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# BULLETIN

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

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Volume 88, Nos. 5-6

February 6, 2003

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### DIRECTORY

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**Affecting Calendar Number:**

360-01-BZ	2228 Gerritsen Avenue, Brooklyn
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# DOCKET

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New Case Filed Up to January 28, 2003

**25-03-A** B.Q. 970 Bayside, northeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens. Alt.1#401548697. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

**26-03-A** BQ 46 Ocean Avenue, west side, 199.40 north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens. Alt.1#401535585. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

**27-03-A** BQ 8 Chester Walk, west side, 46.23' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1#401548170. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has an upgraded private disposal system located partially 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.

**28-03-BZ** B.BK. 61/65 Green Street, northeast corner of West Street, Block 2511, Lots 1 and 8, Borough of Brooklyn. Applic#301467320. Proposed conversion of the upper floors, and a small portion of the ground floor, of a partially vacant three story manufacturing building, for residential units of loft type housing, is contrary to §42-00.  
**COMMUNITY BOARD #1BK**

**29-03-BZ** B.BK. 1179 East 28<sup>th</sup> Street, 126'-8" north of Avenue "L", Block 7628, Lot 13, Borough of Brooklyn. Alt.#301411363. Proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ration, open space ratio and rear side yards, is contrary to Z.R. §§23-141(a), 23-47 and 23-461.  
**COMMUNITY BOARD#14BK**

**30-03-BZ** B.BK. 333/43 Lorimer Street, corner of Lorimer Street and Montrose Avenue, Block 3049, Lot 33, Borough of Brooklyn. Applic.#301381172. Proposed enlargement of an existing two-story non-conforming commercial

use building, Use Group 17B, by the addition of two stories, located in an R6 zoning district, is contrary to Z.R. §52-22.

**COMMUNITY BOARD #1BK**

**31-03-BZ** B.BK. 2502 Avenue "M" southeast corner of Bedford Avenue, Block 7661, Lot 40, Borough of Brooklyn. Alt. !\_300498450. Proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area and open space ratio is contrary to Z.R. §23-141.

**COMMUNITY BOARD #14BK**

**32-02-BZ** B.BK. 1052 East 26<sup>th</sup> Street, between Avenues "J" and "M", Block 7607, Lot 71, Borough of Brooklyn. Alt. #301483455. Proposed enlargement of an existing one family dwelling, Use Group 1, located within an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio and rear and side yards, is contrary to Z.R. §§23-141, 23-47 and 23-461.

**COMMUNITY BOARD #14BK**

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

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# CALENDAR

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**FEBRUARY 25, 2003, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, February 25, 2003, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## SPECIAL ORDER CALENDAR

### **176-99-BZ**

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC., owner.

SUBJECT - Application October 31, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

**COMMUNITY BOARD #11Q**

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### **161-00-BZ**

APPLICANT - Stuart A. Klein, Esq., for Ida Greenberg, as trustee for Sutton Realty Associates, LLC, owner; Bodescu Skin Care, Inc., lessee.

SUBJECT - Application December 18, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 314-322 East 52nd Street, south side of 52nd Street, between First and Second Avenues, Block 1344, Lot 41, Borough of Manhattan.

**COMMUNITY BOARD #6M**

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**FEBRUARY 25, 2003, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, February 25, 2003, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### **214-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Berry Complex LLC, owner.

SUBJECT - Application July 16, 2002 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district,

### **356-02-BZ**

APPLICANT - Marvin B. Mitzner, Esq., Fischbein-Badillo-Wagner-Harding and Howard A. Zipsler, Esq., Stadtmauer Bailkin, LLP, owner.

which is contrary to §42-00.

PREMISES AFFECTED - 55 Berry Street, site fronts both North 11th and Berry Streets, Block 2297, Lot 5, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

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### **215-02-BZ**

APPLICANT - Sullivan, Chester & Gardner, LLP, for Liberty Avenue, LLC, owner; Ossining, lessee.

SUBJECT - Application July 18, 2002 - under Z.R. §§72-01 & 72-21 to permit the legalization of an existing construction materials testing facility, Use Group 17, located in an R-4 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 143-05 Liberty Avenue, northeast corner of Remington Street, Block 10020, Lot 138, Borough of Queens.

**COMMUNITY BOARD #12Q**

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### **271-02-BZ**

APPLICANT - Sheldon Lobel, P.C., for Rabbi and Mrs. Akiva and Yocheved Ludmir, owner; Congregation Chesev Sofer of Pressburg, lessee.

SUBJECT - Application October 8, 2002 - under Z.R. §72-21 to permit the proposed construction of a three stories and a cellar, community facility, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards and also a projection of the proposed balcony, which is contrary of §23-131, §24-11, §24-34, §24-35, §24-36 and §24-51.

PREMISES AFFECTED - 1627 46th Street, between 16th and 17th Avenues, Block 5434, Lot 76, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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### **348-02-BZ**

APPLICANT - Cellular Telephone Company d/b/a AT & T Wireless Services for Michael Morrin, owner; Cellular Telephone Company d/b/a AT & T Wireless Services, lessee.

SUBJECT - Application November 22, 2002 - under Z.R. §§73-04, 32-31&22-21 to permit the proposed installation of a wireless telecommunications facility (70' cellular monopole) in a C2-2 overlay district in an R3-2 zone, which requires a special permit.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

**COMMUNITY BOARD #11Q**

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SUBJECT - Application December 9, 2002 - under Z.R. §72-21 to permit proposed addition of two (2) floors atop an existing seven-story building, located in a C2-8A zoning district, to be occupied by Use Group 4 hospital related offices, is contrary to

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# CALENDAR

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Z.R. §33-20 and previous Cal. No. 67-96-BZ.  
PREMISES AFFECTED - 210/14 East 86th Street and 209/13  
East 85th Street, south side of East 86th Street and 150' east of  
Third Avenue, Block 1531, Lot 40, Borough of Manhattan.  
**COMMUNITY BOARD #8M**

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*Pasquale Pacifico, Executive Director*

**REGULAR MEETING  
TUESDAY MORNING, JANUARY 28, 2003  
10:00 A.M.**

Present: Chairman Chin, Commissioner Korbey, Commissioner  
Caliendo and Commissioner Miele.

Absent: Vice-Chair Babbar

The minutes of the regular meetings of the Board held on  
Tuesday morning and afternoon, December 10, 2002, were  
approved as printed in the Bulletin of December 19, 2002, Volume  
87, Nos. 49-50.

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# MINUTES

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## SPECIAL ORDER CALENDAR

### 467-71-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Amerada Hess Oil, Corp., owner.

SUBJECT - Application September 20, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 56-01 Main Street, northwest corner of 56th Avenue, Block 5165, Lot 28, Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Michelle Spallino.

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

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**THE RESOLUTION** -

WHEREAS, the decision of the Borough Commissioner, dated August 22, 2002 acting on Application No. 401381090 reads:

"1. PROPOSED USE FOR AN ACCESSORY CONVENIENCE STORE TO A GASOLINE SERVICE STATION 'UG16B' IS NOT PERMITTED IN A R4 DISTRICT AND IS CONTRARY TO SECTION 22-00ZR. BSA APPROVAL REQUIRED."; and

WHEREAS, a public hearing was held on this application on December 10, 2002, and laid over to January 7, 2003 and then to January 28, 2003 for decision; and

WHEREAS, on November 16, 1971, the Board granted an application for rehabilitation and rearrangement of an automotive service station with accessory uses; and

WHEREAS, the applicant now seeks to amend the resolution to permit the erection of a one-story masonry convenience store accessory to the automotive service station, the removal of the existing service building, vacuum islands and kiosk, the rearrangement of the gasoline dispensers beneath the canopy, and the addition of new signage; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the variance pursuant to Z.R.§73-11, said resolution having been adopted November 16, 1971, so that as amended this portion of the resolution shall read:

**ACTION OF THE BOARD** - Rules of Practice and Procedure waived, application reopened, and term of variance extended.

**THE VOTE TO GRANT** -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**THE RESOLUTION** -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance, permitting public parking and storage of more than five (5) vehicles, which expired on October 8, 2001; and

"to permit the erection of a one-story masonry convenience store accessory to the automotive service station, the removal of the existing service building, vacuum islands and kiosk, the rearrangement of the gasoline dispensers beneath the canopy and the addition of new signage, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawing submitted with the application marked 'Received September 20, 2002'-(6) sheets and 'December 31, 2002' -(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; 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 shall appear on the Certificate of Occupancy;

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

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

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

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

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### 181-90-BZ

APPLICANT - Philip P. Agusta, The Agusta Group, for Les-Ted, LLC, owner.

SUBJECT - Application June 5, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 8, 2001.

PREMISES AFFECTED - 482/486 College Avenue, east side 25' south of East 148th Street, Block 2329, Lot 58, Borough of The Bronx.

### COMMUNITY BOARD #1BX

APPEARANCES -

For Applicant: Philip P. Agusta.

WHEREAS, a public hearing was held for this application on October 8, 2002, after due notice by publication in The City Record, and laid over to November 26, 2002, January 14, 2003, and then to January 28, 2003 for decision; and

WHEREAS, the applicant represents that the premises is in substantial compliance with the previous BSA-approved plans.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to Z.R.§§11-411 & 11-413, said resolution having been adopted on October 8, 1991, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for a period of ten (10)

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# MINUTES

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years from October 8, 2001, to expire on October 8, 2011; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 5, 2002"-(4) sheets and "January 21, 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 conditions from all prior BSA resolutions for this site shall remain in effect;

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

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

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

(DOB# 200017105)

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

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## 478-91-BZ

APPLICANT - David L. Businelli, for Joseph Canizzaro, owner.  
SUBJECT - Application September 16, 2002 - reopening for an extension of term of variance which expired September 15, 2002.  
PREMISES AFFECTED - 1911 Richmond Avenue, Rockland Avenue, Block 2030, Lot 16, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: None.

**ACTION OF THE BOARD** - Application reopened, and term of

THAT there shall be no sale of appliances on the sidewalk

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

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

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

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

(DOB # 500565275)

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

the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION

WHEREAS, the applicant has requested a re-opening and an extension of the term of the variance, permitting professional offices, which expired on September 15, 2002; and

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

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

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

Resolved, that the Board of Standards and Appeals, pursuant to Z.R. §§72-01 and 72-22, reopens and extends the term of the variance, said resolution having been adopted July 28, 1992, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from the September 15, 2002 to expire on September 15, 2012, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received, September 16, 2002'-(6) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition;

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

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

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

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## 241-02-BZ

APPLICANT: New York City Board of Standards and Appeals.  
OWNER OF PREMISES: HFK Inc.

SUBJECT: to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 130 3<sup>rd</sup> Street, corner of Bond Street and 3<sup>rd</sup> Avenue, Block 466, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #6BK

APPEARANCES - None.

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

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

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

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## 74-49-BZ

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

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

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

### COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Janice Cahalane.

**ACTION OF THE BOARD** - Laid over to May 20, 2003, at 10 A.M., for continued hearing.

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## 838-55-BZ

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

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

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

### COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner

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

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

### COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Battalion Eugene J. Carty, Fire Department.

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

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## 256-82-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Clove Road Company, owner.

SUBJECT - Application October 22, 2002 - reopening for an extension of term of variance which expired November 23, 2002.

PREMISES AFFECTED - 1293 Clove Road, East side of Clove Road, southeast of Glenwood Avenue, Block 605, Lot 8, Borough of Staten Island.

### COMMUNITY BOARD #1S.I.

Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 10 A.M., for continued hearing.

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## 13-78-BZ

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

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

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

### COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 10 A.M., for decision, hearing closed.

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## 1043-80-BZ

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

APPEARANCES -

For Applicant: Victor Han.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 10 A.M., for decision, hearing closed.

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## 55-95-BZ

APPLICANT - Joseph P. Morsellino, for Walter Grabher, owner; Keefer Realty, lessee.

SUBJECT - Application August 30, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 121-02/10 22nd Avenue, Intersection of 22nd Avenue and 121st Street, Block 4197, Lot 15, Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

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Affirmative: Commissioner Chin, Commissioner Korbey,  
Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to March 4, 2003,  
at 10 A.M., for decision, hearing closed.

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## 58-99-BZ

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

SUBJECT - Application September 10, 2002 - request for a  
waiver of the Rules of Practice and Procedure, reopening for an  
extension of time to obtain a certificate of occupancy which expired  
October 26, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 18-10 Utopia Parkway, northwest  
corner of 19th Avenue and Utopia Parkway, Block 5743, Lot 75,  
Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,  
Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 25,  
2003, at 10 A.M., for decision, hearing closed.

SUBJECT - Application December 4, 2002 - reopening for an  
amendment to the resolution.

PREMISES AFFECTED - 337-347 Kent Avenue, east side 68'  
south of South 4th Street, Block 2441, Lots 4, 104 & 107  
(Tentative 4), Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

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## 340-02-A

APPLICANT - Legend Architecture by Timothy Costello, for  
Breezy Point Cooperative, Inc., owner; Gina Benfanta, lessee.

SUBJECT - Application November 15, 2002 - Proposed  
reconstruction of an existing one family dwelling, not fronting on a  
legally mapped street, is contrary to Section 36, Article 3 of the  
General City Law.

PREMISES AFFECTED - 19 Atlantic Walk, between Beach  
207th Street and Breezy Point Boulevard, Block 16350, Lot  
400, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES - None.

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

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## 186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganessian,  
owner.

SUBJECT - Application June 27, 2002 - reopening for an  
extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south  
side 81.39' west of 91<sup>st</sup> Avenue, Block 8943, Lot 10,  
Woodhaven, Borough of Queens.

### COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Vincent A. Sireci.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Commissioner Korbey,  
Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11,  
2003, at 10 A.M., for decision, hearing closed.

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## 15-01-BZ

APPLICANT - Agusta & Ross, for Mazel Equities, Inc., owner.

THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Commissioner Korbey,  
Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough  
Commissioner, dated November 13, 2002 acting on ALT 1.  
Application No. 401484791, reads:

A1.- The site and building are not fronting on an official  
mapped street and are contrary to Article 3, Section 36 of  
the General City Law additionally the building is contrary to  
Section 27-291 of the NYC Building Code since it does not  
have at least 8% of total perimeter of building fronting directly  
upon a legally mapped street or frontage space."; and

WHEREAS, by the letter dated, January 23, 2003 the Fire  
Department has reviewed the above project and has no objections;  
and

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

Resolved, that the decision of the Queens Borough Commissioner,  
dated November 13, 2002 acting on ALT 1. Application No.  
401484791, is modified under the power vested in the Board by  
§36 of the General City Law, and that this appeal is granted,  
limited to the decision noted above, on condition that construction  
shall substantially conform to the drawing filed with the application  
marked, "Received January 7, 2003"-(1) sheet; and that the  
proposal comply with all applicable R4 zoning district

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requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

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

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## 349-02-A

APPLICANT - Rudolf J. Beneda, for Charles Fleming, owner.  
SUBJECT - Application November 25, 2002 - Proposed , addition, to an existing two story ,one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 183-01 Horace Harding Expressway, northeast corner of 183rd Street, Block 7067, Lot 11, Borough of Queens.

### COMMUNITY BOARD #3SI

APPEARANCES - None.

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated November 12, 2002 acting on ALT 1. Application No. 500582586, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received November 25, 2002"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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## 113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES - None.

**ACTION OF THE BOARD** - Laid over to April 8, 2003, at 11 A.M., for continued hearing.

## THE VOTE TO GRANT -

Affirmative: Commissioner Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

## THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner, dated November 12, 2002 acting on ALT 1. Application No. 500582586, reads:

"1.- Street giving access to the proposed building is not placed on the official map of the City of New York therefore:

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

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

WHEREAS, by the letter dated, December 18, 2002 the Fire Department has reviewed the above project and has no objections; and

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

## 115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan. 747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan. 437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES -

For Administration: Battalion Eugene J. Carty, Fire Department.

**ACTION OF THE BOARD** - Laid over to April 8, 2003, at 11 A.M., for continued hearing.

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## 332-02-A thru 333-02-A

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Thomas Gennarelli, owner.

SUBJECT - Application November 12, 2002 - proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

107 City Boulevard, east side, 200' north of Crosshill Street, Block 262, Lot 126, Borough of Staten Island.

148 Norma Place, 175' west of Metropolitan Avenue, Block 262, Lot 127, Borough of Staten Island.

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## COMMUNITY BOARD #1S.I.

### APPEARANCES -

For Applicant: Adam W. Rothkrug.

**ACTION OF THE BOARD** - Laid over to March 18, 2003, at 11 A.M., for continued hearing.

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### 345-02-A

APPLICANT - The Agusta Group, for D.S.B. Construction, LLC, owner.

SUBJECT - Application November 19, 2002 - Proposed construction of a two story, two family dwelling, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 85-72 159th Street, northeast corner

### REGULAR MEETING

**TUESDAY AFTERNOON, JANUARY 28, 2003**

**2:00 P.M.**

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

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### ZONING CALENDAR

### 366-01-BZ

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

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

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

### COMMUNITY BOARD #1BK

### APPEARANCES -

For Applicant: Kenneth K. Fisher and Robert Pauls.

**ACTION OF THE BOARD** - Application granted on condition THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 23, 2001 acting on Application No. 3 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 5, 2002 after due notice by publication in The City Record and laid over to April 23, 2002, June 4, 2002, July 9, 2002, August

of Parsons Boulevard, Block 9778, Lot 1, Borough of Queens.

### COMMUNITY BOARD #7Q

### APPEARANCES -

For Applicant: Philip P. Agusta.

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 11 A.M., for continued hearing.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 11:10 A.M.

6, 2002, and laid over to September 24, 2002 for decision. The case was re-opened on September 24, 2002 and laid over to October 22, 2002, November 12, 2002 and January 7, 2003 for continued hearing to accept further submissions, and then laid over to January 28, 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 and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-2 zoning district, the partial conversion to residential use of a 106,191.4 square foot six-story manufacturing building contrary to Z. R. §42-00; and

WHEREAS, in addition to the subject building, the lot also contains a second building of 5,282 square feet (one story and mezzanine) which is to be used for commercial purposes; and

WHEREAS, the site is located on the western side of Driggs Avenue between North 9th Street and North 10th Street and the property is surrounded by the Special Northside Mixed-Use District; and

WHEREAS, the applicant proposes to rehabilitate the existing structure and convert the fourth, fifth and six floors to residential use and maintain the basement, first, second and third floors for conforming uses; and

WHEREAS, the applicant represents that while the building has been occupied by manufacturing tenants, the manufacturing tenants that occupied the building vacated between December 2000 and June 2002; and

WHEREAS, the record indicates that the entire building is vacant except for a portion of the sixth floor which houses a sound studio that the applicant represents will be relocated to the vacant small commercial building located at the rear of the lot; and

WHEREAS, the record indicates that the building is functionally obsolete for the purpose for which it was intended by virtue of its vertical arrangement of space with ceiling heights that limit industrial/manufacturing uses, its inadequate number of loading docks and elevators often leading to conflicts between tenants regarding use and its location on a narrow street hinders access by

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large tractor-trailer trucks; and

WHEREAS, the Board notes that for modern manufacturing and warehouse uses, large open floor plates on single levels with sufficient loading capability are desirable; and

WHEREAS, the subject building is burdened with an inadequate loading area, and with floor plates with inadequate load capacity; and

WHEREAS, the aforementioned burdens pose a suspect capability for use as viable, modern manufacturing or warehouse facility; and

WHEREAS, the Board notes that the instant proposal creates a mixture of a residential and conforming use by limiting residential occupancy to the upper three floors; and

WHEREAS, the record indicates that within the vicinity of the subject premises many residential uses are present and that the surrounding area is characterized by numerous renovated, converted residential lofts; and

WHEREAS, the subject application provides many quality housing components and other amenities; and

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

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

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

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

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

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 M1-2 zoning district, the partial conversion to residential use of a 106,191.4 square foot six-story manufacturing building 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 "December 23, 2002"- (12) sheets; and on further condition;

THAT residential uses shall be limited to the existing fourth, fifth, and sixth floors as illustrated in the BSA-approved plans; and

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 fire safety measures shall be provided and maintained as per all applicable Fire Department requirements;

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

WHEREAS, the aforementioned unique physical condition of the building makes its occupancy for a conforming M1-2 use impractical and 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 entire premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the property is located in an M1-2 manufacturing zone; and

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

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

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

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

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

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## 373-01-BZ

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

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

PREMISES AFFECTED - 372 Avenue 'U', between East 1st and 2nd Streets, Block 7128, Lot 3, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

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

**THE VOTE TO WITHDRAW** -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

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

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## 41-02-BZ

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

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

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

## COMMUNITY BOARD #2S.I.

### THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

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

## 71-02-BZ

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

SUBJECT - Application March 1, 2002- under Z.R. §72-21, to permit the proposed construction of a 15-story mixed-use building, with residential uses on the upper floors, and retail use below the second story, Use Groups 2 and 6, located in an M1-5B zoning district, is contrary to Z.R. §42-00 and §42-14D(2)(b).

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

## COMMUNITY BOARD #2M

### APPEARANCES -

For Applicant: Raymond Levin.

For Opposition: Doris Diether, Community Board #2; Walter Chatham, Barry Mallin, Mark Esrig, Josh Simons, Andrew Dreskin, Mark Payne and others.

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

### THE VOTE TO GRANT -

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

Negative: .....0

Not Voting: Commissioner Korbey .....1

Absent: Vice-Chair Babbar.....1

### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 22, 2002, acting on Application No. 103060394, reads:

A1. Residential use (UG. 2) not permitted in an M1-5B (Z.R. 42-00).

2. Use Group 6 is not permitted below the level of the second story (Z.R. 42-14D (2)(b)."; and

WHEREAS, a public hearing was held on this application on July 16, 2002 after due notice by publication in The City Record, laid over to September 10, 2002, October 29, 2002, December 10, 2002 and then to January 28, 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, Commissioner

WHEREAS, the applicant has submitted a site survey showing that the existing site grades slope downward significantly from Lafayette Street to Crosby Street, further complicating foundation

### APPEARANCES -

For Applicant: Victor Han.

For Opposition: Catherine Pirrella.

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

Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of an eleven-story and six-story building, with residential use on the upper floors, and a mixture of retail, storage and accessory residential uses on the ground floor and cellar, (Use Group 2 & 6) located in an M1-5B zoning district, which is contrary to Z.R. §42-00 and §42-14(D)(2)(b); and

WHEREAS, the subject premises is an irregularly-shaped parcel, with approximately 89 feet of frontage on the western side of Lafayette Street, 25 feet of frontage on the eastern side of Crosby Street and approximately 11,400 square feet of lot area; and

WHEREAS, through a series of voluminous submissions, the applicant has demonstrated that the subject site is burdened with a number of unique conditions inherent to the lot which create an unnecessary hardship and practical difficulty in constructing a conforming development; and

WHEREAS, these conditions include the irregular shape of the lot, the location of the lot, the adjacency to subway tunnels, and a change in grade; and

WHEREAS, the subject site is a "flag shaped" lot consisting of a 89 foot by 100 foot main section along Lafayette Street and a 25 foot by 100 foot strip along Crosby Street;

WHEREAS, the applicant represents that the irregular shape results in the need for an additional 150 linear feet of foundation wall construction compared with a regularly shaped lot, resulting in increased costs for concrete, reinforcing bars and formwork; and

WHEREAS, evidence in the record indicates that the location on Lafayette Street and the narrow frontage on Crosby Street render a conforming manufacturing or commercial building infeasible; and

WHEREAS, the applicant has demonstrated that Crosby Street is too narrow to adequately provide maneuvering space required for a tractor trailer vehicle to access an off-street enclosed loading dock; and

WHEREAS, furthermore, as loading docks are not permitted within 50 feet of an intersection and the entire Lafayette Street frontage is located within 50 feet of the Kenmare Street intersection, loading docks, a prerequisite for manufacturing development, would not be possible on the subject site; and

WHEREAS, the record indicates that the east side IRT subway line is located within approximately 5-6 feet of the property on the Lafayette Street frontage; and

WHEREAS, in response community-based opposition and the Board's request for more detailed information the applicant has provided an in-depth narrative outlining the complicated construction and increased costs due to the necessary design of the foundation system to support both a development on the site and the structural integrity of the subway tunnel, and

wall construction and incurring additional costs; and

WHEREAS, the aforementioned unique physical conditions of the lot makes its occupancy for a conforming use impractical and

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creates an unnecessary hardship in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has provided several as-of-right scenarios and a feasibility study and has sufficiently demonstrated that each one of these developments would not yield a reasonable return; and

WHEREAS, therefore the Board finds that the applicant has demonstrating that developing the premises with a conforming use would not yield the owner a reasonable return; and

WHEREAS, the record indicates that surrounding neighborhood is characterized by residential and mixed-use developments; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has reduced the size of the project, resulting in a lower overall building height, less floor area, a reduction in the number of dwelling units, and an increase in the average size of the units; and

WHEREAS, the Lafayette Street portion of the building has been reduced from 15 to 11 stories (from 173 feet to 129 feet), the Crosby Street portion has been increased from 5 to 6 stories (from 60 feet to 74.5 feet), the Lafayette Street building's revised design has less glass to better complement the surrounding buildings, the subcellar has been eliminated, the overall FAR has been reduced from 8.28 to 6.24, the number of dwelling units has been reduced from 111 to 73, and the average unit size has increased from 666 square feet to 890 square feet; and

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

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of an eleven-story and PREMISES AFFECTED - 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 and 20, Borough of Staten Island.

## COMMUNITY BOARD #3SI

### APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Application granted on condition

six-story building, with residential use on the upper floors, and a mixture of retail, storage and accessory residential uses on the ground floor and cellar, (Use Group 2 & 6) located in an M1-5B zoning district, which is contrary to Z.R. §§42-00 and 42-14(D)(2)(b), on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 22, 2002"-(11) sheets; and on further condition;

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

THAT in accordance with BSA-approved plans and at the request of the FDNY, the applicant shall provide the following fire safety measures:

- (1) an automatic wet sprinkler system connected to a FDNY approved central station throughout the building;
- (2) a fire alarm system connected to a FDNY approved central station throughout the building;
- (3) a smoke detection system connected to a FDNY approved central station throughout all non-residential areas in the building;

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 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, January 28, 2003.

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## 201-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Paco Page, LLC, owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application July 1, 2002 - under Z.R. §72-21 to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B, that is located in a C1-1 zone overlay within an R3-1 zoning district, is contrary to a previous variance granted under Cal. No.855-25-BZ and Z.R. §32-25.

### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

### RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 24, 2002 acting on Application No. 500496643 reads:

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"Proposed construction of a New Building to be operated as an Automotive Service Station with an accessory convenience store (U.G. 16) located in a C1-1 within an R3-1 Zoning District which is contrary to Section 32-25 Z.R. and BSA Calendar #855-25-BZ. It was not as of right, therefore, the proposed use must be referred back to the Board of Standards and Appeals for approval."; and

WHEREAS, a public hearing was held on this application on December 10, 2002 after due notice by publication in The City Record and laid over to January 28, 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 and Commissioner Mitchell Korbey; and

WHEREAS, this is an application under Z.R. §72-21, on a site previously before the Board, to permit, in an R3 zoning district with a C1-1 overlay the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B contrary to Z.R. Section 32-25 and Calendar Number 855-25-BZ; and

WHEREAS, Community Board #3, Staten Island, recommends approval of this application; and

WHEREAS, the site is located at the Southeast corner of Hylan Boulevard and Page Avenue containing 180 feet of frontage along Hylan Boulevard and 100 feet of frontage along Page Avenue improved with an existing automotive service station; and

WHEREAS, the record indicates that the proposal provides parking for nine vehicles in addition to spaces at the pump islands, illuminated signage of 98.67 square feet and 107.94 square feet of non-illuminated signage; and

WHEREAS, the proposal also provides a 6-foot high chain link fence with privacy slats, six-foot high evergreens to screen and buffer the adjoining sports complex on block 7734 Lot 1 in addition to an existing 6-foot high opaque wood fence along the Northern property line which provides a buffer to the property at Block 8005, Lot 1; and

WHEREAS, the applicant represents that under Calendar #855-25-BZ, in 1925, the Board granted a variance for an automotive service station with a subsequent amendment to allow

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, on a site previously before the Board, to permit, in an R3 zoning district with a C1-1 overlay the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16B contrary to Z.R. §32-25 and Calendar Number 855-25-BZ, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "December 12, 2002"- (6) sheets; and on further condition;

THAT the term of the variance shall be limited to ten (10) years from the date of this grant, to expire on January 28, 2013;

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

THAT any graffiti located on the premises shall be removed

an enlargement and additional uses; and

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

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

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

WHEREAS, the Board notes that the site has housed non-conforming uses similar to the one proposed for over 75 years; and

WHEREAS, the record indicates that the subject proposal would meet the special permit findings of Z.R. §73-211, and provides sufficient parking, screening, fencing and vegetation along the residential district to avoid congestion and adverse traffic and noise impacts; and

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

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

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

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

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

within 48 hours;

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

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

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

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

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

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

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# MINUTES

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## 226-02-BZ

APPLICANT - Stadtmauer Bailkin, LLP, for School of Visual Arts, owner; Resource and Image Center for the Visual Arts, lessee.

SUBJECT - Application August 7, 2002 - under Z.R. §72-21 to permit the proposed six story community facility(school), Use Group 3, located in an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard, street wall, setback and bulkhead obstruction, and is contrary to Z.R. §24-11, §24-33, §24-36, §23-633 and §23-62.

PREMISES AFFECTED - 319/21 East 21st Street, between First and Second Avenues, Block 927, Lots 13 and 14, Borough of Manhattan.

### COMMUNITY BOARD #6M

#### APPEARANCES -

For Applicant: Howard Zipser.

For Opposition: Debra Aaron.

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

#### THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

#### THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

#### THE RESOLUTION -

WHEREAS, the applicant proposes to construct a six-story community facility which will house a multimedia visual arts resource center and auditorium/lecture hall for a not-for-profit institution; and

WHEREAS, the applicant states that the proposed building will provide archival and related research services including over 70,000 books, 150,000 art slides, 350,000 picture files, a collection of video tapes, films, scripts, and comics, subscriptions to print periodicals, and a number of online reference databases in art and design, the humanities and current events; and

WHEREAS, the proposed facility is associated with the School of Visual Arts whose campus buildings lie on the east side of Manhattan between 17th Street and 23rd Street; and

WHEREAS, the applicant further represents that the subject variance application is necessary in order to construct a facility with floor plates sufficiently large enough to meet the programmatic needs of the school; and

WHEREAS, currently, the school's collection of research materials is located in a 10,000 square foot space which, the applicant maintains, is not large enough or readily accessible to students or patrons of the facility; and

WHEREAS, the applicant states that the construction of a new auditorium/lecture hall is necessary as films are currently being

WHEREAS, the decision of the Borough Commissioner dated August 5, 2002 acting on Application No. 103185964, reads in pertinent part;

- "1. Proposed Community Facility, A School, located in an R8B zoning district is contrary to sec. 24-11ZR since it exceeds the maximum permitted floor area ratio and exceeds the maximum lot coverage.
2. Proposed six-story school does not have a 30' rear yard above the 1st story and is therefore contrary to sec. 24-33ZR, 24-36ZR.
3. Proposed school exceeds the maximum building height of 75' and is contrary to sec. 23-633 Table Z ???ZR.
4. Proposed six-story school does not have the proper front setback required on a narrow street between the minimum base height and maximum base height as per 23-633 (b) ZR
5. Portion of building projecting into the front setback is not a permitted obstruction as per sec. 23-62 ZR."; and

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

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

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed construction of a six-story school building, Use Group 3, located in both an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and height and setback requirements, and is contrary to Z.R §§24-11, 24-33, 24-36, 24-633, & 23-62; and

WHEREAS, the subject site is 5,000 square foot lot located on the north side of East 21st Street between 1st and 2nd Avenues and is within an R8B zoning district; and

shown in small, inadequate spaces temporarily set up for viewing purposes; and

WHEREAS, the applicant represents that a unsuccessful effort was made to find a vacant property at an affordable cost within the vicinity of the existing campus that was large enough to meet the programmatic needs of the school; and

WHEREAS, the applicant states that the proposed facility requires larger floor to ceiling heights in order for adequate stacking space for its collections, and that the school cannot achieve a sufficient expansion without the subject variance due to the bulk restrictions of the zoning lot; and

WHEREAS, the applicant represents the strains of the current facilities create a practical difficulty and unnecessary hardship that requires the construction of a new structure and a waiver of the floor area ratio, lot coverage, rear yard and height and setback requirements to meet the programmatic need of the school; and

WHEREAS, in addition, where a non-profit community facility's programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood; and

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

WHEREAS, the Board notes that the proposed community facility use is permitted as-of-right in the subject zoning district; and

WHEREAS, evidence in the record indicates that the surrounding community is primarily composed of residential and community facility uses; and

WHEREAS, the Board notes that the adjacent building to the east is a five-story apartment building, the adjacent building to the west is a six-story apartment building, and directly across from the site is a four-story junior high school; and

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

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

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

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

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

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, January 28, 2003

## 240-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Arthur Roslyn Gruener, owner.

SUBJECT - Application August 30, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which exceed the permitted floor area, and does not provide the required open space, or front, side or rear yards, which is contrary to Z.R. §23-461, §23-45, §23-47 and §23-141.

PREMISES AFFECTED - 1745 East 23rd Street, east side, 340' south of Quentin Road, Block 6806, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

areas of environmental concern; and

WHEREAS, the Board has determined that the proposed action will not result in any significant environmental effects; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction of a six-story school building, Use Group 3, located in both an R8B zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and height and setback requirements, and is contrary to Z.R. §§24-11, 24-33, 24-36, 24-633, & 23-62; on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received October 29, 2002"-(6) sheets; and on further condition;

THAT, fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

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

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

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 20, 2002, acting on ALT I Application No. 301271264 reads:

“OBTAIN SPECIAL PERMIT APPROVAL FROM THE BOARD OF STANDARDS AND APPEALS AS PER SEC. 73-622 OF THE ZONING RESOLUTION FOR THE FOLLOWING OBJECTIONS:

PROPOSED SIDE YARD IS CONTRARY TO ZR 23-461  
PROPOSED REAR YARD IS CONTRARY TO ZR 23-47  
PROPOSED FLOOR AREA IS CONTRARY TO ZR 23-141

PROPOSED OPEN SPACE RATIO IS CONTRARY TO ZR 23-141.”; and

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

WHEREAS, Community Board #15 has recommended approval of this application; and

WHEREAS, the premises and surrounding area had site and

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neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R §§23-141, 23-461 and 23-47; and

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

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

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of

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

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

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

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## 330-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Trey Whitfield School, owner.

SUBJECT - Application November 8, 2002 - under Z.R. §72-21 to permit the proposed conversion of a former welfare center, for use as an elementary school, Use Group 3, located in an M1-4 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 48/60 Williams Avenue, bounded by Liberty and Atlantic Avenues, Block 3682, Lot 33, Borough of Brooklyn.

### COMMUNITY BOARD #5BK

#### APPEARANCES -

For Applicant: Chris Wright.

For Opposition: John A. Yacovone, Fire Department.

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

#### THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

#### THE RESOLUTION -

WHEREAS, the decisions of the Borough Commissioner, dated October 21, 2002 acting on Alteration Application No.

Procedure for City Environmental Quality Review and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R3-2 zoning district, which creates non-compliance with regard to floor area, open space, and side and rear yard requirements, and is contrary to Z.R. §§23-141, 23-461 and 23-47, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 8, 2002-"-(8) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

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 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;

301426801 reads:

"RESPECTFULLY REQUEST OBJECTION TO PROCEED TO BOARD OF STANDARDS AND APPEALS. PROPOSED SCHOOL BUILDING IS LOCATED IN-AN M-1 ZONING DISTRICT AND IS CONTRARY TO THE USE PROVISIONS OF SECTION 42-00 OF THE ZONING RESOLUTION."

WHEREAS, Community Board No. 5, Brooklyn, recommends approval of the application; and

WHEREAS, a public hearing was held on this application on January 14, 2003 after due notice by publication in The City Record, and laid over to January 28, 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 Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an M1-4 zoning district, a Use Group 3, school, contrary to Z.R. §42-00; and

WHEREAS, the applicant operates an existing 500 student elementary non-profit school; and

WHEREAS, the Board notes that the instant proposal would qualify for a special permit under Z.R. §73-19 except for the requirement that the site must be within 400 of a residential district; and

WHEREAS, the subject school presently operates from a rented facility located at 1962 Linden Boulevard; and

WHEREAS, the record indicates that the Linden Boulevard location is inadequate to meet the schools programmatic needs because it is temporary in nature consisting of three prefabricated modules located in the parking lot of a church; and

WHEREAS, the subject five-story 57,000 square foot building provides enough space to accommodate classrooms, faculty offices, a library and a public assembly room, in furtherance

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of the school's programmatic needs: and

WHEREAS, the record indicates that the subject building can easily be converted to a school, since it formerly housed a community facility use; and

WHEREAS, to minimize adverse congestion and traffic impacts, the applicant will provide a 24 space parking lot for staff and other vehicles generated by the school use, located on Williams Avenue; and

WHEREAS, the record indicates that in part due to its prior use as a community facility, the subject building is not viable for a conforming industrial user because the building lacks loading docks and freight elevators and was previously designed to accommodate a community facility; and

WHEREAS, the applicant's programmatic needs discussed above, its history of development with a community facility use, and the sites inadequacy for accommodating a conforming user creates

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to meet the applicant's programmatic needs; and

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

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

WHEREAS, the Board has determined that the proposed action will not result in any significant environmental effects; and

WHEREAS, by letter dated January 17, 2003 the New York City Fire Department has no objections to the application provided the applicant complies with all applicable code requirements; and

WHEREAS, the New York City Department of Transportation's ("DOT") Division of School Safety Engineering conducted a child and traffic safety review for the proposed school, including a survey of the school area. DOT had the following comments which the applicant has addressed:

(1) Traffic controls at the four intersections around the school block are adequate except for Liberty Avenue in the east-west direction at Williams Avenue. A school crossing guard should be stationed at this intersection for safe crossing by school children.

(2) Provide accident data at the intersections of Liberty Avenue with Williams Avenue and Hinsdale Street; and

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-4 zoning district, a Use Group 3, school, contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked Received "November 8, 2002"- (7) sheets and "January 3, 2003"- (2) sheets and on further condition;

an undue hardship with strict conformance with the use provisions of the Zoning Resolution; and

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

WHEREAS, the record indicates that the subject building is located in a neighborhood containing a mixture of residential, parking, and light manufacturing uses; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

THAT the proposed elementary school shall be completely code compliant;

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 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; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including all fire safety and egress requirements, 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, January 28, 2003.

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## 281-99-BZ

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair Avenue and East 59<sup>th</sup> Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

## COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman, Andy Rudfio, Arnold F. Fleming.

For Opposition: Senator Carl Krugor, Assemblyman Frank R.

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Seddio, Councilman Lewis Felder, Jermone Abott, Herbert Jawitz, Ann Mandelbaum, Carol Abrams and Sol Needle.

For Administration: John A. Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to February 25, 2003, at 2 P.M., for deferred decision.

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## 36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT - Application February 5, 2001 - under Z.R. §72-21, to THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and

Commissioner Caliendo.....3

Negative: .....0

Not Voting: Commissioner Miele.....1

Absent: Vice-Chair Babbar .....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

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## 193-01-BZ

APPLICANT - Harold Weinberg, P.E., for 3044 Coney Island Avenue Associates, Samuel Shpelfogel Agent, owner.

SUBJECT - Application April 25, 2002- under Z.R. §72-21, to permit the proposed use of the second and third floors of an existing three story building, as business offices, Use Group 6, located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 3034 Coney Island Avenue, between Brighton 8th Street and Neptune Avenue, Block 7264, Lot 72, Borough of Brooklyn.

### COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Sheldon Lobel and Carl Kruger.

For Opposition: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

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## 282-01-BZ

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

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

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

### COMMUNITY BOARD #1BK

permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 328 Spring Street, a/k/a 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Sheldon Lobel and Kenneth Heller.

For Opposition: Doris Diether, Community Board #2.

APPEARANCES-

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

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

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

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## 283-01-BZ

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

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

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

### COMMUNITY BOARD #1BK

APPEARANCES-

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

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

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

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## 384-01-BZ

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

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

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

### COMMUNITY BOARD #1BK

APPEARANCES-

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

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

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to June 3, 2003, at 1:30 P.M., for continued hearing.

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## 284-01-BZ

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

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

### COMMUNITY BOARD #1SI

APPEARANCES -

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

For Opposition: Denise Bilenzikyan and Rosemarie Maldonado.

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 2 P.M., for continued hearing.

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## 363-01-BZ thru 365-01-BZ

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

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

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

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

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

### COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to April 8, 2003, at 2 P.M., for decision, hearing closed.

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## 369-01-BZ

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

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

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

### COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

For Administration: John Yacovone, Fire Department.

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

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

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## 38-02-BZ

APPLICANT - Harold Weinberg, P.E., for Maria Palumbo, owner.

SUBJECT - Application January 25, 2002 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which exceeds the floor area ratio, the lot coverage and is below the minimum required open space ratio, is contrary to Z.R. §23-141, §23-47 and §54-31.

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

### COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Janice Cahalane and Marc Esrig.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING-

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 2 P.M., for decision, hearing closed.

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## 73-02-BZ

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

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

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

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

For Opposition: Rev. J. Thomas Herrmaning.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to March 25, 2003, at 1:30 P.M., for continued hearing.

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## 83-02-BZ

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

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

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

## COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO REOPEN HEARING

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 25, 2003, at 1:30 P.M., for decision, hearing closed.

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## 86-02-BZ

APPLICANT - Sheldon Lobel, P.C., for 155 N. Fourth Street, LLC, owner.

SUBJECT - Application March 26, 2002 - under Z.R. §72-21, to permit the proposed construction of two additional floors to be used for residential purposes, above an existing one-story building that is located within the Special Northside Mixed Use District(M1-2(R6)), which is contrary to Z.R. §97-22.

PREMISES AFFECTED - 155/59 North Fourth Street, northeast side, between Bedford and Driggs Avenues, Block 2344, Lot 26, Borough of Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES -

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to February 25, 2003, at 1:30 P.M., for continued hearing.

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## 114-02-BZ

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

SUBJECT - Application April 12, 2002 - under Z.R. §72-21, to permit the proposed new two story commercial building, with retail sales on the first floor and offices on the second floor, Use Group 6, located in an R2 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 2493 Richmond Road, northwest corner of Odin Avenue, Block 947, Lot 1, Borough of Staten Island.

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 1:30 P.M., for decision, hearing closed.

## COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Victor Han

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

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 2 P.M., for continued hearing.

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## 146-02-BZ

APPLICANT - The Agusta Group, for R.A.J. Realty Corp., Gennaro Schiano, President, owner.

SUBJECT - Application May 6, 2002 - under Z.R. §73-52, to permit the proposed two story addition to an existing retail establishment, Use Group 6, which will encroach slightly into the residential portion of the lot, split between a C1-2/R3-2 and R3-2 zoning district, requires a special permit as per Z.R. §73-52.

PREMISES AFFECTED - 138-27 247th Street, south side, 250' East of 139th Avenue, Block 1362, Lots 9 and 11, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sol Korman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to March 18, 2003, at 1:30 P.M., for decision, hearing closed.

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## 183-02-BZ

APPLICANT - The Agusta Group, for Jimmy and Jeffrey Chin, owners.

SUBJECT - Application May 31, 2002 - under Z.R. §11-411 to permit the reestablishment of a special permit, previously granted under Cal. No. 660-23-BZ, which permitted open storage and parking of more than five (5) motor vehicles, Use Group 8, in an R8 zoning district.

PREMISES AFFECTED - 150/54 Van Cortland Avenue, corner lot bounded by Van Cortland Avenue and St. George's Crescent, Block 3313, Lot 18, Borough of The Bronx.

## COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

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## 195-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for McDonald's Corp, owner; Laurino Enterprises, lessee.

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SUBJECT - Application June 12, 2002 - under Z.R. §72-21 to permit the reestablishment of an expired variance previously granted under Cal. No. 231-72-BZ which permitted an eating and drinking establishment with an accessory drive-through facility in an R-4 zoning district, also the legalization of a small addition to the establishment, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2797 Linden Boulevard, northeast corner of Drew Street, Block 4471, Lot 21, Borough of Brooklyn.

**COMMUNITY BOARD #5BK**

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

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**200-02-BZ**

**CEQR #02-BSA-232M**

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

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

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

**COMMUNITY BOARD #11M**

APPEARANCES -

For Applicant: Sheldon Lobel.

THE VOTE TO REOPEN HEARING -

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

Negative: .....0

Absent: Commissioner Caliendo.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

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**206-02-BZ**

APPLICANT - Alfonso Duarte, for John Jerome, owner.

APPEARANCES -

For Applicant:

**ACTION OF THE BOARD** - Laid over to March 4, 2003, at 1:30 P.M., for continued hearing.

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**257-02-BZ**

SUBJECT - Application July 9, 2002 - under Z.R. §72-21 to permit the proposed enlargement of the second floor level from an attic, to a second floor, which will encroach upon one of the front yards, is contrary to Z.R. §23-45.

PREMISES AFFECTED - 166-03 21st Road, northeast corner of 166th Street, Block 5760, Lot 1, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

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**218-02-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Coney on the Park, LLC, owner.

SUBJECT - Application August 2, 2002 - under Z.R. § 72-21 to permit the proposed construction of a twelve-story mixed-use building, Use Groups 2 and 6, located in a C8-2 zoning district, which will include 75 residential units, and is contrary to Z.R. §32-00.

PREMISES AFFECTED - 46 Coney Island Avenue, between Kermit Place and Caton Avenue, Block 5322, Tentatively Lot 65, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis

For Opposition: George G. Bissell, Mandy Harris, Brown and Matthew Bernhard.

For Administration: John Yacovone, Fire Department.

**ACTION OF THE BOARD** - Laid over to February 25, 2003, at 1:30 P.M., for continued hearing.

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**222-02-BZ**

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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

SUBJECT - Application September 23, 2002 - under Z.R. §72-21 to permit the proposed incorporation of an existing vacant building into the existing development (previously under Cal. No. 211-82-BZ), and to construct a one-story addition in the rear of the building, thereby creating a single building, to be utilized as a

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# MINUTES

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not-for-profit institution with sleeping accommodations, Use Group 3, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 16-16 Weirfield Street, east side, 90' north of Wycoff Avenue, Block 3550, Lots 14 and 17, Borough of Queens.

**COMMUNITY BOARD #5Q**

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

2003, at 1:30 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 4:25 P.M.

**325-02-BZ**

APPLICANT - Harold Weinberg, P.E., for Moshe Binik, owner.

SUBJECT - Application October 31, 2002 - under Z.R. §73-36 to permit the proposed conversion of a former supermarket, into a physical culture establishment, which requires a special permit.

PREMISES AFFECTED - 1158 McDonald Avenue, west side, 143.11' south of 20th Avenue, north of 21st Avenue, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11, 2003, at 1:30 P.M., for decision, hearing closed.

**347-02-BZ**

APPLICANT - Kramer Levin Maftalis & Frankel, LLP, for The Pierpont Morgan Library, owner.

SUBJECT - Application November 22, 2002 - under Z.R. §72-21 to permit the proposed four story addition to an existing library, Use Group 3, located in an R7-2 within an R8B zoning district, which does not comply with the zoning requirement for rear yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 29 East 36th Street, and 219/31 Madison Avenue, western portion of block bounded by East 36th Street, Madison Avenue, East 37th Street and Park Avenue, Block 866, Lots 25 and 58, Borough of Manhattan. **COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant:

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....4

Negative: .....0

Absent: Vice-Chair Babbar.....1

**ACTION OF THE BOARD** - Laid over to February 11,

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# CORRECTIONS

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## \*CORRECTION

This resolution adopted on December 17, 2002, under Calendar No. 360-01-BZ and printed in Volume 87, Bulletin Nos. 51-52, is hereby corrected to read as follows:

### 360-01-BZ

#### CEQR #02-BSA-068K

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

SUBJECT - Application November 19, 2002 - under Z.R. §§73-211 and 73-212, to permit on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2 /R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00. PREMISES AFFECTED - 2228 Gerritsen Avenue, southwest corner of Avenue "U", Block 7370, Lots 10 and 15, Borough of Brooklyn.

#### COMMUNITY BOARD #15

##### APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Yacovone, Fire Department.

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

##### THE VOTE TO GRANT -

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

Negative:.....0

##### THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated October 31, 2001 acting on Application No. 301239513 reads:

"1. Proposed extension of a Gasoline Service Station Use Group 16 located in a C2-2 in a R4 district is contrary to Section 32-00 of the Zoning Resolution. Previously approved by the Board of Standards and Appeals under 249-29-BZ"; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, and laid over to July 9, 2002, August 13, 2002, October 8, 2002, and November 19, 2002 and then to December 17, 2002 for decision; and

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

WHEREAS, this is an application for a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on

a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning District, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00; and

WHEREAS, under Calendar Number 249-29-BZ, in 1950, subject premises was developed with a one-story brick office and repair shop with an open area for the sale of gasoline fuels with accessory parking for vehicles awaiting service, housed entirely within lot 10, an amendment to the resolution permitted the erection and maintenance of an automatic car wash operation in conjunction with the automotive service station; and

WHEREAS, in 1990, the application was again amended to permit, an enlargement of the auto repair portion and the relocation of fuel dispensing area to the Avenue "U" frontage providing a small metal canopy above the fuel dispensing area; and

WHEREAS, the instant application meets the findings of Z.R. §73-211 because the existing lot are of 29,138 square feet, exceeds the minimum lot area of 7,500 square feet, required under Z.R. §73-211(a), contains frontages along Gerritsen Avenue, Knapp Street and Avenue "U", which the Board notes are heavy traffic streets, thus meeting the requirement of Z.R. §73-211(b), that lots exceeding 15,000 square feet be located on arterial highways or major streets; and

WHEREAS, the instant proposal provides facilities for lubrication, minor repairs, car washing, all located within completely enclosed buildings, and designed with entrances and exits allowing easy access to the service buildings and pumps minimizing obstructions of streets and sidewalks; and

WHEREAS, the applicant provides signage that is limited to accessory, non-flashing business signs; and

WHEREAS, in addition to spaces provided at the pump islands, the proposal also provides parking spaces for 5 vehicles; and

WHEREAS, the side lot line for lot 14 will be screened by an existing concrete and brick wall that is approximately 6 feet high and 8" thick, where the site adjoins residential uses; and

WHEREAS, similarly, the rear lot line for lot 10, located at the rear of the automatic car wash facility will be screened from the adjoining residential district by an existing 5'-6" high chain link fence with 100% privacy slats; and

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to

be made under Z.R. §§73-211, 73-212 and 73-03; and

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## CORRECTIONS

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a special permit pursuant to Z.R. §§73-211, 73-212 and 73-03, to permit, on a site previously before the Board, under Calendar Number 249-29-BZ, in a C2-2/R4 zoning district, to permit the proposed lot area enlargement of an existing automotive service station with accessory uses (Use Group 16), by the addition of a new one-story accessory convenience store and a new metal canopy above a new fuel dispensing area contrary to Z.R. §32-00, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received December 6, 2002"-(1) sheet and "Received November 4, 2002"-(6) sheets; and *on further condition*;

THAT the hours of operation for the car wash and the automobile repair shall be limited to 8:00 A.M. to 6:00 P.M. Monday through Saturday and 8:00 A.M. to 1:00 P.M. Sunday

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

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

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

THAT the term of this special permit shall be limited to ten (10) years from the date of the prior grant, expiring July 24, 2014;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, December 17, 2002.

**\*\*The resolution has been corrected in that the portion which read:** " *THAT the term of this special permit shall be limited to ten (10) years from the date of this grant, expiring December 17, 2012*"; **now reads:** "*THAT the term of this special permit shall be limited to ten (10) years from the date of the prior grant, expiring July 24, 2014*". **Corrected in Bulletin Nos. 5-6, Vol. 88, dated February 6, 2003.**