
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

Volume 89, No. 26

June 24, 2004

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CONTENTS

DOCKET	459
CALENDAR of July 20, 2004	
Morning	460
Afternoon	461

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, June 15, 2004**

Morning Calendar463

Affecting Calendar Numbers:

811-81-BZ	232 East 50 th Street, Manhattan
62-83-BZ, Vol. II	696 Pacific Street, 529/539 Dean Street and 549/59 Dean Street, Brooklyn
85-91-BZ	204-18 46 th Avenue, Queens
199-00-BZ	76-19 Roosevelt Avenue, Queens
410-03-BZY thru 412-03-BZY	95/97/99 Lansing Street Staten Island
4-00-BZ	243 West 30 th Street, Manhattan
27-04-A	755 12 th Avenue, Manhattan
359-03-A	220-43 135 th Avenue, Queens
379-03-A	127 Arcadia Walk, Queens
393-03-A	2 Roxbury Avenue, Queens
11-04-A	25 Fulton Walk, Queens
65-04-A	8 Beach 221 st Street, Queens
66-04-A	976 Bayside, Queens
129-04-A	30 Marion Walk, Queens

Afternoon Calendar474

Affecting Calendar Numbers:

339-03-BZ	122 Arthur Kill Road, Staten Island
361-03-BZ	2277 East 2 nd Street, Brooklyn
367-03-BZ	714 Beach 20 th Street, Queens
118-03-BZ	1101 Prospect Avenue, a/k/a 1677 11 th Avenue, Brooklyn
186-03-BZ	525 Union Avenue, Brooklyn
199-03-BZ thru 205-03-BZ	148/152/156 Classon Avenue and 77/81/85/89 Emerson Place, Brooklyn
223-03-BZ	115-15 Farmers Boulevard, Queens
224-03-BZ	139-19 109 th Avenue, Queens
240-03-BZ	83-10 and 83-16 188 th Street, Queens
258-03-BZ	47 Thames Street, Brooklyn
288-03-BZ	109-17 Horace Harding Expressway, Queens
302-03-BZ	1212 East 23 rd Street, Brooklyn
306-03-BZ	192 Water Street, Brooklyn
389-03-BZ	1959 East 24 th Street, Brooklyn
24-04-BZ	1129 East 27 th Street, Brooklyn
134-04-BZ	184 Kent Avenue, Brooklyn

DOCKETS

New Case Filed Up to June 15, 2004

225-04-BZ B.BK. 201 Berry Street,
(a/k/a 121/57 North Third Street, 248/52 Bedford Avenue
and 191/205 Berry Street), Block 2351, Lots 1, 28 and 40,
Borough of Brooklyn. Applic. #301751806. Proposed
construction of three, four-story buildings, containing a total
of 82 residential units and a rooftop recreation room,
located in an M1-2 zoning district, is contrary to Z.R. §42-
10.

COMMUNITY BOARD #1BK

226-04-A B.Q. 106 West Market
Street,
north side, 55.8' south of Rockaway Point Boulevard, Block
16350, Lot 300, Borough of Queens. Alt.1 #401849504.
Proposed enlargement of an existing one family dwelling,
not fronting on a legally mapped street, located within the
bed of a mapped street and has a private disposal system
in the bed of the mapped street, is contrary to Sections 35
and 36 of the General City Law and Department of
Buildings' Policy.

227-04-BZ B.BK. 1335 East 22nd
Street,
between Avenues "L and M", Block 7640, Lot 18, Borough
of Brooklyn. Applic. #301739723. Proposed enlargement
of an existing single family residence, Use Group 2,
located in an R5 zoning district, which does not comply
with the zoning requirements for open space ratio, floor
area ratio, and side and rear yards, is contrary to Z.R. §23-
141(a), §23-47 and §23-48.

COMMUNITY BOARD #14BK

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

CALENDAR

JULY 20, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 20, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

7-00-BZ

APPLICANT - Friedman & Gotbaum LLP., by Shelly S. Friedman, Esq., for Trustees of the New York City Rescue Mission, owner.
SUBJECT - Application March 31, 2004 - reopening for an extension of time to complete construction for a non-profit homeless shelter for men (Use Group 4), located in an M1-5 zoning district.
PREMISES AFFECTED - 90 Lafayette Street, a/k/a "The New York City Rescue Mission", northwest corner of Lafayette and White Streets, Block 195, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #1M

114-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Gerardo Campitiello, owner.
SUBJECT - Application June 2, 2004 - reopening for an amendment to the resolution to amend the existing resolution to permit the maintenance of the existing building during the construction of the new cellar and one story professional building, which is to replace the existing building.
PREMISES AFFECTED - 2493 Richmond Road, northwest side of Richmond Road, southwest of Odin Street, Block 947, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

380-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Marilyn & Sebastian Danese, lessees.
SUBJECT - Application December 4, 2003 - Proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and does not front on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.
PREMISES AFFECTED - 3 Essex Walk, east side, 205.36' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

13-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Howard & Phyllis Taphouse, owners.
SUBJECT - Application January 13, 2004 - Proposed
SUBJECT - Application March 12, 2004 - Application pursuant to NYC Charter §§645(3)(e) and 666.6(a), to revoke Certificate of Occupancy No. 116501 on the basis that a lawfully non-conforming eating and drinking establishment (Use Group 6) in an R8 zoning district was discontinued for a period greater than two years and must therefore be occupied as a conforming residential use as per

reconstruction and enlargement of an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 520 Browns Boulevard, west side of Beach 181st Street, and 396.29' south of Bayside Drive, Block 16340, Part of Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

64-04-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Joseph Sammon, lessee.
SUBJECT - Application March 2, 2004 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings' policy.
PREMISES AFFECTED - 22 Hudson Walk, west side, 132.76' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

67-04-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; 20 Queens Walk, lessee.
SUBJECT - Application March 2, 2004 - Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings' policy.
PREMISES AFFECTED - 20 Queens Walk, west side, 368.85' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

130-04-A

APPLICANT - Gary Lenhart, for The Breezy Point Cooperative, owner; Joanne Butler, lessee.
SUBJECT - Application March 12, 2004 - Proposed alteration and enlargement of an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.
PREMISES AFFECTED - 181 Reid Avenue, west side, of Beach 201st Street, 129.55' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

131-04-A

APPLICANT - New York City Department of Buildings.
OWNER OF RECORD - Douglas Ballinger.

Z.R. §52-61.

PREMISES AFFECTED - 217 West 20th Street, between Seventh and Eighth Avenues, Block 770, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #4M

CALENDAR

186-04-A

APPLICANT - Eric Palatnik, Esq., for Aryeh Realty, LLC, owner.
SUBJECT - Application May 4, 2004 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 252-18 Rockaway Boulevard, corner of Dock Street, Block 13921, Lot 73, Borough of Queens.

COMMUNITY BOARD #13Q

JULY 20, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 20, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

360-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Lori G. Cuisinier, Esq., for Linden & Utica Realty Corp., owner; KFC U.S. Properties, Inc., lessee.

SUBJECT - Application November 20, 2003 - under Z.R. §§73-03 and 73-243 to permit the reestablishment of an expired special permit, previously granted under Calendar No. 257-87-BZ, which permitted a drive-through facility for an eating and drinking establishment in a C1-2(R5) zoning district.

PREMISES AFFECTED - 736-46 Linden Boulevard, southwest corner of Linden Boulevard, Block 4675, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #17BK

381-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Hamilton G.S. Realty, owner.

SUBJECT - Application December 8, 2003 - under Z.R. §72-21 to permit the proposed expansion of existing social security offices, and the addition of school by adding a second floor, to an existing one story building, located in an M1-1 zoning district, which does not comply with the zoning requirements for Use Group and floor area, and is contrary to Z.R. §42-00, §43-12 and §43-122.

PREMISES AFFECTED - 6023 Fort Hamilton Parkway, a/k/a 6013/23 Fort Hamilton Parkway, a/k/a 6012/24 Tenth Avenue, and a/k/a 973/83 61st Street, northeast corner, Block 5715, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #12BK

REGULAR MEETING

TUESDAY MORNING, JUNE 15, 2004

10:00 A.M.

Present: Chair Srinivasan, Commissioner Miele and Commissioner Chin.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 20, 2004, were approved as printed in the Bulletin of April 29, 2004, Volume 89, No. 18.

4-04-BZ

APPLICANT - Eric Palatnik, P.C., for Anna Donskoi, owner.
SUBJECT - Application January 6, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space, rear and side yards, perimeter wall height and lot coverage is contrary to Z.R. §23-141(a), §23-141, §23-45, §23-47, §23-61 and §23-631b.

PREMISES AFFECTED - 177 Norfolk Street, between Oriental and Shore Boulevards, Block 8757, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #15BK

16-04-BZ

APPLICANT - Snyder & Snyder, LLP c/o Omnipoint Communications, Inc., for Montauk NY, LLC, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application January 27, 2004 - under Z.R. §73-30 to permit the proposed construction of a non-accessory radio tower for public utility wireless communications, at the subject premises, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 186-05 120th Road, southwest corner of Farmers Boulevard, Block 12458, Lot 421, Borough of Queens.

COMMUNITY BOARD #12Q

125-04-BZ

APPLICANT - Steven M. Sinacori/Stadtmauer Bailkin, for Everest Realty, LLC, owner.

SUBJECT - Application March 9, 2004 - under Z.R. §72-21 to permit the proposed two story expansion of an existing one story commercial building, for residential use, Use Groups 2 and 6, located in R4, C2-2 and R3A zoning districts, which does not comply with the zoning requirements for floor area, lot coverage, open space, number of dwelling units and height of building, is contrary to Z.R. §23-141, §35-31, §23-22 and §23-631.

PREMISES AFFECTED - 247-39 Jamaica Avenue, north side, between 91st Avenue and Commonwealth Boulevard, Block 8662, Lot 50, Borough of Queens.

COMMUNITY BOARD #13Q

Pasquale Pacifico, Executive Director

SPECIAL ORDER CALENDAR

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,

MINUTES

Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application reopened, resolution amended and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 18, 2004 after due notice by publication in *The City Record*, and then to June 15, 2004 for decision; and

WHEREAS, the applicant requests a reopening and an extension of the term of the variance, which expired on June 7, 2003; and

WHEREAS, on June 8, 1982, the Board granted an application to permit in an R7-2 district, the use of the basement level as business or professional offices on the subject premises in conjunction with the enlargement in area of an existing three story, basement and cellar structure; and

WHEREAS, since the original grant, the applicant has obtained subsequent minor amendments and extensions of the term of variance, the most recent extension being granted on September 20, 1994.

Resolved, that the Board of Standards and Appeals, *reopens and amends* the resolution, said resolution having been adopted on June 8, 1982 and extends the term of the variance which expired on June 7, 2003 so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from June 7, 2003 expiring on June 7, 2013, *on condition* that the premises shall substantially conform to drawings as filed with this application marked "Received February 3, 2004"- (1) sheet and "June 1, 2004"- (2) sheets; and on further condition:

THAT the basement level shall be used for single tenancy, Use Group 6 office only; any proposed change in use requires BSA approval;

THAT this approval is limited to the relief granted by the **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 #11Q

APPEARANCES - None.

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

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 #103603361)

Adopted by the Board of Standards and Appeals, June 15, 2004.

62-83-BZ, Vol. II

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Shaya B. Pacific, LLC.

SUBJECT - Reopening for possible rescindment.

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

COMMUNITY BOARD #8BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

Adopted by the Board of Standards and Appeals, June 15, 2004.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 13, 2004 after due notice by publication in *The City Record* with a continued hearing on May 25, 2004 and then to June 15, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure and a reopening and an extension of the term of the variance, which expired on July 21, 2002; and

MINUTES

WHEREAS, Community Board #11, Queens recommends approval of this application; and

WHEREAS, on June 22, 1954, the Board granted a variance for the operation of a veterinarian's office and accessory dog kennels with a caretaker's apartment on the subject premises; and

WHEREAS, since the original grant, the applicant has obtained subsequent extensions of the term of the variance, the most recent extension being granted on July 21, 1992.

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 on April June 22, 1954 so that as amended, this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from July 21, 2002 expiring on July 21, 2012; *on condition* that all work shall substantially conform to drawings as filed with this application marked "Received January 9, 2004"- (5) sheets and "June 1, 2004"- (1) sheet; and *on further condition*:

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

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

THAT there shall be no use of the adjacent Tax Lot 14 for the use approved herein;

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

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

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

(DOB # 401718539)

Adopted by the Board of Standards and Appeals, June 15, 2004.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution having been adopted on March 13, 2001 expiring March 13, 2004, so that as amended this portion of the resolution shall read: "To permit an extension of the term of special permit for an additional three (3) years from March 13, 2004 expiring on March 13, 2007, *on condition* that the premises shall substantially conform to drawings as filed with this application marked 'Received March 10, 2004' - (3) Sheets and 'Received May 28, 2004' - (2); and *on further condition*:

THAT the operator provide two trees along 77th Street and Roosevelt Avenue;

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 there shall be no beverage or food service provided in the cellar;

THAT there shall be no furniture in the cellar;

THAT the cellar doors and side doors are to be used for

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 - None.

ACTION OF THE BOARD- Application reopened and term of variance extended.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 18, 2004 after due notice by publication in *The City Record*, and then to June 15, 2004 for decision; and

WHEREAS, the applicant requested a re-opening and an extension of the term of the special permit, which expired on March 13, 2004; and

WHEREAS, on March 13, 2001, the Board granted an application under Z.R. §73-244, to permit in a C2-3 zoning district, within an R6 zoning district, the use of the first floor as an eating and drinking establishment without restrictions, contrary to Z.R. §32-31; and

WHEREAS, by letter dated March 23, 2004, Community Board No. 3, Queens, recommends approval of this application, provided that, among other things, the operator provide two trees along 77th Street and Roosevelt Avenue.

egress only;

THAT all lighting will be positioned down and away from residential uses;

THAT the maximum occupancy shall be limited to 200 persons;

THAT the above conditions shall appear on the certificate of occupancy;

THAT all fire safety measures will be provided and maintained in accordance with the Board's approved plans;

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 # 401018206)

Adopted by the Board of Standards and Appeals, June 15, 2004.

MINUTES

410-03-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.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: *Ciro Asperti.*

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a minor development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in *The City Record*, with a continued hearing on May 25, 2004, and then to decision on June 15, 2004; and

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

WHEREAS, the Board notes that this application has been filed with two companion applications for the premises at 97 & 99 Lansing Street under BSA Calendar Nos. 411-03-BZY, and 412-03-BZY; and

WHEREAS, Z.R. §11-331 authorizes the Board to grant

WHEREAS, in addition, this letter states that approximately \$46,810 of the estimated \$54,310 associated with the foundation work (86%) has been expended on the project; and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500646526-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this resolution, to expire on December 15, 2004; on

a six month extension of time to complete foundations upon a finding that “on the effective date the building permit lapsed, excavation had been completed and substantial progress made on foundations”; and

WHEREAS, the subject premises is proposed to be developed with a semi-attached home, located at the southwest corner of the intersection of Lansing Street and South Beach Avenue; and

WHEREAS, the record indicates that on November 19, 2003 a construction permit (DOB Permit No. 500646526-NB) for the new building was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

WHEREAS, the applicant represents that excavation of the site and installation of the piles commenced immediately after issuance of the building permits, and that as of December 2, 2003 100% of the excavation was completed and the foundation piles were installed; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003 from R3-2 to R3-X, and the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 9, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and piles installation, and a timeline of completed work from the contractors; and

WHEREAS, the applicant has provided a signed and sealed letter from a registered architect, stating in part, that 100% of the piling work and 50% of the concrete work has been completed on the subject premises.

condition 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, including, but not limited to, applicable revised FEMA regulations (and policies implemented in response to such regulations) for properties located in special flood hazard areas.

Adopted by the Board of Standards and Appeals, June 15, 2004.

411-03-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 - 97 Lansing Street, southwest corner of South Beach Avenue, Block 3404, Lot 36, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Ciro Asperti.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a minor development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in *The City Record*, with a continued hearing on May 4, 2004, and then to decision on June 15, 2004; and

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

WHEREAS, the Board notes that this application has been filed with two companion applications for the premises at 95 & 99 Lansing Street under BSA Calendar Nos. 410-03-BZY, and 412-03-BZY; and

WHEREAS, Z.R. §11-331 authorizes the Board to grant a six month extension of time to complete foundations upon a finding that "on the effective date the building permit lapsed, excavation had been completed and substantial progress made on foundations"; and

WHEREAS, the subject premises is proposed to be developed with a semi-attached home, located at the southwest corner of the intersection of Lansing Street and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500646517-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of sixth months from the date of this resolution, to expire on December 15, 2004; *on condition* 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, including, but not limited to, applicable revised FEMA regulations (and policies implemented in response to such regulations) for properties located in special flood hazard areas.

South Beach Avenue; and

WHEREAS, the record indicates that on November 19, 2003 a construction permit (DOB Permit No. 500646517-NB) for the new building was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

WHEREAS, the applicant represents that excavation of the site and pouring of the footings commenced immediately after issuance of the building permits, and that as of December 2, 2003 100% of the excavation was completed and the footings were in place; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003 from R3-2 to R3-X, and the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 9, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and foundations, photos of the completed work, and a timeline of completed work from the contractors; and

WHEREAS, the applicant has provided a signed and sealed letter from a registered architect, stating in part, that 100% of the piling work and 50% of the concrete work had been completed on the subject premises.

WHEREAS, in addition, this letter states that approximately \$46,810 of the estimated \$54,310 associated with the foundation work (86%) has been expended on the project; and

Adopted by the Board of Standards and Appeals, June 15, 2004.

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 - 99 Lansing Street, southwest corner of South Beach Avenue, Block 3404, Lot 37, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Ciro Asperti.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner

MINUTES

Caliendo.....2

THE RESOLUTION -

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a minor development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in *The City Record*, with a continued hearing on May 4, 2004, and then to decision on June 15, 2004; and

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

WHEREAS, the Board notes that this application has been filed with two companion applications for the premises at 95 & 97 Lansing Street under BSA Calendar Nos. 410-03-BZY, and 411-03-BZY; and

WHEREAS, Z.R. §11-331 authorizes the Board to grant a six month extension of time to complete foundations upon a finding that "on the effective date the building permit lapsed, excavation had been completed and substantial progress made on foundations"; and

WHEREAS, the subject premises is proposed to be developed with a semi-attached home, located at the southwest corner of the intersection of Lansing Street and South Beach Avenue; and

WHEREAS, the record indicates that on November 19, 2003 a construction permit (DOB Permit No. 500646508-NB) for the new building was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

WHEREAS, the applicant represents that excavation of

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500646508-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of sixth months from the date of this resolution, to expire on December 15, 2004; *on condition* 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, including, but not limited to, applicable revised FEMA regulations (and policies implemented in response to such regulations) for properties located in special flood hazard areas.

Adopted by the Board of Standards and Appeals, June 15, 2004.

4-00-BZ

APPLICANT - Noel Im, for 243 West 30th Realty, LLC, c/o New York Equity, LLC, owner; Anie Yang, Yhung Kang & Cong Yan

the site and pouring of the footings commenced immediately after issuance of the building permits, and that as of December 2, 2003 100% of the excavation was completed and the footings were in place; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003 from R3-2 to R3-X, and the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 9, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and foundations, photos of the completed work, and a timeline of completed work from the contractors; and

WHEREAS, the applicant has provided a signed and sealed letter from a registered architect, stating in part, that 100% of the piling work and 50% of the concrete work has been completed on the subject premises.

WHEREAS, in addition, this letter states that approximately \$46,810 of the estimated \$54,310 associated with the foundation work (86%) has been expended on the project; and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

d/b/a West Garden, Inc., lessees.

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

PREMISES AFFECTED - 243 West 30th Street, north side of West 30th Street, 325' east of 8th Avenue, Block 780, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Mitchell Ross.

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

MINUTES

West 53rd and 55th Streets, Block 1109, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Steven Sinacori.

For Opposition: D.C.I. Anthony Scaduto and B.C. Eugene J. Carty, Fire Department.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 3, 2004, acting on Application No. 103671411, reads:

“1. BC 27-369(f), Exterior corridor is required to be roofed. Show compliance.

2. BC27-777.01-b, Proposed mechanical

WHEREAS, section 27-771.01(b) of the Building Code states, “In all buildings classified in occupancy group C, D, E, F, G, H or J-1, there shall be provided a system of mechanical means of sufficient capacity to exhaust six air changes per hour or 1 cfm/sq. ft., whichever is greater, from the largest floor in the building, using either dedicated fan equipment or the building ventilation system arranged to shut down automatically with manual override capability to exhaust one floor at a time through a roof or an approved location on an exterior wall other than a lot line wall.”; and

WHEREAS, relief from these requirements to provide:

(1) a roof over an exterior corridor and (2) a mechanical system exchanging less than 6 air changes per hour, is necessary to permit a change of use of Pier 94 to an exhibition hall; and

WHEREAS, concurrently, with this appeal, the following applications were filed with the City Planning Commission:

(1) ULURP regarding the disposition of Pier 94, pursuant to a seven year lease, to the applicant; (2) special permit allowing the use of Pier 94 for trade shows and expositions; (3) modifications of public access and waterfront zoning requirements; and (4) certification with respect to visual corridors; as of the date of the decision herein, all of the CPC approvals have been obtained; and

WHEREAS, the Department of Buildings has submitted a reply to this appeal, explaining the basis of the Department’s objections as set forth above, but additionally stating that the Department does not object to the Board exercising its authority to waive or modify the objection assuming the Board is persuaded that the measures proposed by the applicant in lieu of strict compliance with the applicable Building Code provisions are sufficient; and

exhaust providing less than six air changes per hour does not comply.”; and

WHEREAS, a public hearing was held on this application on May 11, 2004 after due notice by publication in *The City Record*, with a continued hearing on May 25, 2004, and then to decision on June 15, 2004; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan, Commissioner Joel Miele, and the Board’s executive director and appeals examiner; and

WHEREAS, this is an administrative appeal, filed pursuant to section 666 of the New York City Charter, which requests relief from sections 27-369(f) of the New York City Building Code (the “Building Code”) with respect to protection of an exterior corridor, and section 27-771.01(b) of the Building Code with respect to a mechanical system providing less than 6 air changes per hour; and

WHEREAS, section 27-369(f) of the Building Code requires, *inter alia*, exterior corridors to be roofed to prevent accumulation of standing water, ice or snow; and

WHEREAS, Pier 94 is located on the east bank of the Hudson River west of 12th Avenue between 53rd and 55th Streets in Manhattan, is approximately 144 feet wide by 746 feet in length, and consists of a one-story, approximately 189,751 square foot T-shaped Pier Structure (the “Pier Structure”) constructed both on the Pier and property adjacent to the Pier; and

WHEREAS, the 90,718 square foot finger section of the Pier Structure is constructed on the Pier while the 99,033 square foot head house section (perpendicular to the finger section and parallel to the Hudson River) is constructed on the land adjacent to the Pier; and

WHEREAS, there is an uncovered exterior apron, or corridor, on the three sides of the Pier abutting the Hudson River; the exterior corridor is 12 feet wide on both the north and south sides of the Pier, and is 27 feet 6 inches wide on the west end of the Pier; and

WHEREAS, the Pier Structure is an assembly occupancy with a posted occupant load of 5,000 people in the exhibit area; and

WHEREAS, the Pier Structure has 10 exits to the exterior at grade from the head house portion of the building (which is not on the Pier), and also has 14 exits from the finger portion (which is on the Pier); and

WHEREAS, there is no certificate of occupancy for the Pier; and

WHEREAS, the primary occupancy of the Pier is exhibition hall (Occupancy Group F-3), and the Pier has a construction classification of Class 1 -D (non-combustible 1 hour rating sprinklered building); and

WHEREAS, the applicant states that part of the Pier Structure is currently used by Unconvention Center, Inc.

MINUTES

("UCI") for mid-sized trade shows and events pursuant to a temporary place of assembly permit issued by the New York City Department of Buildings; and

WHEREAS, the applicant further states that the entire Pier Structure space cannot be used for exhibition space because the exterior corridors on the apron of the Pier are not roofed in accordance with the Building Code requirements; and

WHEREAS, the applicant notes that in order to successfully continue to utilize the Pier for trade shows, substantial additional renovations are required, including installation of a permanent heating, ventilation and air conditioning system, an upgraded electrical system, the installation of an emergency generator, and an upgraded fire sprinkler system, as well as the conversion of existing "back of house" storage areas located on the western portion of the finger area into usable exhibition space; and

WHEREAS, the applicant states that in connection with this extensive renovation work, public waterfront access along the north and west sides of the Pier will be provided, with new paving, lighting,

WHEREAS, smoke detectors will be located in the generator room, electrical equipment room and in the HVAC supply and return systems; and

WHEREAS, the fire alarm control panel will be located near the main entrance, and it will monitor the status of the following fire alarm system devices: manual pull stations, HVAC duct smoke detectors, mechanical and electrical room smoke detectors, and sprinkler water-flow tamper switches on each floor, emergency generator status, booster pump status, and standpipe deluge; and

WHEREAS, the Pier will be equipped with an emergency generator, which will supply the emergency lighting and the fire alarm system; illuminated exit signage will be provided with battery back-up power; and

WHEREAS, the Pier Structure is currently protected by an existing 6-inch automatic dry fire standpipe system connected to a 10-inch fire protection service main entering the building at the north end of the east façade; and

WHEREAS, a Fire Department connection is provided on the east façade fronting 12th Avenue; and

WHEREAS, fire hoses will be provided at standpipe outlets, and an automatic wet sprinkler system will be installed; and

WHEREAS, the mechanical and equipment rooms will be enclosed by a minimum 2-hour fire resistant rated separation, and the existing exterior walls will be upgraded to provide an interior layer of 1-hour fire resistance rated construction for a height of up to 10 feet, which will provide an additional level of protection to the occupants of the Pier Structure as they egress along the exterior corridors; and

WHEREAS, pursuant to UCI's lease with the City of New York (through the Economic Development Corporation,

railings and seating along the north and west exterior corridors; and

WHEREAS, the applicant has submitted with this appeal a Fire Protection Plan and a Dynamic Egress Analysis Report (the "Egress Analysis" or "Report"); and

WHEREAS, the Egress Analysis concludes that although occupants must travel a significant distance to reach the public way adjacent to the Pier, the level of life safety provided is adequate because of the measures to be taken by the applicant concerning the accessible exterior corridors, which are fire protected from the Pier Structure; and

WHEREAS, the applicant states that the Pier will be equipped with an individually coded interior fire alarm system; visible and audible alarm notification will be provided throughout the Pier; the building alarm will sound upon activation of a manual pull station, a smoke detector, or sprinkler water-flow device; and

WHEREAS, the fire alarm will have a connection to a fire department approved central station and will be equipped with trouble signals; the fire alarm system will also be connected ahead of the main electrical switch and will be provided with emergency power; and

or "EDC") UCI will keep the exterior corridors free and clear of debris, so that when events are held at the Pier during inclement weather UCI personnel will ensure that the exterior corridors will be kept free of snow and ice; and

WHEREAS, UCI personnel will also be responsible for applying snow melting chemicals to insure against the accumulation of snow and ice; and

WHEREAS, the Egress Analysis provides a dynamic analysis of the Pier to determine if the occupants can safely exit the Pier despite the travel distance of up to 850 feet along the fire protected exterior corridors to an unobstructed public way; and

WHEREAS, occupants using exits that discharge along the north side of the Pier travel along the Pier to the head house and discharge to a public way not on the Pier; and

WHEREAS, occupants using exits that discharge along the south side of the Pier discharge onto the Pier and then enter a 2-hour enclosed exit passageway, which is in the head house and discharges onto a public way not on the Pier; and

WHEREAS, the Egress Analysis made the following assumptions: a fire was located in the exhibition hall near where the head house and finger parts of the Pier Structure intersect; smoke development is based on an axi-symmetric fire plume at the floor level, which results in the greatest level of smoke development for the proposed exhibition configuration; and the fire is a 10 megawatt ("MW") fire; and

WHEREAS, smoke development calculations for the Pier Structure were used to determine the time for the smoke layer of the design fire to descend to 10 feet above the floor level of the Exhibition Hall; the calculated time for the smoke layer to descend to 10 feet above the highest

MINUTES

walking surface, based on the 10 MW design fire and no smoke control, is 58 minutes; and

WHEREAS, the computer program used in the Egress analysis calculated that the time to evacuate the building using the twenty-four available exit points was 17 minutes; and

WHEREAS, the applicant added a factor of safety of two to this estimate; therefore, the travel time to evacuate the building is 34 minutes; taking pre-movement time into consideration the time required for egress is about 46 minutes (which includes a margin of 12 minutes between egress and smoke development below a ceiling of 10 feet in the unlikely severe event of a 10 MW boat fire); and

WHEREAS, the applicant further contends that the total fire heat output from a mid-sized trade show such as a gift show would include an even greater margin of 24 minutes

WHEREAS, the applicant proposes the following measures and notes the following conditions which it contends makes strict compliance with section 27-777.1(b) of the Building Code unnecessary: (1) the single-story Pier Structure has an unusually high ceiling height of approximately 42 feet to the roof peak that serves as a reservoir for the smoke; (2) the mechanical system will be capable of exhausting approximately 1.38 cfm / sq. ft. (approximately one-third more than required by code); (3) egress doors are provided around the perimeter of the single-story Pier Structure that can be used by the Fire Department to provide additional exhaust, and, in addition to the swinging doors around the perimeter, the east façade (along 12th Avenue) is equipped with large, overhead rollup doors, designed to accommodate large objects displayed in the exhibition space, that can be also opened to provide additional smoke exhaust; (4) a computerized timed egress analysis has been performed by Rolf Jensen & Associates, which shows that the occupants are able to safely exit before the smoke layer descends lower than 10-feet above the walking surface; (5) the building will be provided with an automatic sprinkler system; (6) a non-required interior fire alarm system is proposed for the Pier Structure; (7) a non-required emergency generator is proposed for the Pier Structure; (8) a fire protection plan will be submitted for approval to the New York City Department of Buildings and Fire Department; and

WHEREAS, the Board raised concerns about the following issues at the first hearing, to which the applicant supplied sufficient responses: (1) a further, more detailed explanation of existing conditions and proposed safety measure regarding occupant egress from the Pier in case of fire; the applicant's fire safety expert provided such an explanation; (2) whether a snow and ice melting system capable of preventing snow and ice accumulation on the Pier's egress routes could be installed; the applicant's mechanical engineer provided a summary of the practical difficulties and excessive costs associated with such an

between egress and smoke development below a ceiling of 10 feet; and

WHEREAS, the applicant concludes, based upon the Egress Analysis, that the available safe egress time is less than the smoke filling layer criterion; and

WHEREAS, the proposed Pier Structure ventilation system will be arranged to shut down automatically with manual override capability (via Fire Department key switch) to exhaust the floor area to the exterior of the building as required by section 27-777.1(b) of the Building Code; and

WHEREAS, the mechanical system will be capable of exhausting approximately 250,000 cfm, which will provide approximately 1.38 cfm/sq. ft or approximately 3 air changes per hour, greater than the 1 cfm/sq. ft. requirement; and

WHEREAS, the proposed system will not satisfy the Building Code requirement for six air changes per hour; and installation; (3) the need for an egress declaration between the applicant and EDC, recorded against adjoining City-owned properties to the north and south, and ensuring that emergency egress from Pier 94 through both Pier 92 and Clinton Grove Park is maintained at all times; a draft declaration was submitted, as well as a letter from EDC counsel stating that the lease between EDC and the applicant will require the applicant to maintain fire egress on both the north and south pier aprons free and clear of snow and ice during any use of the pier;

WHEREAS, in response to a further concern of the Board, the applicant has committed to maintaining the existing slope of the aprons, in order to promote proper drainage; and

WHEREAS, the Board raised concerns about the following issues at the second hearing, to which the applicant supplied sufficient responses: (1) the possibility of installing roll down gates as a means of egress and the possibility of closing of the exiting via the far west apron; the applicant responded with a letter from its fire safety expert, stating that placement of roll down gates is not feasible due to Building Code and operational requirements, and that there is significant benefit in maintaining egress onto the west apron of the pier (near the proposed café) in that it creates more exits for emergency egress; (2) the need for the lease agreement between EDC and the applicant to require maintenance by the applicant of the designated fire egress corridors on the pier aprons at all times; the applicant responded with a letter from EDC counsel stating that the lease will contain such a requirement; (3) the need for a clearly delineated and marked egress route through Clinton Grove Park and Pier 92 on the fire protection plan, as well as references to the panic hardware on all exit doors; the applicant made such revisions on the plan; (4) the possibility of ponding of water on the exterior corridors; the applicant responded with a study report that determined that there is adequate drainage on the corridors in the event of a 100-year rain storm; and

MINUTES

WHEREAS, the Board notes that the submitted Egress Analysis, while professionally undertaken and credible, was limited in scope, and does not represent a comprehensive and exhaustive analysis of every possible or likely emergency situation that could arise at Pier 94; and

WHEREAS, the Board notes that the conditions listed herein establish the minimum requirements for the proposed use of Pier 94, and does not constitute an exhaustive list of all possible conditions that may be necessary to impose; the City, through its agencies having jurisdiction over this site, reserves its right to impose additional safety requirements as needed based upon a determination that such requirements are necessary due to conditions at Pier 94 or the type of event held there; and

WHEREAS, the Board finds that the applicant has proven that there are practical difficulties in the way of

THAT only mid-sized trade shows, mid-sized exhibitions, and other mid-sized customary convention center uses, as such uses are defined below, will take place at Pier 94;

THAT trade shows and public trade exhibitions shall generally be defined as professional exhibitions of industry wholesalers, manufacturers, designers or distributors that display products for wholesale consumers and retailers, or public trade exhibitions that focus on direct to consumer sales; customary trade or convention center uses also may include food and beverage events, corporate meetings, public meetings, product launches, entertainment or media industry events and city-wide special events;

THAT no boat shows of any type will take place at Pier 94;

THAT occupancy at Pier 94 at any time shall be limited to 5000 persons, inclusive of all Pier 94 operator and/or event staff;

THAT there shall be a trained, certified fire safety director present at Pier 94 during all events;

THAT seven calendar days prior to the commencement of any event at Pier 94, notice of the event, including the dates and a description, shall be forwarded to the New York City Fire Department, Bureau of Fire Prevention (the "BFP"), so that a site inspection and any further remedial action within Fire Department jurisdiction may be taken, if necessary;

THAT for each show or event held at Pier 94, certified fire guards, in amount to be established by the BFP based upon applicable law and/or other considerations as determined by BFP, will be stationed at designated egress exits, as shown on the BSA approved plans, contemplated to be accessible to occupants at the particular show or event; the fire guards will be responsible for monitoring the egress path for its full length and width, including designated fire egress corridors on the pier aprons, during all events that take place at the Pier, and immediately notifying the certified fire safety director and the operator of Pier 94 should action be necessary regarding the egress path;

carrying out the strict letter of the law and has proposed measures sufficient to address the fire safety concerns inherent to the site and the proposed use, such that the spirit of the law shall be observed, public safety secured, and substantial justice done; and

WHEREAS, accordingly, the Board finds that waiver of the above-mentioned Building Code provisions is warranted.

Resolved, that the Board of Standards and Appeals, pursuant to its authority under Section 666 of the Charter of the City of New York, waives the objections of the Department of Buildings as set forth above, and approves the Fire Protection Plan, dated June 8, 2004, one sheet (1), on condition:

THAT in addition, at the discretion of the BFP, for each show or event held at Pier 94, additional fire guards, in an amount to be established by the BFP, will be stationed in the following locations, or in any other location as determined by the BFP: outside the door at the western point of the south apron, outside the door leading to the egress corridor to Pier 92 at the eastern point of the south apron, and inside the egress corridor to Pier 92;

THAT the operator of Pier 94 shall keep, or shall cause to keep, the aprons clear of any snow or ice, or any other obstruction, both prior to and continuously during events that take place at the Pier, in response to its own observations or information or on the notification or recommendation of any fire guard or the fire safety director;

THAT the operator of the Pier 94 will be responsible for applying appropriate snow and ice melting materials as well as preventing the accumulation of snow and ice on the corridors as soon as such condition occurs;

THAT the proposed easement area through the lower level of Pier 92 will be kept clear and unobstructed at all times, and will be clearly delineated by the placement of hatched paint on the concrete floors and directional signage and lighting on the walls;

THAT no vehicles are permitted to park or otherwise obstruct the easement area at any time;

THAT the existing dry sprinkler system, approved by the Department of Buildings, be converted to a wet sprinkler system;

THAT an interior fire alarm system with a one-way voice communication system, approved by the Department of Buildings, be installed;

THAT an emergency generator, approved by the Department of Buildings, to service all fire safety measures be installed;

THAT a one hour fire resistant separation be installed on the Pier building up to 10 feet in height along the aprons;

THAT a manual smoke purge system, as shown on the approved plan, will be installed;

MINUTES

THAT all emergency doors will comply with applicable Building Code provisions, and will not be lockable or sealed shut or obstructed in any way at any time;

THAT any change in the use, occupancy, or ownership of Pier 94 will require Board approval;

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

THAT the pavement of the south apron egress corridor will be repaired and maintained such that proper drainage of the corridor is ensured;

THAT the existing slope of the aprons will be maintained regardless of any repair, repaving or maintenance;

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

Adopted by the Board of Standards and Appeals, June 15, 2004.

THAT the egress declaration allowing egress through Pier 92 and the adjacent park be executed and submitted to the Board;

THAT a lease agreement between the City and the applicant, which shall incorporate the egress declaration, be executed prior to the issuance of any building permit;

THAT the Board reserves its right to impose further conditions, based upon the recommendation of any governmental agency having jurisdiction over Pier 94;

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

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

359-03-A

APPLICANT - The Agusta Group, for Joseph Atari, owner.

SUBJECT - Application November 20, 2003 - proposed two story one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 220-43 135th Avenue, north side, 670' from 219th Street, Block 13101, Lot 15, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sol Korman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

379-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Kathy Doherty, lessee.

SUBJECT - Application December 4, 2003 - proposed reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 127 Arcadia Walk, east side, 501.12' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

APPEARANCES -

393-03-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative Inc., owner; Phillip & Stacey Benoit, owners.

SUBJECT - Application December 23, 2003 - proposed enlargement and alteration to an existing one family dwelling, not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law. The building is not considered within 100' of a corner, therefore, 30'0" rear yard is required for second story enlargement.

PREMISES AFFECTED - 2 Roxbury Avenue, southeast corner of Marshall Avenue, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

ACTION OF THE BOARD - Laid over to July 13, 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

MINUTES

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.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

SUBJECT - Application March 2, 2004 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 8 Beach 221st Street, south side, 127.34' east of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

66-04-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; John & Patricia Brennan, lessee.

SUBJECT - Application March 2, 2004 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a mapped street, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' policy.

PREMISES AFFECTED - 976 Bay side, southeast corner of Bayside Connection, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

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

129-04-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op, Inc, owner; Robert Bainbridge, lessee.

SUBJECT - Application March 11, 2004 - proposed alteration of an existing one family dwelling, and the addition of a second floor, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Marion Walk, west side, 44.56' north of West End Avenue, Block 16350, Lot 400, Borough of Queens.

Negative:0
Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

65-04-A

APPLICANT - Joseph A. Sherry, for Breezy Pt. Cooperative, Inc., owner; Gregory & Tara Fillingner, lessees.

COMMUNITY BOARD #14Q

APPEARANCES - None.

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

Pasquale Pacifico, Executive Director.

Adjourned: 10:20 A.M.

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 15, 2004

2:00 P.M.

Present: Chair Srinivasan, Commissioner Miele and Commissioner Chin.

ZONING CALENDAR

339-03-BZ

CEQR #04-BSA-071R

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 in an R3-2 Zoning District and the Special South Richmond Development District, the erection of an 82 foot high cellular monopole which has been designed to resemble a flagpole, and which requires a special permit pursuant to Z.R. §22-21 and §22-11.

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

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Robert Gardiogo.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

Negative:.....0

MINUTES

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated November 7, 2003 acting on Application No. 500645929, reads in pertinent part:

WHEREAS, a public hearing was held on this application on March 30, 2004 and again on April 27, 2004, after due notice by publication in the *City Record*, and then to May 18, 2004 for decision; the decision was then deferred to June 15, 2004; and

WHEREAS, this is an application under Z.R. §73-30, to permit the erection of a 82 foot tall cellular monopole which has been designed to resemble a flagpole, located in an R3-2 Zoning District and the Special South Richmond Development District, which requires a special permit pursuant to Z.R. §§22-21 and 22-11; and

WHEREAS, the premises and surrounding area has had site and neighborhood examination by a committee of the Board, consisting of Commissioners Joel Miele and James Chin; and

WHEREAS, the applicant states that the pole will contain six (6) small panel antennas, and will be located on a small triangular grass island that separates access drives within the cemetery; and

WHEREAS three (3) small equipment cabinets are proposed on a 200 square foot concrete slab, located adjacent to an existing metal maintenance building, secured by a chainlink fence; and

WHEREAS, pursuant to Z.R. §73-30, the Board may grant a special permit for a non-accessory radio tower such as the cellular pole proposed, provided it finds "that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood"; and

WHEREAS, the applicant represents that the pole has been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the construction and operation of the pole will comply with all applicable laws; that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

WHEREAS the cables connecting the equipment cabinets and the flagpole will be located underground; and

WHEREAS, the applicant further represents that the height is the minimum necessary to provide the required wireless coverage, and that the pole will not interfere with radio, television, telephone or other uses; and

WHEREAS, based upon its review of evidence in the record, the Board finds that the proposed pole and related equipment will be located, designed and operated so that there will be no detrimental effect on the privacy, quiet, light and air of the neighborhood; and

"Proposed monopole (Use Group 6) is contrary to NYC Department of Buildings Technical Policy and Procedure Notice 5/98 and therefore not allowable within R3-2 (Special South Richmond Development District). Refer to the Board of Standards and Appeals for review pursuant to Section 73-30 of the NYC Zoning Resolution."; and

WHEREAS, therefore, the Board finds that the subject application meets the findings set forth at Z.R. §73-30; and

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

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

WHEREAS, therefore, the Board finds that the application meets the general findings required for special permits set forth at Z.R. §73-03(a) and (b); 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.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and *grants* a special permit under Z.R. §73-03 and §73-30, to permit, in an R3-2 Zoning District and the Special South Richmond Development District, the erection of an 82 foot high cellular monopole which has been designed to resemble a flagpole, and which requires a special permit pursuant to Z.R. §22-21 and §22-11, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received May 4, 2004"-(3) sheets; and *on further condition*;

THAT routine repairs and service of the pole and related equipment shall be limited to Monday through Friday between the hours of 9:00 A.M. and 5:00 P.M.;

THAT all fencing and landscaping will be located and maintained in accordance with BSA approved plans;

THAT the flag will be replaced at least one time per year, properly maintained at all times and lit at night;

THAT any lighting will be positioned away from residential uses;

THAT no commercial or retail signage will be posted;

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

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

MINUTES

THAT the pole will be so designed as to accommodate the co-location of other servers' antennae;

THAT the above conditions shall appear on the certificate of completion;

THAT this approval is contingent upon CPC approval of the proposal, and no building permit shall be issued until such approval is obtained;

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

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

Adopted by the Board of Standards and Appeals, June 15, 2004.

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

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

(4) Proposed Floor area is contrary to 23-141.1; and

WHEREAS a public hearing was held on this application April 20, 2004 after due notice by publication in *The City Record*, with a continued hearing on May 18, 2004, and then to decision on June 15, 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 R4 zoning district within the special Ocean Parkway (OP) district, which creates non-compliances with regard to floor area ratio, open space ratio, rear yard, and lot coverage, contrary to Z.R §§23-141, and 23-47; and

WHEREAS, the proposal will decrease the existing open space ratio from 73.93% to 42.63%, increase the existing lot coverage ratio from 26.07% to 57.37%, decrease the existing rear yard from 35'-6" to 20'-0", and increase the existing floor area ratio from .48 to 1.34; and

WHEREAS, the Board notes that the maximum permitted Floor Area Ratio in an R4 zoning district is .75; and

WHEREAS, the applicant maintains that the existing structure would qualify for the predominately built-up regulations (Z.R. §23-141 (c)) which allow a maximum floor area ratio of 1.35, except for the existing non-complying front yard; and

WHEREAS, the enlargement of the existing structure into the rear yard is not located within 20 feet of the rear lot line; and

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

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

WHEREAS, the Board finds that, under the conditions 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.

the Rules of Procedure for City Environmental Quality Review, and makes the required findings under Z.R. §73-

361-03-BZ

CEQR #04-BSA-087K

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 dwelling in an R4 zoning district within the special Ocean Parkway (OP) district, which creates non-compliances with regard to floor area ratio, open space ratio, rear yard, and lot coverage, 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 -

For Applicant: Lyra Altman and David Shteierman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin?3

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 19, 2004 acting on Application No. 301664722, reads:

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

- (1) Proposed open space ratio contrary to ZR 23-141.
- (2) Proposed lot coverage contrary to ZR 23-141.
- (3) Proposed rear yard is contrary to ZR 23-47.

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

MINUTES

622 to permit the proposed enlargement of an existing single-family dwelling in an R4 zoning district within the special Ocean Parkway (OP) district, which creates non-compliances with regard to floor area ratio, open space ratio, rear yard, and lot coverage, contrary to Z.R §§23-141, and 23-47 *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received May 4, 2004"- (7) 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, June 15, 2004.

367-03-BZ

CEQR #04-BSA-093Q

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

SUBJECT - Application November 25, 2003 - under Z.R. §72-21 to permit the conversion of a former movie theater (UG-8) into a warehouse (UG-16) with ancillary retail and office space on a site split by C1-2, C4-2 and R5 zoning districts, with loading occurring within the R5 portion of the site, which creates non-conformity with regard to use and non-compliances with regard to side and rear yards, contrary to Z.R. §§32-00, §22-00, §33-292, §33-26, and §33-303.

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 - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Commissioner Miele, and Commissioner Chin.....3

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in developing the subject lot in conformity with underlying district regulations: (1) the existing

Negative:.....0

Absent: Vice-Chair Babbar and Commissioner Caliendo.....2

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 3, 2004 acting on Application No. 401734138 reads:

"Proposed (UG-16) Warehouse is not permitted in C4-2 & R5 districts contrary to Z.R. §§32-00, 22-00 and proposed rear yard is contrary to Z.R. §§33-292, 33-26, and 33-303;" and

WHEREAS, a public hearing was held on this application on April 20, 2004 after due notice by publication in *The City Record*, with continued hearings on May 25, 2004 and June 15, 2004, on which date this application was closed and granted; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Vice-Chair Babbar; and

WHEREAS, Community Board 14, Queens recommends approval of this application and the Queens Borough President recommends conditional approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, to permit the conversion of a former movie theater (UG-8) into a warehouse (UG-16), with ancillary retail and office space, on a site split by C1-2, C4-2 and R5 zoning districts, with loading occurring within the R5 portion of the site, which creates non-conformity with regard to use and non-compliances with regard to side and rear yards, contrary to Z.R. §§32-00, 22-00, 33-292, 33-26, and 33-303; and

WHEREAS, the subject lot is located between New Haven Avenue and Cornaga Avenue in Far Rockaway, Queens, is an irregularly shaped parcel that is comprised of two tax lots (25 & 55) with a total lot area of approximately 42,920 sq. ft., and is located at the intersection of three zoning districts (C1-2, C4-2, and R5); and

WHEREAS, the lot is currently occupied with an existing one-story building containing 28,935 sq. ft. of floor area that was once used as a movie theater, and the remainder of the lot is vacant land; the applicant maintains that the movie theater has been vacant and closed for the past twenty years; and

WHEREAS, the proposed development contemplates the conversion of the former movie theater into a warehouse with ancillary retail space, with storefront access from Beach 20th Street, to enable the applicant to expand its current local paper products business, as well as the provision of fourteen (14) off-street parking spaces; and

building is irregularly shaped containing no less than seven outer walls, and the walls taper in and widen again at various points resulting in an unconventional shape; (2) a substantial portion of the existing building is located within a

MINUTES

R5 zoning district which, as represented by the applicant, is incapable of being converted to a conforming use; (3) the lot is unique in that it is located at the intersection of R5, C1-2 and C4-2 zoning districts which would cause a significant portion of the existing building and property to remain unused; (4) the lot has been historically developed as a theater, and the theater structure is now obsolete for this purpose; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformity with the current zoning; and

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

WHEREAS, the applicant states that a conforming use would only attract a small number of users because the large floor area (approximately 30,000 sq. ft) in proportion to the small amount of frontage on Beach 20th Street (approximately 44 sq. ft) makes it impracticable for subdivision; and

WHEREAS, the applicant submitted a supplemental letter from its financial consultant, attesting to excessive costs associated with demolishing the existing structure which would result in only a 1% return for a residential development and, in response to the Board's request, addressed both a retail usage scenario and a residential scenario (in the R5 portion of the site) and provided several credible reasons why such scenarios were not feasible; and

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

WHEREAS, the applicant represents that the proposed variance will not affect the character of the neighborhood and that the proposed development is compatible with the wide variety of secondary and tertiary retail uses already present in the area; and

WHEREAS, the applicant represents that the proposed development will put a long abandoned structure back to productive use, thereby creating jobs for local residents; and

WHEREAS, the Board has conducted a site visit and has reviewed the submitted land use map, and concludes that residential use of the site is appropriate given the context of the neighborhood; and

WHEREAS, the applicant represents that the proposed façade will retain the existing moldings to reflect the history of the site as a former movie theater; and

WHEREAS, as addressed at the hearing on May 25, 2004, the applicant represents that the proposed plans

THAT the Department of Buildings will approve the layout of the parking area;

reflect loading bays that have been made smaller, dense plantings surrounding Beach 19th Street, appropriate fencing, and a reduction of the Beach 19th Street curb cut to 30', all as recommended by the Board; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under 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; and

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variance to permit the conversion of a former movie theater (UG-8) into a warehouse (UG-16) with ancillary retail and office space on a site split by C1-2, C4-2 and R5 zoning districts, with loading occurring within the R5 portion of the site, which creates non-conformity with regard to use and non-compliances with regard to side and rear yards, contrary to Z.R. §§32-00, 22-00, 33-292, 33-26, and 33-303; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received June 1, 2004"- (4) sheets; and *on further condition*:

THAT the proposed parking area shall not exceed 14 parking spaces pursuant to Z.R. §36-21;

THAT the entire premises will be fully sprinklered;

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

THAT all applicable fire safety measures as shown on the approved plans will be complied with;

THAT the above conditions shall be on the certificate of occupancy;

THAT any upgrade or renovation of the existing façade will retain the existing moldings;

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

MINUTES

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

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

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

Adopted by the Board of Standards and Appeals, June 15, 2004.

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. §72-21 to permit the proposed construction of a six-story residential and community facility building, Use Group 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Stuart Beckerman.

For Opposition: John Keefe, Assembly Member Brenan and Kenneth K. Fisher, Roger Melger, Joan Roberto and Amanda Pike.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

186-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mount Carmel Plaza, LLC, owner.

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed seven story multiple dwelling, Use Group 2, with **223-03-BZ**

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Majority Baptist Church, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications

a total of sixty residential units and twenty-four parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00. PREMISES AFFECTED - 525 Union Avenue, west side, 48' south of Withers Street, Block 2315, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most and Harold Weinberg.

For Opposition: Pat Iandiorio, Sabato Alfieri, Vera Badamo and Artemis Willis.

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

199-03-BZ thru 205-03-BZ

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

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

PREMISES AFFECTED -

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

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

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

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

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

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

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

COMMUNITY BOARD #3BK

APPEARANCES - None.

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

facility, located in a C2-2 within an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 115-15 Farmers Boulevard, bounded by 115th Road and 115th Avenue, Block 11032, Lot 4, Borough of Queens.

COMMUNITY BOARD #12Q

MINUTES

APPEARANCES -

For Applicant: Robert Gandioso.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

224-03-BZ

APPLICANT - C Anthony Mulrain c/o Greenberg Traurig, LLP, for Mal Pal Realty Corp., owner; Ompoint Communications, Inc., lessee.

SUBJECT - Application July 1, 2003 - under Z.R. §73-30 to permit the proposed installation of a wireless telecommunications facility, located in an R3-2 zoning district, which requires a special permit as per Z.R. §73-30.

PREMISES AFFECTED - 139-19 109th Avenue, bounded by 139th and 142nd Streets, Block 10068, Lots 210, 213, 214 and 215, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Robert Gandioso.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

240-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Young Israel of Jamaica Estates, Inc., owner.

SUBJECT - Application July 10, 2003- under Z.R. §72-21 to permit the proposed enlargement of an existing two story synagogue, Use Group 4, located in an R1-2 zoning district,

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

which does not comply with the zoning requirements for floor area ratio, building height, side yards, rear yard, also the proposed addition of lot 39 to the existing building, is contrary to Z.R. §24-10, §24-111, §24-521, §24-35 and §24-36, and a previous variance granted under Cal. No. 815-85-BZ.

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

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Jordan Most, Sheldon Steiner and Rabbi Hochberg.

For Opposition: Leo Weinberger, Shirl Basehore and Joseph Kleinmann.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

258-03-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Thames Realty, LLC, owner.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the legalization of twenty-three residential units, in a four story building, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 47 Thames Street, between Morgan Street and Knickerbocker Avenue, Block 3008, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

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

288-03-BZ

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

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

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: H. Irving Sigman.

THE VOTE TO CLOSE HEARING -

MINUTES

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3
Negative:0
Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3
Negative:0
Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

306-03-BZ

APPLICANT - Law Offices of Howard Goldman, LLC, for Kay Water Properties, LLC, owner.

SUBJECT - Application September 29, 2003 - under Z.R. §72-21 to permit the proposed conversion of a four story industrial building,
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 and side yards, is contrary to Z.R. §23-141(a), §23-47 and §23-461(a).

PREMISES AFFECTED - 1129 East 27th Street, east side, 220' south of Avenue "K", Block 7627, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3

located in an M1-2 zoning district, into a residential dwelling, also the addition of two floors, for a total of 18 loft-style dwelling units, is contrary to Z.R. §§42-00 and 43-00.

PREMISES AFFECTED - 192 Water Street, between Jay and Bridge Streets, Block 41, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Emily Simons, Robert Pauls.

ACTION OF THE BOARD - Laid over to July 20, 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.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Commissioner Miele and Commissioner Chin.....3
Negative:0
Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

24-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Rachel Edelstein, owner.

Negative:0

Absent: Vice-Chair Babbar and Commissioner Caliendo2

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

134-04-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 184 Kent Avenue Associates, owner.

MINUTES

SUBJECT - Application March 19, 2004 - under Z.R. §§72-22 and 1-05(e) to permit the proposed construction of a public esplanade between the building and bulkhead line, also the proposed construction of an additional forty-seven residential units, located in an M3-1 zoning district, is contrary to a previous variance granted under Cal. No. 191-00-BZ.

PREMISES AFFECTED - 184 Kent Avenue, northwest corner of North Third Street, Block 2348, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Howard Hornstein, Barbara Hair, Jack Freeman, Nina Englander and Moshe Keswbaum.

For Opposition: Erik Leif Nelson, Rebecca Brillhart, David Maundrell, Paul Parkhill, Michael Kawochka, Mary Habstrity, Stephanie Eisenberg and Allison Cordero.

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

Pasquale Pacifico, Executive Director.

Adjourned: 6:00 P.M.