
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Affecting Calendar Numbers:

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DOCKETS

New Case Filed Up to May 25, 2004

201-04-BZ B.M. 5 West 16th Street, between Fifth Avenue and Avenue of the Americas, Block 818, Lot 37, Borough of Manhattan. Alt. #103313022. The legalization of an existing physical culture establishment, located in the basement level of a four story commercial structure, situated in a C6-2M zoning district, requires a special from the Board as per Z.R. §73-36.

COMMUNITY BOARD #5M

202-04-BZ B.BK. 100 Jewel Street, southeast corner of Meserole Street, Block 2626, Lot 1, Borough of Brooklyn. Applic. #301297344. Proposed conversion of a vacant industrial building, into a 17 unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #1BK

203-04-BZ B.BK. 2801 Avenue "N", northeast corner of East 28th Street, Block 7664, Lot 9, Borough of Brooklyn. Applic. #301443873. Proposed horizontal enlargement to an existing detached one family dwelling, which creates non-compliance with respect to open space ratio and floor area ratio, is contrary to Z.R. §23-14.

COMMUNITY BOARD #14BK

204-04-BZ B.BK. 1116 East 22nd Street, west side, 340' south of Avenue "J", Block 7603, Lot 65, Borough of Brooklyn. Applic. #301797312. Proposed horizontal enlargement to an existing detached one family dwelling, which creates non-compliance with respect to open space ratio, floor area ratio, also rear and side yards, is contrary to Z.R. §23-14, §23-46 and §24-47.

COMMUNITY BOARD #14BK

205-04-BZ B.S.I. 375 Tennyson Drive, southwest corner of Groton Street, Block 5317, Lot 48, Borough of Staten Island. Applic. #500690665. Proposed construction of a single family detached dwelling, Use Group 1, located within an R3-1 South Richmond District, which does not provide the required front yard and exceeds the floor area requirement, is contrary to Z.R. §107-461 and §23-14.

COMMUNITY BOARD #3SI

206-04-BZ B.BK. 1901 Ocean Parkway, southeast corner of Avenue "S", Block 7088, Lots 1, 14, 15, 16 and 89, Borough of Brooklyn. Applic. #301770509.

Proposed enlargement of an existing community facility, Use Group 4, located in an R5 within the Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space, building's height and setback, also the rear yard, is contrary to Z.R. §23-141, §23-631, §113-55, §113-51 and §113-544.

COMMUNITY BOARD #15BK

207-04-BZ B.BK. 2721 Avenue "N", northwest corner of East 28th Street, Block 7663, Lot 1, Borough of Brooklyn. Applic. #301745967. Proposed enlargement of the cellar, first and second floors, also the attic, on the northerly side of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, also side and front yards, is contrary to Z.R. §23-141, §23-461 and §23-45.

COMMUNITY BOARD #14BK

208-04-BZ B.BK. 2822 Avenue "L", southwest corner of East 29th Street, Block 7646, Lot 51, Borough of Brooklyn. Alt.1 #301744511. Proposed enlargement of the cellar, first floor and second floor, on the southerly side of single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and front yards, also the front setback, is contrary to Z.R. §23-141, §23-461, §23-45 and §23-631.

COMMUNITY BOARD #14BK

209-04-BZ B.Q. 109-09 15th Avenue, northwest corner of 110th Street, Block 4044, Lot 60, Borough of Queens. Alt.1 #401843617. Proposed six story residential building, with 134 dwelling units, Use Group 2, located in an M2-1 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #7Q

210-04-A B.Q. 109-09 15th Avenue, northwest corner of 110th Street, Block 4044, Lot 60, Borough of Queens. Alt.1 #401843617. Proposed six story residential building, with 134 dwelling units, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKETS

211-04-A B.Q. 216-50/56 28th Avenue,
southwest corner of Cross Island Parkway, Block 6019,
Lot 108, Borough of Queens. N.B. #401619664.
Proposed expansion and renovation of an existing church
building, located within the bed of a mapped street, is
contrary to Section 35, Article 3 of the General City Law.

212-04-BZ B.S.I. 2360 Hylan Boulevard,
a/k/a 333 Otis Avenue, between Otis and Bryant Avenues,
Block 3905, Lot 17, Borough of Staten Island. N.B.#
500680818. Proposed erection and maintenance of a
cellar and two (2) story photography and video studio, Use
Group 6, located in an R3-2 zoning district, is contrary to
Z.R. §22-10.

COMMUNITY BOARD #2SI

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

CALENDAR

JULY 13, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 13, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

722-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Matthews Pines, owner; Speedstar Motors, Inc., lessee.

SUBJECT - Application July 30, 2003 - reopening for an amendment to legalize a change of use from wholesale storage and packaging establishment, with an accessory office and loading area (Use Group 16) to automotive repair and sales (Use Group 16) and warehouse (Use Group 16), with accessory offices, located in an R-6 zoning district.

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

COMMUNITY BOARD #11

173-92-BZ

APPLICANT - Law Offices of Howard Goldman LLC, for Bremen House, Inc., owner.

SUBJECT - Application February 20, 2004 - reopening for an extension of term of special permit granted pursuant to Z.R. §73-36 that permitted a physical culture establishment on the second floor of a building, located in a C2-8 zoning district.

PREMISES AFFECTED - 220 East 86th Street, between 2nd and 3rd Avenues, Block 1531, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #8M

176-99-BZ

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

SUBJECT - Application May 11, 2004 - reopening for an extension of time to complete construction.

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

COMMUNITY BOARD #11Q

APPEALS CALENDAR

JULY 13, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday*

18-04-A

APPLICANT - Robert Miller, for Breezy Point Co-op, Inc., owner; Mr. Ronald Kirsche, lessee.

SUBJECT - Application February 4, 2004 - Proposed addition of a second floor, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 5 of the General City Law.

PREMISES AFFECTED - 10 Irving Walk, west side, 105.69' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

148-04-A

APPLICANT - Jenkins & Gilchrist Parker Chaplin, LLP and Fischbein Badillo Wagner Harding

OWNER OF RECORD: Sterling & Seventh LLC.

SUBJECT - Application April 5, 2004 - Under Z.R. §12-10 to reverse the NYC Department of Buildings' revocation of the above referenced permits. The permits had allowed for the subdivision of Lot 52 from Lots 55, 58, and 61 and the construction of new building on Lot 52.

PREMISES AFFECTED - 133 Sterling Place, aka 22 Seventh Avenue, northwest corner, Block 942, lots 48 and 52, Borough of Brooklyn.

COMMUNITY BOARD #6

afternoon, July, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

MINUTES

Baychester Avenue, Block 4954, Lot 68, Borough of The Bronx.
COMMUNITY BOARD #12

ZONING CALENDAR

Pasquale Pacifico, Executive Director

358-03-BZ

APPLICANT - Harold Weinberg, P.E., for Rita Citronenbaum, owner.

SUBJECT - Application November 19, 2003 - under Z.R. §72-21 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, also rear and side yards, is contrary to Z.R. §23-146 and §23-47.

PREMISES AFFECTED - 1651 52nd Street, north side, 334'-4 ½" west of 17th Avenue, Block 5466, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #12

391-03-BZ

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

SUBJECT - Application December 22, 2003 - under Z.R. §72-21 to permit the proposed construction of an eight-story plus basement residential building, Use Group 2, located in an R6 zoning district, which does not comply with the zoning requirements for maximum building height and floor area, is contrary to Z.R. §23-633 and §23-145.

PREMISES AFFECTED - 1288 East 19th Street, between Avenues "L and M", Block 6738, Lots 36, 38, 137 and part of 136, Borough of Brooklyn.

COMMUNITY BOARD #14

19-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owner.

SUBJECT - Application February 6, 2004 - under Z.R. §11-412 to permit the reestablishment of an expired variance previously granted under Cal. No. 423-54-BZ, for a gasoline service station in a C2-1 within an R-4 zoning district, also the legalization of the conversion of a portion of the gas station to an accessory retail convenience store, is contrary to Z.R. §22-10 and §32-10.

PREMISES AFFECTED - 1217 East 233rd Street, aka 3923

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 25, 2004
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 30, 2004, were approved as printed in the Bulletin of April 8, 2004, Volume 89, No. 15.

SPECIAL ORDER CALENDAR

671-56-BZ

APPLICANT - Walter T. Gorman, P.E., for Benjamin Siegel Properties, LLC, owner; Euclid Enterprises, Inc., lessee.

SUBJECT - Application December 5, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 14, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1249-1265 Sutter Avenue, northside blockfront from Euclid Avenue to Doscher Street, Block 4249, Lots 55 and 59, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, resolution amended and term of the variance extended.

THE VOTE TO GRANT-

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

Negative:.....0

THE RESOLUTION -

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 May 11, 2004 and laid over to May 25, 2004 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a re-opening, an amendment, and an extension of the term of the variance, which expired on September 24, 2002; and

WHEREAS, on September 24, 1957, the Board granted an application to permit, in a local retail and residence use district, a gasoline service station with accessory uses, the term of which grant was subsequently extended on January 23, 1973, March 20, 1984 and, most recently, December 5, 1995; and

WHEREAS, the applicant represents that the last certificate of occupancy issued was C.O. No. 244959 for a gasoline service station, lubratorium, high speed auto laundry, minor auto repairs, offices, store, storage room, locker room and parking storage of motor vehicles in an

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

open area; and

WHEREAS, the record indicates that the most recent certificate of occupancy expired on September 14, 2002 and the gasoline service station is not presently in operation; and

WHEREAS, the applicant currently seeks to re-establish the gasoline service station, and extend the term of the variance for a period of ten (10) years from September 24, 2002, and to amend the resolution to permit the erection of a new canopy, a one (1) story 420 square foot addition on the west side of the service building, a 192.32 square foot "L" shaped addition on the east side, the installation of two (2) concrete islands with one (1) multi-product dispenser on each island, and the conversion of an existing bay to an accessory convenience store; 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 waives the Rules of Practice and Procedure, **reopens and amends** the resolution, said resolution having been adopted September 24, 1957, so that as amended this portion of the resolution shall read: "to permit the re-establishment of the gasoline service station, the erection of a new canopy, a one (1) story 420 square foot addition on the west side of the service building, a 192.32 square foot "L" shaped addition on the east side, the installation of two (2) concrete islands with one (1) multi-product dispenser on each island, the conversion of an existing bay to an accessory convenience store, and to extend the term of the variance for a period of ten (10) years from September 24, 2002, to expire on September 24, 2012, **on condition** that the premises shall be developed and maintained in substantial compliance with the proposed drawings submitted with the application, marked "Received April 22, 2004"- (5) 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 premises shall be maintained free of debris and graffiti;

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

THAT the operation of the car wash and/or any car washing activity, including the operation of vacuums, is only permitted between the hours of 8 A.M. and 6 P.M., seven days a week;

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

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 Department of Buildings must ensure compliance with all other applicable provisions of the Zoning

MINUTES

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 # 301658882 & #301664429)

Adopted by the Board of Standards and Appeals, May 25, 2004.

982-83-BZ

APPLICANT - H. Irving Sigman, for Barone Properties Inc., owner.
SUBJECT - Application December 5, 2003 - reopening for an extension of time to complete construction and obtain a certificate of occupancy and for an amendment to the resolution.

PREMISES AFFECTED - 191-20 Northern Boulevard, southwest corner of 192nd Street, Block 5513, Lot 27, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 23, 2004, after due notice by publication in The City Record, with continued hearings on April 20, 2004, May 11, 2004, and then laid over to May 25, 2004 for decision; and

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for and amendment to the resolution and an extension of time to obtain a Certificate of Occupancy which expired December 7, 2000; and

WHEREAS, on March 6, 1984, the Board granted an application permitting the change of use of an existing one-story and mezzanine structure, from automotive sales and service to retail stores and offices; and

WHEREAS, the applicant represents that unforeseen changes in the tenant occupancies forestalled construction and prevented completion by the compliance date of December 7, 2000; and

WHEREAS, the applicant also seeks changes to the previously approved plans which include the reapportionment of the tenants' floor space within the building, the construction of demising walls, which increase the number of stores from three to four, the re-labeling from mezzanine to second floor on the plans and the addition of an exterior canopy fronting Northern Boulevard; and

WHEREAS, the applicant further asserts that the

138-87-BZ

APPLICANT - Carl. A. Sulfaro, Esq., for Philip Cataldi Trust, owner; Enterprise Car Rental Co., lessee.

SUBJECT - Application January 9, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 12, 2003.

previously approved BSA drawings incorrectly indicated 51 off-site open parking spaces when only 50 are actually provided, in accordance with the Board-adopted resolution; and

WHEREAS, Community Board Number 14, Queens, and the Queens Borough President both recommended conditional approval of the subject application.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, and *reopens* the resolution, said resolution having been adopted on March 6, 1984, so that as amended this portion of the resolution shall read: "to permit changes to the previously approved plans which include the reapportionment of the tenants' floor space within the building, the construction of demising walls, which increase the number of stores from three to four, the re-labeling from mezzanine to second floor on the plans and the addition of an exterior canopy fronting Northern Boulevard and an extension of the time to obtain a certificate of occupancy for a period of two (2) years from the date of this resolution to expire on May 25, 2006; *on condition* that the premises shall be developed and maintained in substantial compliance with the proposed drawings submitted with the application, marked "Received April 5, 2004"-(2) sheets and "April 27, 2004"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*;

THAT no trucks shall be allowed to park on the area of the 50 off-street parking spaces intended for customers;

THAT the parking lot shall be locked at night;

THAT the dry wells shall be maintained on a regular basis to prevent flooding;

THAT the debris behind the building adjacent to the homes be removed;

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 and all conditions from prior resolutions shall appear on the new 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; 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 Application #401751369)

Adopted by the Board of Standards and Appeals, May 25, 2004.

PREMISES AFFECTED - 218-36 Hillside Avenue southeast corner of Hillside Avenue and 218th Place, Block 10678, Lot 14, Hollis, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of the variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 20, 2004, after due notice by publication in *The City Record*, and then to May 25, 2004 for decision; and

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, which expired on January 12, 2003; and

WHEREAS, on January 12, 1988, the Board granted a application to permit, in a C2-2 within an R-2 district, the reestablishment of a gasoline service station with accessory uses and the legalization of a change in use to the sale of and minor repair of used cars for a term of five (5) years; and

WHEREAS, on June 12, 1990, the Board amended the January 12, 1988 resolution to permit a change in the height of the fence walls, the elimination of the planting area along 218th Place and the southerly lot line, and the substitution of potted plants; and

WHEREAS, on September 20, 1994, the Board extended the term of the variance for a period of ten (10) years from January 12, 1993, and amended the resolution to permit a change in use from used car sales with minor repairs to car rental with minor repairs and incidental sales; and

WHEREAS, the Queens Borough President and Community Board #14 have recommended approval of this application; and

WHEREAS, the Community Board recommended that the applicant improve the cleanliness of the premises, and subsequently, the applicant submitted an affidavit to the Community Board stating that the premises will be kept free of debris, that all snow and ice will promptly be removed, and that the buffer area between the subject use and adjacent residential uses will be continually maintained.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the variance, said resolution having been adopted January 12, 1988, so that as amended this portion of the resolution shall read: "to extend the term of the variance for a period of ten (10) years from January 12, 2003, to expire on January 12, 2013, *on condition* that the premises shall be maintained in substantial compliance with the proposed

WHEREAS, a public hearing was held on this application on April 20, 2004, after due notice by publication in *The City Record*, and then to May 25, 2004 for decision; and

WHEREAS, the applicant has requested a re-opening, an amendment of the resolution and an extension of the term of the variance, which expired on February 24, 2004; and

WHEREAS, on February 24, 1994, the Board granted a

drawings submitted with the application marked "Received May 4, 2004"-(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 and all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new certificate of occupancy;

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 Application # 401714846)

Adopted by the Board of Standards and Appeals, May 25, 2004.

16-93-BZ

APPLICANT - Carl A. Sulfaro, Esq., for 110 Christopher Street, LLC, owner.

SUBJECT - Application January 13, 2004 - reopening for an extension of term of variance which expired February 24, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 110 Christopher Street, south side, 192'-6.25" west of Bleeker Street, Block 588, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application re-opened, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

application to permit, in an R6 zoning district, the reestablishment of an expired variance, granted under BSA Calendar No. 50-60-BZ, which permitted use of the cellar space for three small offices; and

WHEREAS, the applicant currently seeks to legalize the conversion of the cellar office space to a custom dressmaking and sales shop (Use Group 6); and

WHEREAS, the Board notes that the proposed change

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is minimal and would not have an adverse effect on the character of the surrounding neighborhood provided that the conditions below are met.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the variance, said resolution having been adopted February 24, 1994, so that as amended this portion of the resolution shall read: "to permit the conversion of the cellar office space to a custom dressmaking and sales shop (Use Group 6), and to extend the term of the variance for a period of ten (10) years from February 24, 2004, to expire on February 24, 2014, *on condition* that the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked 'Received May 4, 2004'-(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 and all conditions from prior resolutions required to be on the certificate of occupancy shall appear on the new certificate of occupancy;

THAT egress requirements 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; 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 Application # 103579487)

Adopted by the Board of Standards and Appeals, May 25, 2004.

371-29-BZ

APPLICANT - Maduakolam Mish. Nnabuihe, for Getty Petroleum Corp., owner; Besan Trading Inc., lessee.

SUBJECT - Application January 9, 2004 - reopening for an amendment to the resolution for tire shop as an accessory use to the existing automotive service station.

PREMISES AFFECTED - 1210-1230 East 233rd Street, northwest

198-66-BZ

APPLICANT - Eric Palatnik, P.C., for 300 East 74 Owners Corp., owner.

SUBJECT - Application December 16, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 300 East 74th Street, southeast corner of 2nd Avenue and East 74th Street, Block 1448, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

corner of Grenada Place and Edson Avenue, Block 4934, Lot 66, Borough of The Bronx.

COMMUNITY BOARD #13BX

APPEARANCES - None.

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

889-55-BZ, Vol. II

APPLICANT - J & H Management Corp., for Everything Auto Repair, lessee.

SUBJECT - Application October 21, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 1, 2003.

PREMISES AFFECTED - 69-13/25 (69-15 Official) 164th Street, east side 110' south of 69th Avenue, Block 6931, Lot 38, Borough of Queens.

COMMUNITY BOARD #8

APPEARANCES -

For Applicant: Janice Cahalane and Miley Fisher.

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

753-63-BZ

APPLICANT - Anthony N. Borowiec, P.E., for Warren Kurtz, P.E. of NYC Department of Environmental Protection, owner.

SUBJECT - Application March 5, 2004 - reopening for an amendment to the resolution to add three additional stories to the station.

PREMISES AFFECTED - 184 Avenue D, east side of Avenue D, 20' south of 13th Street, Block 367, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Michael Stallone, Thomas Raihl and Bern Lal.

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

ACTION OF THE BOARD - Laid over to August 17, 2004, at 10 A.M., for continued hearing.

274-90-BZ

APPLICANT - George E. Berger, for Long Island University, owner.

SUBJECT - Application December 22, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 27, 2002 and for an amendment to the resolution.

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PREMISES AFFECTED - 85 DeKalb Avenue, north side DeKalb Avenue, west of Ashland Place, Block 2086, Lot 34, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: George Berger.

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

85-91-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Scott R. Benson, DVM, owner; Bayside Veterinary Center, lessee.

SUBJECT - Application January 9, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 21, 2002.

PREMISES AFFECTED - 204-18 46th Avenue, south side of 46th Avenue, 142.91' east of 204th Street, Block 7304, Lot 17, Borough of Queens.

COMMUNITY BOARD #11

APPEARANCES -

For Applicant: Carl A. Sulfaro.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5
Negative:.....0

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

410-03-BZY thru 412-03-BZY

APPLICANT - Ciro Asperti, R.A., for Alan Christofferson, 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 -

95 Lansing Street, southwest corner of South Beach Avenue, Block 3404, Lots 31 and 34, Borough of Staten Island.

97 Lansing Street, southwest corner of South Beach

WHEREAS, by the letter dated March 5, 2004, 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 December 23, 2003 and updated on January 23, 2004, N.B Application No. 401730677 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received May 11, 2004"-(1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules,

Avenue, Block 3404, Lot 36, Borough of Staten Island.

99 Lansing Street, southwest corner of South Beach

Avenue, Block 3404, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

395-03-A

APPLICANT - Zaki Turkieh, for Aryeh Realty, LLC, owner.

SUBJECT - Application December 26, 2003 - proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 253-02 Rockaway Boulevard, located on Rockaway Boulevard and corner of East Dock Street, Block 13921, Lot 82, Borough of Queens.

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated December 23, 2003, and updated on January 23, 2004, acting on N.B. Application No. 401730677, reads in pertinent part:

"The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and to Section 27-291 of the Administrative Code of the City of New York."; and

and regulations shall be complied with; *on further condition* THAT the premises shall be maintained free of debris and graffiti;

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

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

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

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

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Adopted by the Board of Standards and Appeals on May 25, 2004.

396-03-A

APPLICANT - Zaki Turkieh, for Aryeh Realty, LLC, owner.
SUBJECT - Application December 26, 2003 - proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 253-06 Rockaway Boulevard, located on Rockaway Boulevard and corner of East Dock Street, Block 13921, Lot 84, Borough of Queens.

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated December 23, 2003, and updated on January 23, 2004, acting on N.B. Application No. 401729037, reads in pertinent part:

“The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law and to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, by the letter dated March 5, 2004, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate
SUBJECT - Application August 20, 2003 - An administrative appeal challenging the Department of Buildings’ final determination dated August 13, 2003, in which the Department refused to revoke the certificate of occupancy, on the basis that the applicant had satisfied all objections regarding said premises.

PREMISES AFFECTED - 1638 Eighth Avenue, west side, 110-5’ east of Prospect Avenue, Block 1112, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 10 A.M., for postponed hearing.

27-04-A

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, LLP, for City of New York, owner; Unconvention Center, Inc., lessee.

SUBJECT - Application February 11, 2004 - Proposed rehabilitation and renovation of Pier 94, for use as an exhibition hall

evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated December 23, 2003 and updated on January 23, 2004, N.B Application No. 401729037 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, “Received May 11, 2004”- (1) sheet; and that the proposal comply with all applicable M1-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

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

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

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

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

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

Adopted by the Board of Standards and Appeals on May 25, 2004.

263-03-A

APPLICANT - John W. Carroll, Wolfson & Carroll, for Ben Bobker, owner.

for mid-size trade shows, which seeks relief from the requirements of §27-369(f) of the NYC Building Code with respect to protection of an exterior corridor, and §27-771.01(b) of the NYC Building Code with respect to mechanical system providing less than (6) six air changes per hour.

PREMISES AFFECTED - 755 12th Avenue, west side, between West 53rd and 55th Streets, Block 1109, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Steven Sinacori, Jeanette Rauch, Joe Ragga and Romona Franklin.

For Opposition: B.C. Carty, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to June 15, 2004, at

MINUTES

10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MAY 25, 2004
2:00 P.M.**

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

ZONING CALENDAR

183-03-BZ

APPLICANT - Agusta & Ross, for North Berry Capital Group, LLC, owner.

SUBJECT - Application June 3, 2003- under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to **218-03-BZ**

APPLICANT - Gerald J. Caliendo, R.A., for TTW Realty LLC, owner.

SUBJECT - Application June 25, 2003 - under Z.R. §72-21 to permit the proposed nine-story mixed use building with residential, commercial and community facility uses, located in an M1-1 zoning district, which does not comply with the zoning requirements for the uses, permitted floor area, total height and perimeter wall, is contrary to Z.R. §42-00, §23-141 and §23-631.

PREMISES AFFECTED - 19-73 38th Street, corner of 20th Avenue, Steinway Street and 38th Street, Block 811, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

for Applicant: Gerald J. Caliendo.

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

255-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Surf Avenue Enterprise,

Z.R. §42-10.

PREMISES AFFECTED - 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

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

193-03-BZ

APPLICANT - James M. Plotkin, Esq., for Park and Kent Associates, Inc., owner.

SUBJECT - Application June 10, 2003 - under Z.R. §72-21 to permit the proposed construction of a five (5) story, 27 unit residential building, in an M1-1 zoning district.

PREMISES AFFECTED - 824/34 Kent Avenue, south side of Park Avenue, and east of Taaffe Place, Block 1897, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: James Plotkin.

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

owner.

SUBJECT - Application August 11, 2003- under Z.R. §72-21 to permit the legalization of an existing furniture store, Use Group 10, located in a C7 zoning district, also a request to vary the requirement of maintaining a loading berth on the premises, is contrary to Z.R. §32-10 and §36-62.

PREMISES AFFECTED - 1019 Surf Avenue, between West 8th and West 12th Streets, Block 7628, Lot 236, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to August 17, 2004, at 1:30 P.M., for continued hearing.

288-03-BZ

APPLICANT - H. Irving Sigman, for Aggressive Realty Corp., owner.

SUBJECT - Application August 29, 2003 - under Z.R. §72-21 to permit the proposed construction of a three story vertical and

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horizontal enlargement to an existing two story hotel, Use Group 5, located in a C2-2 within an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, height and non-complying signs, is contrary to Z.R. §33-121, §33-341, §32-641-643, §32-652 and §32-655.

PREMISES AFFECTED - 109-17 Horace Harding Expressway, northeast corner of Saultell Avenue, Block 1969, Tentative Lot 2, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES - None.

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

300-03-BZ

APPLICANT - Slater & Beckerman, for TC Interprises, LLC, owner.

SUBJECT - Application September 18, 2003 - under Z.R. §72-21 to permit the proposed construction of a six (6) story residential building, Use Group 2, located in an M1-2 zoning district which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 326 East 126th Street, south side, between First and Second Avenues, Block 1802, Lot 36, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Stuart Beckerman.

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Avi Mansher, owner.

SUBJECT - Application November 25, 2004 - under Z.R. §72-21 to permit the construction of a two story, two family dwelling, Use Group 2, which does not provide the required side yard which is contrary to Z.R. §23-462.

PREMISES AFFECTED - 224-20 Prospect Court, a/k/a 225th Street, northwest corner, Block 13071, Lot 74, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam Rothkrug.

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

367-03-BZ

APPLICANT - Eric Palatnik, P.C., for 1224 Brunswick Realty Corp., owner.

SUBJECT - Application November 25, 2003 - under Z.R. §72-21 to permit the proposed conversion of a former movie theater, to a warehouse with ancillary retail space, located in C1-2, C4-2 and R-5 zoning districts, with loading occurring within the R-5 portion of the site, does not comply with the zoning requirements, for perimeter wall height, total height, side and rear yards, sky exposure, off-street parking and loading, is contrary to Z.R. §32-00, §22-00, §23-631d, §23-461, §23-543, §36-21 and §36-681.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5
Negative:.....0

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

302-03-BZ

APPLICANT - Harold Weinberg, P.E., for Albert Gonter, owner.
SUBJECT - Application September 22, 2003 - under Z.R. §73-622 to permit the proposed erection of a rear enlargement to an existing one family dwelling, also an extension of the residential use into the attic, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31.

PREMISES AFFECTED - 1212 East 23rd Street, west side, 100' south of Avenue "L", Block 7640, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

365-03-BZ

PREMISES AFFECTED - 714 Beach 20th Street, between New Haven and Cornaga Avenues, Block 15564, Lots 25 and 55, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik and David Shteierman.

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

389-03-BZ

APPLICANT - Harold Weinberg, P.E., for Miriam Katz, owner.
SUBJECT - Application December 16, 2003 - under Z.R. §73-622 to permit the proposed erection of a two story rear enlargement, to an existing one family dwelling, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, rear yard, lot coverage and side yards, is contrary to Z.R. §23-141, §23-461, §23-47 and §54-31.

PREMISES AFFECTED - 1959 East 24th Street, east side, 460'0" south of Avenue "S", Block 7303, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

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10-04-BZ

APPLICANT - Paul Hasting Janofsky & Walker LLP, for AFP Holding Inc., owner; Aldona Fire Protection, Inc., lessee.

SUBJECT - Application January 12, 2004 - under Z.R. §72-21 to permit the proposed enlargement of an existing building, located in an M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yards, height of front wall and required setback, also accessory off-street parking, is contrary to Z.R. §43-12, §43-26, §43-43 and §43-20.

PREMISES AFFECTED - 54-14 74th Street, west of Grand Avenue, Block 2803, Lot 28, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Paul Selver, Robert Pauls, Dariosz Skarzynski and Michael Barelli.

For Opposition: Gary Giordano, Community Board 5Q; Robert Holden, Walre Janchez, Tony Nuwziato and Edward Kampermann.

ACTION OF THE BOARD - Laid over to June 22, 2004, at 1:30 P.M., for continued hearing.

38-04-BZ

APPLICANT - Eric Palatnik, P.C., for Sanford Becker and Howard Ochs, owner.

SUBJECT - Application February 13, 2004- under Z.R. §72-21 to permit the legalization of the northern side yard at an existing dentist's office, Use Group 4, located in an R3-2 zoning district, which is in non-compliance with Z.R. §23-464 and §24-35.

PREMISES AFFECTED - 70-15 164th Street, east side, between Jewel and 71st Avenues, Block 6933, Lot 78, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik, Howard Ochs, Albert Marengo, Milyon Bloch, Richard Komblau, Barton Slavin and Gizella Kress.

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

Pasquale Pacifico, Executive Director.

Adjourned: 6:15 P.M.