
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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Affecting Calendar Number:

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323-03-A 117-36 166th Street, Queens
324-03-A 117-38 166th Street, Queens

DOCKETS

New Case Filed Up to June 22, 2004

228-04-BZ B.BK. 1400 East 22nd Street, west side, 300' south of Avenue "M", Block 7657, Lot 62, Borough of Brooklyn. Alt.1#301497155. Proposed enlargement of an existing one family dwelling, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141(a) and §23-47.

COMMUNITY BOARD #14BK

229-04-BZ B.BK. 202/04 Caton Avenue, between East 2nd and East 3rd Streets, Block 5325, Lot 1, Borough of Brooklyn. Applic.#301773249. The legalization of an existing physical culture establishment, occupying approximately 8000 square feet of floor area spread over two stories, located in an R-5 (OPSD) zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #12BK

230-04-BZ B.BK. 260 Moore Street, between White and Bogart Streets, Block 3110, Lot 10, Borough of Brooklyn. Alt.1#301475277. The legalization of the conversion of a four story commercial building in a manufacturing zoning district (M1-2), to residential use, Use Group 2, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

231-04-A B.Q. 240-79 Depew Avenue, corner of 243rd Street, Block 8103, Lot 5, Borough of Queens. Applic.#401948960. Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

232-04-A B.S.I. 17 Feldmeyers Lane, 130' from the intersection of Feldmeyers Lane and Victory Boulevard, Block 2660, Lot 63, Borough of Staten Island. Applic.#500667129. Proposed construction of a communications structure on a property that is not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

233-04-BZ B.Q. 136-20 38TH Avenue,(aka 38-21 Main Street, 136-17 39th Avenue, 38-10 138th Street and 38-25 Main Street), north side of the intersection of Main Street and 39th Avenue, Block 4978, Lot 101, Borough of Queens. Applic.#401872354. Proposed development of a twelve story building, which will contain a mix of retail uses, office space, community facility space and two levels of underground parking, located in a C4-3 zoning district, which does not comply with the zoning requirements for floor area ratio, accessory off-street parking, off-street loading berths and building height, is contrary to

Z.R. §32-423, §33-122, §35-31, §36-20, §36-62, §61-00 and §61-40.

COMMUNITY BOARD #7Q

234-04-BZ B.BK. 255 McKibbin Street, between Bushwick Avenue and White Street, Block 3082, Lot 65, Borough of Brooklyn. Applic.#301536283. The legalization of the conversion of a four story and basement commercial building, located in an M1-1 and an M-2 zoning district, to residential occupancy, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

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

131-04-A

APPLICANT - New York City Department of Buildings.

OWNER OF RECORD - Douglas Ballinger.

SUBJECT - Application March 12, 2004 - Application pursuant to NYC Charter §§645(3)(e) and 666.6(a), to revoke Certificate of

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Howard & Phyllis Taphouse, owners.

SUBJECT - Application January 13, 2004 - Proposed 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

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 Z.R. §52-61.

CALENDAR

PREMISES AFFECTED - 217 West 20th Street, between Seventh and Eighth Avenues, Block 770, Lot 30, Borough of Manhattan.
COMMUNITY BOARD #4M

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
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

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

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.

Pasquale Pacifico, Executive Director

AUGUST 10, 2004, 10:00 A.M.

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

CALENDAR

SPECIAL ORDER CALENDAR

371-29-BZ

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

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

PREMISES AFFECTED - 1210-1230 East 233rd Street, northwest corner of Grenada Place and Edson Avenue, Block 4934, Lot 66, Borough of The Bronx.

COMMUNITY BOARD #13BX

20-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Pierina Alongi, owner.

SUBJECT - Application January 15, 2004 - reopening for a waiver of Rules of Procedures and an extension of term for a commercial use in a residential district.

PREMISES AFFECTED - 265-07 Hillside Avenue, Hillside Avenue between 265th and 266th Streets, Block 8777, Lot 31, Borough of Queens.

COMMUNITY BOARD #13

62-99-BZ

APPLICANT - Jay A. Segal, Esq., for Starlex LLC, owner; Blissworld LLC, lessee.

SUBJECT - Application April 16, 2004 - reopening for an amendment to allow the expansion of existing physical culture establishment.

PREMISES AFFECTED - 541 Lexington Avenue, east side of Lexington Avenue between East 49th Street and East 50th Streets, Block 1350, Lot 20, Borough of Manhattan.

COMMUNITY BOARD #6

4-00-BZ

APPLICANT - Agusta & Ross, for 243 West 30th Realty, LLC, c/o New York Equity, LLC, owner; Anie Yang, Yhung Kang & Cong Yan d/b/a West Garden, Inc., lessees.

SUBJECT - Application October 21, 2003 - Reopening for an **AUGUST 10, 2004, 1:30 P.M.**

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 10, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

358-03-BZ

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

SUBJECT - Application November 19, 2003 - under Z.R. §72-21 to permit the proposed enlargement to an existing single family

amendment for a previously approved physical culture establishment to extend into the cellar.

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

21-04-A

APPLICANT - Zygmunt Staszewski, P.E., for Breezy Point Cop, Inc., owner; James O'Brien, lessee.

SUBJECT - Application February 9, 2004 - Proposed enlargement of an existing one family dwelling, located partially within the bed of a mapped street, and not fronting on a legally mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 634 Bayside Avenue, eastside, 267.40' south of Bayside Drive, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

50-04-A thru 52-04-A

APPLICANT - Joseph P. Morsellino, for Zankera, LLC, contract vendee.

SUBJECT - Application February 25, 2004 - Proposed three family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

101-20 39th Avenue, south side, between 102nd and 103rd Streets, Block 1770, Lot 22, Borough of Queens. Applic.#401770570.

101-22 39th Avenue, south side, between 102nd and 103rd Streets, Block 1770, Lot 23, Borough of Queens. Applic.#401770589.

101-24 39th Avenue, south side, between 102nd and 103rd Streets, Block 1770, Lot 24, Borough of Queens.

COMMUNITY BOARD #3Q

residence, Use Group 1, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, also rear and side yards, is contrary to Z.R. §23-146 and §23-47.

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

COMMUNITY BOARD #12

373-03-BZ

APPLICANT - The Agusta Group, for 3235 Hull LLC, owner.

SUBJECT - Application December 2, 2003 - under Z.R. §72-21 to permit the proposed off-site accessory parking lot, to be located in an R7-zoning district, which is contrary to Z.R. §25-52.

CALENDAR

PREMISES AFFECTED - 293 East 207th Street, north side, 80' west of Perry Avenue, Block 3343, Lot 683, Borough of The Bronx.

COMMUNITY BOARD #7BX

17-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Renee Kubie, owner.

SUBJECT - Application January 28, 2004 - under Z.R. §72-21 to permit the legalization of an enlargement in portions of the first and second floors, of a single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space, side and front yards, also perimeter wall height, is contrary to Z.R. §23-141, §23-461A, §23-631B and §23-45.

PREMISES AFFECTED - 2323 Avenue "S", northwest corner of East 24th Street, Block 6829, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #15BK

42-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Emerich Goldstein and Zipora Goldstein, owners.

SUBJECT - Application February 23, 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, side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1264 East 27th Street, between Avenues "L" and "M", Block 7644, Lot 71, Borough of Brooklyn.

COMMUNITY BOARD #14BK

142-04-BZ

PREMISES AFFECTED - 1901 Ocean Parkway, southeast corner of Avenue "S", Block 7088, Lots 1, 14, 15, 16 and 89, Borough of Brooklyn.

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

AUGUST 17, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, August 17, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

APPLICANT - Rampulla Associates Architects, for Frank McErlean, owner.

SUBJECT - Application March 30, 2004 - under Z.R. §72-21 to permit the proposed single family detached residence, Use Group 1, located within the required front yard, which is contrary to Z.R. §23-45.

PREMISES AFFECTED - 516 Arbutus Avenue, north side, at the intersection of Shore Avenue and Trout Place, Block 6529, Lot 15, Borough of Staten Island.

COMMUNITY BOARD #3

143-04-BZ

APPLICANT - Rampulla Associates Architects, for Charles Farina, owner.

SUBJECT - Application March 30, 2004 - under Z.R. §72-21 to permit the proposed in-ground pool, located within the required front yard, which is contrary to Z.R. §23-12.

PREMISES AFFECTED - 522 Arbutus Avenue, north side, at the intersection of Shore Avenue and Trout Place, Block 6529, Lot 10, Borough of Staten Island

COMMUNITY BOARD #3

206-04-BZ

APPLICANT - Howard A. Zipser, Esq., for Sephardic Community Youth Center, Inc., owner.

SUBJECT - Application May 19, 2004 - under Z.R. §72-21 to permit the proposed enlargement of an existing community facility, Use Group 4, located in an R5 within the Special Ocean Parkway zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space, building's height and setback, also the rear yard, is contrary to Z.R. §23-141, §23-631, §113-55, §113-51 and §113-544.

40-63-BZ

APPLICANT - Francis R. Angelino, Esq., for Park Hill Tenants Corp., owner; Majestic Car Park LLC, lessee.

SUBJECT - Application January 12, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which permitted transient parking in the unused and surplus spaces in an existing multiple dwelling accessory garage.

PREMISES AFFECTED - 1199 Park Avenue, northeast corner of East 94th Street, Block 1525, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8

67-91-BZ

APPLICANT - Davidoff & Malito, LLP by Howard S. Weiss, Esq., for HNF Realty LLC, owner; Cumberland Farms, Inc., lessee.

CALENDAR

SUBJECT - Application March 16, 2004 and updated June 29, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 17, 2002 and for an amendment to allow the sale of convenience store items in place of accessory gasoline service station items.

PREMISES AFFECTED - 260-09 Nassau Boulevard, 54-47 to 54-67 Little Neck Parkway, northeast corner of the intersection with Little Neck Parkway, Block 8274, Lots 134, 135, Borough of Queens.

COMMUNITY BOARD #11

383-03-A

APPLICANT - Zygmunt Staszewski, P.E., for Cammeby's Management Company, LLC, owner; Barry Pincus, lessee.

SUBJECT - Application December 9, 2003 - Proposed retention of the existing 10-story atrium and open access stair unenclosed, which is contrary to the "Old Code", Art.26-209(6.4.1.9)(2), as part of a "residential conversion" of an existing Commercial Class "E" building to a residential J-2 occupancy.

PREMISES AFFECTED - 5 Beekman Street, southwest corner of Nassau Street, southeast corner of Theater Alley, Block 90, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #1

155-04-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc, owner; Richard & Dawn Hennessy, lessees.

SUBJECT - Application April 12, 2004 - Proposed enlargement of the first floor, and the addition of a new second floor, 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 - 4 Marion Walk, southwest corner of West End Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14

CALENDAR

AUGUST 17, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 17, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

158-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Albert Cohen, owner.
SUBJECT - Application April 15, 2004 - under Z.R. §72-21 to permit the proposed horizontal enlargement, to a detached one-family dwelling, Use Group 1, on a narrow lot with non-complying side yards, and also encroaches in the required rear yard, located in an R5 zoning district, which is contrary to Z.R. §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1035 Ocean Parkway, between Avenues "I" and "K", Block 6527, Lot 76, Borough of Brooklyn.
COMMUNITY BOARD #12BK

184-04-BZ

APPLICANT - Robert Piscioneri, R.A., for Morris Park Community Association, owner.
SUBJECT - Application May 3, 2004 - under Z.R. §72-21 to permit the proposed addition of a second floor, to be used as accessory offices, in conjunction with the community center on the first floor, located in an R4 zoning district, which does not comply with the zoning requirements for lot coverage, front, side and rear yards, is contrary to Z.R. §54-31, §24-11, §24-34 and §24-37.

PREMISES AFFECTED - 1824 Bronxdale Avenue, east side, 251' north of Morris Park Avenue, Block 4123, Lot 42, Borough of The Bronx.

COMMUNITY BOARD #11BX

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 22, 2004
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 27, 2004, were approved as printed in the Bulletin of May 6, 2004, Volume 89, No. 19.

SPECIAL ORDER CALENDAR

724-56-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Anthony Nicovic, owner.

SUBJECT - Application December 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 19, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 42-42 Francis Lewis Boulevard, south of 42nd Road, Block 5373, Lot 26, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 30, 2004, after due notice by publication in The City Record, with a continued hearing on May 11, 2004 and June 8, 2004 and a decision on June 22, 2004; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a reopening of the application, an amendment to the resolution and an extension of the term of the variance, which expired on November 19, 2002; and

WHEREAS, the applicant currently requests an amendment to the resolution to permit the removal of the existing pump island and change the use from Gasoline Service Station to automobile repair shop with a maximum of sixteen (16) accessory parking spaces; and

WHEREAS, on November 19, 1957, the Board granted a variance of use in a residential district under Sections 7e & 7f of the pre-1961 Zoning Resolution and permitted the erection of a gasoline service station with accessory uses including parking for a term of fifteen (15) years; and

WHEREAS, on February 25, 1958, the Board amended the

753-63-BZ

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

resolution and allowed an additional curb cut, the removal of one pump island with six (6) pumps, and the removal of a sign from the southerly lot line to the northerly lot line; and

WHEREAS, in response to community based concerns and at the request of the Board, the applicant has removed the southernmost curb cut, leaving only 2 curb cuts along Francis Lewis Boulevard; 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 March 1, 1994.

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 November 19, 1957 so that as amended, this portion of the resolution shall read: "to permit the removal of the existing pump island, change of use from Gasoline Service Station to automobile repair shop with a maximum of sixteen (16) accessory parking spaces, and extension of the term of the variance for an additional ten (10) years from November 19, 2002 expiring on November 19, 2012; on condition that all work shall substantially conform to drawings as filed with this application marked "Received April 27, 2004"- (1) sheet and "Received June 15, 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 all automotive repair work shall be conducted entirely within the enclosed building;

THAT there shall no automatic car wash at the site;

THAT landscaping shall be installed and maintained as per BSA approved plans;

THAT all fencing shall be 100 percent opaque;

THAT all lighting shall be directed downwards and away from any adjacent residential uses;

THAT no auto body or welding work will be conducted at the site;

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 # 401766665)

Adopted by the Board of Standards and Appeals, June 22, 2004.

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

MINUTES

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

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Thomas Raihl.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 25, 2004, after due notice by publication in The City Record, and then laid over to June 22, 2004 for continued hearing on which date the case was closed and a decision rendered; and

WHEREAS, the applicant requested a reopening, and an amendment to the resolution to permit the enlargement of an existing wastewater pumping station, as shown on plans submitted by the applicant; and

WHEREAS, the proposed enlargement would increase the floor area from 25,500 to 53,340 square feet; enlarge the building footprint from 13,992 to 18,360 square feet; and reduce the open space from 6,008 to 1,640 square feet; and

WHEREAS, Community Board 3, Manhattan, recommends approval of the subject proposal; and

WHEREAS, on December 3, 1963, the Board granted a variance application to permit, in an R7-2 zoning district, the erection of a sewage pumping station that encroached on the required rear yard; and

WHEREAS, under the subject calendar number, the Board granted four extensions of time to obtain permits and complete construction, on February 9, 1965, October 7, 1969, September 21, 1971 and October 3, 1972; and

WHEREAS, the applicant represents that the station has been in operation since 1976 and is currently the New York City Department of Environmental Protection's ("DEP") largest wastewater pumping station, serving over 4,300 acres of lower Manhattan, with a drainage area including the East side from 14th Street north to 72nd Street, and all of Manhattan below 14th Street; and

WHEREAS, the station pumps approximately 140 million gallons per day ("MGD") of raw wastewater from Manhattan to the

DEP Newtown Creek treatment facility in Brooklyn, and also pumps storm water runoff to the treatment facility during rainstorms; and

WHEREAS, the applicant states that the station requires renovation due to recent regulations from the New York State Department of Environmental Conservation ("NYSDEC") requiring the DEP to increase the capacity of the subject facility from 300 MGD to 400 MGD; and

WHEREAS, the applicant further states that the upgrade of the station is necessary due to the August 14, 2003 mandate from the NYSDEC requiring that full emergency power capabilities be provided for the subject station in order to prevent any disruption in electrical power which would result in discharge of raw sewage in to the Hudson and East rivers; and

WHEREAS, the subject application seeks to enlarge the station, with an award winning design, through the addition of three stories, and the installation of emergency power facilities; and

WHEREAS, the Board notes that vehicle access to the open space in the rear of the premises has been provided by way of an easement agreement with the New York City Housing Authority; and

WHEREAS, the Board notes that the proposed development shall comply with all applicable height and setback regulations; and

WHEREAS, Community Board 3 conditioned their approval of this application on the use of only ultra low sulphur diesel fuel, which the DEP has agreed to; and

WHEREAS, therefore, the Board has determined that the proposed changes would not have an adverse effect on the scale, character and uses of the surrounding neighborhood.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution so that as amended this portion of the resolution shall read: "to permit enlargement of an existing wastewater pumping station; on condition that all work shall substantially conform to drawings as filed with this application marked 'Received June 7, 2004' - (17) sheets; and on further condition;

THAT exiting requirements of the facility will be as reviewed and approved by the Department of Buildings;

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

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

(DOB Application No. 102545596)

Adopted by the Board of Standards and Appeals, June 22, 2004.

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

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

COMMUNITY BOARD #8

889-55-BZ, Vol. II

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

MINUTES

APPEARANCES -

For Applicant: Miles Fisher.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

705-81-BZ

APPLICANT - The New York City Board of Standards and
Appeals

OWNER OF PREMISES: Fraydun Enterprises.

LESSEE: New York Health and Racquet Club.

SUBJECT - Application - reopening for compliance.

PREMISES AFFECTED - 1433/37 York Avenue, northeast
corner of East 76th Street, Block 1471, Lots 21, 22 and 23,
Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

In Opposition: Mitchell Ross.

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

274-90-BZ

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: George Berger.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

ACTION OF THE BOARD- Laid over to July 13, 2004,
THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

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

585-91-BZ

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Paul Bonfilio.

ACTION OF THE BOARD - Laid over to September 14,
2004, at 10 A.M., for continued hearing.

173-94-BZ

APPLICANT - Board of Standards and Appeals

OWNER OF PREMISES: Richard Shelala.

SUBJECT - Application reopening for compliance to the resolution.

PREMISES AFFECTED - 165-10 144th Road, Block 13271, Lot
17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to September 14,
2004, at 10 A.M., for continued hearing.

103-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Bnei Aharon, Inc., owner.

SUBJECT - Application December 2, 2003 - reopening for an
amendment to the resolution.

PREMISES AFFECTED - 1516 East 24th Street, East 24th Street,
105' south of Avenue O and Kings Highway, Block 6770, Lot 12,
Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Janice Cahalane.

16-99-BZ

APPLICANT - Eric Palatnik, P.C., for Milton Elbogen, owner.

SUBJECT - Application August 25, 2003- reopening for an
extension of time to obtain a Certificate of Occupancy and for an
amendment to the previous resolution to amend the interior layout
and slightly modify the bulk.

PREMISES AFFECTED - 1116 East 26th Street, between Avenue

MINUTES

K and Avenue L, Block 7625, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

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

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated January 5, 2004 ,and revised on May 26, 2004, acting on Department of Buildings ALT 1. Application No. 401752670, reads in pertinent part:

"A1- The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 22, 2004

2:00 P.M.

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

mapped street or frontage is contrary to Section 27-291 of the Administrative Code of the City of New York.

A2- The proposed upgraded private disposal system is in the bed of a service lane contrary to Department of Buildings Policy;" and

WHEREAS, by letter dated January 22, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated January 5, 2004 and revised on May 26, 2004, acting on Department of Buildings ALT 1. Application No. 401752670 is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received May 28, 2004 "- (1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

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

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

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

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

Adopted by the Board of Standards and Appeals on June 22, 2004.

Pasquale Pacifico, Executive Director.

Adjourned: 10:20 A.M.

147-02-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Joseph Pizzonia, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21 to permit the legalization of the change of use of covered parking area, to automobile repair service bays, and the addition of a mezzanine with an accessory office and storage area, located in a C1-2 within an R-4 zoning district, is contrary to a previous variance granted under Cal. No. 148-87-BZ and Z.R. §32-00.

PREMISES AFFECTED - 201-06 Hillside Avenue, southeast

ZONING CALENDAR

MINUTES

corner of 201st Street, Block 10495, Lot 52, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Gerarld J. Caliendo.

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

327-02-BZ

APPLICANT - Harold Weinberg, P.E., for Frank Galeano, owner.
SUBJECT - Application November 4, 2002 - under Z.R. §72-21 to permit the proposed erection of a four story, four family residence, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 82 Union Street, south side, 266'-0" west of Columbia Street, east of Van Brunt Street, Block 341, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES - None.

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

361-02-BZ

APPLICANT - Marianne Russo, for 214 25th Street Corporation, owner.

SUBJECT - Application December 13, 2002 and updated January 5, 2004 - under Z.R. §72-21 to permit the proposed renovation and conversion of an existing factory building, to create 15 unit loft type apartments, with five parking spaces in the mews, a gardened courtyard, and the addition of floor area to the center of the front structure, located in an M1-1D district, which does not meet the zoning requirements for rear lot line, parking, height and setback, is contrary to Z.R. §42-00, §43-61(d), §43-61(c) and §44-27.

PREMISES AFFECTED - 214 25th Street, between Fourth and

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Sheldon Lobel and Risna Majesky.

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

208-03-BZ

APPLICANT - Law Offices of Stuart A. Klein for Shell Road, LLC, owner; Orion Caterers, Inc., lessee.

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit the legalization of an expansion of an existing catering hall, Use Group 9, located in a split C1-2(overlay of R-4) and M1-I zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and

Fifth Avenues, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Peter Hirshman and Doris Diether.

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

102-03-BZ

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

SUBJECT - Application April 3, 2003 - under Z.R. §72-21 to permit the proposed development of two residential buildings with underground accessory parking and an open recreation space between the two buildings, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 291 Kent Avenue, 35/37 South Second Street and 29/33 South Third Street, east side of Kent Avenue, between South Second and Third Streets, Block 2415, Lots 10, 14, 15, 41-43, 114 and 116, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most, Jack Freeman.

For Opposition: Brando Kol, John McNulty, Lynn Vance and others.

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

194-03-BZ

APPLICANT - Sheldon Lobel, P.C., for B'nos Menachem Inc., owner.

SUBJECT - Application June 13, 2003 - under Z.R. §72-21 to permit the proposed catering establishment, Use Group 9, in the cellar of an existing one story, basement and cellar building (school for girls), located in an R6 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 739 East New York Avenue, between Troy and Albany Avenues, Block 1428, Lot 47, Borough of Brooklyn.

parking, is contrary to Z.R. §33-121, 33-292, §36-21, §43-26 and §44-20.

PREMISES AFFECTED - 2555 Shell Road, east side, between Avenue "X" and Bouck Court, Block 7192, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Stuart Klein

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

229-03-BZ

APPLICANT - David L. Businelli, for PIC Legacy Realty, Inc.,

MINUTES

owner.

SUBJECT - Application July 3, 2003 - under Z.R. §72-21 to permit the proposed erection of a one family detached residence, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

PREMISES AFFECTED - 303 Crystal Avenue, southeast corner of Watchogue Road, Block 472, Lot 149, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: David Businelli and M. Morrow.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

260-03-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for 376 East 94th Street, Realty LLC, owner.

SUBJECT - Application August 14, 2003 - under Z.R. §72-21 to permit the legalization of sixty (60) residential units, in an existing seven story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 20 Grand Avenue, between Flushing and Park Avenues, Block 1877, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Howard Goldman and Councilmember James.

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

261-03-BZ

APPLICANT - Sheldon Lobel, P.C., for PLK Realty Corp., PREMISES AFFECTED - 18 West 18th Street, a/k/a 25 West 17th Street, a through lot, 356' west of the intersection of Fifth Avenue and 17th and 18th Streets, Block 819, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Deirdre Carson.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

owner.

SUBJECT - Application August 18, 29003 - under Z.R. §72-21 to permit the legalization of an existing one story building, as an auto repair shop, Use Group 16, located in an R7-1 zoning district, which is contrary to Z.R. §23-00.

PREMISES AFFECTED - 1404/06 Stebbins Avenue, northeast corner of East 170th Street, Block 2965, Lot 36, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Janince Cahalane.

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

291-03-BZ

APPLICANT - Stuart A. Klein, Esq., for 6202 & 6217 Realty Company, owner.

SUBJECT - Application September 4, 2003 - under Z.R. §72-21 to permit the proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1380 62nd Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Stuart A. Klein.

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

314-03-BZ

APPLICANT - Deirdre A. Carson, Esq., for 17-18 Management Co. LLC, c/o White, Inc., owner; AMAC, lessee.

SUBJECT - Application October 16, 2003 - under Z.R. §§73-01, 73-03 and 73-19 to permit the legalization of an existing school, Use Group 3A, located in an 11 story loft building, in an M1-6M zoning district, is contrary to Z.R. §42-00 and §42-12.

332-03-BZ

APPLICANT - The Agusta Group, for Steve Polisano, Astoria Ice Inc., owner.

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

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

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Philip P. Agusta, Steve Polisano and Sol Korman.

For Opposition: John Paskalis.

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

MINUTES

343-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Pasquale Pescatore, owner.

SUBJECT - Application November 12, 2003 - under Z.R. §72-21 to permit the proposed construction of seven story, nineteen unit, residential building, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 90 Havemeyer Street, between Hope Street and Metropolitan Avenue, Block 2368, Lot 26(Former Lots 26, 27 and 28), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

10-04-BZ

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

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

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

COMMUNITY BOARD #5Q

APPEARANCES -

SUBJECT - Application March 16, 2004 - under Z.R. §72-21 to permit the proposed conversion of floors 12 through 30, and a portion of the lobby of a 30 story building, to be converted from hotel use to residential use (Use Group 6), located in a C6-6/C6-4-5 zoning district, which does not comply with the zoning requirements for rear yard, is contrary to Z.R. §23-47 and §54-31.

PREMISES AFFECTED - 866 Third Avenue, west side, between 52nd and 53rd Streets, Block 1307, Lot 1004, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

169-04-BZ

For Applicant: Paul Selver and Jeremiah Candreva.

For Opposition: Robert Holden, Manny Carvana, Tony Nunziat and Edward Kampermann.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Caliendo.....1

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

40-04-BZ

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

SUBJECT - Application February 13, 2004 - under Z.R. §72-21 to permit the proposed change of use from an automobile repair and used vehicles sales (Use Group 16), previously approved by the Board under Cal. No. 56-95-BZ, to a retail store (Use Group 6), located in an R5 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2252 Linden Boulevard, southeast corner of Cleveland Street, Block 4360, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES - None.

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

133-04-BZ

APPLICANT - Jay A. Segal, Esq., for 866 3rd Next Generation Hotel, LLC, c/o The Witkoff Group, owner.

APPLICANT - Paul Hastings Janofsky Walker, LLP, for R & M Co. LLC and Martin Zelman, LLC, owner.

SUBJECT - Application April 26, 2004 - under Z.R. §72-21 to permit the proposed re-development of a mixed use building, which does not comply with the zoning requirements for commercial floor area, commercial uses above the second floor, off-street parking and loading berths, is contrary to Z.R. §54-31, §33-121, §33-431, §36-21 and §36-62.

PREMISES AFFECTED - 103-16 Roosevelt Avenue,(103-12/24 Roosevelt Avenue; 103-19/31 41st Avenue), mid-block on a through lot between Roosevelt Avenue, 41st Avenue, National Street and 104th Street, Block 1975, Lot 9, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Miele and Commissioner C hin.....4

Negative:.....0

Absent: Commissioner Caliendo.....1

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

MINUTES

Pasquale Pacifico, Executive Director.

Adjourned: 6:30 P.M.

**SPECIAL CALENDAR
WEDNESDAY AFTERNOON, JUNE 23, 2004
2:00 P.M.**

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

140-04-A

APPLICANT - Stuart A. Klein, Esq.
SUBJECT - Application March 25, 2004 - Appeal of Department of Buildings refusal to revoke approval and underlying permit for the subject premises which is occupied contrary to the existing Certificate of Occupancy and the Zoning Resolution.

BUSINESS ADDRESS of PREMISES OWNER- S.H.A.W.C HOUSING DEVELOPMENT FUND CORP. -39 BOWERY STREET, Borough of Manhattan

APPEARANCES -

For Applicant: Stuart A. Klein and Sal Russo.

For Opposition: Cindy Harden and Karen Hagberg.

For Administration: Lisa Orantia, Esq., Department of Buildings; Anthony Scaduto, Fire Department Representative.

THE VOTE TO HAVE A CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD- Laid over to July 14, 2004, at 10:00 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

CORRECTIONS

*CORRECTION

This resolution adopted on February 3, 2004, under Calendar Nos. 323-03-A and 324-03-A and printed in Volume 89, Bulletin No. 7, is hereby corrected to read as follows:

323-03-A

APPLICANT - Sheldon Lobel, P.C., for Infinity Homes, Inc., owner.

SUBJECT - Application October 21, 2003 - Proposed construction of a two-story, two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 117-36 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Lot 36 and p/o of 39, New Lot 38, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Appeals granted

THE VOTE TO REOPEN HEARING -

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

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING -

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

Absent: Commissioner Chin.....1

THE VOTE TO GRANT -

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

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION-

WHEREAS, the decision of the Department of Buildings Queens Borough Commissioner, dated September 17, 2003 acting on NB Applications Nos. 401401862 and 401401871, reads, in pertinent part:

“(1) Proposed construction of two new two family homes and a private roadway within a bed of a mapped street (Bedell Street) is contrary to Section 35 of General City Law”; and

WHEREAS, this appeal is filed to allow two two-family dwellings to be built in a portion of the bed of a mapped street known as Bedell Street, Queens; and

WHEREAS, by letter dated January 28, 2004, the Fire Department has reviewed the above project and has no objections to the project; and

WHEREAS, by letter dated February 3, 2004, the Department of Transportation has reviewed the above

project and has no objections as this site is not presently included in DOT’s Capital Improvement Program, though the letter does note that the subject lots were acquired from the City subject to a “dollar condemnation recapture clause” for the portion of the property lying in the street bed; and

WHEREAS, by the letter dated December 12, 2003, the Department of Environmental Protection has reviewed the above revised project and has advised the Board that the latest adapted City Drainage Plan, #41SWC (35) and (14), for the above referenced location calls for the future installation of a 12" inch storm sewer in Bedell Street between Foch Blvd. and 119th Avenue; as the tax map for this area shows that the width of Bedell Street at the above location is 99 feet and is paved and open, there is sufficient space in the bed of the street for future installation and maintenance of a drainage sewer plan; DEP had no further comments; and

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

Resolved, that the decision of the DOB Queens Borough Commissioner, dated September 17, 2003, acting on N.B. Application Nos. 401401862 and 401401871, is modified under the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above, *on condition* that construction shall substantially conform to the drawing filed with the application marked, “Received January 26, 2004”- (1) sheet; and that the proposal comply with all applicable zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; 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 within thirty (30) days from the date of this grant, an affidavit from the owner will be submitted stating that the owner understands that the property in the bed of the mapped street is subject to a “dollar condemnation recapture clause”;

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, February 3, 2004.

***The resolution has been corrected in the part of the plans which read: “Received January 26, 2004”-(2) sheets;” now reads: “Received January 26, 2004”-(1) sheet”. Corrected in**

CORRECTIONS

*CORRECTION

This resolution adopted on February 3, 2004, under Calendar Nos. 323-03-A and 324-03-A and printed in Volume 89, Bulletin No. 7, is hereby corrected to read as follows:

324-03-A

APPLICANT - Sheldon Lobel, P.C., for Infinity Homes, Inc., owner.

SUBJECT - Application October 21, 2003 - Proposed construction of a two-story, two-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 117-38 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Part of Lot 39, New Lot 40, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Appeals granted

THE VOTE TO REOPEN HEARING -

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

Absent: Commissioner Chin.....1

THE VOTE TO CLOSE HEARING -

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

Absent: Commissioner Chin.....1

THE VOTE TO GRANT -

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

Negative:.....0

Abstain: Chair Srinivasan.....1

Absent: Commissioner Chin.....1

THE RESOLUTION-

WHEREAS, the decision of the Department of Buildings Queens Borough Commissioner, dated September 17, 2003 acting on NB Applications Nos. 401401862 and 401401871, reads, in pertinent part:

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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, February 3, 2004.

***The resolution has been corrected in the part of the plans which read: “Received January 26, 2004”-(2) sheets;” now reads: “Received January 26, 2004”-(1) sheet”. Corrected in**

MINUTES

Bulletin No. 27, Vol. 89, dated July 1, 2004.

Pasquale Pacifico, Executive Director.