
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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January 15, 2004

DIRECTORY

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DOCKETS

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391-03-BZ B.BK. 1288 East 19th Street, between Avenues "L and M", Block 6738, Lots 36, 38, 137 and part of 136, Borough of Brooklyn. N.B.#301662617. Proposed construction of an eight-story plus basement residential building, Use Group 2, located in an R6 zoning district, which does not comply with the zoning requirements for maximum building height and floor area, is contrary to Z.R. §23-633 and §23-145.

COMMUNITY BOARD #14BK

392-03-A B.Q. 20 Janet Lane, south side, 206' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens. Alt.1#401737741. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

393-03-A B.Q. 2 Roxbury Avenue, southeast corner of Marshall Avenue, Block 16340, Lot 50, Borough of Queens. Alt.1#401737750. Proposed enlargement and alteration 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. The building is not considered within 100' of a corner, therefore, 30'0" rear yard is required for second story enlargement.

394-03-BZ B.Q. 16-61 Weirfield Street, between Wyckoff and Cypress Avenues, Block 3549, Lots 74, 78 and 80, Borough of Queens. Applic.#401713428. Proposed physical culture establishment, located in an M1-4D zoning district, which will occupy ground and mezzanine levels in an existing one story plus mezzanine building, requires a special permit from the Board as per Z.R.§73-36.

COMMUNITY BOARD #5Q

395-03-A B.Q. 253-02 Rockaway Boulevard, located on Rockaway Boulevard and corner of East Dock Street, Block 13921, Lot 82, Borough of Queens. Applic.#401730677. Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

396-03-A B.Q. 253-06 Rockaway Boulevard, located on Rockaway Boulevard and corner of East Dock Street,

Block 13921, Lot 84, Borough of Queens. Applic.#401729037. Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

397-03-BZ B.BK. 1255 60th Street, between 12th and 13th Avenues, Block 5711, Lot 155, Borough of Brooklyn. N.B.#301646011. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

398-03-BZ B.BK. 1257 60th Street, between 12th and 13th Avenues, Block 5711, Lot 154, Borough of Brooklyn. N.B.#301646020. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

399-03-BZ B.BK. 1259 60th Street, between 12th and 13th Avenues, Block 5711, Lot 153, Borough of Brooklyn. N.B.#301646039. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

400-03-BZ B.BK. 1261 60th Street, between 12th and 13th Avenues, Block 5711, Lot 152, Borough of Brooklyn. N.B.#301646048. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

401-03-BZ B.BK. 1263 60th Street, between 12th and 13th Avenues, Block 5711, Lot 151, Borough of Brooklyn. N.B.#301646057. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

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402-03-BZ B.BK. 1265 60th Street, between 12th and 13th Avenues, Block 5711, Lot 150, Borough of Brooklyn. N.B.#301646066. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

403-03-BZ B.BK. 1267 60th Street, between 12th and 13th Avenues, Block 5711, Lot 149, Borough of Brooklyn. N.B.#301646075. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

404-03-BZ B.BK. 1269 60th Street, between 12th and 13th Avenues, Block 5711, Lot 148, Borough of Brooklyn. N.B.#301646084. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

405-03-BZ B.BK. 1271 60th Street, between 12th and 13th Avenues, Block 5711, Lot 147, Borough of Brooklyn. N.B.#301646093. Proposed three story (3) plus attic building, to contain three residential units, located in an M1-1 zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #12BK

406-03-BZY B.S.I. 2 Wenlock Street, south side, 30'west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 33, Borough of Staten Island. N.B.#500657032. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

407-03-BZY B.S.I. 4 Wenlock Street, south side, 48' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 32, Borough of Staten Island. N.B.#500657069. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

408-03-BZY B.S.I. 8 Wenlock Street, south side, 56' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 30, Borough of Staten Island. N.B.#500657078. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

409-03-BZY B.S.I. 10 Wenlock Street, south side, 82' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot

20, Borough of Staten Island. N.B.#500657087. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

410-03-BZY B.S.I. 95 Lansing Street, southwest corner of South Beach Avenue, Block 3404, Lots 31 and 34, Borough of Staten Island. N.B.#500646526. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

411-03-BZY B.S.I. 97 Lansing Street, southwest corner of South Beach Avenue, Block 3404, Lot 36, Borough of Staten Island. N.B.#500646517. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

412-03-BZY B.S.I. 99 Lansing Street, southwest corner of South Beach Avenue, Block 3404, Lot 37, Borough of Staten Island. N.B.#500646508. Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

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

FEBRUARY 24, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 24, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

1073-62-BZ

APPLICANT - Sheldon Lobel, P.C., for 305 East 40th Owner's Corporation, owner; Innovative Parking, LLC, lessee.
SUBJECT - Application January 13, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 5, 2003.
PREMISES AFFECTED - 301-313 East 40th Street, north side of East 40th Street, Block 1333, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #6M

34-94-BZ

APPLICANT - Maduakolam M. Nnabuihe, for Kenny Collado, owner.
SUBJECT - Application October 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 6, 2003.
PREMISES AFFECTED - 401, 403, 405 Castle Hill Avenue, aka 2181 Norton Avenue, northwest corner of Castle Avenue and Norton Avenue, Block 3510, Lot 1, Borough of The Bronx.
COMMUNITY BOARD #9BX

87-94-BZ

APPLICANT - The Law Office of Fredrick A. Becker, Esq., for Czech Republic, owner.
SUBJECT - Application November 13, 2003 - reopening for an extension of time to complete construction and for an amendment to the resolution.
PREMISES AFFECTED - 321-325 East 73rd Street, north side of 73rd Street, Block 1448, Lot 16, Borough of Manhattan.
COMMUNITY BOARD #8M

4-00-BZ

APPLICANT - Noel Im, for 243 West 30th Realty, LLC, c/o
342-03-BZ
APPLICANT - Jay Segal (Greenberg Traurig) for Vincent Perazzo, owner; 92-94 Greene Street, LLC, contract vendee.
SUBJECT - Application November 10, 2003 - under Z.R. §72-21 to permit the proposed seven-story building, that will have retail use in its cellar and first floor, and residential use on its upper six

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 amendment to the resolution.

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

COMMUNITY BOARD #5M

FEBRUARY 24, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 24, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

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

186-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Mount Carmel Plaza, LLC, owner.
SUBJECT - Application June 4, 2003 - under Z.R. §72-21 to permit the proposed seven story multiple dwelling, Use Group 2, with 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

floors, Use Groups 2 and 6, located in an M1-5A zoning district, which is contrary to Z.R. §42-14D, §42-00, §42-10 and §43-12.
PREMISES AFFECTED - 92/94 Greene Street, aka 109 Mercer Street, 100' north of Spring Street, Block 499, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #2M

CALENDAR

346-03-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Roadco, LLC, owner.

SUBJECT - Application November 13, 2003 - under Z.R. §72-21 to permit the legalization of an existing two family dwelling, Use Group 2, located in an R2 zoning district, which does not comply with the zoning requirements, regarding the number of units permitted on the zoning lot, is contrary to Z.R. §23-22.

PREMISES AFFECTED - 156-05 Cross Island Parkway, east of 156th Street, Block 4566, Lot 78 (tentative Lot No. 94), Borough of Queens.

COMMUNITY BOARD #7Q

office furniture facility, Use Groups 16 and 17, located in an M3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, setbacks, sky exposure plane, street wall height and parking spaces, which is contrary to Z.R. §43-12, §43-43, §44-21.

PREMISES AFFECTED - 1100 Leggett Avenue, south side, between Barry and Dupont Streets, Block 2606, Lot 125, Borough of the Bronx.

COMMUNITY BOARD #2BX

Pasquale Pacifico, Executive Director

377-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bond Street Garage I, LLC, owner; Tribeach Holdings, LLC, contract vendee.

SUBJECT - Application December 4, 1993 - under Z.R. §72-21 to permit the proposed mixed-use building, located in an M1-5B zoning district, which creates non-compliance with regards to residential and retail uses, also public parking and floor area, which is contrary to Z.R. §42-00, §42-14, §32-17 and §43-12.

PREMISES AFFECTED - 25 Bond Street, south side, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #2M

387-03-BZ

APPLICANT - Steven M. Sinacori/Stadtmauer Bailkin, for 1100 Leggett Avenue, Inc., owner; Green Office Systems, Inc., lessee.

SUBJECT - Application December 15, 2003 - under Z.R. §72-21 to permit the proposed expansion and reconstruction of a functionally obsolete one-story industrial building, thereby creating a modern climate controlled eight-story manufacturing and storage of

88, No. 45.

REGULAR MEETING
TUESDAY MORNING, JANUARY 6, 2004
10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, October 28, 2003, were approved as printed in the Bulletin of November 6, 2003, Volume

SPECIAL ORDER CALENDAR

1152-64-BZ

APPLICANT - Eric Palatnik, P.C., for Ford Leasing Development Company, owner.

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SUBJECT - Application August 27, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 2385 Richmond Avenue, between Nome Avenue and Richmond Hill Road, Block 2402, Lot 200, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application reopened and amended.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requests a waiver of the rules of practice and procedure and a re-opening to amend the resolution, to permit a one-story enlargement of an existing auto salesroom and repair shop; and

WHEREAS, a public hearing was held on this application on November 5, 2003, after due notice by publication in The City Record, and laid over to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the subject application is for the creation of a one-story enlargement to the existing building; said enlargement will comply with applicable bulk regulations; and

WHEREAS, the applicant represents that the enlargement is necessary because the auto sales establishment has experienced an increase in sales and service volume, and the current building is no longer sufficient to meet its business needs; and

WHEREAS, in or around March 1965, the Board approved the use of the premises for auto salesroom and repair shop for new cars under the subject calendar number; and

WHEREAS, the applicant represents that since the prior BSA approval, the premises has been continuously utilized as an auto showroom and repair shop for new cars.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, pursuant to Z.R. §72-01 and 72-22, said resolution having been adopted in or around March of 1965, so that as amended this portion of the resolution shall read:

"To permit a one-story enlargement of the existing auto

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy for a parking garage; and

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in The City Record, then laid over to November 5, 2003, November 25, 2003, and then to January 6, 2004 for decision; and

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution pursuant to Section 11-411 of the Zoning Resolution, said resolution having been adopted on April 13, 1966, so that as

salesroom and repair shop, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 18, 2003" - (10) 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 no mechanical lifts will be used outside of the enlarged building at the subject premises;

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 Application # 500630025)

Adopted by the Board of Standards and Appeals, January 6, 2004.

39-66-BZ

APPLICANT - Sheldon Lobel, P.C., for Jonathan Woodner Company, owner.

SUBJECT - Application August 4, 2003 - 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 April 30, 2003.

PREMISES AFFECTED - 43-70 Kissena Boulevard, south side of Kissena Boulevard, 304.22' west of Elder Avenue, Block 5137, Lot 102, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jordan Most.

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

amended this portion of the resolution shall read:

"to permit an extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on January 6, 2006, on condition

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

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

THAT the above conditions and all conditions from prior resolutions 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

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jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application No. 401212022)

Adopted by the Board of Standards and Appeals, January 6, 2004.

207-68-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Deerfield Meadows Inc., d/b/a Castro Convertibles, owner.

SUBJECT - Application July 14, 2003 - reopening for an extension of term of variance which expired June 18, 2003.

PREMISES AFFECTED - 115-58 Dunkirk Street, westerly side of Dunkirk Street, 80' north of Newburg Street, Block 10315, Lots 134, 225, 227, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Fredrick A. Becker.

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the term of the variance, which expired on June 18, 2003; and

WHEREAS, a public hearing was held on this application on October 21, 2003, after due notice by publication in The City Record, and laid over to December 16, 2003, and then to January 6, 2004 for decision; and

WHEREAS, on June 18 1968, the Board granted an application permitting a change in occupancy in an existing one-story building from a bowling establishment to the manufacture

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 #1672/67)

Adopted by the Board of Standards and Appeals, January 6, 2004.

140-71-BZ

APPLICANT - Carl A Sulfaro, Esq., for 12-42 150 Realty Corp., owner; Stork's Bakery, lessee.

SUBJECT - Application June 17, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 12-40/42 150th Street, southwest corner of 12th Road, Block 4505, Lot 29, Borough of Queens.

and storage of paper vacuum bags, with accessory parking; and

WHEREAS, in 1988, the Board granted an extension of the term and amended the resolution to change the use from the manufacture and storage of paper vacuum bags to bulk reupholstering of furniture and the storage of cable television wire; and

WHEREAS, in December 1994, the Board again amended the resolution to permit general storage.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Z.R. §§ 72-01 & 72-22, said resolution having been adopted on June 18, 1968 as amended through June 18, 1993 expiring June 18, 2003, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from June 18, 2003 expiring on June 18, 2013, on condition that all work shall substantially conform to drawings filed with this application marked "Received July 14, 2003"- (1) sheet, "September 12, 2003" -(1) sheet, and "December 16, 2003" -(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 fencing will contain full slats and be 100 per cent opaque;

THAT the Use Group 16 - Storage shall be limited to the rear portion of the premises;

THAT upon expiration of the term of this Variance, if the applicant/owner returns to the Board of Standards and Appeals for an extension, the applicant will submit with the application a financial study examining the feasibility of residential use of the premises;

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

THAT a new Certificate of Occupancy shall be obtained within one year of this resolution;

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application reopened, and resolution amended.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on September 9, 2003, after due notice by publication in The City Record, laid over to November 18, 2003 and then to January 6, 2004 for decision; and

WHEREAS, the applicant requests a re-opening, and an amendment to the resolution; and

WHEREAS, on June 22, 1971, the Board granted an application permitting an enlargement to an existing bakery that exceeded the floor area limitations for production space; and

WHEREAS, the applicant seeks to legalize the existing arrangement at the second floor level, dedicating a room for

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chocolate preparation to be used in conjunction with the first floor bakery, and to allow two residential apartments in the remaining space.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Z.R.§§72-01, 72-22 and 73-11 said resolution having been adopted on June 22, 1971, so that as amended this portion of the resolution shall read:

"to permit the legalization of the conversion of professional office space on the second floor to a chocolate preparation area and to allow two dwelling units, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 21, 2003"- (3) sheets and "November 24, 2003"- (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 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; 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 #401584237)

Adopted by the Board of Standards and Appeals, January 6, 2004.

WHEREAS, a public hearing was held on this application on December 16, 2003, after due notice by publication in The City Record, and then to January 6, 2004 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the special permit which expired on April 10, 2003; and

WHEREAS, on February 8, 1977, the Board granted an application permitting, in an existing shopping center, the conversion of a retail store to an amusement arcade for a term of one (1) year, on condition that the hours of operation be limited to 11:00 a.m. to 9:30 p.m. Monday through Saturday and 11:00 a.m. to 6:00 p.m. on Sunday.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to §73-03(f), said resolution having been adopted on February 8, 1977 as amended through April 10, 2002, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the special permit for an additional (1) year from April 10, 2003 to expire on April 10, 2004, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received September 26, 2003"- (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

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Myer Development Corp., owner; Peter Pan Games of Bayside, owner.
SUBJECT - Application September 26, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired April 10, 2003.

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

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

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

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative: Vice-Chair Babbar1

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and Commissioner Miele.....3

Negative: Vice-Chair Babbar1

THE RESOLUTION -

within 48 hours;

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; 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 #400732515)

Adopted by the Board of Standards and Appeals, January 6, 2004.

1255-80-BZ

APPLICANT - Gerald J. Caliendo, R.A., for Constantine Plagakis, owner.

SUBJECT - Application May 30, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 2, 2001.

PREMISES AFFECTED - 35-33 31st Street, east side of 31st Street, 217.71' North of 36th Avenue, Block 604, Lot 10, Borough of Queens.

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COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Gerald J. Caliendo and Sandy Anagnosto.

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

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the term of the variance, which expired on June 2, 2001; and

WHEREAS, a public hearing was held on this application on August 5, 2003, after due notice by publication in The City Record, and laid over to September 30, 2003, October 28, 2003, December 16, 2003 and then to January 6, 2004 for decision; and

WHEREAS, on June 2, 1981 the Board granted an

THAT upon expiration of the term of this Variance, if the applicant/owner returns to the Board of Standards and Appeals for an extension, the applicant will submit with the application a financial study examining the feasibility of residential use of the premises;

THAT a new Certificate of Occupancy shall be obtained within one year of this resolution;

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 #401647143)

Adopted by the Board of Standards and Appeals, January 6, 2004.

546-82-BZ

APPLICANT - Pasquale Carpentiere, for Pasquale Carpentiere, owner; Ganesh Budhu, lessee.

SUBJECT - Application July 2, 2003 - reopening for an extension of term of variance which expired June 14, 2003.

PREMISES AFFECTED - 148-15 89th Avenue, west side 110' east of 148th Street, Block 9693, Lot 60, Jamaica, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure

application permitting in an R5 zoning district, the erection of a one-story and mezzanine structure for use as a showroom with accessory storage and office.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, pursuant to Sections 72-01 and 72-22, said resolution having been adopted on June 2, 1981, so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for an additional ten (10) years from June 2, 2001 expiring on June 2, 2011, on condition that all work shall substantially conform to drawings filed with this application marked "Received June 13, 2003"- (3) sheets and "October 21, 2003"- (2) 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 all trash receptacles will be located within the property line behind a fence except on designated pick-up days;

THAT the trash dumpster shall be stored within Lot 9 and placed on the sidewalk only during pick-up times;

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

THAT the Department of Buildings will approve all exiting requirements for the subject property and the adjacent building;

waived, application reopened, and term of Variance extended.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on September 16, 2003, after due notice by publication in The City Record, and laid over to November 5, 2003 and then to November 25, 2003 for decision; the decision was then deferred until January 6, 2004; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on June 14, 2003, and

WHEREAS, Community Board 12 and the Queens Borough President's office recommended approval of the subject application; and

WHEREAS, the applicant seeks to renew the term of a previously granted variance, granted June 14, 1983 under the instant calendar number, permitting a public parking lot, in an R6 zoning district; and

WHEREAS, an amendment to this resolution, granted on May 9, 1995, limited the parking lot to 68 spaces and 10 reservoir spaces.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, extends the term of the Variance which expired on June 14, 2003, so that as amended this portion of the resolution shall read:

"To permit the extension of the term of the Variance for an

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additional five (5) years from June 14, 2003, expiring on June 14, 2008, on condition that all work shall substantially conform to drawings filed with this application marked "Received October 14, 2003" -(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 the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT upon expiration of the term of this Variance, if the applicant/owner returns to the Board of Standards and Appeals for an extension, the applicant will submit with the application a financial study examining the feasibility of residential use of the premises;

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."

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 17, 2003, after due notice by publication in The City Record, and laid over to July 15, 2003, October 7, 2003, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the variance which expired on July 8, 2002; and

WHEREAS, Community Board 3, Queens, recommends conditional approval of the subject application; and

WHEREAS, the applicant seeks to renew the term of a previously granted variance for an additional ten years, permitting the continued operation of an automobile sales establishment (Use Group 9); and

WHEREAS, the applicant also seeks an amendment to the Resolution to allow for the legalization of another mezzanine at the rear of the building; and

WHEREAS, on July 8, 1987, the Board legalized the establishment and maintenance of an automotive sales establishment and granted Administrative Appeal 133-86-A pursuant to GCL §35, allowing the facility to remain in the bed of the mapped street; and

WHEREAS, the record indicates that the premises has been continuously occupied as an automotive sales establishment since the Board's grant.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, reopens and amends the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, and extends the term of the Variance which expired on July 8, 2002, so that as amended this portion of the resolution shall read:

(DOB Application Alt. 1206/79)

Adopted by the Board of Standards and Appeals, January 6, 2004.

132-86-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Cristobal F. Rosero, owner.

SUBJECT - Application April 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 8, 2002.

PREMISES AFFECTED - 102-09/11 Roosevelt Avenue, northside 196.16', west of 103rd Street, Block 1770, Lots 47 & 48, Corona, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

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

"to permit the extension of the term of the Variance for an additional ten (10) years from July 8, 2002, expiring on July 8, 2012, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 22, 2003"-(1) sheet and "November 18, 2003"-(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 substantial landscaping, and fencing, shall be provided and maintained on a year round basis, in accordance with BSA approved plans;

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 Application #401621786)

Adopted by the Board of Standards and Appeals, January 6, 2004.

109-97-BZ

APPLICANT - The Agusta Group, for Max Blauner for Blauers, LLC, owner.

SUBJECT - Application October 24, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1201-1239 Lafayette Avenue,

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northwest corner of Barretto Street, and northeast corner of Tiffany Street, Block 2739, Lot 15, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Sheldon S. Leffler.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on

WHEREAS, the instant application seeks to use 5,000 square feet on the east wing of the 4th floor for use as a school to teach art and cooking to young adults.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution pursuant to Z.R. §73-11, said resolution having been adopted on September 16, 1997, as amended through April 11, 2000, so that as amended this portion of the resolution shall read:

"to permit the expansion of the school use to the east wing of the 4th floor of Building "A", on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 23, 2003"- (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 the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a Certificate of Occupancy be obtained within twenty-four (24) months from the date of this resolution; 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 Alt. Application No. 133-86)

Adopted by the Board of Standards and Appeals, January 6, 2004.

74-49-BZ

APPLICANT - Sheldon Lobel, P.C., for 515 Seventh Associates, L.P., owner.

SUBJECT - Application November 8, 2001 - request for a waiver

December 16, 2003, after due notice by publication in The City Record, and laid over to January 6, 2004 for decision; and

WHEREAS, the applicant requests a re-opening, and an amendment to the resolution; and

WHEREAS, on September 16, 1997, the Board granted a special permit allowing the conversion of a four-story manufacturing building with basement and sub-basement ("Building A") which is part of a larger complex of three attached manufacturing buildings in an M1-1 zoning district; and

WHEREAS, the original special permit allowed a school in Building "A" on a portion of the 1st floor and an April 11, 2000 amendment granted an expansion of the school to the 2nd and 3rd floors; and

of the Rules of Practice and Procedure and reopening for an extension of time to complete construction and to obtain a certificate of occupancy which expired April 4, 2001.

PREMISES AFFECTED - 515 7th Avenue and 144-158 West 38th Street, Block 813, Lot 64, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for decision, hearing closed.

254-63-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 301 East 66th Street Condominium, owner.

SUBJECT - Application July 10, 2003 - reopening for an extension of term of variance which expired June 20, 2003.

PREMISES AFFECTED - 301 East 66th Street, a/k/a 1260-1274 Second Avenue, East side of Second Avenue from East 66th Street to East 67th Street, Block 1441, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for decision, hearing closed.

289-63-BZ

APPLICANT - Sheldon Lobel, P.C., for 61st LP, owner; Imperial Parking Systems, lessee.

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SUBJECT - Application July 1, 2003 - reopening for an extension of term of variance which expired June 27, 2003.

PREMISES AFFECTED - 150 East 61st Street (aka 775 Lexington Avenue), south east corner of intersection of East 61st Street and Lexington Avenue, Block 1395, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

444-67-BZ

APPLICANT - Eric Palatnik, P.C., for Hillside 188th Street Corp, owner; BP Products North America, owner.

SUBJECT - Application June 3, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 187-39 Hillside Avenue, northwest corner of 87-88 to 87-96 188th Street, Block 9960, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for decision, hearing closed.

994-77-BZ

APPLICANT - Joseph P. Morsellino, for Rutledge Apartments, owner; DNS Automotive Inc., lessee.

SUBJECT - Application June 12, 2003 - reopening for an extension of term of variance which expired May 23, 2003.

PREMISES AFFECTED - 89-43/49 Doran Avenue, northside of Woodhaven Boulevard, Block 3872, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to February 10, 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

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for decision, hearing closed.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

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

633-87-BZ

APPLICANT - Martyn & Don Weston, for The Fristachi Trust, owner.

SUBJECT - Application October 1, 2003 - reopening for an extension of term of variance which expired September 7, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 216 Grand Street, southwest corner of Driggs Avenue, Block 2393, Lots 27 & 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Don Weston and Frank Fristacci.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., for continued hearing.

33-92-BZ

APPLICANT - Sheldon Lobel, P.C., for D & K Realty, owner.

SUBJECT - Application September 9, 2003 - reopening for an extension of term of variance which expired August 10, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 95-01 Brisbin Street, aka 143-02 95th Avenue, south side of Atlantic Avenue between Brisbin and Allendale Streets, Block 10007, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for decision, hearing closed.

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287-02-A thru 289-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Ocean Park Estates, owner.

SUBJECT - Application October 23, 2002 - Proposed one family
5 Reynolds Court, north side, 363.1' east of Reynolds Street, Block 2981, Lot 95, Borough of Staten Island.
7 Reynolds Court, north side, 300' east of Reynolds Street, Block 2981, Lot 97, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Appeals granted.

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

THE VOTE TO GRANT -

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

THE RESOLUTION-

WHEREAS, the decision of the Staten Island Borough Commissioner dated October 1, 2002 on N.B. Application Nos. 500565195, 500565239, 500565248, read in pertinent part:

1. Street giving access to the proposed building is not placed on the official map of the City of New York, therefore:
 - A. No Certificate of Occupancy can be issued as per Article 3, Section 36 of the General City Law, and
 - B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space; and, therefore, contrary to Section 27-291 of the Administrative Code; and

WHEREAS, this subject property is to be developed with three one-family dwellings.

WHEREAS, the Fire Department has reviewed the above project and as required that the buildings be fully sprinklered in accordance with the NYC Bldg. Code; and

WHEREAS, by the letter dated November 17, 2003, the Department of Transportation has reviewed the above project and has recommended that an appropriate "No Stopping Anytime" area be designated with the appropriate Dot regulations to allow for the access of single unit emergency vehicles into Reynolds Court ; and

WHEREAS, by letter dated December 1, 2003 , in response to a DOT recommendation , the developer has agreed to post "No

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

dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

3 Reynolds Court, north side, 363.9' east of Reynolds Street, Block 2981, Lot 93, Borough of Staten Island.

Stopping Anytime" signs along the length of the private road to facilitate ingress to and egress from the entrance into Reynolds Court; and

WHEREAS, the Department of Buildings has accepted a 10 foot wide sewer easement to be established in Lots 24, 93, 95 and 97 to allow drainage, contingent upon approval by the Department of Environmental Protection ; and

WHEREAS, the developer has agreed to a condition requiring that a Homeowners Association be responsible for maintenance of the private street; and

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

Resolved, that the decision of the Staten Island Borough Commissioner, dated October 1, 2002 acting on N.B. Application Nos. 500565195, 500565239, 500565248, 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 January 5, 2004," -(1) sheet; and that the proposal comply with all applicable R3-2 zoning requirements; that all other applicable laws, rules, and regulations shall be complied with; and on further condition

THAT a Homeowners Association be established for the maintenance of the private street; and

THAT "No Stopping Anytime" signs be posted along the length of the private road to facilitate entrance into Reynolds Court; and

THAT a 10 foot wide sewer corridor easement established along Lots 24, 93, 95 and 97 that is acceptable to the DEP is created and recorded prior to the issuance of the Certificate of Occupancy;

THAT the buildings be fully sprinklered as per the NYC Bldg Code;

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

THAT a paved walkway be installed in Reynolds Court from the entry to that three buildings contiguous to Reynolds Street;

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

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

Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related

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to the relief granted.

Adopted by the Board of Standards and Appeals, January 6, 2004.

254-03-A

APPLICANT - Petraro & Jones, LLP, for Robert J. Eckert, II ad Jessica Rojas Eckert, owners.

SUBJECT - Application August 8, 2003 - Proposed construction of a single family dwelling, located partially within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 423 Cross Bay Boulevard, west side, 150.69' north of 191st Avenue, Block 15306, Lot 6 (tentative), Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Caliendo and

Vice-Chair Babbar3

Negative:0

Not Voting: Commissioner Miele1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated July 14, 2003 acting on N.B. Application No. 401495048, reads in pertinent part:

"Structure in the bed of a mapped street contrary to Section 35 General Law".

WHEREAS, by letter dated December 3, 2003, Community Board 14 has no objection to the above project; and

WHEREAS, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 4, 2003 the department of Environmental Protection has reviewed the above project and has no objections as there are no existing City water mains nor existing sewer at the above location ; and

WHEREAS, by letter dated December 4, 2003, the Department of Transportation has reviewed the above project has indicated that the improvement of 99th Street to its full width , which would involve a taking of a portion of the applicant's property is not presently included in DOT's Capital Improvement Program 102-13 Dunton Court, east of 102nd Street, Block 14240, Lot 1233, Borough of Queens.

102-15 Dunton Court, east of 102nd Street, Block 14240, Lot 1231, Borough of Queens.

102-21 Dunton Court, east of 102nd Street, Block 14240, Lot 1229, Borough of Queens.

102-23 Dunton Court, east of 102nd Street, Block 14240, Lot

nor is it likely to be included in a future program . DOT also advises that it appears Lot 6 was acquired from the City subject to a "dollar condemnation clause " for the portion of the street lying in the street bed.

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

Resolved, that the decision of the Queens Borough Commissioner, dated July 14, 2003, acting on. N.B. Application No. 401495048 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 September 22, 2003"- (1) sheet; and that the proposal comply with all applicable R3-2 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 January 6, 2004.

315-03-A thru 322-03-A

APPLICANT - Joseph P. Morsellino, Esq., for John Contrubis, et al, owner; Stellar Development, LLC, lessee.

SUBJECT - Application October 16, 2003 - Proposed erection of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

102-03 Dunton Court, east of 102nd Street, Block 14240, Lot 1237, Borough of Queens.

102-05 Dunton Court, east of 102nd Street, Block 14240, Lot 1235, Borough of Queens.

1227, Borough of Queens.

102-31 Dunton Court, east of 102nd Street, Block 14240, Lot 1225, Borough of Queens.

102-33 Dunton Court, east of 102nd Street, Block 14240, Lot 1223, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

MINUTES

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated September 12, 2003 acting on N.B. Application Nos. 401712287, 401712278, 401712269, 401712250, 401712241, 401712232, 401712223, 401712214 reads in pertinent part:

1. Comply with General City Law 36 for buildings not fronting a mapped street.
2. Comply with Section 27- 291, buildings frontage."

WHEREAS, this appeal is to allow (8) eight two- family semi-detached dwellings houses to be built fronting an unmapped street known as Dunton Court , east of 102nd Street ; and

WHEREAS, the Fire Department has reviewed the above project and has no objections provided that the following conditions are met:

1. Buildings are sprinklered in accordance with the NYC Bldg. Code.
2. Street signs to be provided throughout the development to read "No Parking - Fire Lane".
3. Main entrance of every building must be within 250 feet of a fire hydrant and the water mains supplying for the hydrants be at least 8" inches in diameter.; 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 September 12, 2003 acting on N.B. Application Nos. 401712287, 401712278, 401712269, 401712250, 401712241, 401712232, 401712223, 401712214 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 October 16, 2003"- (2) sheets; and that the proposal comply with all applicable R3-1 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated October 22, 2003, acting on ALT 1. Application No. 401699961, reads in pertinent part:

For Board of Standard and Appeals Only:

"A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be

THAT the following conditions shall be met :

1. All the Buildings are sprinklered in accordance with the NYC Bldg. Code.
2. Street signs to be provided throughout the development to read "No Parking - Fire Lane".
3. Main entrance of every building must be within 250 feet of a fire hydrant and the water mains supplying for the hydrants be at least 8" inches in diameter;

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

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

THAT the above conditions will 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 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 January 6, 2004.

336-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Patricia Devine, lessee.

SUBJECT - Application October 28, 2003 - Proposed enlargement, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 112 Beach 216th Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

issued as per Article 3, Section 36 of the General City Law: also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated December 10, 2003 , the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to

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warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated October 22, 2003 acting on ALT 1. Application No. 401699961 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 October 28, 2003"-(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 January 6, 2004.

91-03-A

APPLICANT - Paul Gregory, R.A., for 349 Broadway Group LP, owner.

SUBJECT - Application March 21, 2003 - Proposed increase in the number of loft dwelling units in an existing nine story mixed use building, must comply with Local Law 10/99 regarding sprinklers. PREMISES AFFECTED - 349 Broadway, a/k/a 93 Leonard Street, northwest corner, Block 174, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 6, 2004

2:00 P.M.

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

ZONING CALENDAR

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

For Applicant: Irving E. Minkin and Paul Gregory.

For Administration: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 9, 2004, at 10:00 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:35 A.M.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Patrick Jones.

For Opposition: Janine A. Gaylard, Department of Buildings.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 4, 2001, acting on Application No. 500481748 reads, in part:

"Objection #1 - The proposed floor area ratio exceeds that permitted by ZR 24-111."; and

WHEREAS, a public hearing was held on this application on November 19, 2002 after due notice by publication in The City Record, laid over to January 28, 2003, March 4, 2003, May 20, 2003, July 15, 2003, August 12, 2003, October 21, 2003 and then to December 9, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed expansion of an existing nursing home, located an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio ("FAR"), contrary to Z.R. §24-111; and

WHEREAS, the subject lot is occupied by a building with a four-story and penthouse section and a two-story section, utilized as a nursing home facility, and is within the Special Hillside Preservation District ("SHPD"); and

WHEREAS, the applicant proposes the addition of one floor on top of the building section with two stories, which the applicant states will be used to increase the quality of life of existing patients and not to increase bed count; and

WHEREAS, the applicant states that the proposed additional floor would only increase the height of the southern portion of the building, and that the northern portion of the building would remain one story higher; and

WHEREAS, the applicant notes that the existing vegetation patterns, topography, and soils would not be affected by the proposed addition; and

WHEREAS, the Board has expressed concern about the following issues: deliveries from vendors illegally stopping on Castleton Avenue, the location of the ambulance loading area, and the use and capacity of the rear parking lot; and

WHEREAS, community members in opposition to the application have also expressed concern about the same issues, alleging that the quality of life of residents in the immediate neighborhood is impacted by the nursing home's inattention to their concerns; and

WHEREAS, the applicant has made efforts to address these concerns, in that they have contacted their vendors to address the delivery issue, and shifted the ambulance loading area 15 feet westward, which allows for a short, direct path to the new front

WHEREAS, the proposed addition will increase the FAR from the current 1.60 to 1.843, while the permitted FAR is 0.5; and

WHEREAS, the applicant states that the nursing home was constructed in 1966 and enlarged in 1970, prior to the enactment of the SHPD and also when a higher FAR was allowed, thus making the existing facility a legal non-complying development; and

WHEREAS, since construction of the facility, the site has been down-zoned significantly (from an R4 to an R3-2 zoning district), with an attendant decrease in the permitted FAR; and

WHEREAS, the applicant further states that the additional floor area will create a secure, private and safe environment for residents, addressing the facility's changed programmatic needs and allowing it to comply with standards promulgated by the New York State Health Department ("NYSDOH"); and

WHEREAS, the applicant maintains that the convergence of the applicable zoning regulations, the facility's increased programmatic needs, and the applicable NYSDOH regulations creates a hardship for the facility in strictly complying with the zoning; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the convergence of the more restrictive zoning with the applicable NYSDOH regulations, and the increased programmatic needs of the facility, create practical difficulties in developing the site in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including an economic analysis, demonstrates that developing the site with a conforming development would not yield a reasonable return, and that without the proposed enlargement, a reduction in occupancy levels could be anticipated that would significantly affect the economic viability of the facility; and

entrance of the facility; and

WHEREAS, the applicant has also provided evidence that use of the rear parking lot by facility employees is increasing, and that the nursing home has implemented an operational plan to increase such use; and

WHEREAS, the applicant has agreed to maintain forty-two (42) parking spaces on the premises; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford 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

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Assessment Statement and has carefully considered all relevant areas of environmental concern; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, to permit the proposed expansion of an existing nursing home, located an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, contrary to Z.R. §24-111, on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received December 5, 2003"-(11) sheets and "December 10, 2003"-(2) 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 the premises shall comply with all applicable fire safety measures;

THAT the ambulance loading area will be, and remain, located as shown on approved BSA plans;

THAT landscaping and buffering around the ambulance loading area, and elsewhere on the site, will be planted and
SUBJECT - Application February 13, 2003 - under Z.R. §72-21 to permit, on a site previously before the Board, within an R5-zoning district, the reestablishment of an expired variance, previously granted under Calendar Number 29-68-BZ, which permitted a contractor's establishment and the legalization of a one-story enlargement of the establishment contrary to Z.R. §22-00.

PREMISES AFFECTED - 761 East 84th Street, east side, 89'-0" north of Flatlands Avenue, Block 8005, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Carl A. Sulfaro

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 16, 2003, acting on Alt. Application No. 301476114 reads:

"PROPOSED TO REESTABLISH AND EXTEND THE EXPIRED TERMS OF VARIANCE FOR A

maintained as shown on BSA approved plans;

THAT the submitted operational plan for use of the rear parking lot will be maintained and utilized;

THAT forty-two (42) parking spaces will be provided on the premises, as shown on BSA approved plans;

THAT the above conditions shall be noted in 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, January 6, 2004.

70-03-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Flatlands 84th Realty Corp., owner.

CONTRACTOR'S ESTABLISHMENT UNDER USE GROUP 7IN A R5 DISTRICT. THIS USE WAS PREVIOUSLY APPROVED BY THE BOARD OF STANDARDS AND APPEALS UNDER RESOLUTION 29-68-BZ IS CONTRARY TO SECTION 11-411 OF THE ZONING RESOLUTION. THE TERM EXPIRED ON JULY 16, 1973."; and

WHEREAS, a public hearing was held on this application on October 28, 2003 after due notice by publication in The City Record, and laid over to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit, on a site previously before the Board located within an R5-zoning district, the reestablishment of an expired variance, previously granted under Calendar Number 29-68-BZ, which permitted a contractor's establishment and the legalization of a one-story enlargement of the establishment, contrary to Z.R. §22-00; and

WHEREAS, the subject lot is an irregular parcel measuring approximately 36'-0" in width by 100'-0 in length, within 100 feet of

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the intersection of Flatlands Avenue and East 84th Street, developed with a one-story masonry building the applicant seeks to reuse; and

WHEREAS, the subject parcel was originally occupied as part of a gasoline service station located at 8401 Flatlands Avenue and the entire site had been granted a variance under Calendar Number 92-31-BZ; and

WHEREAS, the record indicates that in 1967, an application was filed to subdivide the property separating the service station located on lot 6 from the adjoining lot 11, creating a separate use for this lot; and

WHEREAS, the applicant represents that the aforementioned application sought to change the use of the existing one-story masonry building from a motor vehicle repair facility to a contractor's establishment, and in 1968, the Board granted a special permit under Z.R. §11-413 allowing the change in use; and

WHEREAS, for a term of five years, expiring on July 16, 1973, the Board's grant permitted two open loading berths in the front yard and 3 accessory parking spaces, in the open space between the service station and the building; and

WHEREAS, the record indicates that sometime after the Board's grant, a one-story concrete masonry enlargement measuring approximately 11'-8" with a depth of 79'-10" was erected on the side of the property adjacent to the service station, filling in the space previously authorized three accessory parking

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration with specific conditions as noted below, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, on a site previously before the Board, within an R5-zoning district, the reestablishment of an expired variance, previously granted under Calendar Number

spaces; and

WHEREAS, further, the designated parking area was instead used as a storage space of approximately 661 square feet, an additional office measuring approximately 157 square feet and an additional restroom of approximately 23 square feet; and

WHEREAS, the record indicates that the contractor's establishment was abandoned and the building was used as a repair center for electronic appliances (Use Group 8), a business that the applicant represents did not survive, the tenant was evicted in 2001 and the building has remained vacant; and

WHEREAS, the applicant represents that the prior owner failed to renew the special permit and that the current owner now seeks to legalize the existing conditions; and

WHEREAS, the Board finds that the zoning lot's irregular shape and the aforementioned history of use with non-conforming Board approved uses creates an unnecessary hardship in developing the zoning lot in conformity with the current zoning regulations; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming development would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is characterized by a mixture two-story brick buildings housing residential and commercial uses; and

29-68-BZ, which permitted a contractor's establishment and the legalization of a one-story enlargement of the establishment contrary to Z.R. §22-00, 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 12, 2003"- (1) sheet and "November 18, 2003"-(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 the above conditions shall be noted in 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 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, January 6, 2004.

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111-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23.

PREMISES AFFECTED - 1685 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 150, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; and

WHEREAS, the subject zoning lot is a corner lot with a total lot area of 10,017 sq. ft., which has historically been used an auto service/repair facility but which is now currently vacant; and

WHEREAS, the subject application is part of a series, which would permit the development of five attached buildings each with three floors and a cellar containing a total of 15 dwelling units; and

WHEREAS, the applicant maintains and the record shows that the site contains underground storage tanks and hydraulic lifts, and that environmental reports revealed the likely existence of petroleum spills from the tanks and possible leakage from the lifts; and

WHEREAS, the applicant represents that the presence of contaminated soil from the spills and leakage leads to a need for extensive remediation and attendant increased development costs; and

WHEREAS, the aforementioned unique physical conditions, namely the soil contamination that is a vestige of the past use of the site, creates practical difficulties in developing the site in conformity with current zoning; and

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

WHEREAS, 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 strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection and review of the record, the Board has noted that the applicant's proposal is contextually

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THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 12, 2003, acting on NB Application No. 301430360, reads:

"Proposed residential building in an R5 zoning district does not comply with F.A.R., Lot Coverage and Yard requirements of Z.R. section 23-146."; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in The City Record, and then laid over to August 5, 2003, September 16, 2003, October 28, 2003, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

compatible with the surrounding homes and neighborhood, which consists of 2 and 3-family houses; and

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

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

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

WHEREAS, 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 stipulated on the conditions noted below to address potential hazardous materials impacts on the proposed residents and under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; on condition that all work shall substantially conform to

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drawings as they apply to the objections above noted, filed with this application marked "Received October 21, 2003"- (3) sheets, and on further condition:

THAT the Board's approval shall be contingent upon the following:

- (1) Applicant's completion, recording and execution of a Restrictive Declaration agreed to by DEP;
- (2) Applicant's commitment to follow DEP's recommendations, including a Hazardous Materials Sampling Protocol, as stated in its letter dated October 3, 2003 and BSA's letter dated October 9, 2003;
- (3) The applicant shall obtain DEP's approvals prior to obtaining

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, January 6, 2004.

112-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23.

PREMISES AFFECTED - 1687 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 149, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 12, 2003, acting on NB Application No. 301430379, reads:

"Proposed residential building in an R5 zoning district does not comply with F.A.R., Lot Coverage and Yard requirements of

building permits relative to cleaning the site and constructing the proposed buildings in accordance with the subject approvals;

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 the premises shall comply with all applicable fire safety measures;

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

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

Z.R. section 23-146."; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in The City Record, and then laid over to August 5, 2003, September 16, 2003, October 28, 2003, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; and

WHEREAS, the subject zoning lot is a corner lot with a total lot area of 10,017 sq. ft., which has historically been used an auto service/repair facility but which is now currently vacant; and

WHEREAS, the subject application is part of a series, which would permit the development of five attached buildings each with three floors and a cellar containing a total of 15 dwelling units; and

WHEREAS, the applicant maintains and the record shows that the site contains underground storage tanks and hydraulic lifts, and that environmental reports revealed the likely existence of petroleum spills from the tanks and possible leakage from the lifts; and

WHEREAS, the applicant represents that the presence of contaminated soil from the spills and leakage leads to a need for extensive remediation and attendant increased development costs; and

WHEREAS, the aforementioned unique physical conditions, namely the soil contamination that is a vestige of the past use of the site, creates practical difficulties in developing the site in conformity with current zoning; and

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

WHEREAS, based upon its review of the record, the Board has determined that because of the subject lot's unique physical

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conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection and review of the record, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood, which

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

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

WHEREAS, 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 stipulated on the conditions noted below to address potential hazardous materials impacts on the proposed residents and under 6 NYCRR Part 617 and '6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 21, 2003"- (3) sheets, and on further condition:

THAT the Board's approval shall be contingent upon the following:

- (1) Applicant's completion, recording and execution of a Restrictive Declaration agreed to by DEP;
- (2) Applicant's commitment to follow DEP's recommendations, including a Hazardous Materials Sampling Protocol, as stated in its letter dated October 3, 2003 and BSA's letter dated October 9, 2003;
- (3) The applicant shall obtain DEP's approvals prior to obtaining building permits relative to cleaning the site and constructing the proposed buildings in accordance with the subject approvals;

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 the premises shall comply with all applicable fire safety

WHEREAS, a public hearing was held on this application on

consists of 2 and 3-family houses; and

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

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

THAT the above conditions shall be noted in 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 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, January 6, 2004.

113-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23.

PREMISES AFFECTED - 1689 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 148, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 12, 2003, acting on NB Application No. 301430388, reads:

"Proposed residential building in an R5 zoning district does not comply with F.A.R., Lot Coverage and Yard requirements of Z.R. section 23-146."; and

June 24, 2003 after due notice by publication in The City Record,

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and then laid over to August 5, 2003, September 16, 2003, October 28, 2003, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; and

WHEREAS, the subject zoning lot is a corner lot with a total lot area of 10,017 sq. ft., which has historically been used an auto service/repair facility but which is now currently vacant; and

WHEREAS, the subject application is part of a series, which would permit the development of five attached buildings each with three floors and a cellar containing a total of 15 dwelling units; and

WHEREAS, the applicant maintains and the record shows that the site contains underground storage tanks and hydraulic lifts, and that environmental reports revealed the likely existence of petroleum spills from the tanks and possible leakage from the lifts; and

WHEREAS, the applicant represents that the presence of contaminated soil from the spills and leakage leads to a need for extensive remediation and attendant increased development costs; and

WHEREAS, the aforementioned unique physical conditions, namely the soil contamination that is a vestige of the past use of the site, creates practical difficulties in developing the site in conformity with current zoning; and

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

WHEREAS, 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 strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection and review of the record, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood, which consists of 2 and 3-family houses; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor

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

THAT the premises shall comply with all applicable fire safety measures;

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

THAT the above conditions shall be noted in the Certificate of

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 the owner relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration stipulated on the conditions noted below to address potential hazardous materials impacts on the proposed residents and under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 21, 2003"- (3) sheets, and on further condition:

THAT the Board's approval shall be contingent upon the following:

- (1) Applicant's completion, recording and execution of a Restrictive Declaration agreed to by DEP;
- (2) Applicant's commitment to follow DEP's recommendations, including a Hazardous Materials Sampling Protocol, as stated in its letter dated October 3, 2003 and BSA's letter dated October 9, 2003;
- (3) The applicant shall obtain DEP's approvals prior to obtaining building permits relative to cleaning the site and constructing the proposed buildings in accordance with the subject approvals;

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

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 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

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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, January 6, 2004.

114-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23.

PREMISES AFFECTED - 1691 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 147, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 12, 2003, acting on NB Application No. 301430397, reads:

"Proposed residential building in an R5 zoning district does not comply with F.A.R., Lot Coverage and Yard requirements of Z.R. section 23-146."; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in The City Record, and then laid over to August 5, 2003, September 16, 2003,

WHEREAS, upon site inspection and review of the record, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood, which consists of 2 and 3-family houses; and

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

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

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

WHEREAS, the Board has determined that the evidence in the

October 28, 2003, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; and

WHEREAS, the subject zoning lot is a corner lot with a total lot area of 10,017 sq. ft., which has historically been used an auto service/repair facility but which is now currently vacant; and

WHEREAS, the subject application is part of a series, which would permit the development of five attached buildings each with three floors and a cellar containing a total of 15 dwelling units; and

WHEREAS, the applicant maintains and the record shows that the site contains underground storage tanks and hydraulic lifts, and that environmental reports revealed the likely existence of petroleum spills from the tanks and possible leakage from the lifts; and

WHEREAS, the applicant represents that the presence of contaminated soil from the spills and leakage leads to a need for extensive remediation and attendant increased development costs; and

WHEREAS, the aforementioned unique physical conditions, namely the soil contamination that is a vestige of the past use of the site, creates practical difficulties in developing the site in conformity with current zoning; and

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

WHEREAS, 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 strict compliance with zoning will provide a reasonable return; and

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 stipulated on the conditions noted below to address potential hazardous materials impacts on the proposed residents and under 6 NYCRR Part 617 and '6-07(b) of the Rules

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of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 21, 2003"- (3) sheets, and on further condition:

THAT the Board's approval shall be contingent upon the following:

- (1) Applicant's completion, recording and execution of a Restrictive Declaration agreed to by DEP;
- (2) Applicant's commitment to follow DEP's recommendations, including a Hazardous Materials Sampling Protocol, as stated in its letter dated October 3, 2003 and BSA's letter dated October 9, 2003;
- (3) The applicant shall obtain DEP's approvals prior to obtaining building permits relative to cleaning the site and constructing the proposed buildings in accordance with the subject approvals;

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 the premises shall comply with all applicable fire safety measures;

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

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

THAT this approval is limited to the relief granted by the WHEREAS, the decision of the Borough Commissioner, dated November 12, 2003, acting on NB Application No. 301430404, reads:

"Proposed residential building in an R5 zoning district does not comply with F.A.R., Lot Coverage and Yard requirements of Z.R. section 23-146."; and

WHEREAS, a public hearing was held on this application on June 24, 2003 after due notice by publication in The City Record, and then laid over to August 5, 2003, September 16, 2003, October 28, 2003, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar R.A., and Commissioner Peter Caliendo and Commissioner Joel Miele P.E.; and

WHEREAS, this is an application under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story,

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, January 6, 2004.

115-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 909 East 5th Street, LLC, owner.

SUBJECT - Application April 7, 2003 - under Z.R. §72-21 to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23.

PREMISES AFFECTED - 1693 60th Street, northwest corner of 17th Avenue, Block 5510, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; and

WHEREAS, the subject zoning lot is a corner lot with a total lot area of 10,017 sq. ft., which has historically been used an auto service/repair facility but which is now currently vacant; and

WHEREAS, the subject application is part of a series, which would permit the development of five attached buildings each with three floors and a cellar containing a total of 15 dwelling units; and

WHEREAS, the applicant maintains and the record shows that the site contains underground storage tanks and hydraulic lifts, and that environmental reports revealed the likely existence of petroleum spills from the tanks and possible leakage from the lifts; and

WHEREAS, the applicant represents that the presence of contaminated soil from the spills and leakage leads to a need for extensive remediation and attendant increased development costs; and

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WHEREAS, the aforementioned unique physical conditions, namely the soil contamination that is a vestige of the past use of the site, creates practical difficulties in developing the site in conformity with current zoning; and

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

WHEREAS, 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 strict compliance with zoning will provide a reasonable return; and

WHEREAS, upon site inspection and review of the record, the Board has noted that the applicant's proposal is contextually compatible with the surrounding homes and neighborhood, which consists of 2 and 3-family houses; and

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

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

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

WHEREAS, 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 (2) Applicant's commitment to follow DEP's recommendations, including a Hazardous Materials Sampling Protocol, as stated in its letter dated October 3, 2003 and BSA's letter dated October 9, 2003;

(3) The applicant shall obtain DEP's approvals prior to obtaining building permits relative to cleaning the site and constructing the proposed buildings in accordance with the subject approvals;

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 the premises shall comply with all applicable fire safety measures;

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

THAT the above conditions shall be noted in 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 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

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 stipulated on the conditions noted below to address potential hazardous materials impacts on the proposed residents and under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objection cited, under Z.R. §72-21, to permit, in an R5 zoning district, the erection of a three-story, three-family dwelling (Use Group 2), which creates non-compliances with respect to floor area ratio, open space ratio, lot coverage, front yard and building height, contrary to Zoning Resolution §§23-141(c), 23-631, 23-45 and 25-23; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 21, 2003"- (3) sheets, and on further condition:

THAT the Board's approval shall be contingent upon the following:

(1) Applicant's completion, recording and execution of a Restrictive Declaration agreed to by DEP;

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 6, 2004.

120-03-BZ

APPLICANT - Mothiur Rahman, for Earth Properties & Construction Corp., owner.

SUBJECT - Application April 16, 2003- under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R5 zoning district, which is contrary to Z.R. § 22-00.

PREMISES AFFECTED - 1810 Loring Place, northeast corner of West Tremont Avenue, Block 2879, Lot 51, Borough of The Bronx.

COMMUNITY BOARD #5BX

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.
THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:

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.....0
THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated April 8, 2003, acting on Application No. 200736123 reads:

"Use Group 8 (Public Parking Lot) not permitted in R5 district as per Section 22-00 Zoning Resolution"; and

WHEREAS, a public hearing was held on this application on September 30, 2003 after due notice by publication in The City Record and laid over to October 28, 2003, and then to January 6, 2004 for decision; and

WHEREAS, Community Board 5 has recommended approval of this application; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Babbar, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application under Z.R. §72-21 to permit the legalization of the commercial use of an existing accessory parking lot, Use Group 8C, located in an R5 zoning district, which is contrary to Z.R. §22-00; and

WHEREAS, pursuant to a Restrictive Declaration between

WHEREAS, the applicant maintains that the current owner cleaned and paved the property, erected secure fencing, lighting and 24 hour security, and began to provide secure parking for neighborhood residents; and

WHEREAS, the record indicates that the lot's history of development with an unsafe building that was eventually demolished and its subsequent vacancy of over 20 years, resulting in an abandoned lot filled with rubble, debris, and garbage, are unique conditions demonstrating that development of this site with a conforming use creates an unnecessary hardship; and

WHEREAS, the evidence in the record, including a feasibility study demonstrates that developing the site with a conforming use would be costly and would not yield a reasonable return; and

WHEREAS, the record indicates that the neighborhood contains a number of mixed-use multiple dwelling residential and commercial occupancies, some community facilities, as well as many buildings which are solely residential or commercial; and

WHEREAS, the applicant represents that attendants will supervise the operation of the subject lot, controlling vehicle movement and placement and thereby mitigating vehicle light and noise impacts; and

WHEREAS, additionally, the applicant has provided assurances that the sidewalks will not be obstructed as there will be an attendant on the site 24 hours a day; and

WHEREAS, there is ample community support for this application, as it provides needed parking to residents in the immediate vicinity of the parking lot; and

WHEREAS, out of concern that the surrounding area may return to an as-of-right residential use, the Board notified the applicant that the term for this variance would be limited to five years; and

the owner of the parking lot and the City of New York, executed November 21, 2000, the subject lot must be maintained as an accessory parking lot, with 53 accessory spaces, in relation to two parcels - 1771 Andrews Avenue and 200 West Tremont Avenue - for teachers, doctors, personnel, parents and visitors to a neighboring vocational training program and child care facility, and if either of these two parcels are no longer used, then the owner must cease use of the lot as a parking lot; and

WHEREAS, this variance applications would legalize the non-accessory commercial use of the parking lot; and

WHEREAS, the record indicates that in 1983, a building was situated on the subject lot which the Department of Buildings deemed unsafe, resulting in demolition of the building; and

WHEREAS, the applicant represents that due to the above demolition, rocks and debris at the site made development of the site impractical, in that any rebuilding would require extensive and costly site preparation and removal of the former foundation materials; and

WHEREAS, the applicant states that due to the cost of rebuilding, the subject lot remained vacant for twenty years, and it was utilized primarily as an illegal garbage dump; and

WHEREAS, the applicant consented to the five year term; and

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

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and WHEREAS, the Board finds that the variance application is the minimum variance necessary to afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, to permit the legalization of an existing public parking lot, Use Group 8C, located in an R5 zoning district, which is contrary to Z.R. § 22-00, on condition that the lot be paved, striped and maintained in accordance with the drawings as they apply to the objections above noted, filed with this application marked "Received October 20, 2003"-(2) sheets; and on further condition;

THAT the term of the Variance will begin on January 6, 2004

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and expire on January 6, 2009;

THAT the owner shall comply fully with the Restrictive Declaration noted above and shall provide 53 accessory parking spaces;

THAT there shall be no parking on the sidewalks abutting the subject lot;

THAT there shall be no auto sales or repair on the subject lot;

THAT fencing shall be maintained in accordance with BSA approved plans, and will be 100 per cent opaque;

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

THAT upon expiration of the term of this Variance, if the applicant/owner returns to the Board of Standards and Appeals for an extension of term, at such time the applicant will submit with the application a financial study examining the feasibility of residential use of the subject lot;

179-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc, owner.

SUBJECT - Application May 28, 2003 - under Z.R. §72-21 to permit, in an R6-A zoning district, the proposed construction of a seven-story condominium building with a community facility as one of the condominium unit owners, which does not comply with the zoning requirements for floor area and setback regulations contrary to Z.R. §§24-11 and 23-633.

PREMISES AFFECTED - 402 Avenue "U", aka 2133 East Second Street, southeast corner, Block 7129, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2003, acting on Application No. 301271567, reads in pertinent part:

"Proposed FAR is 4.94 in a R6-A zoning district with a maximum FAR of 3.00. ZR 24-351 requires 8 foot side yard at south property line (district boundary) adjacent to adjoining R4 district and 5 foot streetwall setback with maximum base height of 40 feet and maximum building height of 50 feet for portion of building within 25 feet of district boundary. Proposed building has no streetwall setback and exceeds street wall and maximum building height within 25 feet of boundry [sic]."; and

WHEREAS, a public hearing was held on this application on August 12, 2003, after due publication in The City Record, laid

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

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

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

Adopted by the Board of Standards and Appeals, January 6, 2004.

over to October 21, 2003, November 25, 2003 and then to January 6, 2004 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application to permit, in an R6-A zoning district, the proposed construction of a seven-story condominium building with a community facility as one of the condominium unit owners, which does not comply with the zoning requirements for floor area and setback regulations, contrary to Z.R. §§24-11 and 23-633; and

WHEREAS, the subject zoning lot is located at on the corner of Avenue U and East 2nd Street, and has a total lot area of approximately 10,000 square feet; and

WHEREAS, the applicant represents that the site is improved with a former automobile repair building, which is currently being used as a small community facility; and

WHEREAS, this applicant seeks to demolish the existing structure, and construct a seven-story condominium building with a total floor area of 40,494 square feet, of which 10,494 square feet shall be owned by and operated as a community facility; and

WHEREAS, the record indicates that the site was used as a gasoline service station for much of the last century; and

WHEREAS, the applicant states that the site is burdened with 12 underground storage tanks which have resulted in significant petroleum related soil contamination; and

WHEREAS, the applicant further states that all contaminated soil must be removed in accordance with City, State and Federal guidelines before the construction of any new building can commence; and

WHEREAS, the Board finds that the subsurface soil contamination constitutes a unique physical condition inherent to the subject lot, resulting in practical difficulties and unnecessary hardship so as to satisfy the finding required by Z.R. §72-21 (a) of the Zoning Resolution; and

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WHEREAS, a detailed financial analysis has been provided to the Board demonstrating that because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of the Zoning Resolution will bring a reasonable return; and

WHEREAS, the Board finds that evidence in the record, including the financial analysis, demonstrate that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the applicant contends that the proposed building would not alter the essential character of the neighborhood or

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit, in an R6-A zoning district, the proposed construction of a seven-story condominium building with a community facility as one of the condominium unit owners, which does not comply with the zoning requirements for floor area and setback regulations contrary to Z.R. §§24-11 and 23-633, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received May 28, 2003"-(9) sheets and "November 12, 2003"-(1) sheet; and on further condition:

THAT the premises shall comply with all applicable fire safety measures;

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 commercial catering or functions in the community facility space;

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

THAT substantial construction shall be completed in

district in which the zoning lot is located, would not impair the appropriate use and development of adjacent property, would not be detrimental to the public welfare, and would, in fact, provide a benefit to the neighborhood as a whole; and

WHEREAS, the applicant represents that 23 accessory parking spaces are being provided - double the number of required spaces; and

WHEREAS, the record indicates that the proposed building is smaller than the existing multiple dwelling located directly across East 2nd Street; and

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, January 6, 2004.

230-03-BZ

APPLICANT - Alfred V. Saulo, Architect, for Mike Graziano, owner.

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

PREMISES AFFECTED - 144 Billop Avenue, southeast corner of Brighton Street, Block 7881, Lots 67, 1 and 2, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 3, 2003 acting on Application No. 50060927 reads:

"The proposed new building in an R3A zoning district to be occupied as a single family detached residence, Use Group 1, does not have the minimum required front yard on Billop Ave and is contrary to Section 23-45 ZR and shall therefore be

MINUTES

referred to the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on December 18, 2003 after due notice by publication in The City Record, laid over to January 6, 2004 for decision; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a one-family dwelling (Use Group 1) located in an R-3A zoning district, which does not comply with the zoning requirements for front yard, contrary to Z.R. §23-45; and

WHEREAS, the record indicates that the subject premises consists of a single zoning lot, comprised of two tax lots; and

WHEREAS, the record indicates that the subject site is located on a corner lot; and

WHEREAS, the subject application seeks to reduce the minimum required front yard from 10 feet to 5 feet along Billop Avenue; and

WHEREAS, the applicant represents that compliance with the required front yard regulations would result in a house with a 10 foot depth; and

WHEREAS, the Board finds that strict compliance with the provisions of the Zoning Resolution would be impractical; and

WHEREAS, the aforementioned unique physical condition, namely the narrowness of the subject through lot, creates a practical difficulty in developing the site in conformity with the current zoning; and

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

WHEREAS, the record indicates that the use and bulk of the subject proposal are consistent with the surrounding residential uses; and

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

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under §72-21 of the Zoning Resolution; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II Determination under 6 NYCRR Part 617 and §6-07(b) of THE VOTE TO GRANT -

WHEREAS, the premises and surrounding area had a site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Vice Chair Satish Babbar, Commissioner Joel Miele and Commissioner Peter Caliendo; and the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, to permit the proposed construction of a one-family dwelling (Use Group 1) located in an R-3A zoning district, which does not comply with the zoning requirements for front yard, contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 2, 2003"-(1) sheet and "December 23, 2003"-(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 substantial construction be completed and a Certificate of Occupancy be obtained in accordance with §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;

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, January 6, 2004.

238-03-BZ

APPLICANT - Harold Weinberg, P.E., for Congregation Derech Emunah, owner.

SUBJECT - Application July 9, 2003 - under Z.R. §72-21 to permit in an R3-2 zoning district, the proposed side and rear yard enlargements, to an existing synagogue and parsonage, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, and side and rear yards, contrary to Z.R. §§24-11, 24-35 and 24-36.

PREMISES AFFECTED - 2305 Olean Street, north side, 16'-1½" east of East 23rd Street, Block 7677, Lot 63, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application granted on condition. Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner

MINUTES

Caliendo and Commissioner Miele.....4 Negative:
.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 25, 2003 acting on Application No. 301238550 reads: "BOARD OF STANDARDS AND APPEALS DENIALTHE PROPOSED ENLARGEMENT OF THE EXISTING SYNAGOGUE IN USE GROUP 4 IN AN R2 ZONING DISTRICT

1. CREATES NON-COMPLIANCES WITH RESPECT TO FLOOR AREA RATIO EXCEEDING THE ALLOWABLE FLOOR AREA RATIO AND LOT COVERAGE AND IS CONTRARY TO SECTION 24-11 OF THE ZONING RESOLUTION.
2. CREATES NON-COMPLIANCES WITH RESPECT TO SIDE YARDS AND IS CONTRARY TO SECTION 24-35 OF THE ZONING RESOLUTION.
3. REDUCES THE REAR YARD BELOW 30' AND IS CONTRARY TO SECTION 24-36 OF THE ZONING RESOLUTION."; and

WHEREAS, a public hearing was held on this application on November 18, 2003 after due notice by publication in The City Record, and laid over to December 23, 2003 and then to January 6, 2004 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit in an R3-2 zoning district, the proposed side and rear yard enlargements, to an existing synagogue and parsonage, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, and side and rear yards, contrary to Z.R. §§24-11, 24-35 and 24-36; and

WHEREAS, the subject parcel is a 40' by 100' lot, which is currently improved with an existing legal synagogue; and

WHEREAS, the record indicates that the congregation has greatly increased in size since 1980 and that the structure is not suitable to accommodate the synagogue's programmatic needs; and

WHEREAS, the applicant has demonstrated that the site is too small and narrow to accommodate the current congregation; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit in an R3-2 zoning district, the proposed side and rear yard enlargements, to an existing synagogue and parsonage, Use Group 4, which does not comply with the zoning requirements for floor area ratio, lot coverage, and side and rear yards, contrary to Z.R.

WHEREAS, the requested enlargements are needed to facilitate the congregation's numerous social gatherings and religious observances; and

WHEREAS, the applicant asserts that religious custom, namely the location of the synagogue and the parsonage on the same lot, and religious requirements, namely separate private entrances for both male and female members of the congregation, create a practical difficulty in the construction of a conforming development; and

WHEREAS, the Board finds that the programmatic needs of the community facility create practical difficulties with strict compliance with the provisions of the Zoning Resolution; and

WHEREAS, additionally, the Board finds that the aforementioned unique physical conditions, namely the narrowness of the narrowness of the subject lot, create practical difficulties in developing the site in conformity with the current zoning regulations; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the record indicates that the surrounding area consists largely of residential uses mixed with some community facility uses; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

§§24-11, 24-35 and 24-36, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 15, 2003" - (11) sheets and "December 29, 2003"-(3) sheets, and on further condition;

THAT there shall be no cooking on the premises and the kitchen shall be used for warming food only;

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

THAT any graffiti located on the premises shall be removed

MINUTES

within 48 hours;

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

THAT the above conditions shall be noted in 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 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, January 6, 2004.

269-03-BZ

APPLICANT - Wolf, Block, Schorr and Solis-Cohen LLP by David E. Bronston, for Southbridge Towers, Inc., owner; Cellular Telephone Company d/b/a AT&T Wireless Services, lessees.

SUBJECT - Application August 26, 2003 - under Z.R. §73-30 to permit, in an R-2 zoning district, the erection of a 30 foot high cellular monopole, which, pursuant to Z.R. §22-21, requires a special permit.

PREMISES AFFECTED - 333 Pearl Street, northwest corner of Frankfort Street, Block 94, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: David Bronston.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

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

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

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

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 20, 2003 acting on Application No. 103518506, reads in pertinent part:

"The proposed scope of work does not conform to T.P.P.N. #5/98 in that the antenna is not located within the building. Therefore, obtain special permit as per section 22-21 on [sic] the New York City Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on November 5, 2003, after due notice by publication in the City Record, and then to November 25, 2003 for decision; the decision was then deferred to January 6, 2004; and

WHEREAS, this is an application under Z.R. §73-30, to permit the erection of a 30 foot high cellular monopole in a R-8 zoning district, which, pursuant to Z.R. §22-21, requires a special permit; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by committees of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, the applicant states that the pole will contain two antennas and cables, and will be sited in a grassy area adjacent to a Mitchell-Lama residential building (with related equipment to be placed in the basement of the building), pursuant to an agreement between the wireless company and the owning entity of the building; and

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

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

area; and

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

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

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

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

Therefore, it is Resolved that the Board of Standards and

MINUTES

Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. §73-03 and §73-30, to permit, in an R-2 zoning district, the erection of a 30 foot high cellular monopole, which, pursuant to Z.R. §22-21, requires a special permit, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received August 26, 2003"-(3) sheets; and on further condition;

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

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

THAT no commercial or retail signage will be posted;

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

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

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

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

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, January 6, 2004.

PREMISES AFFECTED -

24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine.

THE VOTE TO REOPEN HEARING -

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

Negative:0

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

222-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Eugene & Francine Simonetti, owner.

SUBJECT - Application August 5, 2002 - under Z.R. §72-21 to permit the proposed nine family residential development, Use Group 2, located in an R4 zoning district, which exceeds the permitted floor area and number of dwelling units, and provide less than the required parking, which is contrary to Z.R. §23-141b, §23-22 and §25-23.

PREMISES AFFECTED - 2547 East 12th Street, east side, 280' north of Avenue "Z", Block 7433, Lot 159, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to March 9, 2004, at 1:30 P.M., for continued hearing.

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

138-03-BZ

APPLICANT - Agusta & Ross, for C & M Service Center, owner.

SUBJECT - Application June 19, 2003 - under Z.R. §§11-412 & 11-413 to permit the proposed modification and enlargement of a former gasoline service station, to reflect, the elimination of the gasoline sales and to permit a compensating enlargement to facilitate an accessory store, larger repair bays and auto sales, is contrary to Z.R. §32-10.

PREMISES AFFECTED - 79-59/77 Cooper Avenue, north side, at the corner of 69th Road, Block 3801, Lot 35, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

MINUTES

For Applicant: Mitchell Ross.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 27,
2004, at 1:30 P.M., for continued hearing.

241-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Chaya Knopf,
owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to
permit the proposed 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
space ratio, rear yard and minimum side yard, is contrary to Z.R.
§23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1183 East 28th Street, east side, 100'
north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:

.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:

60-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §72-21,
to permit the legalization of an interior enlargement in an existing one
family dwelling, Use Group 1, which creates non-compliance with
respect to floor area ratio and rear yard, which is contrary to Z.R.
§§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side,
380.0' south of Quentin Road, Block 6808, Lot 71, Borough of
Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Irving Minkin.

ACTION OF THE BOARD - Laid over to March 2, 2004,
at 1:30 P.M., for continued hearing.

202-02-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Hajj D.
Corp., owner.

.....0

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

242-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Sion Maslaton,
owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to
permit the proposed enlargement to 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 ratio, open space
ratio, rear yard, side yard, minimum side yard, lot coverage and
perimeter wall, is contrary to Z.R. §23-141(b), §23-47 and §23-48
and §23-631(b)

PREMISES AFFECTED - 1858 East 26th Street, west side, 285'-
0" north of Avenue "S", Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Moshe Friedman.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:

.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:

.....0

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

SUBJECT - Application July 1, 2002 - under Z.R. §72-243 to
permit the proposed construction of an accessory drive-thru facility
in conjunction with an eating and drinking establishment, Use Group
6, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 133-20 Rockaway Boulevard, between
133rd and 134th Streets, Block 11757, Lot 55, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Jeffrey Chester.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner
Caliendo and Commissioner Miele.....4 Negative:

.....0

ACTION OF THE BOARD - Laid over to January 27,
2004, at 1:30 P.M., for decision, hearing closed.

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc.,

MINUTES

owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

77-03-BZ & 78-03-BZ

APPLICANT - Gerald J. Caliendo, R.A., A.I.A., for Better Luxury Homes, Inc., owner.

SUBJECT - Application March 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirement for minimum rear yard, and is contrary to Z.R. §23-47.

PREMISES AFFECTED -

260-32 Grand Central Parkway, east side, 9' south of 267th Street, Block 8443, Lot 123, Borough of Queens.

260-34 Grand Central Parkway, east side, 9' south of 267th

243-03-BZ

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

SUBJECT - Application July 16, 2003 - under Z.R. §11-412 to permit the reestablishment of a previous variance granted by the Board, Under Cal. No. 8-78-BZ, which permitted a gasoline service station with accessory uses, Use Group 16, on a site that is divided by an R7-2 and C8-3 district boundary, also the conversion of a portion of the building to an accessory convenient store, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2420 Amsterdam Avenue, between West 180th and West 181st Streets, Block 2152, Lots 77 and 83, Borough of Manhattan.

COMMUNITY BOARD #12M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

246-03-BZ

APPLICANT - Eric Palatnik, P.C., for Carol Feldsher, owner.

SUBJECT - Application September 19, 2003 - under Z.R. §73-

Street, Block 8443, Lot 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Gerald J. Caliendo.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to February 3, 2004, at 1:30 P.M., for decision, hearing closed.

142-03-BZ

APPLICANT - George Sirinakis/Phanuel Soba, for Ishamael Miller, owner.

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 & 11-413

to permit the proposed auto repair shop, Use Group 16, located in a C2-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 140-20 Farmers Boulevard, northwest corner of 142nd Avenue, Block 12592, Lot 315, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

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

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, open space, rear and side yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED - 1371 East 23rd Street, east side, between Avenues "N and M", Block 7659, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for decision, hearing closed.

248-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Ross & Ross, owner; Bally Total Fitness, lessee.

MINUTES

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed operation of a physical culture establishment, in an existing two story commercial building, with mezzanine and cellar, that is located in C1-5(R7-2) zoning district.

PREMISES AFFECTED - 1915 Third Avenue, southeast corner of East 106th Street, Block 1655, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Barbara Hair and Howard Hornstein.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for decision, hearing closed.

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for decision, hearing closed.

270-03-BZ

APPLICANT - Joseph P. Morsellino, for Cord Meyer Development, LLC, owner.

SUBJECT - Application August 26, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a mixed use building, Use Groups 2 and 6, with less than the required open space, and which exceeds the permitted floor area ratio, located on a site that is divided by two zoning districts (C4-2 and R7-1), is contrary to §35-23, §23-142, §35-33 and §35-32.

PREMISES AFFECTED - 108-36/50 Queens Boulevard, southeast corner of 71st Road, Block 3257, Lot 1 (formerly 1 and 42), Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Laid over to February 10,

located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

268-03-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 22, 2003 - under Z.R. §§11-411 & 11-412 to permit the reestablishment of a previous variance granted under Cal. No. 704-53-BZ for an automotive service station, the legalization of the existing air station, vacuum and beverage machines, and the modification of the existing signage, which is contrary to Z.R. §32-35.

PREMISES AFFECTED - 145-55 Guy Brewer Boulevard, a/k/a 145-51/67 Guy Brewer Boulevard and 145-54/66 Farmers Boulevard, northeast corner, Block 13313, Lot 40, Borough of Queens.

COMMUNITY BOARD #13Q

2003, at 1:30 P.M., for continued hearing.

272-03-BZ

APPLICANT - Rampulla Associates Architects, for Robert Brown/Daniel Brown, owners.

SUBJECT - Application October 3, 2003 - under Z.R. §72-21 to permit the proposed construction of a cellar and two story retail building, Use Group 6, with accessory off-street parking for twenty-five cars, with a curb cut on Hylan Boulevard which is not permitted, also the proposed building in the required arterial setback is not permitted, is contrary to Z.R. §22-10, §107-251(a) and §107-251(b).

PREMISES AFFECTED - 4106 Hylan Boulevard, south side, between Goodall and Glover Streets, Block 5307, Lots 6, 7, 13 and 14 (tentative Lot 6), Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES -

For Applicant: Philip L. Rampulla.

THE VOTE TO CLOSE HEARING -

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

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for decision, hearing closed.

MINUTES

294-03-BZ

APPLICANT - Robert Loos, Esq., Sybil H. Pollet, Esq., for The Metropolitan Club, Inc., owner.

SUBJECT - Application September 10, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing six story community facility, Use Group 4, located in R10-H and C5-1 zoning districts, and the Special Park Improvement District, which does not comply with the zoning requirements for lot coverage, rear yard, rear yard equivalent and front walls, is contrary to Z.R. §24-11, §33-26, §24-36, §54-31 and §92-042(c).

PREMISES AFFECTED - One East 60th Street, northeast corner of Fifth Avenue, Block 1375, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Robert Loos, Sybil Pollet and David Acheson.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar and Commissioner Caliendo and Commissioner Miele.....4 Negative:
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ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 3:05 P.M.