
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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CONTENTS

DOCKET	393
CALENDAR of June 22, 2004	
Morning	394
Afternoon	394

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, May 18, 2004**

Morning Calendar395

Affecting Calendar Numbers:

465-55-BZ	486/496 Coney Island Avenue, Brooklyn
722-68-BZ	388-392 Kings Highway, Brooklyn
328-03-BZ	930-936 Richmond Avenue, Staten Island
735-59-BZ	902 Soundview Avenue, The Bronx
116-68-BZ	40 Central Park South, Manhattan
811-81-BZ	232 East 50 th Street, Manhattan
585-91-BZ	222-44 Braddock Avenue, Queens
34-94-BZ	401, 403, 405 Castle Hill Avenue, The Bronx
199-00-BZ	76-19 Roosevelt Avenue, Queens
178-03-BZ	114-02 Van Wyck Expressway, Queens
406-03-BZY	
thru 409-03-BZY	Wenlock Street, Staten Island
11-04-A	25 Fulton Walk, Queens
12-04-A	310 Hillside Avenue, Queens
53-04-A thru	
62-04-A	34 th Avenue, Queens

Afternoon Calendar.....399

Affecting Calendar Numbers:

296-03-BZ	1619 Kings Highway, Brooklyn
356-03-BZ	2311 Avenue J, Brooklyn
81-03-BZ	857 East 169 th Street, The Bronx
273-03-BZ thru	
285-03-BZ	94 th Road, Queens
307-03-BZ	543/45 West 110 th Street, Manhattan
308-03-BZ	557/71 Grand Concourse, The Bronx\
325-03-BZ &	
326-03-BZ	Hamden Avenue, Staten Island
338-03-BZ	726 Avenue Z, Brooklyn
339-03-BZ	122 Arthur Kill Road, Staten Island
361-03-BZ	2277 East 2 nd Street, Brooklyn
364-03-BZ	34-11 Far Rockaway Boulevard, Queens
366-03-BZ	2001 East 7 th Street, Brooklyn
7-04-BZ	2208 Boller Avenue, The Bronx
23-04-BZ	1150 East 23 rd Street, Brooklyn
40-04-BZ	2252 Linden Boulevard, Brooklyn

CORRECTION.....405

Affecting Calendar Numbers:

34-99-BZ	1189 East 29 th Street, Brooklyn
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DOCKETS

New Case Filed Up to May 18, 2004

191-04-BZ B.BK. 1376 East 24th Street, between Avenues "N and "M", Block 7659, Lot 79, Borough of Brooklyn. Alt.1#301797893. Proposed enlargement of an existing single family residence, Use Group 2, located in R5 zoning district, which does not comply with the zoning requirements for floor area, open space and rear yard, is contrary to Z.R. §23-141(a) and §23-47.

COMMUNITY BOARD #14BK

192-04-BZ B.BK. 45 India Street, north side, 150' east of West Street, Block 2531, Lot 35 (Tentative), Borough of Brooklyn. Applic.#301816408. Proposed construction of residential building, to house ten families and one professional office, on a vacant lot that is fifty percent in a manufacturing zone and fifty percent in a residential zone, requires a special permit as per §73-52.

COMMUNITY BOARD #1BK

193-04-BZ B.BK. 92 Gotham Avenue, south side, 366'-0" east of Fane Court, Block 8923, Lot 936, Borough of Brooklyn. Applic.#301768763. Proposed one story enlargement over the existing first floor of a one family residential dwelling, which does not comply with the zoning requirements for rear yard, floor area ratio, side yards and lot coverage, is contrary to Z.R. §54-31, §23-141, §23-48 and §23-47.

COMMUNITY BOARD #15BK

194-04-BZ B.BK. 9029 Krier Place, aka 900 East 92nd Street, 142' west of East 92nd Street, Block 8124, Lot 75 (tentative 180), Borough of Brooklyn. N.B.#301692103. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #18BK

195-04-BZ B.BK. 9031 Krier Place, aka 900 East 92nd Street, 113.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 179) Borough of Brooklyn. N.B.#301692096. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #18BK

196-04-BZ B.BK. 9033 Krier Place, aka 900 East 92nd Street, 93' west of East 92nd Street, Block 8124, Lot 75 (tentative 178) Borough of Brooklyn. N.B.#301692158. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #18BK

197-04-BZ B.BK. 9035 Krier Place, aka 900 East 92nd Street, 72.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 177) Borough of Brooklyn. N.B.#301692149.

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

COMMUNITY BOARD #18BK

198-04-BZ B.BK. 9037 Krier Place, aka 900 East 92nd Street, 52' west of East 92nd Street, Block 8124, Lot 75 (tentative 176) Borough of Brooklyn. N.B.#301692130. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #18BK

199-04-BZ B.BK. 9039 Krier Place, aka 900 East 92nd Street, corner of East 92nd Street, Block 8124, Lot 75 (tentative 175) Borough of Brooklyn. N.B.#301692005. Proposed construction of a two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #18BK

200-04-BZ B.M. 703 West 171st Street, Fort Washington Avenue on the east and Haven Avenue on the west, Block 2139, Lot 199, Borough of Manhattan. Applic.#103683426. Proposed construction of a nine story residential and community facility building, Use Groups 2 and 4, on a narrow vacant lot, encumbered by a massive rock outcropping, in an R8 zoning district, which does not comply with the zoning requirements for height and setback, is contrary to Z.R. §23-692 and §23-62.

COMMUNITY BOARD #12M

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.

MINUTES

JUNE 22, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 22, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

16-99-BZ

APPLICANT - Eric Palatnik, P.C., for Milton Elbogen, owner.
SUBJECT - Application August 25, 2003- reopening for an extension of time to obtain a Certificate of Occupancy and for an amendment to the previous resolution to amend the interior layout and slightly modify the bulk.
PREMISES AFFECTED - 1116 East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.
COMMUNITY BOARD #14BK

JUNE 22, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, June 22, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

147-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Joseph Pizzonia, owner.
SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the legalization of the change of use of covered parking area, to automobile repair service bays, and the addition of a mezzanine with an accessory office and storage area, located in a C1-2 within an R-4 zoning district, is contrary to a previous variance granted under Cal. No. 148-87-BZ and Z.R. §32-00.
PREMISES AFFECTED - 201-06 Hillside Avenue, southeast corner of 201st Street, Block 10495, Lot 52, Borough of Queens.
COMMUNITY BOARD #12Q

332-03-BZ

APPLICANT - The Agusta Group, for Steve Polisano, Astoria Ice Inc., owner.
SUBJECT - Application October 28, 2003 - under Z.R. §72-21 to permit the proposed addition to an existing sports complex, which does not comply with the zoning requirements for rear yard equivalent, number of required loading berths, and minimum vertical clearance, is contrary to Z.R. §43-28(b), §44-52 and §44-581.

PREMISES AFFECTED - 34-38 38th Street, through block between 37th and 38th Streets, 115' north of 35th Avenue, Block 645, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

133-04-BZ

APPLICANT - Jay A. Segal, Esq., for 866 3rd Next Generation Hotel, LLC, c/o The Witkoff Group, owner.
SUBJECT - Application March 16, 2004 - under Z.R. §72-21 to permit the proposed conversion of floors 12 through 30, and a portion of the lobby of a 30 story building, to be converted from hotel use to residential use (Use Group 6), located in a C6-6/C6-4-5 zoning district, which does not comply with the zoning requirements for rear yard, is contrary to Z.R. §23-47 and §54-31.
PREMISES AFFECTED - 866 Third Avenue, west side, between 52nd and 53rd Streets, Block 1307, Lot 1004, Borough of Manhattan.
COMMUNITY BOARD #6M

169-04-BZ

APPLICANT - Paul Hastings Janofsky Walker, LLP, for R & M Co. LLC and Martin Zelman, LLC, owner.
SUBJECT - Application April 26, 2004 - under Z.R. §72-21 to permit the proposed re-development of a mixed use building, which does not comply with the zoning requirements for commercial floor area, commercial uses above the second floor, off-street parking and loading berths, is contrary to Z.R. §54-31, §33-121, §33-431, §36-21 and §36-62.
PREMISES AFFECTED - 103-16 Roosevelt Avenue, (103-12/24 Roosevelt Avenue; 103-19/31 41st Avenue), mid-block on a through lot between Roosevelt Avenue, 41st Avenue, National Street and 104th Street, Block 1975, Lot 9, Borough of Queens.
COMMUNITY BOARD #4Q

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 18, 2004
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 23, 2004, were approved as printed in the Bulletin of April 1, 2004, Volume 89, Nos. 13-14.

SPECIAL ORDER CALENDAR

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91' 9 1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the applicant requested a reopening and an amendment to permit minor changes to the approved plans; and

WHEREAS, a public hearing was held on this application on December 9, 2003 after due notice by publication in The City Record, with continued hearings on January 27, 2004, March 2, 2004, April 13, 2004 and April 27, 2004, and then laid over to May 18, 2004 for decision; and

WHEREAS, Community Board 12, Brooklyn, recommends approval of the subject proposal; and

WHEREAS, on September 13, 1960, the Board granted an application to permit: (1) the extension of a parking lot used in conjunction with an existing gasoline service station, public garage and automobile laundry; and (2) the addition of a sale and storage of auto tires use; and

WHEREAS, the applicant represents that since the aforementioned grant, the subject property has continuously operated with all of the listed uses with the exception of the gasoline service

722-68-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Matthew Pines

station; and

WHEREAS, the applicant seeks to amend the previously granted variance to allow the expansion of the existing building to accommodate auto detailing and overnight off-street parking in conjunction with the existing automobile laundry and related automotive uses; and

WHEREAS, the proposal includes, and the plans submitted with the application reflect, an easement across the subject property to the adjacent lot 15 that will utilize an existing curb cut along Church Avenue; and

WHEREAS, the Board notes that the proposed changes are minimal and would not have a adverse effect on the character of the surrounding neighborhood provided that the conditions below are met.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution so that as amended this portion of the resolution shall read: "to permit the expansion of the existing building to accommodate auto detailing and overnight off-street parking in conjunction with the existing automobile laundry and related automotive uses, and to permit the recording of an easement across the adjacent lot 15 that will utilize an existing curb cut on Church Avenue, for entrance to the site, not exit; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received March 22, 2004' -(1) sheet and 'April 20, 2004' -(2) sheets; and on further condition;

THAT all automobiles utilizing detailing services shall exit only through the easement path as set forth on the approved plan, and exit from the curb cut on Coney Island Avenue;

THAT a "Do Not Block Sidewalk" sign shall be maintained at the entrance of the carwash;

THAT no machines shall be used for detailing after 6:00 P.M. in the outside area at the rear of the premises;

THAT the above conditions and all relevant conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new certificate of occupancy;

THAT a concrete planter with evergreens and seasonal plantings shall be placed in the area adjacent to the new detailing area and toilets;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."
(DOB Application No. 301554654)

Adopted by the Board of Standards and Appeals, May 18, 2004.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 388-392 Kings Highway, West 3rd Street and Kings Place, Block 6678, Lot 68, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #11BK

APPEARANCES -

In Opposition: Irving E. Minkin.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Absent: Commissioner Miele1

Adopted by the Board of Standards and Appeals, May 18, 2004.

328-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mike Biagioni and Frank Biagioni, owners.

SUBJECT - Application October 24, 2003 - request for withdrawal.

PREMISES AFFECTED - 930-936 Richmond Avenue, between Forest Avenue and Monsey Place, Block 1706, Lots 36 & 39, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Absent: Commissioner Miele1

Adopted by the Board of Standards and Appeals, May 18, 2004.

735-59-BZ

APPLICANT - Walter T. Gorman, P.E., for 902 Soundview Realty LLC, owner; Palisades Fuel, lessee.

SUBJECT - Application January 12, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 902 Soundview Avenue northeast corner of Story Avenue, Block 3662, Lots 1 and 59, Borough of The Bronx.

COMMUNITY BOARD #18BX

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

585-91-BZ

APPLICANT - Tarek M. Zeid, for Luis Mejia, owner.

SUBJECT - Application December 10, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 30, 2003 and for an amendment to the resolution.

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliend and Commissioner Chin.....4

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 10 A.M., for decision, hearing closed.

116-68-BZ

APPLICANT - Stephen Rizzo, for 40 Central Park South Inc., owner; Café Atlas, lessee.

SUBJECT - Application December 19, 2003 - reopening for an extension of time to obtain a certificate of occupancy which expired on December 21, 2003.

PREMISES AFFECTED - 40 Central Park South, south side, 120' east of Sixth Avenue, Block 1274, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #5

APPEARANCES -

For Applicant: Elliott Vilkas.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliend and Commissioner Chin.....4

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 10 A.M., for decision, hearing closed.

811-81-BZ

APPLICANT - Sheldon Lobel, P.C., for Eva Ezrovics, owner.

SUBJECT - Application February 3, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2003.

PREMISES AFFECTED - 232 East 50th Street, East 50th Street between Second Avenue and Third Avenue, Block 1323, Lot 35, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 15, 2004, at 10 A.M., for decision, hearing closed.

PREMISES AFFECTED - 222-44 Braddock Avenue, Braddock Avenue between Winchester Boulevard and 222nd Street, Block 10740, Lot 12, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Paul Bonfilio.

MINUTES

ACTION OF THE BOARD - Laid over to June 22, 2004, at 10 A.M., for continued hearing.

ACTION OF THE BOARD - Laid over to June 15, 2004, at 10 A.M., for decision, hearing closed.

34-94-BZ

APPLICANT - Maduakolam M. Nnabuihe, for Kenny Collado, owner.

SUBJECT - Application October 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 6, 2003.

PREMISES AFFECTED - 401, 403, 405 Castle Hill Avenue, a/k/a 2181 Norton Avenue, northwest corner of Castle Avenue and Norton Avenue, Block 3510, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliend and Commissioner Chin.....4

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 10 A.M., for decision, hearing closed.

199-00-BZ

APPLICANT - The Agusta Group, for En Ping, Ltd., owner; The Atlantis 2010, lessee.

SUBJECT - Application March 10, 2004 - reopening for an extension of term of variance which expired March 13, 2004.

PREMISES AFFECTED - 76-19 Roosevelt Avenue, northwest corner of Roosevelt Avenue and 77th Street, Block 1287, Lot 37, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Sol Korman and Edwardo Valentino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliend and Commissioner Chin.....4

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 15, 2004, at 10 A.M., for decision, hearing closed.

11-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; James McGovern, lessee.

SUBJECT - Application January 13, 2004 - Proposed reconstruction and enlargement of an existing one family dwelling, not

178-03-BZ

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

SUBJECT - Application December 19, 2003 - reopening for an extension of term of variance which expires April 28, 2004.

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

COMMUNITY BOARD #10

APPEARANCES -

For Applicant: Eric Palatnik.

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

406-03-BZY thru 409-03-BZY

APPLICANT - Eric Palatnik, Esq., for Morning Star Development Corp., owner.

SUBJECT - Application December 31, 2003 - Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

PREMISES AFFECTED -

2 Wenlock Street, south side, 30' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 33, Borough of Staten Island.

4 Wenlock Street, south side, 48' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 32, Borough of Staten Island.

8 Wenlock Street, south side, 56' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 30, Borough of Staten Island.

10 Wenlock Street, south side, 82' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliend and Commissioner Chin.....4

Negative:0

Absent: Commissioner Miele1

fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 25 Fulton Walk, east side, 64.30' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Laid over to June 15, 2004, at 10 A.M., for continued hearing.

MINUTES

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s.

140-30A 34th Avenue, Block 4994, Lot 225, Borough of Queens.

140-32 34th Avenue, Block 4994, Lot 126, Borough of Queens.

140-32A 34th Avenue, Block 4994, Lot 27, Borough of Queens.

140-34 34th Avenue, Block 4994, Lot 127, Borough of Queens.

140-34A 34th Avenue, Block 4994, Lot 227, Borough of Queens.

140-36 34th Avenue, Block 4994, Lot 327, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 8, 2004, at 10 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

12-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Jeanne & Michael Byrnes, lessees.

SUBJECT - Application January 13, 2004 - Proposed reconstruction and 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..

PREMISES AFFECTED - 310 Hillside Avenue, south side, 350.0' west of Beach 178th Street, Block 16340, Lot 50, Borough of Queens. .

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 10 A.M., for decision, hearing closed.

53-04-A thru 62-04-A

APPLICANT - New York City Department of Buildings

OWNER OF RECORD: Thomas Huang

SUBJECT - Applications February 26, 2004 - Application to revoke Certificate of Occupancy No. 401223289, on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

PREMISES AFFECTED -

140-26A 34th Avenue, Block 4994, Lot 24, Borough of Queens.

140-28 34th Avenue, Block 4994, Lot 224, Borough of Queens.

140-28A 34th Avenue, Block 4994, Lot 224, Borough of Queens.

140-30 34th Avenue, Block
4994,
Lot
125,
Borou
gh of

REGULAR MEETING

TUESDAY AFTERNOON, MAY 18, 2004

2:00 P.M.

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

ZONING CALENDAR

296-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Kigsway Realty, LLC, owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit, in a C4-3 zoning district, the proposed extension of an existing two-story commercial building (Use Group 6), to three

MINUTES

stories, which does not comply with applicable parking requirements, contrary to Z.R. §36-21.

PREMISES AFFECTED - 1619 Kings Highway, a/k/a 1601/1621 Kings Highway and 1639/1651 East 17th Street, Block 6779, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:0

Absent: Commissioner Miele1

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 4, 2003, acting on DOB Application No. 301387498, reads:

"Proposed Extension of an existing Two (2) story Commercial (UG 6) building, to Three (3) stories without the Parking requirements is contrary to ZR Sec 36-21, Parking, and requires a Variance from the Board of Standards and Appeals as per Sec 72-21."; and

WHEREAS, a public hearing was held on this application on March 9, 2004 after due notice by publication in The City Record, with a continued hearing on April 27, 2004 and then to May 18, 2004 for decision; and

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

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application for a variance pursuant to

WHEREAS, the applicant also commissioned a parking study, which concludes that adequate off-street and on-street parking exists to accommodate any increased traffic generated by the proposed office expansion; and

WHEREAS, specifically, this parking study states that: (1) the proposed project would generate 15 vehicular trips during the AM peak hour time period, 18 during the Midday, and 17 during the PM; (2) the municipal parking lot has 113 spaces available during the 8am-9am peak hour time period, and 42 during the 10am-11am time period, which is sufficient to accommodate the anticipated parking needs generated by the proposed office expansion; (3) the MTA's 'Q' line has a stop directly adjacent to the project site; (4) the

Z.R. §72-21, to permit, in a C4-2 zoning district, the proposed extension of an existing two-story commercial building (Use Group 6), to three stories, which does not comply with applicable parking requirements, contrary to Z.R. §36-21; and

WHEREAS, the subject zoning lot is located on the northwest corner of Kings Highway and East 17th Street, is 170 ft. X 108 ft. and trapezoidal shaped, has a total lot area of 16,993 sq. ft., and is currently occupied by a two-story, 24 feet high commercial structure; and

WHEREAS, the applicant seeks to expand the building by adding one more floor for office space, and also to add an elevator (for handicapped accessibility); and

WHEREAS, said expansion and addition of an elevator is permitted as-of-right under the applicable C4-3 zoning district regulations; and

WHEREAS, however, the extension triggers a parking requirement (42 spaces), which the applicant states can not be provided on-site; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: (1) the lot is fully built out; the existing building covers the entire lot; and (2) the lot is trapezoidal-shaped; and

WHEREAS, the applicant argues that the full lot coverage prevents the provision of on-site parking spaces; and

WHEREAS, the Board finds that one of the unique conditions mentioned above, namely the full lot coverage, create practical difficulties and unnecessary hardships in providing required parking in strict conformity with current applicable zoning regulations; and

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

WHEREAS, the applicant states that the building is adjacent to mass transit (a subway stop), which mitigates the need for on-site parking, and also states that it is projected that most employees and visitors would arrive via mass transit; and

WHEREAS, the applicant, through a submission dated May 4, 2004, states that despite a diligent search, no properties were located in the immediate vicinity that could provide long-term parking leases; however, a nearby municipal parking lot has available daily parking; and

proposed project would generate 7 subway trips during the AM peak hour time period, 9 during the Midday, and 8 during the PM; and (5) the project, therefore, would not result in any adverse traffic and parking impacts; and

WHEREAS, the Board finds that the existence of the nearby municipal parking lots, six local City bus routes and one private bus route, and two adjacent subway stops mitigate the need for on-site parking; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, 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;

MINUTES

and

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

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

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

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 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a variance pursuant to Z.R. §72-21, to permit, in a C4-3 zoning district, the proposed extension of an existing two-story commercial building (Use Group 6), to three stories, which does not comply with applicable parking requirements, contrary to Z.R. §36-21, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "May 13, 2004"- (7) sheets and on further condition;

THAT any cock-loft, if provided between the existing second floor and the proposed third floor, shall be approved by the Department of Buildings;

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, May 18, 2004.

WHEREAS, Community Board 14, Brooklyn recommends approval of this application; and

WHEREAS, the Board notes that there was no objection issued by the Department of Buildings regarding non-compliance with rear yard requirements because the subject premises is located within one-hundred feet of a corner; and

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

WHEREAS, the Board notes that the proposed enlargement would be similar to adjacent properties and smaller than the adjacent building, despite the addition of floor area; and

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

WHEREAS, the Board finds that, under the conditions and

356-03-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Eliezer Jeidel and Rachele Jeidel, owners.

SUBJECT - Application February 9, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliances with regard to floor area ratio, open space ratio and side yards, contrary to Z.R. §§23-141 and 23-461.

PREMISES AFFECTED - 2311 Avenue "J", between East 23rd and East 24th Streets, Block 7587, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman and David Shteiroman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 10, 2003, acting on Alt. 1 Application No. 301664349, reads:

"Obtain special permit approval from the Board of Standards and Appeals for the following objections:

1. Proposed floor area contrary to zr 23-141.
2. Proposed open space ratio contrary to zr 23-141.
3. Proposed side yard contrary to zr 23-461."; and

WHEREAS a public hearing was held on this application on April 20, 2004 after due notice by publication in The City Record, and then laid over for a decision to May 18, 2004; 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 R2 zoning district, which creates non-compliances with regard to floor area ratio, open space ratio and side yards, contrary to Z.R. §§23-141 and 23-461; and

safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use are outweighed by the advantages to be derived by the community; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under Z.R. §73-622 to permit the proposed enlargement of an existing single-family dwelling in an R2 zoning district, which creates non-compliances with regard to floor area ratio, open space ratio and side yards, contrary to Z.R. §§23-141 and 23-461, on condition that all work shall substantially conform to

MINUTES

drawings as they apply to the objections above-noted, filed with this application and marked "Received May 4, 2004"- (8) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the use and layout of the cellar shall be as approved by the Department of Buildings;

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; no approval has been given by the Board as to the use and layout of the cellar;

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, May 18 2004.

81-03-BZ

APPLICANT - Timothy M. Rice, for Vinicio Ramirez, owner;
SUBJECT - Application March 24, 2003 and updated December 15, 2003 - under Z.R. §32-30 to reestablish and amend an expired variance, for an auto repair (auto-body) shop, parking for more than five(5) vehicles, storage, and the legalization of a new one story structure on the same lot, which is contrary to a previous variance granted under Cal. No.843-46-BZ, Vol. II, and Z.R. §§22-00 and

211-45 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 95, Borough of Queens.

211-43 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 96, Borough of Queens.

211-41 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 97, Borough of Queens.

211-54 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 98, Borough of Queens.

211-52 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 99, Borough of Queens.

211-50 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 100, Borough of Queens.

211-48 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 101, Borough of Queens.

211-46 94th Road, center of the block between Jamaica

32-00.

PREMISES AFFECTED - 857 East 169th Street, and 1351 Lyman Place, northwest corner, Block 2970, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #3

APPEARANCES - None.

ACTION OF THE BOARD - Laid over without date, for postponed hearing.

273-03-BZ thru 285-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 211 Building Corp., owner.

SUBJECT - Application August 27, 2003 - under Z.R. §72-21 to permit the proposed construction of a two-story, semi-detached, two family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for zoning district, number of dwelling units, floor area, floor area ratio, and open space ratio, is contrary to Z.R. §23-22, §23-141 (a) and §23-141.

PREMISES AFFECTED -

211-51 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 92, Borough of Queens.

211-49 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 93, Borough of Queens.

211-47 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 94, Borough of Queens.

and 94th Avenues, Block 10546, Lot 102, Borough of Queens.

211-44 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 103, Borough of Queens.

211-42 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 104, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Richard Lobel and Gerald Caliendo

For Opposition: Richard Hellenbrecht, Joseph Gormley, P.E., Marc R. Cloutier, Nagassar Ramgaris, Thomas Burton, John Stiller and R Clouter.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 1:30 P.M., for continued hearing.

307-03-BZ

APPLICANT - Fried, Frank Harris, Shriver & Jacobson, by Adrienne W. Bernard, Esq., for Clatco Company, LLC, 543

MINUTES

Realty Co., LLC and Broadway 110 Developers, LLC, owners.

SUBJECT - Application October 2, 2003 - under Z.R. §72-21 to permit the proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, and is contrary to Z.R. §35-24, §23-633 and §23-145.

PREMISES AFFECTED - 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Adrienne Bernard, Chris Anastos, D.S. Byard, Daniel Vega for Assembly Member David O'Donnell, Jennifer Baldwin and Barbara Hokol.

For Opposition: Jeffrey Chester, Daniel Margulies, Daniel Katz, Robert E. Roistacher, John G. Lipsett, Carolyn Kent, Marta B. Varela, Michael Bernard, and Brad Taylor.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

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

308-03-BZ

307 Hamden Avenue, north side, 90' east of Boundary Avenue, Block 3687, Lot 6, Borough of Staten Island.

309 Hamden Avenue, north side, 130' east of Boundary Avenue, Block 3687, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: John Ronan and Anthony J. Tucci.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD- Laid over to June 8, 2004, at 1:30 P.M., for decision, hearing closed.

338-03-BZ

APPLICANT - Eric Palatnik, P.C., for Michael Kohl, owner.

SUBJECT - Application October 31, 2003 - under Z.R. §72-21 to permit the legalization of commercial offices and a dental laboratory

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

SUBJECT - Application October 6, 2003 - under Z.R. §73-211 to permit the proposed extension to an existing gasoline service station, to include an accessory convenience store, also the addition of another lot that, will be used for accessory parking, which is contrary to a previous variance granted under Cal. No.193-50-BZ and Z.R. §32-25.

PREMISES AFFECTED - 557/71 Grand Concourse, west side, 31.6' north of East 149th Street, Block 2347, Lots 24 and 19, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Laid over to August 10, 2004, at 1:30 P.M., for continued hearing.

325-03-BZ & 326-03-BZ

APPLICANT - Walter T. Gorman, for LT Land Development Corp., owner.

SUBJECT - Application October 21, 2003 - under Z.R. §§72-11 & 72-21 to permit the proposed construction of a one family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirement for front yard, is contrary to Z.R. §23-45.

PREMISES AFFECTED -

on the second floor of a two story building, located in an R5 zoning district, is contrary to Z.R. §22-11.

PREMISES AFFECTED - 726 Avenue "Z", south side, 203.56' east of Ocean Parkway, Block 7238, Lot 32, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Eric Palatnik, Alex ? and Michael Kohl.

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

339-03-BZ

APPLICANT - Snyder and Snyder, LLP, for United Hebrew Cemetery, Inc., owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application October 31, 2003 - under Z.R. §73-30 to permit the proposed installation of a non-accessory radio tower, disguised as an eighty-two feet (82') flagpole, together with related equipment at the base thereof ("facility"), on said premises, located in an R3-2 zoning district, which requires a special permit.

PREMISES AFFECTED - 122 Arthur Kill Road, between Clarke and Newvale Avenues, Blocks 4475 and 4463, Lots 1 and 175, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #3S.I.

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 15, 2004, at 1:30 P.M., for decision, hearing closed.

361-03-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph Chakkalo and Ninett Chakkalo, owner.

SUBJECT - Application November 20, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R4 (OP) zoning district, which does not comply with the zoning requirements for open space ratio, lot coverage and rear yard, is contrary to Z.R. §23-141 and §23-47. PREMISES AFFECTED - 2277 East 2nd Street, between Avenue "W" and Gravesend Neck Road, Block 7154, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

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

366-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Ahava Ve Ahava Yeshiva Ketana, Inc., owner.

SUBJECT - Application November 25, 2003 - under Z.R. §72-21 to permit the proposed vertical enlargement to an existing school, Use Group 3, located in an R5 Ocean Parkway-Subdistrict, which does not comply with the zoning requirements for floor area, floor area ratio, open space, lot coverage, front yard, side yards, minimum side yard, loading, height and setback, which is contrary to Z.R. §113-51, §24-11, §113-545, §23-45, §113-543, §23-461, §113-55, §23-631 and §113-22(a).

PREMISES AFFECTED - 2001 East 7th Street, southeast corner of Avenue "S", Block 7089, Lot 77, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Josef Friedman, Moshe ? and Lily Hasbani.
For Opposition: Anto Hordon.

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

7-04-BZ

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for decision, hearing closed.

364-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Alprof Realty LLC/VFP Realty LLC, owners.

SUBJECT - Application November 24, 2003 - under Z.R. §72-21 to permit the proposed construction of an automotive car wash and Lubritorium, Use Group 2, located in a C2-2(R6) zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 34-11 Far Rockaway Boulevard, southeast corner of Sea Girt Boulevard, Block 15950, Lots 14 and 24, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Stephen A. Cooper and Marlen K. Waaser.

APPLICANT - Lawrence Whiteside dba Construction/Codes Consultants, for Rev. Dr. Sheldon E. Williams/Coop City Baptist Church, owner.

SUBJECT - Application January 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a Church/Community Outreach Center, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area ratio, height and setback, and encroaches onto the front and side yards, is contrary to Z.R. §24-11, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 2208 Boller Avenue, property fronting on Boller and Hunter Avenues and Erskine Place, Block 5135, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #10X

APPEARANCES -

For Applicant: Lawrence Whiteside.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for decision, hearing closed.

23-04-BZ

MINUTES

APPLICANT - Moshe M. Friedman, P.E., for Yossi Kraus, owner.
SUBJECT - Application February 10, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear yard and minimum required side yard, is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1150 East 23rd Street, west side, 380'-0" north of Avenue "L", Block 7622, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Miele1

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for decision, hearing closed.

40-04-BZ

APPLICANT - Agusta & Ross, for Steven Witriol, owner.

SUBJECT - Application February 13, 2004 - under Z.R. §72-21 to permit the proposed change of use from an automobile repair and used vehicles sales (Use Group 16), previously approved by the Board under Cal. No. 56-95-BZ, to a retail store (Use Group 6), located in an R5 zoning district, which is contrary to Z.R. §22-00. PREMISES AFFECTED - 2252 Linden Boulevard, southeast corner of Cleveland Street, Block 4360, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Mitchell Ross

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to June 8, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

CORRECTIONS

***CORRECTION**

This resolution adopted on February 27, 2001, under Calendar No. 34-99-BZ and printed in Volume 86, Bulletin Nos. 9-10, is hereby corrected to read as follows:

34-99-BZ

CEQR #99-BSA-097K

APPLICANT - Sheldon Lobel, P.C., for Ruach Chaim Institute, owner.

SUBJECT - Application February 22, 1999 - under Z.R. §72-21, to permit, in an R2 zoning district, the proposed community facility (Use Group 4), which is contrary to the floor area, front yards, side yards, lot coverage, open space, height and setback, lot area and side setback as per Z.R. §§ 24-111, 24-34, 24-35, 24-521, and 25-31.

PREMISES AFFECTED - 1189 East 29th Street, corner of Avenue "L" and East 29th Street, Block 7629, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: Battalion Chief Robert J. Stec and John Scrofani, Fire Department.

Adjourned: 6:00 P.M.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 30, 2000 acting on Applic. No. 300652531 reads:

“Obtain approval from the Board of Standards and Appeals for the following objections:

Proposed floor area is contrary to ZR 24-111

Proposed front yards are contrary to ZR 24-34

Proposed side yards are contrary to ZR 24-35

Proposed open space ratio is contrary to ZR 24-521

Proposed height & setback is contrary to ZR 24-521

Proposed side setback & sky exposure contrary to ZR 24-521

Proposed off street parking contrary to ZR 25-31”; and

WHEREAS, a public hearing was held on this application on January 18, 2000, after due notice by publication in The City Record, laid over to March 7, 2000, May 9, 2000, June 20, 2000, October 3, 2000, November 21, 2000, December 19, 2000, January 9, 2001, February 6, 2001 and then to February 27, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R2 zoning district, the proposed community facility (Use Group 4), which is contrary to the floor area, front yards, side yards, lot coverage, open space, height and setback, lot area, side setback, and parking as per Z.R. §§ 24-111, 24-34, 24-35, 24-521, and 25-34; and

WHEREAS, the subject site is a rectangular shaped parcel of property located on the corners of both Avenue L and East 29th Street; and

WHEREAS the lot is presently developed with a two and one-half story dwelling and a separate garage; and

WHEREAS, the applicant seeks to replace the existing two and one-half story residence with a three-story with cellar Yeshiva; and

WHEREAS, the Yeshiva will provide secular and religious education to children ages three and above; and

WHEREAS, the subject building will house classrooms, kitchen, dining and office facilities; and

WHEREAS, the applicant notes that while a school facility is a permitted use in an R2 zoning district, Z.R. § 24-111 limits

WHEREAS, the applicant represents that the size of the present facility does not meet these increased programmatic needs; and

WHEREAS, the applicant demonstrated that the City Planning Commission's special permit would not be adequate to meet the programmatic needs of the Yeshiva; and

WHEREAS, in order to meet these increased programmatic needs, the applicant proposed a floor area ratio of 3.83; and

WHEREAS, in response to Board and opposition concerns, the proposal will provide a floor area ratio of 2.22; and

WHEREAS, a minimum of .40 open space ratio is required, the subject proposal provides for 2,100 square feet and 6,300 square feet of open space is required; and

WHEREAS, Z.R. §24-34 requires a front yard of fifteen (15) feet in depth, however, the subject proposal provides no front yard; and

WHEREAS, Z.R. §24-35 requires that a community facility in an R2 district provide two side yards, each having a minimum width of 8'; and

WHEREAS, the subject proposal one of the two required side yards; and

WHEREAS, the proposed structure would not have a side yard wide enough from which a setback would be possible; and

CORRECTIONS

development to a floor area ratio of .5; and

WHEREAS, Z.R. §24-521, requires that a community facility in an R2 district where front yards are required, have a vertical horizontal frontal setback ratio of 1:1 for every 25' where the sky exposure plane is penetrated; and

WHEREAS, the subject proposal provides no frontal elevation setback and would not be modified to allow for a change in the sky exposure plane; and

WHEREAS, the Yeshiva use is currently housed in temporary rental quarters on Avenue K where classes for six different grades are held; and

WHEREAS, the record indicates that the Yeshiva's student population is growing annually with scores of potential students on a waiting-list; and

WHEREAS, the Yeshiva expects its enrollment to increase from the current 130 to 540 by 2003; and

WHEREAS, evidence in the record indicates that an as-of-right alternative would not meet the programmatic needs of the Yeshiva; and

WHEREAS, the applicant represents that the size, shape and location of the existing building create unique conditions which result in practical difficulty in redeveloping the site in accordance with the current zoning while meeting the increased programmatic needs of the Yeshiva; and

WHEREAS, the applicant need not address Z.R. §72-21(b)

since the applicant is a not-for-profit organization and the construction will be in furtherance of its programmatic needs; and

WHEREAS, a school use is permitted as-of-right in the subject R2 zoning district; and

WHEREAS, two other schools are situated within a five block radius of the subject site; and

WHEREAS, Avenue L is a densely populated area and the subject site borders on an R6 zoning district to the east and a C2-2 zoning district on the northeast along Nostrand Avenue; and

WHEREAS, the floor to ceiling heights of the original proposal have been reduced; and

WHEREAS, the applicant represents that there are other religious uses within the immediate area; and

WHEREAS, therefore, the Board finds that the proposed application, as modified, will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent property 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, therefore, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

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

21; and

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an R2 zoning district, the proposed community facility (Use Group 4), which is contrary to the floor area, front yards, side yards, lot coverage, open space, height and setback, lot area and side setback as per Z.R. §§ 24-111, 24-34, 24-35, 24-521, and 25-31, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 2, 2001"- (9) sheets; and on further condition;

THAT all refuse shall be stored indoors in the cellar of the subject building;

THAT use of the rooftop be limited to the hours of 8:00 a.m. to 5:00 p.m.;

THAT all fire safety measures be in accordance with BSA approved plans;

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;

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

Adopted by the Board of Standards and Appeals, February 27, 2001.

****The resolution has been corrected in the part of the resolution which read: "...floor area ratio 2.2..." now reads: "...floor area ratio 2.22...". Corrected in Bulletin No. 22, Vol. 89, dated May 27, 2004.**

Pasquale Pacifico, Executive Director