
BULLETIN

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CONTENTS

DOCKET	612-613
CALENDAR of September 21, 2004	
Morning	614
Afternoon	615
CALENDAR of September 28, 2004	
Morning	616
Afternoon	617
CALENDAR of October 5, 2004	
Morning	618
Afternoon	619

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, August 17, 2004**

Morning Calendar620

Affecting Calendar Numbers:

120-93-BZ	222-19 Linden Boulevard, Queens
40-63-BZ	1199 Park Avenue, Manhattan
198-66-BZ	300 East 74 th Street, Manhattan
67-91-BZ	260-09 Nassau Boulevard, Queens
383-03-A	5 Beekman Street, Manhattan
44-04-A	1491 Richmond Road, Staten Island
155-04-A	4 Marion Walk, Queens

Afternoon Calendar.....622

Affecting Calendar Numbers:

261-03-BZ	1404/06 Stebbins Avenue, The Bronx
366-03-BZ	2001 East 7 th Street, Brooklyn
327-02-BZ	82 Union Street, Brooklyn
183-03-BZ	118 Berry Street, Brooklyn
186-03-BZ	525 Union Avenue, Brooklyn
208-03-BZ	2555 Shell Road, Brooklyn
255-03-BZ	1019 Surf Avenue, Brooklyn
258-03-BZ	47 Thames Street, Brooklyn
273-03-BZ thru	
285-03-BZ	211-51/49/47/45/43/54/52/50/48/46/44/42 94 th Road, Queens
291-03-BZ	1380 62 nd Street, Brooklyn
332-03-BZ	34-38 38 th Street, Queens
341-03-BZ	343 West 16 th Street, Manhattan
365-03-BZ	224-20 Prospect Court, Queens
368-03-BZ	110-42 Merrick Boulevard, Queens
4-04-BZ	177 Norfolk Street, Brooklyn
28-04-BZ thru	427, 499 Logan Street,
35-04-BZ	1109 Sutter Avenue, 842, 896, 910 Glenmore Avenue, 247 Montauk Avenue, SI
125-04-BZ	247-39 Jamaica Avenue, Queens
128-04-BZ	162-168 East 68 th Street, Manhattan
158-04-BZ	1035 Ocean Parkway, Brooklyn
182-04-BZ	351/53 West 14 th Street, Manhattan
184-04-BZ	1824 Bronxdale Avenue, The Bronx

CORRECTION.....630

Affecting Calendar Number:

144-00-BZ	210 East 77 th Street, Manhattan
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DOCKETS

New Case Filed Up to August 17, 2004

274-04-BZ B.BK. 2114 Gravesend Neck Road, south side, 63'-7½" south of East 22nd Street, Block 7381, Lot 101, Borough of Brooklyn. Applic.#301400008. The legalization of the extension of existing medical offices, to the second floor of a two story building, located in an R4 zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #15BK

275-04-BZ B.M. 601/03 East Ninth Street, aka 143 Avenue "B", northeast corner, Block 392, Lot 1087, Borough of Manhattan. Applic.#103743004. Proposed conversion of an existing unused gymnasium, into four (4) residential units, also the conversion of an existing office into a residential unit, which does not comply with the zoning requirements for floor area ratio and the number of dwelling units, is contrary to Z.R. §§23-142 and §23-22.

COMMUNITY BOARD #3M

276-04-BZ B.BX. 657 Logan Avenue, west side, 100' south of Randall Avenue, Block 5436, Lot 48, Borough of The Bronx. Applic.#200859936. Proposed addition of a second floor plus attic, to an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §23-461 and §23-47.

COMMUNITY BOARD #10BX

277-04-A B.Q. 155 Reid Avenue, east side, 493.42' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1#401867958. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located partially within the bed of a mapped street and has a private disposal system in the bed of a mapped street, is contrary to Sections 35 and 36, of the General City Law and Department of Buildings Policy.

278-04-A B.Q. 21 State Road, aka Rockaway Point Boulevard, north side, 83.42' east of Beach 178th Street, Block 16340, Lot 50, Borough of Queens. Applic.# 401953374. Proposed reconstruction and enlargement of an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35 of the General City Law.

279-04-A B.Q. 29 Suffolk Walk, east side, 240.37' south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens. Applic.# 401867388. Proposed enlargement of an existing one family dwelling, located within the bed of a mapped street, and has a private disposal system situated in the bed of the service lane, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings Policy.

280-04-BZ B.Q. 34-28 214th Place, west side, 104.27' south of 33rd Road, Block 6118, Lot 21, Borough of Queens. N.B.#401743805. Proposed enclosure of existing tennis courts, by an air supported structure, for an existing non-commercial club, with restrictions on activities or facilities (Use Group 4A), located in an R2 zoning district, is not permitted as of right and is therefore contrary to Z.R. §22-14.

COMMUNITY BOARD #11Q

281-04-A B.Q. 34-28 214th Place, west side, 104.27' south of 33rd Road, Block 6118, Lot 21, Borough of Queens. N.B.#401743805. Proposed enclosure of existing tennis courts, by an air supported structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

282-04-BZ B.Q. 34-28 214th Place, west side, 104.27' south of 33rd Road, Block 6119, Lots 1 and 32, Borough of Queens. N.B.#401743798. Proposed enclosure of existing tennis courts, by an air supported structure, for an existing non-commercial club, with restrictions on activities or facilities (Use Group 4A), located in an R2 zoning district, is not permitted as of right and is therefore contrary to Z.R. §22-14.

COMMUNITY BOARD #11Q

283-04-A B.Q. 34-28 214th Place, west side, 104.27' south of 33rd Road, Block 6119, Lots 1 and 32, Borough of Queens. N.B.#401743798. Proposed enclosure of existing tennis courts, by an air supported structure, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKETS

284-04-BZ B.BK. 2064/2128 Atlantic Avenue and 268/80 Saratoga Avenue, between Howard and Saratoga Avenues, Block 1432, Lots 5-19, 22,25, 28, 30-33 and 35, Borough of Brooklyn. N.B.#301781409. Proposed construction of a one story warehouse building, located in an M1-1 and R6/C2-3C zoning district, that will encroach within the 30-foot open area along district boundaries coincident with rear lot lines of two adjoining zoning lots, is contrary to Z.R.§43-302.

COMMUNITY BOARD #16BK

285-04-BZ B.BK. 5435 First Avenue aka 5424/5434 Second Avenue, west side, between 54th and 56th Streets, Block 820, Lot 36, Borough of Brooklyn. Alt.#301744600. Proposed rooftop parking, on the roof of an existing four story accessory parking garage, requires a special permit from the Board as per Z.R. §73-49 and §73-01.

COMMUNITY BOARD #7BK

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

SEPTEMBER 21, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 21, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

949-57-BZ

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

SUBJECT - Application February 9, 2004 - reopening for an extension of term of variance which expires October 29, 2004 and for an amendment to authorize the legalization of the conversion of the building to an accessory convenience store.

PREMISES AFFECTED - 2100 Williamsbridge Road, northeast corner of Williamsbridge Road and Lydig Avenue, Block 4310, Lot 30, Borough of The Bronx.

COMMUNITY BOARD #11

1018-65-BZ

APPLICANT - Sheldon Lobel, P.C., for Colin Development Corp., owner.

SUBJECT - Application June 8, 2004 - reopening for an amendment to the resolution to redevelop the existing gasoline service station and eliminate the automotive service bays and construction of a new convenience store.

PREMISES AFFECTED - 159-04 Cross Bay Boulevard, between 159th and 160th Avenues, Block 14013, Lot 64, Borough of Queens.

COMMUNITY BOARD #10

221-88-BZ

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for North Shore University Hospital, owner; Central Parking System of New York, Inc., lessee.

SUBJECT - Application April 16, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired on December 6, 2003, to allow an open parking on the roof of an accessory parking garage, located in an R7-1 zoning district.

PREMISES AFFECTED - 102-01 66th Road, 102-14 66th Avenue, 66-06 103rd Street, Block 2131, Part of Lot 16, Borough of Queens.

COMMUNITY BOARD #6

213-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Sheila Schaberich, lessee.

256-01-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Mundream Realty Corp., owner; Hempstead Auto Care, Inc., lessee.

SUBJECT - Application March 4, 2004 - reopening for an amendment to the resolution to permit a one story enlargement to the existing building and new partitions within the salesroom.

PREMISES AFFECTED - 219-06 Hempstead Avenue, southeast corner of 219th Street and Hempstead Avenue, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD #13

APPEALS CALENDAR

15-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Fred Corona, owner.

SUBJECT - Application January 21, 2004 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 8 Reynolds Street, south side, 100' west of St. Mary's Avenue, Block 2989, Tentatively Lot 28, Borough of Staten Island.

COMMUNITY BOARD #1

25-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

SUBJECT - Application February 11, 2004 - Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 506 Bradford Avenue, south side, 148' south of Drumgoole Road, Block 6946, Lot 36, Borough of Staten Island.

COMMUNITY BOARD #3

26-04-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Michael Picciallo, owner.

SUBJECT - Application February 11, 2004 - Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 510 Bradford Avenue, south side, 108' south of Drumgoole Road, Block 6946, Lot 38, Borough of Staten Island.

COMMUNITY BOARD #3

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service

CALENDAR

road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 40 Queens Walk, west side, 203.23' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

214-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Gregory Allen, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, has a private disposal system in the bed of a service road and is located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 18 Essex Walk, north west corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

215-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Michael Behringer, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 4 Jamaica Walk, west side, 30' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

216-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; John Whelan, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 14 Essex Walk, west side, 55.80' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

SEPTEMBER 21, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 21, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

COMMUNITY BOARD #14

217-04-A

APPLICANT - Joseph A. Sherry for Breezy Point Inc., owner; Kathryn Byrnes, lessee.

SUBJECT - Application May 25, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law. PREMISES AFFECTED - 464 Seabreeze Walk, east side, 30.71' east of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

218-04-A

APPLICANT - The Agusta Group, for Tanya Tang, owner.

SUBJECT - Application May 26, 2004 - Proposed construction of a four story and cellar eight family residential building, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 100-23 39th Avenue, north side, between 100 and 102nd Streets, Block 1767, Lot 60, Borough of Queens.

COMMUNITY BOARD #3

221-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Laura & Glenn Pfister, owners.

SUBJECT - Application June 2, 2004 - Proposed alteration and enlargement of an existing one family dwelling, located within the bed of a mapped street, and has a private disposal system in the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 39 Irving Walk, north side of Breezy Point Boulevard, 518.38' west of Beach 207th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #3

ZONING CALENDAR

388-03-BZ

APPLICANT - Francis R. Angelino, Esq., for 444 Broadway Associates, LLC, owner; Five Points Fitness, LLC, lessee.

SUBJECT - Application December 12, 2003 - under Z.R. §73-36

MINUTES

to permit the legalization of a physical culture establishment, located on the second floor in an M1-5B zoning district, which requires a special permit.

PREMISES AFFECTED - 444 Broadway, Bounded by Grand, Crosby and Howard Streets, Block 232, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #2

147-04-BZ

APPLICANT - Sullivan, Cheser & Gardner, P.C., for Ben Schrank, owner.

SUBJECT - Application April 8, 2004 - under Z.R. §72-21 to permit the proposed conversion of a light manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 459 Carroll Street, 175' west of the corner of Carroll Street and Third Avenue, Block 447, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #6

156-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Edwin Umanoff, owner.

SUBJECT - Application April 13, 2004 - under Z.R. §72-21 to permit the legalization of an existing insurance brokerage business, Use Group 6, located in an R5 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 9712 Flatlands Avenue, between East 98th Street and Rockaway Parkway, Block 8205, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #18

188-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Joshua Frankel, owner.

SUBJECT - Application May 4, 2004 - under Z.R. §73-622 to permit the legalization of an enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open

88-92-BZ

APPLICANT - Kenneth H. Koons, Architect, for 3007 Enterprise, Inc., owner.

SUBJECT - Application April 9, 2004 - reopening for an extension of term of variance which expired June 28, 2004 for an existing Diner which was enlarged in 1994 under Z.R. Section 11-411.

PREMISES AFFECTED - 3007 East Tremont Avenue, northeast corner Ericson Place, Block 5381, Lot 38, Borough of The Bronx.

COMMUNITY BOARD #10

space ratio, side and rear yards, and is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1378 East 28th Street, west side, 130' north of Avenue "N", Block 7663, Lot 82, Borough of Brooklyn.

COMMUNITY BOARD #14

Pasquale Pacifico, Executive Director

SEPTEMBER 28, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 28, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

554-54-BZ

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

SUBJECT - Application June 22, 2004 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 6201 Avenue U, Avenue U and Mill Avenue, Block 8405, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #18

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application June 22, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired April 10, 2004.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #7

SEPTEMBER 28, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 28, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

214-03-BZ

APPLICANT - The Agusta Group, for 388 Broadway Owners LLD, owner; Sunny Cheuck, lessee.

SUBJECT - Application December 23, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the first floor of a five story loft building, in an M1-5 zoning district, which requires a special permit.

PREMISES AFFECTED - 388 Broadway, east side, between White and Walker Streets, Block 195, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #1M

22-04-BZ

APPLICANT - Sheldon Lobel, P.C., for 2556 Miftar Corp., owner.

SUBJECT - Application February 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a six-story garage, plus a cellar and sub-cellar, to be occupied as an enclosed fully attended commercial parking facility, Use Group 8c, located in an R7-1 zoning district, is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2556 Briggs Avenue, fronting on Briggs Avenue, Poe Place and Coles Lane, Block 3293, Lots 21 and 90, Borough of The Bronx.

COMMUNITY BOARD #7

71-04-BZ

APPLICANT - Rudolf Gedeon, for Joseph Duton St. Jour, owner.

SUBJECT - Application March 5, 2004 - under Z.R. §72-21 to permit the proposed construction of a three family residence, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area ratio and side yard, is contrary to Z.R. §23-141(b) and §23-462(a).

PREMISES AFFECTED - 720 East 86th Street, between Glenwood Road and Flatlands Avenue, Block 8006, Lot 47, Borough of Brooklyn.

PREMISES AFFECTED - 129 Elizabeth Street, west side, 60'-5' south of Broome Street, Block 470, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #2M

205-04-BZ

APPLICANT - Philip L. Rampulla, for Dominick Casale, owner.

SUBJECT - Application May 18, 2004 - under Z.R. §72-21 to permit the proposed construction of a single family detached dwelling, Use Group 1, located within an R3-1 South Richmond District, which does not provide the required front yard and exceeds the floor area requirement, is contrary to Z.R. §107-461 and §23-14.

PREMISES AFFECTED - 375 Tennyson Drive, southwest corner of Groton Street, Block 5317, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #3

COMMUNITY BOARD #18

132-04-BZ

APPLICANT - Eric Palatnik, P.C. of Counsel to Charles Foy, Esq., for Malu Properties, Inc., owner.

SUBJECT - Application March 15, 2004 - under Z.R. §72-21 to permit the proposed commercial (Use Group 6), use of the ground floor of the otherwise as-of-right proposed mixed use building, located in an R7-2 zoning district, which is contrary to Z.R. §32-15.

PREMISES AFFECTED - 310 East Houston Street, southeast corner of Avenue "P", Block 384, Lot 4, Borough of Manhattan.

COMMUNITY BOARD #3M

137-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Steven Sharabli, owner.

SUBJECT - Application March 24, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, located within an R3-2 zoning district, which exceeds the allowable floor area, lot coverage, perimeter wall height, and side yard and rear yards, is contrary to Z.R. §23-141, §23-631, §23-48 and §23-47.

PREMISES AFFECTED - 1755 East 28th Street, between Quentin Road and Avenue "R", Borough of Brooklyn.

COMMUNITY BOARD #15

150-04-BZ

APPLICANT - The Agusta Group, for Shun K. Fung, owner.

SUBJECT - Application August 3, 2004 - under Z.R. §72-20 to permit the proposed construction of a mixed-use residential and commercial building, within an M1-5 zoning district, which does not permit residential use, and has a non-complying front wall, is contrary to Z.R. §42-10 and §43-43.

Pasquale Pacifico, Executive Director

OCTOBER 5, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, October 5, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

MINUTES

813-63-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin LLP, for Selma R. Miller, owner; Central Parking Corporation, lessee.
SUBJECT - Application March 16, 2004 - reopening for an amendment to the resolution to amend the existing garage permit to include all 125 existing parking spaces.
PREMISES AFFECTED - 699/711 West End Avenue, west side of West End Avenue between West 94th and 95th Streets, Block 1253, Lot 21, Borough of Manhattan.
COMMUNITY BOARD #7

53-86-BZ

APPLICANT - Sheldon Lobel, P.C., for Hallmark Equities, L.P., owner.
SUBJECT - Application June 29, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired January 19, 2000.
PREMISES AFFECTED - 350 Wadsworth Avenue, west side of Wadsworth Avenue, 72.3' north of West 190th Street, Block 2170, Lot 281, Borough of Manhattan.
COMMUNITY BOARD #12

111-01-BZ

APPLICANT - Eric Palatnik, P.C., acting of Counsel to Charles R. Foy, Esq., for George Marinello, owner; Wendy's Restaurant, lessee.
SUBJECT - Application March 23, 2004 - reopening for an
70-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Rudolph Semar, owner; Coliseum Gym & Fitness Center, lessee.
SUBJECT - Application March 2, 2004 - under Z.R. §73-36 to permit the legalization of a change in occupancy from a "factory and storage" building, to a physical culture establishment, located in an M1-1 zoning district.
PREMISES AFFECTED - 69-91 75th Street, a/k/a 75-13 71st Avenue, northeast corner, Block 3794, Lot 77, Borough of Queens.
COMMUNITY BOARD #5Q

166-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Rhonda Schwerd, owner.
SUBJECT - Application April 22, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, side yard, rear yard and perimeter wall height, is contrary to Z.R. §23-141, §23-461A, §23-47 and §23-631.
PREMISES AFFECTED - 1765 East 23rd Street, east side,

amendment to the resolution to amend the hours of operation of the existing drive thru facility until 4 A.M. daily.
PREMISES AFFECTED - 9001 Ditmas Avenue, between 91st Street and Remsen Avenue, Block 8108, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #17

OCTOBER 5, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 5, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

3-04-BZ

APPLICANT - Eric Palatnik, P.C., for Rushikesh Trivedi, owner.
SUBJECT - Application January 6, 2004 - under Z.R. §72-21 to permit the proposed dental office, Use Group 6, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area, open space, front and side yards and use, which is contrary to Z.R. §24-111, §22-14, §24-34 and §24-35.
PREMISES AFFECTED - 147-08 46th Avenue, between Parsons Boulevard and 149th Street, Block 5452, Lot 3, Borough of Queens.
COMMUNITY BOARD #7

between Quentin Road and Avenue 'R', Block 6806, Lot 65, Borough of Brooklyn.
COMMUNITY BOARD #15

183-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Dynasty 23rd Street Realty, Inc., owner; MOA, lessee.
SUBJECT - Application April 30, 2004 - under Z.R. §73-36 to permit the proposed physical culture establishment on the second floor of a five story commercial building, located in a C6-3X zoning district, which requires a special permit as per Z.R. §32-10.
PREMISES AFFECTED - 206 West 23rd Street, south side, between Seventh and Eighth Avenues, Block 772, Lot 52, Borough of Manhattan.
COMMUNITY BOARD #4M

191-04-BZ

APPLICANT - Eric Palatnik, P.C., for Jeffrey Knobel, owner.

MINUTES

SUBJECT - Application May 7, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 2, located in R5 zoning district, which does not comply with the zoning requirements for floor area, open space and rear yard, is contrary to Z.R. §23-141(a) and §23-47.

PREMISES AFFECTED - 1376 East 24th Street, between Avenues "N and "M", Block 7659, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14

237-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Tony Perez Cassino, owner.

SUBJECT - Application June 21, 2004 - under Z.R. §72-21 to permit the proposed construction of a two-unit detached house, in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage ratio, height, side and front yards, and is contrary to Z.R. §23-141, §23-48, §23-45 and §23-631.

PREMISES AFFECTED - 5722 Faraday Avenue, southeast corner of Valles Avenue, Block 5853, Lot 2198, Borough of The Bronx.

COMMUNITY BOARD #8

284-04-BZ

APPLICANT - Raymond Levin, Wachtel & Masyr, LLP, for ERMA Realty LLC, owner.

SUBJECT - Application August 11, 2004 - under Z.R. §§73-03 and 73-50 to permit the proposed construction of a one story warehouse building, located in an M1-1 and R6/C2-3C zoning district, that will encroach within the 30-foot open area along district boundaries coincident with rear lot lines of two adjoining zoning lots, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 2064/2128 Atlantic Avenue and 268/80 Saratoga Avenue, between Howard and Saratoga Avenues, Block 1432, Lots 5-19, 22,25, 28, 30-33 and 35, Borough of Brooklyn.

COMMUNITY BOARD #16

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, AUGUST 17, 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, June 8, 2004, were approved as printed in the Bulletin of June 17, 2004, Volume 89, Nos. 24-25.

SPECIAL ORDER CALENDAR

120-93-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry McNulty, owner.
SUBJECT - Application December 17, 2003 - reopening for an extension of term of variance which expired May 10, 2004 and for an amendment to allow the elimination of gasoline sales, permitting the sale of used automobiles and increase on site parking to 9 spaces
PREMISES AFFECTED - 222-19 Linden Boulevard, northwest corner of Linden Boulevard and 223rd Street, Block 11323, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sheldon Lobel and Elisa B. Hwu.

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

THE VOTE TO GRANT-

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 8, 2004, after due notice by publication in The City Record, with a continued hearing on July 20, 2004 and laid over to August 17, 2004 for decision; and

WHEREAS, the applicant requests a re-opening, an extension of the term of the variance which expired on May 10, 2004, and an amendment to the resolution; and

WHEREAS, since July 24, 1956, the Board has exercised jurisdiction over the premises under calendar number 749-53-BZ, with further actions occurring since that date, the most recent being a special permit under the subject calendar number, granted on May 10, 1994, for the reestablishment of a gasoline service station with accessory uses on the premises; and

WHEREAS, the applicant currently seeks approval for the elimination of gasoline sales and the creation of a parking area for nine cars, part of which will be utilized for used car sales and part of
PREMISES AFFECTED - 1199 Park Avenue, northeast corner of East 94th Street, Block 1525, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8

APPEARANCES -

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD - Laid over to September 21, 2004, at 10 A.M., for continued hearing.

which will be used for cars awaiting entry into the service bay garage; and

WHEREAS, Queens Community Board 13 and the Queens Borough President recommend approval of this application.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from May 10, 2004 expiring on May 10, 2014, and to permit the elimination of gasoline sales and the creation of a parking area for nine cars, part of which will be utilized for used car sales and part of which will be used for cars awaiting entry into the service bay garage; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received August 2, 2004'-(3) sheets; 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 welding, body or fender work done on the premises;

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

THAT all signage shall conform to underlying district requirements;

THAT a certificate of occupancy will be obtained within one year from the date of this grant;

THAT landscaping shall be provided and maintained in accordance with BSA 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 Application #401753223)

Adopted by the Board of Standards and Appeals, August 17, 2004.

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.

198-66-BZ

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

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

MINUTES

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 26, 2004, at 10 A.M., for continued hearing.

67-91-BZ

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

APPEARANCES -

For Applicant: Juan Reyes.

ACTION OF THE BOARD - Laid over to September 21, 2004, at 10 A.M., for continued hearing.

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

APPEARANCES -

For Applicant: Gene Kaufman, Zygmunt Staszewski and Caroline Hair.

For Administration: Lisa Orrantia, Department of Buildings; Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to October 5, 2004,

REGULAR MEETING

TUESDAY AFTERNOON, AUGUST 17, 2004

2:00 P.M.

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

at 10 A.M., for continued hearing.

44-04-A

APPLICANT - NYC Department of Buildings.

OWNER OF RECORD: Martin Suss

LESSEE: William J. Newstad; Endeavor Abstract; Paladin Abstract. SUBJECT - Application February 25, 2004 - Application to revoke or modify Certificate of Occupancy No. 500353422, issued on 2/28/00, on the grounds that the CO was issued with the mistaken understanding that the non-conforming use was continuous, thus improperly allowing a retail store in a residential zoning district. PREMISES AFFECTED - 1491 Richmond Road, bounded by Norden Street and Forest Road, Block 869, Lot 374, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Janine Gaylard.

For Opposition: Heather Perach.

ACTION OF THE BOARD - Laid over to October 5, 2004, at 10 A.M., for continued hearing.

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

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:30 A.M.

261-03-BZ

APPLICANT - Sheldon Lobel, P.C., for PLK Realty Corp., 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

MINUTES

Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 15, 2003, acting on Department of Buildings Application No. 200565619, reads:

"The proposed use of building for automobile repair shop, Use Group 16, in an R7-1 district is contrary to Section 23-00 ZR."; and

WHEREAS, a public hearing was held on this application on January 27, 2004 after due notice by publication in the City Record, with continued hearings on March 30, 2004, June 22, 2004, and July 13, 2004 and then to decision on August 17, 2004; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the legalization of an existing one-story building as an auto repair shop (Use Group 16), on a site within an R7-1 zoning district, which is contrary to Z.R. §23-00; and

WHEREAS, the subject premises is a 10,129 sq. ft. lot on the northeast corner of Stebbins Avenue and East 170th Street; and

WHEREAS, the lot is improved with a 18 feet high, one-story building with 5,000 sq. ft. of floor area, currently used an auto repair shop (the "Auto Shop Building"), and a one-story building with 2,340 sq. ft. of floor area, currently used as a church; and

WHEREAS, the subject application only concerns the auto repair use in the Auto Shop Building, as the use of the other building by the church is as-of-right; and

WHEREAS, the record indicates that in 1948, a Certificate of Occupancy was issued, establishing the legal use of the premises as

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, in response to a Board request, the applicant has submitted a letter from its feasibility expert explaining the figures used in the feasibility study; specifically, the letter explains the comparable rental price and the water and sewage charges; and

WHEREAS, this letter also notes that residential development may, at some point in the future, be feasible on the site; and

WHEREAS, the Board has reviewed this letter and finds it credible and sufficient, and agrees that residential may be feasible in the future; and

WHEREAS, at the suggestion of the Board, the applicant has agreed to a condition in this resolution limiting the term of the variance to five years, at which time an analysis of a residential scenario will be submitted to the Board; and

WHEREAS, based upon its review of the record, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in

"Stores and Garage for 4 Motor Vehicles"; and

WHEREAS, the applicant represents that the Auto Shop Building has been used for auto repairs for approximately twenty years; and

WHEREAS, this application seeks the legalization of the use the Auto Shop Building for auto repairs; no enlargement of the building is being requested; and

WHEREAS, the applicant states that subject lot has a depth at the westerly end of 96 feet and at the easterly end of 105 feet; and

WHEREAS, the applicant also states that the lot is severely sloped down East 170th street at an approximately twelve degree grade, with an approximately four feet drop from the party wall shared by the two existing buildings to the northernmost wall of the church building; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in conforming with underlying district use regulations: (1) the unique shape and slope of the lot; and (2) the site's history of commercial use; and

WHEREAS, at hearing, the Board inquired as to the relationship between the lot's physical conditions and the economic hardship, and asked if the Auto Shop Building could support a vertical enlargement; and

WHEREAS, in response to this inquiry, the applicant has submitted a letter from an architect explaining: (1) that there is no evidence that the Auto Shop Building's foundation was designed to support more than its existing load; and (2) that the slope of the lot is not so steep as to allow the garaging of vehicles underground, but is steep enough so that a cost-prohibitive retaining wall, as well as a ramp or vehicle lift, would have to be constructed; and

WHEREAS, the Board has reviewed this letter and finds it credible and sufficient; and

WHEREAS, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardship in using the site in strict conformity with current zoning; and

strict conformity with zoning will provide a reasonable return; and

WHEREAS, the applicant states that the area surrounding the site is mixed-use in character, containing both commercial and residential uses, as well as a multitude of vacant lots; and

WHEREAS, the Board has reviewed the submitted land use map and observed that there are other commercial uses in proximity to the site; and

WHEREAS, the Board confirmed the above observation upon conducting a site visit of the premises and the surrounding neighborhood; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, this proposal is the minimum necessary to afford

MINUTES

the owner relief; and

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. §72-21, to permit the legalization of an existing one-story building as an auto repair shop (Use Group 16), on a site within an R7-1 zoning district, which is contrary to Z.R. §23-00; on condition that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received August 18, 2003"-(3) sheets and "Received March 16, 2004"-(1) sheet; and on further condition:

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

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

THAT there shall be no welding, burning, painting or bodywork performed at the premises;

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

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

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe M. Friedman

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 13, 2003 acting on Application No. 301662216, reads;

“Proposed vertical enlargement to existing school is contrary to:

ZR 113-51 Floor Area & Floor Area Ratio

ZR 24-11 Open Space & Lot Coverage

ZR 113-545 & 23-45 Front Yard

wheel tool only;

THAT there shall be no parking of vehicles on the sidewalks at any time;

THAT this variance shall expire on August 17, 2009, at which time the applicant must re-apply to the Board, and submit a financial study analyzing the feasibility of residential development of the site;

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

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

THAT a new certificate of occupancy be obtained within one year from the date of this grant;

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, August 17, 2004.

366-03-BZ

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

ZR 113-543 & 23-461 Side Yards & Min. Side Yard

ZR 113-55 & 23-631 Height & Setback”; and

WHEREAS, a public hearing was held on this application on May 18, 2004, after due notice by publication in The City Record, with a continued hearing on July 13, 2004 and laid over to August 17, 2004 for decision; and

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

WHEREAS, this is an application under Z.R. '72-21 to permit the proposed vertical enlargement to an existing school, Use Group 3, located in the R5 Ocean Parkway Special Zoning District, which does not comply with the zoning requirements for floor area, floor area ratio, open space, lot coverage, front yard, side yards, minimum side yard, loading, height and setback, and contrary to Z.R. §§113-51, 24-11, 113-545, 23-45, 116-543, 23-461, 113-65, 23-631 and 113-22(a); and

WHEREAS, the subject premises is located on the east side of 7th Street, between Avenue S and Avenue T, occupied a two-story brick building, with a width of 21'6" and a depth of 80'0", originally built in 1926 as a multiple dwelling and converted to a synagogue and religious school in 1997 under DOB Application No. 300390486; and

WHEREAS, the record indicates that as the school expanded, it purchased and occupied the adjacent building, 1997 East 7th Street - also a two-story brick building originally build in 1926 as a multiple dwelling - which shares an alley with the subject premises;

MINUTES

and

WHEREAS, the subject application seeks to enlarge the school through the construction of a third floor level which would connect the two buildings; and

WHEREAS, the proposal seeks to increase the F.A.R from the permitted 1.5 to 1.82, reduce the open space ratio from the required 45% to 25.31%, increase the lot coverage from the permitted 55% to 74.69% and increase the perimeter wall height from the permitted 32' to 36'-2"; and

WHEREAS, the proposal also seeks to waive the 15' setback requirement, the required side yards of 5' and 8', and the minimum side yard requirement of 5'; and

WHEREAS, the applicant represents that the existing buildings have a non-complying front yard of 2'-6" and the proposed third floor will have a front yard of 5' which does not comply with the 10' required front yard; and

WHEREAS, the applicant represents that the school has outgrown its present facilities, and requires additional classroom space and a synagogue; and

WHEREAS, the applicant further represents that the existing buildings are too narrow to accommodate a synagogue of necessary size, and therefore the creation of a larger, combined third floor level is necessary to meet the programmatic needs of the congregation; and

WHEREAS, the applicant states that it would be unfeasible to fill in the alley area between the buildings on the existing first and second floors because it would result in the suspension of all religious

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

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

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

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

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

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

WHEREAS, the Board finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program policies.

Therefore, it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. §72-21 to permit the proposed construction vertical enlargement to an existing school, Use Group 3, located in

and educational services to the students and the community; and

WHEREAS, the Board finds that there is a unique condition, namely the narrowness of the existing building, which, when considered in conjunction with the programmatic needs of the school, create practical difficulties and unnecessary hardship in constructing a building that complies with the underlying district regulations; and

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

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has redesigned the proposal with a greater front setback at the third floor level and a lower fence on the first floor level to minimize any visual impact on the surrounding area; and

WHEREAS, the applicant represents that the existing community facility is a conforming use and the proposed enlargement will not adversely affect the character of the surrounding area; and

WHEREAS, the applicant has agreed to install soundproofing on the walls and roof of the proposed third floor level and rubber padding on the walls of the sunken play yard at the rear of the building; and

WHEREAS, the applicant has submitted an operations plan and an analysis of the proximity of the children who attend the school which demonstrate that approximately 70% of the students live within a half-mile from the school; and

the R5 Ocean Parkway Special Zoning District, which does not comply with the zoning requirements for floor area, floor area ratio, open space, lot coverage, front yard, side yards, minimum side yard, loading, height and setback, contrary to Z.R. §§113-51, 24-11, 113-545, 23-45, 116-543, 23-461, 113-65, 23-631 and 113-22(a), on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received November 25, 2003"-(3) sheets, "June 29, 2004"-(2) sheets, and "July 29, 2004"-(5) sheets; and on further condition;

THAT there shall be no blockage of the vehicular driveways of any neighboring buildings;

THAT the hours for the rear playground shall be limited to Monday through Thursday 9:00 A.M. to 3:45 P.M.; Friday 9:00 A.M. to 12:00 P.M.; and Sunday 10:30 A.M. to 1:30 P.M.; and

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

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

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

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

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

Adopted by the Board of Standards and Appeals, August 17,

MINUTES

2004.

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 -

For Applicant: Harold Weinberg.

For Opposition: Lillaho Curto and Nancy Haynes.

ACTION OF THE BOARD - Laid over to September 28, 2004, at 1:30 P.M., for continued hearing.

SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed seven story multiple dwelling, Use Group 2, with 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: Harold Weinberg.

For Opposition: Linda Zamorotta, Artennis Willis, Mark?, Patty Giovenco and Megan Cash.

ACTION OF THE BOARD - Laid over to October 5, 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 M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and 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 - None.

ACTION OF THE BOARD - Laid over to September 21, 2004, at 1:30 P.M., for continued hearing.

183-03-BZ

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

SUBJECT - Application June 3, 2003- under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

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

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 28, 2004, at 1:30 P.M., for continued hearing.

186-03-BZ

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

255-03-BZ

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

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

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

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Laid over to October 19, 2004, at 1:30 P.M., for continued hearing.

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 -

For Applicant: Chris Wright.

ACTION OF THE BOARD - Laid over to October 26, 2004, at 1:30 P.M., for continued hearing.

MINUTES

273-03-BZ thru 285-03-BZ

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

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

PREMISES AFFECTED -

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

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

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

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

211-46 94th Road, center of the block between Jamaica and 94th Avenues, Block 10546, Lot 102, Borough of Queens.

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Richard Lobel and Gerald Caliendo.

For Opposition: Nagassar Ramgarib, Joseph Gormley, P.E., R. Cloutier, John Stiller and Rich Hellenbrecht.

ACTION OF THE BOARD - Laid over to October 19, 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 Klein and Mark Scharff.

Queens.

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

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

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

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

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

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

ACTION OF THE BOARD - Laid over to October 5, 2004, at 1:30 P.M., for continued hearing.

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 Palicano and Hiram Rothkrug.

For Opposition: John Paskalis.

ACTION OF THE BOARD - Laid over to September 28, 2004, at 1:30 P.M., for continued hearing.

341-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Chelsea Ventura, LLC, owner.

SUBJECT - Application November 6, 2003 - under Z.R. §72-21 to permit the proposed construction of a new residential building, on a merged zoning lot with an existing multiple dwelling, which creates non-compliances with respect, floor area ratio, number of dwelling units, and rear yard equivalent, is contrary to Z.R. §23-145, §23-22 and §23-533.

PREMISES AFFECTED - 343 West 16th Street, between Eighth and Ninth Avenues, Block 740, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #4M

MINUTES

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 14, 2004, at 1:30 P.M., for decision, hearing closed.

365-03-BZ

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

SUBJECT - Application November 25, 2004 - under Z.R. §72-21 to permit the construction of a two story, two family dwelling, Use

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the construction of a new four-story mixed use building with residential, commercial, and community facility uses (Use Group 2, 3, and 6) in an C1-2/R3-2 zoning district, in which does not comply with Zoning Resolution §23-141(b), §23-22, §23-631(b), §23-45, §23-631(b)(4), §25-23, §25-231, §25-72 and §35-31.

PREMISES AFFECTED - 110-42 Merrick Boulevard, between 111th Avenue and 110th Road (Former Lots 65 and 67-76), Block 10200, Lot 71 (tent), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik, Rev. Floyd Flake and Edwin Reed.

For Opposition: John Spotsey.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 14, 2004, at 1:30 P.M., for decision, hearing closed.

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

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

Group 2, which does not provide the required side yard which is contrary to Z.R. §23-462.

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Opposition: Rich Hellenbrecht.

ACTION OF THE BOARD - Laid over to October 5, 2004, at 1:30 P.M., for continued hearing.

368-03-BZ

APPLICANT - Eric Palatnik, P.C., for The Greater Allen Cathedral of New York, owner., Allen AME Housing Corp., lessee.

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 14, 2004, at 1:30 P.M., for decision, hearing closed.

28-04-BZ thru 35-04-BZ

APPLICANT - Steve M. Sinacori, Stadtmauer Bailkin LLP for NYC Partnership Housing Development Fund Company, Inc., owner.

SUBJECT - Application February 11, 2004 - under Z.R. §72-21 to permit within an R5 zoning district relief from the side yard requirement in connection with the erection of a 2,231 square foot 2-family home as part of an affordable housing project which is contrary to Z.R. section 23-461(b).

PREMISES AFFECTED -

427 Logan Street, east side of Logan Street between Pitkin and Glenmore Avenues, Block 4209, Lot 11, Borough of Brooklyn.

499 Logan Street, east side of Logan Street between Belmont and Pitkin Avenues, Block 4228, Lot 1, Borough of Brooklyn.

1109 Sutter Avenue, south side of Glenmore Avenue between Montauk and Atkins Avenues, Block 4039, Lot 36, Borough of Brooklyn.

842 Glenmore Avenue, Glenmore Avenue between Atkins and Montauk Avenues, Block 4007, Lot 15, Borough of Brooklyn.

860 Glenmore Avenue, south side of Glenmore Avenue between Montauk and Atkins Avenues, Block 4007, Lot 22, Borough of Brooklyn.

896 Glenmore Avenue, south side of Glenmore Avenue between Logan Street and Milford Street, Block 4208, Lot 22, Borough of Brooklyn.

910 Glenmore Avenue, south side of Glenmore Avenue between Logan Street and Fountain Avenue, Block 4209, Lot 12, Borough of Brooklyn.

247 Montauk Avenue, east side of Montauk Avenue between Belmont Avenue and Sutter Avenue, Block 4040, Lot 10, Borough of Brooklyn.

MINUTES

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Steven M. Sinacori and Jack Keegan.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 14,

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

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Laid over to October 19,

2004, at 1:30 P.M., for continued hearing.

128-04-BZ

APPLICANT - Marvin B. Mitzner, Fischbein Badillo Wagner Harding for Sam and Esther Minskoff Cultural Center, Park East Day School, Inc., owner.

SUBJECT - Application March 11, 2004 - under Z.R. §72-21 to permit the enlargement of an existing school (Use Group 3) in an R8B zoning district, which is contrary to Z.R. §23-633, §24-11, §24-33 and §24-552.

PREMISES AFFECTED - 162-168 East 68th Street, southside of East 68th Street, 100 feet west of Third Avenue, Block 1402, Lots 41 & 42 (tent. 42), Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner, Peter Geis, Herman Hochberg, Rabbi Abrahamson, Melah Gindi and Marylyn Meltzer

For Opposition: Jane Smith, Ken Podziba, Rita Chu, Kathryn Wagner, Paulie Kislik T. Gorman Reilly(Civitas), Wong Liff and M. Hamilton.

ACTION OF THE BOARD - Laid over to September 28,

2004, at 1:30 P.M., for continued hearing.

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

2004, at 1:30 P.M., for decision, hearing closed.

125-04-BZ

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

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

APPEARANCES -

For Applicant: Sheldon Lobel and Albert Cohen.

For Opposition: Charles Sutton.

ACTION OF THE BOARD - Laid over to September 21,

2004, at 1:30 P.M., for continued hearing.

182-04-BZ

APPLICANT - Howard A. Zipser/Stadtmauer Bailkin, for Chelsea/Village Associates, for Harmic III, LLC, lessee.

SUBJECT - Application April 29, 2004 - under Z.R. §72-21 to permit proposed eating and drinking establishment (comedy theater), Use Group 12, on a zoning lot, split between a C6-2A and R8B zoning district, of which a portion is located in the R8B district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 351/53 West 14th Street, north side, between Eighth and Ninth Avenues, Block 738, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Steven Sinacori, Rick Adams and others.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 21,

2004, at 1:30 P.M., for decision, hearing closed.

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,

MINUTES

Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: Robert Piscioneri.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to September 21,
2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 7:20 P.M.

CORRECTIONS

***CORRECTION**

This resolution adopted on April 13, 2004, under Calendar No. 144-00-BZ and printed in Volume 89, Bulletin Nos. 16-17, is hereby corrected to read as follows:

144-00-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Birch Wathen Lenox School, owner.

SUBJECT - Application January 28, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 210 East 77th Street, south side of 77th Street, 145 East of Third Avenue, Block 1431, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Adam Rothkrug, Michael Specter, Michael Delsordo, Frank Carnabuci, Elizabeth Levethal, Janine Hopley, Chris Carlin and Jonathan Theobald.

ACTION OF THE BOARD - Application reopened and resolution amended.

For Applicant: Adam W. Rothkrug.

THE VOTE TO GRANT -

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

Negative:0

Absent: Commissioner Miele1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 30, 2004, after due notice by publication in The City Record, and laid over to April 13, 2004 for decision; and

WHEREAS, on September 12, 2000, the Board granted a variance under the subject calendar number to permit the enlargement of an existing school, which increased the degree of non-compliances with respect to floor area, lot coverage, height, setbacks, rear and side yard; and

WHEREAS, the applicant represents that after the original variance was granted, the project engineers determined that the existing structure could not support the loads generated in connection with construction of the proposed gymnasium on the roof; and

WHEREAS, subsequently, the plans were redesigned to maintain and enlarge the existing gymnasium on the 2nd floor, and reconfigure the areas on the 8th, 9th and 10th floors for other school uses; and

WHEREAS, the applicant represents that the non-complying setback from the existing street wall of the building (as authorized in the previous grant) would be eliminated as a result of the reconfiguration of 8th, 9th and 10th floors; and

WHEREAS, the applicant states that the proposed changes will not change the footprint of the building and will result in a decrease in the proposed additional floor area from 13,616 square feet to 10,965 square feet-a reduction in F.A.R. from 8.55 to 8.12, as well

as a decrease in the overall height of the building from 125 feet to 120.4 feet.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, and reopens and amends the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, so that as amended this portion of the resolution shall read: "to permit a modification of approved plans to reflect a decrease in square footage and a change in interior arrangement and design, on condition that all work shall substantially conform to drawings as filed with this application marked "January 28, 2004"- (20) sheets; and on further condition;

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

THAT appropriate soundproofing measures shall be installed and maintained in accordance with the March 24, 2004 submission from Cerami and Associates;

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# 103628111)

Adopted by the Board of Standards and Appeals, April 13, 2004.

***The resolution has been corrected in the part of the second WHEREAS, which read: "...setbacks and side yard; and;" now reads: "setbacks, rear and side yard; and". Corrected in Bulletin No. 35, Vol. 89, dated August 26, 2004.**

Pasquale Pacifico, Executive Director.