAT the eating and drinking establishment with entertainment and dancing and the auto laundry do not operate during the same business hours;

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

amendment to the variance for the reconfiguration of the first floor plan of a one-story eating and drinking establishment with entertainment and dancing located on the same lot as an auto laundry; and

WHEREAS, a public hearing was held on this application on April 8, 2003, after due notice by publication in *The City Record*, laid over to May 20, 2003 and then to June 17, 2003 for decision; and

WHEREAS, on October 25, 1988, the Board granted an application to permit in a C2-3 overlay in an R8 district, a one story eating and drinking establishment without restriction on entertainment for a term of five years; and

WHEREAS, on October 25, 1994, the Board granted an application to permit in a C2-3 overlay in an R8 district, an increase in the allowable number of patrons, as well as, interior modifications on a one story eating and drinking establishment with entertainment and dancing for a term of three years; and

WHEREAS, on April 13, 1999, the Board granted an application to extend the term of the Special Permit for one story eating and drinking establishment in a C2-3 overlay in an R8 district for an additional three years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the Variance which expired on April 13, 2002, so that as amended this portion of the resolution shall read:

“to permit the reconfiguration of the first floor plan of an eating and drinking establishment with entertainment and dancing and the extension of the term of the Variance for an additional three (3) years from April 13, 2002 to expire on April 13, 2005, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “September 13, 2002”- (1) sheet, “June 3, 2003”-(2) sheets; and on further condition;

THAT the hours of operation for the eating and drinking establishment with entertainment and dancing shall be limited to 6:00 pm to 4:00 am seven days per week;

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, June 17, 2003.

50-92-BZ

APPLICANT - Walter T. Gorman, P.E., for Higinio Caballero, owner; D/B/A/ Chile Parking Lot, lessee.

SUBJECT - Application February 26, 2003 - reopening for an extension of term of variance which expires May 4, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 1282 Shakespeare Avenue, southeast of West 169th Street, Block 2506, Lot 111, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Application reopened,

MINUTES

resolution amended and term of Variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a re-opening and extension of the term of the variance which expires on May 4, 2003; and

WHEREAS, the subject application also seeks an amendment to the resolution to permit an increase in the number of parking spaces from thirty-six to fifty-four, installation of additional floodlights, installation of guardrails at the attendant's booth, and legalization of the signage on the site; and

WHEREAS, on May 4, 1993, the Board granted an application for the legalization of a parking lot for a term of ten years.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution to extend the term of the Variance, which expired on, May 4, 2003, so that as amended this portion of the resolution shall read:

"to permit the an increase in the number of parking spaces from thirty-six to fifty-four, installation of additional floodlights, installation of guardrails at the attendant's booth, and legalization of the signage on the site and to extend the term of the Variance for an additional five (5) years from May 4, 2003 to expire on May 4, 2008, 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 2, 2003"- (5) sheets; and on further condition;

WHEREAS, a public hearing was held on this application on May 6, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested a re-opening and amendment to the resolution to permit the construction of a mezzanine space between the first and second floors to be filled in with floor area to accommodate an enlargement of the existing library; and

WHEREAS, on January 9, 2001, the Board granted an application for a variance permitting non-compliance with side and front set back provisions, as well as minimum distances between windows and walls.

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 construction of a mezzanine space between the first and second floors to be filled in with floor area to accommodate an enlargement of the existing library, 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 Application # 200771600)

Adopted by the Board of Standards and Appeals, June 17, 2003.

99-00-BZ

APPLICANT - Eric Palatnik, P.C., for Rabbinical Seminary of America, owner.

SUBJECT - Application February 7, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 147-06 76th Avenue, 147th Street between 76th Road and 76th Avenue, Block 6685, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 12, 2003"- (6) sheets and "May 27, 2003"- (2) 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

MINUTES

to the relief granted.
(DOB Application # 400845412)

Adopted by the Board of Standards and Appeals, June 17, 2003.

259-00-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 26 Court Associates, LLC, owner; TSI Court Street, Inc. dba New York Sports Club, lessee.

SUBJECT - Application March 21, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 26 Court Street, a/k/a 179 Remsen Street, northwest corner of Court Street and Remsen Street, Block 250, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

(DOB Application #301079696)

Adopted by the Board of Standards and Appeals, June 17, 2003.

132-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Mark Spiegel, owner.

SUBJECT - Application November 27, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1283 East 22nd Street, East 22nd Street between Avenue L and Avenue M, Block 7640, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested re-opening and amendment to the resolution for the expansion of the second floor area of an existing physical culture establishment; and

WHEREAS, on February 6, 2003, the Board granted an application to permit the operation of a physical culture establishment located in portions of the cellar, first floor, mezzanine, and second floor of an existing twenty-eight story plus penthouse commercial building; and

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 expansion of the second floor area of an existing physical culture establishment, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received March 21, 2003”- (8) 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 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.

Miele.....4

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 20, 2003, after due notice by publication in *The City Record*, and then to June 17, 2003 for decision; and

WHEREAS, the applicant has requested re-opening and amendment to the resolution to permit the addition of an attic, minor interior changes, the addition of a chimney on the north side of the house, and an enclosure of the porch on the front south side of the first floor of the house, thereby modifying the elevations ; and

WHEREAS, on July 17, 2001, the Board granted an application to permit the enlargement of an existing single family residence.

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 addition of an attic, minor interior

MINUTES

changes, the addition of a chimney on the north side of the house, and an enclosure of the porch on the front south side of the first floor of the house, thereby modifying the elevations, on condition

THAT all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 20, 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 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 Application #301373626)

Adopted by the Board of Standards and Appeals, June 17, 2003.

558-51-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT - Application April 1, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a certificate of occupancy which expired September 13, 2000.

PREMISES AFFECTED - 68-22 Northern Boulevard, southwest
763-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Exxonmobile Fuels Marketing Co., owner.

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

PREMISES AFFECTED - 1764 University Avenue, southeast corner of Macombs Road and University Avenue, Block 2876, Lot 122, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to June 24, 2003, at 10 A.M., for decision, hearing closed.

corner of 68-22 Northern Boulevard and 69th Street, Block 1186, lot 19, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

705-51-BZ

APPLICANT - Eric Palatnik, P.C., for 163-15 Northern Flushing Corp., owner; BP Products North America, lessee.

SUBJECT - Application April 4, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired May 19, 1999 and for an amendment to the resolution.

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

60-82-BZ

APPLICANT - Eric Palatnik, P.C., for BP Amoco Corp., owner.

SUBJECT - Application April 4, 2003- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to complete a certificate of occupancy which expired September 28, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 60-11 Queens Boulevard, between 60th Street and 61st Street, Block 1338, Lot 1, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for postponed hearing.

226-01-BZ

APPLICANT - Francis R. Angelino, Esq., for 48 Laight Street, Associates, LLC, c/o The Daten Group, Inc., owner.

SUBJECT - Application April 10, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 48 Laight Street, (166-172 Hudson 79-03-A

APPLICANT - Naftali Zvi Dembitzer, for Kemmy Safdie, owner; Morris & Sari Chera & Sarmo Mgmt. Corp., lessee.

SUBJECT - Application March 4, 2003 - An administrative appeal challenging the Department of Buildings' final determination, dated February 7, 2003, declining to revoke the Certificate of Occupancy No. 300518296("CO"), that was unlawfully obtained from the Department on or about February 16, 1999 for said premises.

PREMISES AFFECTED - 3149 Bedford Avenue, 180'-0 north of the corner of Avenue "J", Block 7607, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant Naftali Zvi Dembitzer

For Opposition: David H. Singor.

For Administration: Lisa M. Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for decision, hearing closed.

Street) at northeast corner of Laight and Hudson Streets, Block 220, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Francis R. Angelino, Dana Sottile and David Ennis.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

261-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for Imtiaz Mohammed, owner.

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

PREMISES AFFECTED - 444 Sharrotts Road, south side, 1,652.75' east of Arthur Kill Road, Block 7328, Lot 8l, Borough of Staten Island.

APPEARANCES -

For Applicant: Rudolf J. Beneda.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

103-03-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; John & Joan O'Hara, owners.

SUBJECT - Application April 4, 2003 - Proposed construction of a new one story addition 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 - 7 East Market Street, north side, 15' east of Beach 201st Street, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 10 A.M., for decision, hearing closed.

MINUTES

Adjourned: 12:40 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 17, 2003
2:00 P.M.**

117-03-A

APPLICANT - Molly Abady (Luca Sartini, Toni Vastinar.

OWNER OF PREMISES: Memorial Hospital.

SUBJECT - Application April 11, 2003 - An appeal challenging the Department of Buildings determination, dated March 24, 2003, in which the Department has stated that the project (research laboratory), is allowed as a Use Group 4, hospital "related facility".

As a "related facility", (Sloan Kettering) the use is allowed as of right in a residential district.

PREMISES AFFECTED - 411/25 East 68th Street, Mid-block, between First and York Avenues, Block 1463, Lots 5, 9 and 11, Borough of Manhattan.

APPEARANCES -

For Applicant: Roger Crane, Amy Baxter, Minna Elias, Dan Steinberg, Jonathan Federico, Elizabeth Ashley, Teri Slater, Betty Cooper Waltersteins, Irene Peneri, Marcia Lowe, Carol Sigmns, John Settel and Judith Squire.

For Opposition: Shelly Friedman.

For Administration: Stacy Harvey, Department of Building.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Miele3

Negative: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 9, 2001, acting on Application No. 301118332 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on July 9, 2002 after due notice by publication in *The City Record*, and laid over to August 6, 2002, and then to October 29, 2002, and then to December 18, 2002, and then to January 28, 2003, and then to March 4, 2003, and then to April 29, 2003, and then to June 24, 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 Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the legalization of an existing three story residential building contrary to Z.R. §42-00; and

WHEREAS, the parcel measures 219 feet 7 inches by

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

ZONING CALENDAR

369-01-BZ

CEQR #02-BSA-077K

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

91 feet 6 3/8 inches, located on the northwest corner of Bogart Street and is improved with a three-story building; and

WHEREAS, the record indicates that the subject building currently has 51 dwelling units and a total floor area of 53,468 square feet; and

WHEREAS, the applicant has provided the Board with documentation of attempts to market the property for a conforming use; and

WHEREAS, the applicant represents that the subject property is structurally inadequate for manufacturing uses, because of its low ceiling heights and the weight bearing columns which run length of the building hinder the movement and/or storage of goods about the floor area; and

WHEREAS, the applicant further states that its multiple levels and single elevator, create an inefficient movement of goods and people; and

WHEREAS, the record indicates that the subject property has a single loading dock and is located on a narrow street where parking is permitted on both sides, restricting the movement of incoming and outgoing vehicles; and

WHEREAS, the Board agrees with the applicant's assertion, low ceiling heights, obstructed floor area, limited elevator service, limited loading dock access would create a hardship regarding the storage and movement of work product and/or equipment on each in and around the building; and

MINUTES

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

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

WHEREAS, the record indicates that there is a public park, a subway entrance and a number of residential dwellings within a 400-foot radius of the subject site; and

WHEREAS, the applicant asserts that there is ample parking along the streets to supplement the limited parking available on-site; and

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

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

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

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

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.

Approved by the Board of Standards and Appeals, June 17, 2003.

237-02-BZ

CEQR #03-BSA-028Q

APPLICANT - The Agusta Group, for Jose Lazo, D.D.S., Gerson F. Mendoza, D.C., owners.

SUBJECT - Application August 26, 2002 - under Z.R. §72-21 to permit the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two story and cellar building, in an R6 zoning district, is contrary to Z.R. §22-14. PREMISES AFFECTED - 37-49 91st Street, east side, between Roosevelt and Elmhurst Avenues, Block 1479, Lot 53, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sheldon Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....3

Negative: Chairman Chin.....1

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated May 9, 2002, acting on Application

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, in an M1-2 zoning district, the legalization of existing residential units 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 June 2, 2003"- (5) sheets, "July 25, 2002"- (1) sheet, and "February 25, 2003"- (3) sheets and *on further condition*;

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 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

No. 401402683, reads:

"The proposed conversion of the second floor of an existing 2-story Medical Office with dwelling above to Medical office (U.G. 4) is contrary to Section 22-14 of the Zoning Resolution since it is located above the level of the first floor ceiling;" and

WHEREAS, a public hearing was held on this application on March 18, 2003 after due notice by publication in *The City Record*, laid over to April 29, 2003, June 3, 2003 and then to June 17, 2003 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R6 zoning district, the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two-story and cellar building contrary to Z.R. §22-14; and

WHEREAS, the subject parcel is located on an interior narrow lot, only 24 feet wide housing a building that is only 20 feet wide with a four foot side yard on the south side of the zoning lot that is used as a common driveway with the building to the south and sharing a party wall with the building north of the property; and

WHEREAS, the record indicates that the cellar and first floor contain medical offices (Use Group 4) which are allowed as-of-right in an R6 zoning district; and

WHEREAS, the applicant represents that the as-of-right community facility use on the first floor makes it impracticable to use the second floor for residential occupancy as there is only one entrance to the building, a

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hardship that is created by the extreme narrow width of the building; and

WHEREAS, the Board finds that aforementioned unique physical condition, creates an unnecessary hardship in developing the site in conformity with the current zoning; and

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

WHEREAS, the applicant represents that the existing medical offices on the cellar and first floor and the dental office on the second floor exists with no apparent negative impacts on the surrounding R6 district; and

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

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

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

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

WHEREAS, the Board has conducted an approval limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

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

Adopted by the Board of Standards and Appeals, June 17, 2003.

238-02-BZ

CEQR #03-BSA-029K

APPLICANT - Sheldon Lobel, P.C., for Peter Krashes, owner.
SUBJECT - Application August 25, 2003 - under Z.R. §72-21 to permit the legalization of two residential units, in a building that is located within an M1-1 area zoned for manufacturing use, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 638 Dean Street, south side, between Carlton and Vanderbilt Avenues, Block 1137, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on

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; and

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R6 zoning district, the legalization of the conversion from residential use, to an existing dental office, located on the second floor of a two-story and cellar building contrary to Z.R. §22-14 on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 13, 2003"-(6) 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 applicant shall comply with all applicable fire safety measures;

condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 26, 2002 acting on Application No. 301096757 reads:

"PROPOSED CONVERSION OF THE BUILDING INTO RESIDENTIAL DWELLINGS IS NOT PERMITTED IN A MANUFACTURING DISTRICT AS PER SECTION 42-00 OF THE ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on March 23, 2003 after due notice by publication in *The City Record*, and laid over to May 6, 2003, and then to June 17, 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 M1-1 zoning district, the legalization of existing residential units contrary to Z.R. Section 42-00; and

WHEREAS, the subject parcel measures 19 feet and 9 inches by 110 feet, with a lot area of 2,172.5 square feet, located on the south side of Dean Street between Carlton Avenue and Vanderbilt Avenue, and is currently improved with a three-story building with 4,058 square feet of floor area; and

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WHEREAS, the record indicates that the subject building contains open space on the ground floor, which the most recent Certificate of Occupancy lists as "sale of used cars and contractor's establishment", one residential unit on the second floor and one residential unit on the third floor; and

WHEREAS, the owner proposes to create two residential units, one located on the ground floor and the other, a duplex unit comprised of the second and third floors; and

WHEREAS, the Community Board has unanimously approved this proposal; and

WHEREAS, the applicant represents that although the building contains residential units, the current owner has never illegally rented the units for residential use; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the record indicates that the applicant states that the subject lot is irregular and substandard for modern manufacturing or warehouse uses because it limited floor space and does not provide an elevator or a

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

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

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

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

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, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. Section 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 April 29, 2003"- (5) sheets, and *on further condition*;

THAT all future rental agreements, leases, contracts of sale, and deeds for the subject property contain a disclosure putting all parties on notice that the subject property is located within an M-1 manufacturing and commercial zoning district and the Board has granted this variance subject to the property, building, and unit owners' understanding that they have no right, legal or otherwise, to complain of any possible adverse legal use of any existing or future manufacturing or commercial use in the subject building;

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

loading dock; and

WHEREAS, the record indicates that the subject property is located in the middle of the block and its location, in conjunction with its lack of a loading dock, would create difficulty in loading and unloading of trucks; and

WHEREAS, the Board agrees with the applicant's assertion, that the limited size of each floor would require multi-level occupation and the lack of an elevator and loading dock would create a difficulty in moving work products or equipment from floor to floor; and

WHEREAS, the Board finds that the aforementioned unique physical conditions create an unnecessary undue 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 indicates that the surrounding area contains an abundance of residential uses with some commercial overlay; and

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

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, June 17, 2003

357-02-BZ

CEQR #03-BSA-097Q

APPLICANT - Fischbein Badillo Wagner Harding, for JAF of Bayside, LLC, owner; Bayside Dialysis Center , Inc., lessee.

SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit the proposed rear yard enlargement, of an existing one-story dialysis center, which creates non-compliance with respect to required rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents, and is contrary to Z.R. §33-28 and §33-23.

PREMISES AFFECTED - 201-10 Northern Boulevard, block bounded by Northern Boulevard, 44th and 45th Avenues, 202nd

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Street and Francis Lewis Boulevard, Block 5523, Lot 22, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

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

Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated January 17, 2003 acting on Application No. 401515302 reads in pertinent part:

1. Proposed yard 0' is less than required by Z.R. 33-28
2. Proposed enlargement is contrary to Section 33-23, permitted obstruction is a required rear yard, and Section 33-28 for minimum

WHEREAS, the applicant seeks a rear yard extension of 1,841 square feet resulting in a 5,741 square one-story structure on a lot that is only 5,741 square feet; and

WHEREAS, Z.R §33-28 requires an unobstructed rear yard equivalent for through lots deeper than 110 feet, except as provided in Section 33-23; and

WHEREAS, the record indicates that the site is a through lot of 134 feet on the north lot line and 152 feet on the south lot line; and

WHEREAS, the existing structure is built on the front and side lot lines with a 45 foot rear yard equivalent along 45th Avenue, and the proposed enlargement will extend the walls of the existing structure and cover the rear yard; and

WHEREAS, Section 33-23 permits a building to obstruct the rear yard equivalent if used for a permitted use (other than residences) provided the height of the building does not exceed one-story, excluding basement, or in any event 23 feet above curb level, and the record indicates that in the instant application, the grade of the site slopes down from Northern Boulevard to 45th Avenue; and

WHEREAS, the grade of the existing building along Northern Boulevard is at a height of 16 feet and the height of the proposed enlargement along 45th Avenue is 22 feet 4 1/2 inches and exceeds the one-story permitted obstruction; and

WHEREAS, the record indicates that the site contains irregular angles on the Northern Boulevard side and an elevation change between streets of 6 feet 4 1/2 inches; and

WHEREAS, the applicant represents that existing medical facilities was erected in 1983 in accordance with industry standards and regulatory codes in effect at that time, and the evidence suggests that the center has become old and obsolete and lacks the physical capacity to meet today's needs; and

WHEREAS, the applicant further asserts that the subject facility uses state of the art medical equipment within the physical limitations of the existing structure and

required rear yard; and

WHEREAS, a public hearing was held on this application on March 25, 2003 after due notice by publication in the City Record, and laid over to May 6, 2003, then to June 17, 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-Chair Satish Babbar and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in a C-2 and R3-2 zoning district, the proposed rear yard enlargement of an existing one-story dialysis center, which creates non-compliance with respect to rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents and is contrary to §§33-28 and 33-23; and

WHEREAS, the subject property is located on a through lot with a frontage of approximately 44 feet on Northern Boulevard and 40 feet on 45th Avenue, currently improved with a one-story plus cellar structure housing 3,900 square feet; and

needs the subject application to improve patient services and comply with requirements imposed on new facilities; and

WHEREAS, the applicant notes that today's medical equipment is considerably larger requiring placement on the floor and the minimum floor area requirement has increased to 120 square feet per station; and

WHEREAS, the Board notes that the existing facility does not provide a "private toilet for the exclusive use of patients" as required pursuant to 10 NYCRR 715.1(f)(1) or privacy curtains between patient stations pursuant to 10 NYCRR 715.2(a); and

WHEREAS, the proposed enlargement will enable the applicant to provide interview space, storage space for records, and an elevator so that patient services will not be limited to the ground floor; and

WHEREAS, the Board finds that the site's history of development with a medical facility that is obsolete for current needs and its need to comply with statutory mandates, constitutes a unique physical conditions leading to an undue hardship in developing the site with a conforming or complying development; and

WHEREAS, the applicant has provide a feasibility study indicating that development of the zoning lot in strict conformity with applicable zoning will not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is characterized by a mix of commercial and retail uses; and

WHEREAS, only, a small portion, approximately 120 feet along Francis Lewis Boulevard and 220 feet along 45th Avenue is outside the commercial overlay and within the R3-2 portion of the block; and

WHEREAS, the record indicates that the number of dialysis stations will not increase as a result of this variance; and

WHEREAS, the existing facility has operated at this location for 20 years; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and 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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, June 17, 2003.

34-03-BZ

CEQR #03-BSA-127Q

APPLICANT - Rothkrug Weinberg & Spector, for Thaneshwar Sukhdeo, owner.

SUBJECT - Application January 28, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, located in an R3-2 zoning district, on an undersized lot, which does not comply with the zoning requirements for front and side yards, lot width or lot area, and the required sky exposure plane, which is contrary to Z.R. §23-45, §23-32 and §23-461.

PREMISES AFFECTED - 89-57 207th Street, a/k/a 207-01 90th Avenue, northeast corner, Block 10572, Lot 35, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

Statement.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in a C-2 & R3-2 zoning district, the proposed rear yard enlargement of an existing one-story dialysis center, which creates non-compliance with respect to rear yard equivalents and permitted obstructions in the required rear yard or rear yard equivalents and is contrary to §§33-28 and 33-23, 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 3, 2003" (5) sheets; and on further condition;

THAT the 45th Avenue door will be used for emergency egress only;

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

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated, January 13, 2002 acting on Application No. 401571571, reads:

"Proposed two-family dwelling does not provide the required front yard, side yard, sky exposure clearance and width or lot area in an R3-2 zoning district and must be referred to the Board of Standards and Appeals; and

WHEREAS, a public hearing was held on this application on April 29, 2003 after due notice by publication in *The City Record*, laid over to June 17, 2003 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for a front yard, a side yard, required lot width or lot area for a two-family dwelling, and the required sky exposure plane, which is contrary to Z.R. §23-45, Z.R. §23-32, and Z.R. §23-461; and WHEREAS, the record indicates that the subject premises is vacant 25 ft. wide by 100 ft. deep, corner lot, with a total area of 2,500 sq. ft.; and

WHEREAS, the proposed two-family dwelling does not provide the required front yard, side yard, sky exposure clearance, and width or lot area, but complies in all other

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respects with the applicable zoning requirements; and

WHEREAS, the applicant represents that compliance with the required front and side yard regulations would result in a ten foot wide building; and

WHEREAS, the Board finds that construction of a ten foot wide residential development would be impractical; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject lot, makes its occupancy for a conforming use impractical and creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the instant application is for a variance for a two-family house and the Board has determined that no showing of financial hardship is required; and

WHEREAS, the record indicates that the proposed use and bulk of the subject proposal are consistent with the

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for front yard, side yard, required sky exposure plane, and lot width, and is contrary to Z.R. §23-45, §23-32, and §23-461, 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 12, 2003"-(6) 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 substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §72-23;

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

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

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, June 17, 2002.

surrounding residential uses; and

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

WHEREAS, the applicant represents that the premises was not in common ownership with either of the two contiguous lots on December 15, 1961 when the effective date of the current zoning; and

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

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

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

233-01-BZ

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

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

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

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Sheldon Lobel, Irving Minkin and Kenneth Heller.

ACTION OF THE BOARD - Laid over to August 12, 2003, at 1:30 P.M., for continued hearing.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Moshe Friedman.

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

165-02-BZ thru 176-02-A

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APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit the proposed five story, five family residential building, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00 and does not provide the required thirty foot rear yard, light and air, which is contrary to Article 3, Section 26 of the Multiple Dwelling Law and Section 27-733 of the NYC Building Code.

PREMISES AFFECTED -

147 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 27, Borough of Brooklyn.

151 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 25, Borough of

For Applicant: Allison Kamensky.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for decision, hearing closed.

186-02-BZ thru 191-02-A

APPLICANT - Klein & O'Brien, LLP, for Dalebrook Realty, Inc., by George E. Sherman, owner; Jacob Gold, contract vendee.

SUBJECT - Application May 23, 2002 - under Z.R. §72-21, to permit proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00 and does not provide the required light and ventilation, is contrary to §27-733 of the NYC Building Code.

PREMISES AFFECTED -

143 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 29, Borough of Brooklyn.

145 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 28, Borough of Brooklyn.

149 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 26, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Allison Kamensky.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at 1:30 P.M., for decision, hearing closed.

241-02-BZ

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

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

Brooklyn.

153 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 24, Borough of Brooklyn.

155 Classon Avenue, east side, between Park and Myrtle Avenues, Block 1896, Lot 23, Borough of Brooklyn.

157 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 22, Borough of Brooklyn.

159 Classon Avenue, east side, EAs between Park and Myrtle Avenues, Block 1896, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

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.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

254-02-BZ

APPLICANT - Klein & O'Brien, LLP, for Malka Ausch, owner.

SUBJECT - Application September 18, 2002 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, in an existing three-story building and the proposed use, in the one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein and Allison Kamensky.

For Opposition: BC Carty.

ACTION OF THE BOARD - Laid over to August 5, 2003, at 1:30 P.M., for continued hearing.

265-02-BZ

APPLICANT - Koutsomitis Architects, P.C., for Ramakrishna Vivekananda Center of NY, owner.

SUBJECT - Application October 2, 2002 - under Z.R. §72-21 to permit the proposed rear enlargement to the first and second floors of an existing community facility, Use Group 4, which is being changed from a school, to accessory church uses, located in an R8B and R10 zoning district, which creates non-compliance in regards to rear yard, and is contrary to §24-36 and §54-31.

PREMISES AFFECTED - 19 East 94th Street, south side, 108'

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west of the intersection of Madison Avenue and East 94th Street,
Block 1506, Lot 13, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at
1:30P.M., for continued hearing.

267-02-BZ

APPLICANT - Harold Weinberg, P.E., for Barry Braunstein,
owner.

SUBJECT - Application October 4, 2002- under Z.R. §73-622 to
permit the proposed extension of residential use into the attic, of an
existing one family dwelling, Use Group 1, located in an R2 zoning
district, which does not comply with the zoning requirements for
rear yard, open space ratio and floor area ratio is contrary to Z.R.
§23-141 and §223-47.

PREMISES AFFECTED - 3478 Bedford Avenue, west side,
230'0" north of Avenue "N", Block 7660, Lot 70, Borough of
Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg, Joseph Goldstein and Barry
Braunstein.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 15, 2003, at
1:30 P.M., for decision, hearing closed.

275-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for
BFN Realty, LLC, owner.

SUBJECT - Application October 10, 2002- under Z.R. §72-21 to
permit the legalization of 34 residential units, Use Group 2, located
in an M1-2 zoning district, on the second floor of a two story
building, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 160 North Fourth Street, between
Driggs and Bedford Avenues, Block 2352, Lot 9, Borough of
Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Girard Owens, Richard Drake and Beatice
Hanson.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 22, 2003, at
1:30 P.M., for continued hearing.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for
Advance Investments, owner.

SUBJECT - Application November 25, 2002- under Z.R. §73-27
to permit the proposed use of an existing building as a funeral
establishment, Use Group 7, with accessory off-street parking for
12 automobiles, located in a C1-1(R3-2) (SRD) zoning district,
requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258'
north of Weir Avenue, Block 7534, Lot 186, Borough of
Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, 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 -

For Applicant: Chris Wright.

For Opposition: Bea Hanson, Girard Owens.

ACTION OF THE BOARD - Laid over to August 5, 2003,

MINUTES

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

366-02-BZ

APPLICANT - Moshe M. Friedman, P.E., for Nahum Z. Rabinowitz, owner; Chevra Nachlas Joshua Chasidei Monastritch, lessee.

PREMISES AFFECTED - 2702 Avenue "M" aka 1301 East 27th Street, southeast corner, Block 7663, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

30-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Barry Himmel, owner.
SUBJECT - Application January 16, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two-story non-confirming commercial use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, which is contrary to Z.R. §52-22.

PREMISES AFFECTED - 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel and others.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for continued hearing.

42-03-BZ

APPLICANT - Law Office of Frederick A. Becker, for Rock-McGraw Inc., owner; TSI West 48th Inc., dba New York Sports Club, lessee.

SUBJECT - Application February 4, 2003 - under Z.R. §73-36 to permit proposed enlargement of a pre-existing grandfathered physical culture establishment, located in portions of the cellar, sub-cellar, and third sub-cellar levels in a multi-story mixed use building, requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 1221 Avenue of the Americas, between 48th and 49th Streets, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

SUBJECT - Application December 18, 2002 - under Z.R. §72-21 to permit the proposed conversion of a two family dwelling, to a synagogue and Rabbi's apartment (rectory), Use Group 4, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, front yard, lot coverage and side yards, and is contrary to Z.R. §24-111, §23-141, §24-34, §24-35.

71-03-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Joan and Sanford I. Weill Medical College of Cornell University, owner.
SUBJECT - Application April 24, 2003 - under Z.R. § 72-21 to permit the proposed construction of a new ambulatory care building, which would have 13 occupied stories and two mechanical floors above, located in an R10, R8, C1-5 overlay and C2-8 zoning district, which does not comply with the zoning requirement for floor area, front and rear height and setback, rear yard, accessory parking and curb cut, is contrary to Z.R. §§33-121, 33-122, 24-11, 23-15, 35-31, 24-522, 33-431, 24-552, 24-36, 33-26, 33-292, 13-133, 13-143 and 13-142.

PREMISES AFFECTED - 1305 York Avenue, block bounded by York Avenue, East 70th Street, First Avenue and East 69th Street, Block 1464, Los 1, 28, 29, 30, 105, 1001-1210 and 1300-1301.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Gary R. Tamoff, Samuel H. Lindenbaum, Richard S. Thomas and William Friedland.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

88-03-BZ & 89-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Frank & Walter Eberhart, L.P., owner.

SUBJECT - Application March 19, 2003 - under Z.R. §73-621 to permit the proposed enlargement of the subject premises, which will result in the creation of larger units for two of the existing twenty (20) apartments in the building, creates non-compliance with respect to floor area, and is therefore contrary to Z.R. §23-145.

PREMISES AFFECTED -

313 East 81st Street, north side, 225' east of Second Avenue, Block 1544, Lot 10, Borough of Manhattan.

315 East 81st Street, north side, 250' east of Second Avenue, Block 1544, Lot 11, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

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

Negative:0

MINUTES

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

90-03-BZ

APPLICANT - Eric Palatnik, P.C., for Women of Faith, Inc., owner.

SUBJECT - Application - under Z.R. § 72-21 to permit the proposed construction of a five/six story apartment building, with 34 dwelling units, located in a C2-2 within an R4 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, total height, dwelling units, lot area per dwelling unit, side yard and parking, is contrary to Z.R. §23-141(b), §23-631(b), §23-222, §23-462(a) and §25-22.

PREMISES AFFECTED - 109-37 Sutphin Boulevard, between 109th Road and 109th Drive, Block 12141, Lot 3, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Vice-Chair Babbar1

ACTION OF THE BOARD - Laid over to July 22, 2003, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 4:25 P.M.