
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

SATISH BABBAR, *Vice-Chair*

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JOEL A. MIELE, SR.

JAMES CHIN

Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

John E. Reisinger, *Counsel*

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

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DOCKETS

New Case Filed Up to February 24, 2004

23-04-BZ **B.BK.** **1150 East 23rd Street,**
west side, 380'-0" north of Avenue "L", Block 7622, Lot 66,
Borough of Brooklyn. **Applic. #301693852.** Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area ratio,
open space ratio, rear yard and minimum required side yard,
is contrary to Z.R.§23-141(a), §23-47 and §23-48.
COMMUNITY BOARD #14BK

24-04-BZ **B.BK.** **1129 East 27th Street,**
east side, 220' south of Avenue "K", Block 7627, Lot 33,
Borough of Brooklyn. **Applic. #301693362.** Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area ratio,
open space ratio, rear and side yards, is contrary to Z.R.§23-
141(a), §23-47 and §23-461(a).
COMMUNITY BOARD #14BK

25-04-A **B.S.I.** **506 Bradford Avenue,**
south side, 148' south of Drumgoole Road, Block 6946, Lot
36, Borough of Staten Island. **Applic. #500647222.**
Proposed construction of a one family dwelling, located
within the bed of a mapped street, is contrary to Section 35,
Article 3 of the General City Law.

26-04-A **B.S.I.** **510 Bradford Avenue,**
south side, 108' south of Drumgoole Road, Block 6946, Lot
38, Borough of Staten Island. **Applic. #500647213.**
Proposed construction of a one family dwelling, located
within the bed of a mapped street, is contrary to Section 35,
Article 3 of the General City Law.

27-04-A **B.M.** **755 12th Avenue,**
west side, between West 53rd and 55th Streets, Block 1109,
Lot 5, Borough of Manhattan. **Applic. #103671411.**
Proposed rehabilitation and renovation of Pier 94, for use as
an exhibition hall for mid-size trade shows, which seeks relief
from the requirements of §27-369(f) of the NYC Building
Code with respect to protection of an exterior corridor, and
§27-771.01(b) of the NYC Building Code with respect to
mechanical system providing less than 6 air changes per
hour.

28-04-BZ **B.BK.** **427 Logan Street,**
east side, between Pitkin and Glenmore Avenues, Block
4209, Lot 11, Borough of Brooklyn. **Applic. #301363290.**
The legalization of an existing two family dwelling, Use
Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for side yard, is
contrary to §23-461(b).
COMMUNITY BOARD #5BK

29-04-BZ **B.BK.** **499 Logan Street,**
east side, between Belmont and Pitkin Avenues, Block
4228, Lot 1, Borough of Brooklyn. **Applic. #301363389.**
The legalization of an existing two family dwelling, Use
Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for side yard, is
contrary to §23-461(b).
COMMUNITY BOARD #5BK

30-04-BZ **B.BK.** **1109 Sutter Avenue,**
south side, between Montauk and Atkins Avenues, Block
4039, Lot 36, Borough of Brooklyn. **Applic. #301363496.**
The legalization of an existing two family dwelling, Use
Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for side yard, is
contrary to §23-461(b).
COMMUNITY BOARD #5BK

31-04-BZ **B.BK.** **842 Glenmore Avenue,**
between Atkins and Montauk Avenues, Block 4007, Lot 15,
Borough of Brooklyn. **Applic. #301363487.** The legalization
of an existing two family dwelling, Use Group 2, located in an
R5 zoning district, which does not comply with the zoning
requirements for side yard, is contrary to §23-461(b).
COMMUNITY BOARD #5BK

32-04-BZ **B.BK.** **860 Glenmore Avenue,**
south side, between Atkins and Montauk Avenues, Block
4007, Lot 22, Borough of Brooklyn. **Applic. #301363012.**
The legalization of an existing two family dwelling, Use
Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for side yard, is
contrary to §23-461(b).
COMMUNITY BOARD #5BK

DOCKETS

33-04-BZ B.BK. 896 Glenmore Avenue,
south side, between Logan and Milford Streets, Block
4208, Lot 22, Borough of Brooklyn. Applic. #301363236.
The legalization of an existing two family dwelling, Use
Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for side yard, is
contrary to §23-461(b).
COMMUNITY BOARD #5BK

34-04-BZ B.BK. 910 Glenmore Avenue,
south side, between Logan Street and Fountain Avenue,
Block 4209, Lot 12, Borough of Brooklyn. Applic.
#301363307. The legalization of an existing two family
dwelling, Use Group 2, located in an R5 zoning district, which
does not comply with the zoning requirements for side yard,
is contrary to §23-461(b).
COMMUNITY BOARD #5BK

35-04-BZ B.BK. 247 Montauk Avenue,
east side, between Belmont and Sutter Avenues Block
4040, Lot 10, Borough of Brooklyn. Applic. #301363183.
The legalization of an existing two family dwelling, Use
Group 2, located in an R5 zoning district, which does not
comply with the zoning requirements for side yard, is
contrary to §23-461(b).
COMMUNITY BOARD #5BK

36-04-BZ B.BK. 30 Carlton Avenue,
west side, 240' south of Flushing Avenue, Block 2030, Lot
40, Borough of Brooklyn. Applic. #301684835. Proposed
construction of an eight family dwelling, on a vacant lot,
located in an M1-2 zoning district, is contrary to Z.R. §42-
00.
COMMUNITY BOARD #2BK

37-04-BZ B.BK. 32 Carlton Avenue,
west side, 264' south of Flushing Avenue, Block 2030, Lot
41, Borough of Brooklyn. Applic. #301684844. Proposed
construction of an eight family dwelling, on a vacant lot,
located in an M1-2 zoning district, is contrary to Z.R. §42-
00.
COMMUNITY BOARD #2BK

38-04-BZ B.Q. 70-15 164th Street,
east side, between Jewel and 71st Avenues, Block 6933, Lot
78, Borough of Queens. Alt.1 #401601245. The legalization
of the northern side yard at an existing dentist's office, Use
Group 4, located in an R3-2 zoning district, which is in non-

compliance with Z.R. §23-464 and §24-35.
COMMUNITY BOARD #8Q

39-04-BZ B.BK. 1418 East 29th Street,
between Avenue "N" and Kings Highway, Block 7682, Lot
57, Borough of Brooklyn. Applic. #301685745. Proposed
enlargement of a 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 and rear
yard, is contrary to Z.R. §23-141, §23-461 and §23-47.
COMMUNITY BOARD #14BK

40-04-BZ B.BK. 2252 Linden Boulevard,
southeast corner of Cleveland Street, Block 4360, Lot 1,
Borough of Brooklyn. N.B. #301574053. Proposed change of
use from an automobile repair and used vehicles sales(Use
Group 16), previously approved by the Board under Cal. No.
56-95-BZ, to a retail store(Use Group 6), located in an R5
zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #5BK

41-04-BZ B.M. 338 East 109th Street,
aka 2113 First Avenue, Block 1680, Lots 27 and 32, Borough
of Manhattan. Applic. #103427267. The legalization of an
existing car wash, lubricatorium, and an accessory retail store,
located within a C2-5 overlay within an R7-2 zoning district,
is contrary to Z.R. §22-00 and 32-00
COMMUNITY BOARD #11M

42-04-BZ B.BK. 1264 East 27th Street,
between Avenues "L" and "M", Block 7644, Lot 71,
Borough of Brooklyn. Applic. #301687306. Proposed
enlargement of an existing single family residence, Use
Group 1, located in an R2 zoning district, which does not
comply with the zoning requirements for floor area ratio,
open space ratio, side and rear yards, is contrary to Z.R.
§23-141, §23-461 and §23-47.
COMMUNITY BOARD #14BK

43-04-A B.Q. 39-04 Stuart Lane,
north side of Depew Avenue, 142' west of 243rd Street, Block
8103, Lot 7, Borough of Queens. N.B. #401618932.
Proposed one family dwelling, located within the bed of a
mapped street, is contrary to Section 35, Article 3 of the
General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-

CALENDAR

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

MARCH 23, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 23, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

519-57-BZ

APPLICANT - Carl A. Sulfaro, Esq., for BP Amoco Corporation, owner.

SUBJECT - Application November 24, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 19, 2003 and for an amendment to the resolution.

PREMISES AFFECTED - 2071 Victory Boulevard, northwest corner of Bradley Avenue, Block 462, Lot 35, Borough of Staten Island.

COMMUNITY BOARD #1

116-68-BZ

APPLICANT - Stephen Rizzo, for 40 Central Park South Inc., owner; Café Atlas, lessee.

SUBJECT - Application December 19, 2003 - reopening for an extension of time to obtain a certificate of occupancy which expired on December 21, 2003.

PREMISES AFFECTED - 40 Central Park South, south side, 120' east of Sixth Avenue, Block 1274, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #5

399-70-BZ

APPLICANT - Walter T. Gorman, P.E., for Sunoco, Inc., owner.

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

PREMISES AFFECTED - 630 Arthur Kill Road, southwest corner of Armstrong Avenue, Block 5494, Lot 88, Borough of Staten Island.

COMMUNITY BOARD #3

982-83-BZ

APPLICANT - H. Irving Sigman, for Barone Properties Inc., owner.

SUBJECT - Application December 5, 2003 - reopening for an extension of time to complete construction and obtain a certificate of occupancy and for an amendment to the resolution.

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

COMMUNITY BOARD #11

178-03-BZ

APPLICANT - Eric Palatnik, P.C., for King Carmichael, owner; BP Products North America, lessee.

SUBJECT - Application December 19, 2003 - reopening for an extension of term of variance which expires April 28, 2004.

PREMISES AFFECTED - 114-02 Van Wyck Expressway, for southwest corner of Linden Boulevard and Van Wyck Expressway, Block 11661, Lot 7, Borough of Queens.

COMMUNITY BOARD #10

392-03-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Susan Vernon, lessee.

SUBJECT - Application December 23, 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 - 20 Janet Lane, south side, 206' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

MARCH 23, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, March 23, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

361-02-BZ

CALENDAR

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

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

PREMISES AFFECTED - 214 25th Street, between Fourth and Fifth Avenues, Block 655, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #7BK

81-03-BZ

APPLICANT - Timothy M. Rice, for Vinicio Ramirez, owner;

SUBJECT - Application March 24, 2003 and updated December 15, 2003 - under Z.R. §32-30 to reestablish and amend an expired variance, for an auto repair (auto-body) shop, parking for more than five(5) vehicles, storage, and the legalization of a new one story structure on the same lot, which is contrary to a previous variance granted under Cal. No.843-46-BZ, Vol. II, and Z.R. §§22-00 and 32-00.

PREMISES AFFECTED - 857 East 169th Street, and 1351 Lyman Place, northwest corner, Block 2970, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #3

299-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Josette Said, owner.

SUBJECT - Application September 15, 2003 - under Z.R. §72-21 to permit the proposed construction of a detached one-family dwelling, Use Group 1, located in an R1-2 zoning district, which does not comply with the zoning requirements for front yard, rear yard and setback, is contrary to Z.R. §23-45, §23-52 and §23-631.

PREMISES AFFECTED - 179-16 Grand Central Parkway, between Midland Parkway and Edgerton Boulevard, Block 9943, Lot 43, Borough of Queens.

COMMUNITY BOARD #8

305-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 10 Grand Avenue, LLC, owner.

SUBJECT - Application September 25, 2003 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

REGULAR MEETING

TUESDAY MORNING, FEBRUARY 24, 2004

10:00 A.M.

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, December 23, 2003, were

PREMISES AFFECTED - 2, 8, 10 Grand Avenue, southwest corner of Flushing Avenue, Block 1877, Lots 27 and 30, Borough of Brooklyn.

COMMUNITY BOARD #2

Pasquale Pacifico, Executive Director

approved as printed in the Bulletin of Volume 88, No. 53.

SPECIAL ORDER CALENDAR

731-61-BZ

APPLICANT - Richard A. Kaplin, Esq., for McLaughlin & Sons, Inc., owner.

MINUTES

SUBJECT - Application October 24, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 31, 2001.

PREMISES AFFECTED - 9620 Third Avenue, 97th Street and Third Avenue, Block 6121, Lots 31 and 33, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on December 23, 2003, after due notice by publication in The City Record, with continued hearings on February 3, 2004, and then to February 24, 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 variance, which expired on October 31, 2001; and

WHEREAS, October 31, 1961, the Board granted an application permitting the erection of a two-story and cellar building for use as a funeral parlor with the second floor used as a caretaker's apartment and parking of three motor vehicles in the open area.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional (10) years, from October 31, 2001 to expire on October 31, 2011, *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "October 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 WHEREAS, on July 24, 2001, the Board granted an application to permit a 612 square foot enlargement to the accessory building of a gasoline service station to accommodate an additional repair bay and an attendant's area.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and *reopens and amends* the resolution pursuant to Section 1-05(g) of the Board's Rules of Practice and Procedure, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction for an additional two (2) years from the date of this resolution, to expire on February 24, 2006, *on condition*;

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

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 #971/61)

Adopted by the Board of Standards and Appeals, February 24, 2004.

772-67-BZ Vol. II

APPLICANT - Carl A. Sulfaro, Esq., for 1234 Forest Avenue Realty Corp., owner.

SUBJECT - Application September 9, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired January 24, 2003.

PREMISES AFFECTED - 1234 Forest Avenue, southeast corner of Jewett Avenue, Block 354, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to complete construction extended.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and an extension of time to complete construction, which expired on January 24, 2003, for an enlargement to a gasoline service station; and

WHEREAS, a public hearing was held on this application on December 16, 2003 after due notice by publication in *The City Record*, then laid over to February 3, 2004, and then to February 24, 2004 for decision; and

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 No. 500455027)

Adopted by the Board of Standards and Appeals,

MINUTES

February 24, 2004.

149-84-BZ

APPLICANT - The New York City Board of Standards and Appeals

OWNER OF PREMISES - 244 Madison Avenue

SUBJECT - reopening for Compliance.

PREMISES AFFECTED - 244 Madison Avenue, Block 867, Lot 57, Borough of Manhattan.

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn from compliance calendar and special permit revoked.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the subject premises was subject to a special permit for a Physical Culture Establishment ("PCE") granted pursuant to Z.R. §73-36 on June 26, 1984 under the subject calendar number, and extended on July 20, 1993 and June 25, 1996 under the same calendar number; and

WHEREAS, the subject special permit allowed the creation of a PCE in the cellar of the existing 16 story building located at the subject premises, and, upon information and belief, was operated most recently by an establishment functioning as a private club; and

WHEREAS, in early December 2003, the Board's Compliance Officer was notified by the New York City Office of Midtown Enforcement ("OME") that a violation had been issued to the owner of the building, subsequent to an inspection in which it was observed that unlicensed massages were occurring; and

WHEREAS, the issued violation (DOB No. 34399948N) stated the following observed conditions "Occupancy of cellar as an adult physical culture establishment where cross gender body massage was observed by unlicensed therapists (female) to (male) patrons. Therapists were fully unclothed or in bra and panties."; and

WHEREAS, Commissioner Peter Caliendo and 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 Fristachi.

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

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

Commissioner Joel Miele subsequently conducted a site visit of the premises, and determined that the interior configuration and layout of the PCE had been rearranged such that it deviated significantly from BSA approved plans; and

WHEREAS, the Board then determined that the case should be reopened for compliance; and

WHEREAS, a public hearing was held on this application on February 24, 2004 after due notice by publication in the City Record; and

WHEREAS, notice of said hearing was provided to the owner of the subject building; the owner's attorney and the attorney for the lessee then submitted a notice of appearance acknowledging the scheduled hearing date and allowing the substitution of the lessee in the place of the owner for the hearing; and

WHEREAS, no representative of the owner or the lessee provided testimony at the hearing; and

WHEREAS, based upon the OME violation and the results of the site visit, the Board determines that the nature and manner of operations of the subject PCE use had been altered from that authorized, and that the terms and conditions of the special permit had been violated; and

WHEREAS, therefore, the Board finds that the subject special permit must be revoked and that the subject matter must be withdrawn from the compliance calendar.

Resolved, pursuant to Section 666(11) of the New York City Charter and Z.R. §73-36, that the special permit for the PCE previously granted and extended under the subject calendar number is hereby revoked, and the subject matter is hereby withdrawn from the compliance calendar.

Adopted by the Board of Standards and Appeals, February 24, 2004.

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

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on November 25, 2003, after due notice by publication in *The City Record*, and laid over to February 3, 2004, and then to February 24, 2004 for decision; and

WHEREAS, the applicant requests a re-opening, an extension of the term of the variance which expired on September 6, 2003, and an amendment to the resolution; and

WHEREAS, on September 6, 1988, the Board granted a variance to permit, in a C8-2 zoning district, the legalization of residential and fine art studio use on the second and third floors of an existing building; and

MINUTES

WHEREAS, the applicant now seeks approval for changes to the layout on the first and third floors; and

WHEREAS, the applicant represents that on the first floor, a partition was erected to create a living space at the south end of the building, a new kitchen was added, two existing toilets were converted into one bath, an opening in the south exterior wall was created to open onto the adjoining vacant lot (lot 29), which was combined with the existing lot, a storage closet was added, and the existing carpentry shop was converted into an art studio with minor partition changes; and

WHEREAS, the applicant represents that on the third floor, a new bedroom was created along the east wall of the building and a storage closet was created on the west wall.

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 expires on May 9, 2004, 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 September 6, 2003, expiring on September 6, 2013, and to permit, on the first floor, erection of a partition to create a living space at the south end of the building, the addition of a new kitchen, the conversion of two existing toilets into one bath, the creation of an opening in the south exterior wall, the addition of a storage closet, and the conversion of the existing carpentry shop into an art studio with minor partition changes; and on the third floor, the creation of a new bedroom along the east wall and a storage closet on the west wall; *on condition* that all work shall substantially conform to drawings as filed with this application marked "Received January 22, 2004"- (6) 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;

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and an extension of time to obtain a Certificate of Occupancy, which expired on October 17, 2002, for a gasoline service station with accessory uses; and

WHEREAS, a public hearing was held on this application on December 23, 2003 after due notice by publication in *The City Record*, then laid over to February 10, 2004, and then to February 24, 2004 for decision; and

WHEREAS, on October 17, 2000, the Board granted an application under Z.R. §§11-411 and 11-412 to permit the reestablishment of an expired variance in an R6/C2-2 zoning district, for a gasoline service station with accessory uses.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and *reopens and amends* the resolution pursuant to Section 1-05(g) of the Board's Rules of Practice and Procedure, so that as 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 February

THAT egress from each floor of the subject building shall be as approved by the Department of Buildings;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; 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 #301654984)

Adopted by the Board of Standards and Appeals, February 24, 2004.

27-00-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Emanuel N. Hartofilis, owner; VanDoren Oil Co., Inc. Lessee.

SUBJECT - Application October 28, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 110-35 Horace Harding Expressway, northwest corner of VanDoren Street, Block 1970, Lot39, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened and time to obtain certificate of occupancy extended.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

24, 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; 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 No. 401049655)

Adopted by the Board of Standards and Appeals, February 24, 2004.

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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

APPEARANCES -

For Applicant: Darren Guyer and Richard Lobel.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 10 A.M., for continued hearing.

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

APPEARANCES -

For Applicant: Nnabihe Mish Maduakolam.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 10 A.M., for continued hearing.

87-94-BZ

APPLICANT - The Law Office of Fredrick A. Becker, Esq., for **311-03-A thru 313-03-A**

APPLICANT - Rudolf J. Beneda, A.I.A., for M.Y.H.P. Building Corp., owner.

SUBJECT - Application October 9, 2003 - Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

140 Jackson Avenue, west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island.

144 Jackson Avenue, west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island.

146 Jackson Avenue, west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to March 16, 2004, at 10 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 10:50 A.M.

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

APPEARANCES -

For Applicant: Fredrick A. Becker, Acan Chasan and David Olsa.

THE VOTE TO CLOSE HEARING -

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

.....0
Absent: Commissioner Chin.....1

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

4-00-BZ

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

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

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

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to May 11, 2004, at 10 A.M., for postponed hearing.

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**REGULAR MEETING
TUESDAY AFTERNOON, FEBRUARY 24, 2004
2:00 P.M.**

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

ZONING CALENDAR

286-03-BZ

CEQR #04-BSA-039Q

APPLICANT - Sheldon Lobel, P.C., for Classic Closeouts, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed renovation of an existing building with a retail store and offices, both with accessory storage, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 148 Beach 116th Street, 200' north of the Ocean Promenade, Block 16188, Lot 30, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Jordan Most.

WHEREAS, the subject premises has a total lot area of 16,000 square feet, is mapped within an R5 zoning district and partially within a C1-2 overlay, and is currently occupied by a vacant building; and

WHEREAS, the premises has historically been occupied by commercial uses, including a movie theater and store, and the most recent certificate of occupancy lists a roller skating rink (Use Group 12), a game room (UG 15), an eating and drinking establishment plus retail store (UG 6), as well as accessory dancing (UG 12); and

WHEREAS, the premises has been the subject of a prior Board action, under Calendar No. 726-79-BZ, decided on November 20, 1979, which allowed the change in use of the building to roller skating rink; and

WHEREAS, under the same calendar number, on March 13, 1984, the Board rescinded the above grant, finding that the terms and conditions of the grant had been continuously violated; and

WHEREAS, on, April 3, 1984, the Board then revoked the certificate of occupancy under Calendar No. 56-84-A; and

WHEREAS, the applicant represents that the building has been vacant since around the time of the revocation of the certificate of occupancy; and

WHEREAS, the applicant states that the proposed development involves the renovation of the existing building to facilitate a retail store with accessory storage, and offices with accessory storage; off-site parking will be provided on an adjacent lot; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

Absent: Commissioner Chin.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated August 22, 2003, acting on Department of Buildings Application No. 401703402, reads:

“Proposed retail store with accessory storage and offices with accessory storage are not permitted in a building located in C1-2 and R5 zones; and are contrary to Section 22-00 of the Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on December 16, 2003 after due notice by publication in the City Record; with continued hearings on January 27, 2004, and then to decision on February 24, 2004; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed renovation of an existing building with a retail store and offices, both with accessory storage, which is contrary to Z.R. §22-00; and

difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the lot is irregular in size and shape, and is a through lot; the building contains unusually high ceiling heights designed for a movie theater; and the lot is divided by a district boundary; and

WHEREAS, the Board finds that certain of the unique conditions mentioned above, namely the fact that the lot is one of the only through lots in the district and is developed with a building designed for a movie theater, when considered in the aggregate, create practical difficulties and unnecessary hardships in developing the site in strict 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, the applicant states that part of the building is within a commercial zone (a C1-2 overlay within an R5 zoning district), and that there are many nearby retail uses in this C1-2 overlay; and

WHEREAS, the entrances to the proposed retail stores and offices will be located on the Beach 116th Street side of the building, which is within the C1-2 overlay; and

WHEREAS, the applicant represents that all applicable

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fire safety measures have been incorporated into the plans for the proposed building; and

WHEREAS, the Board has determined that the proposed project is consistent with the City's Local Waterfront Revitalization Program policies; and

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

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

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

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

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

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

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

THAT substantial construction will 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, February 24, 2004.

360-02-BZ

APPLICANT - Law offices of Howard Goldman, PLLC, for S & Y Enterprises, LLC, owner.

SUBJECT - Application December 13, 2002 - under Z.R. §72-21 to permit the proposed conversion and enlargement of an existing warehouse, into a residential building with 83 units and 41 parking spaces, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 130 North Fourth Street, between Berry Street and Bedford Avenue, Block 2351, Lot 6, Borough of Brooklyn.

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, limited to the objection cited, to permit the proposed renovation of an existing building with a retail store and offices, both with accessory storage, which is contrary to Z.R. §22-00; on condition that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "February 10, 2004"-(8) sheets; and on further condition:

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Chris Wright.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Chin.....1

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

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

COMMUNITY BOARD #13Q

APPEARANCES - None.

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

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80-03-BZ

APPLICANT - Fredrick A. Becker, Esq., for C & L Pioneer Enterprises LLC, owner.

SUBJECT - Application March 4, 2003 - under Z.R. §72-21 to permit the proposed construction of two multi-story multiple dwellings, also the use of a community facility (school), in one of the buildings, Use Groups 2 and 4, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 602 39th Street, southeast corner of Sixth Avenue, Block 914, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Fredrick A. Becker and Paula Chen.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Chin.....1

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

84-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Nissan Perla, Partner: N.P. Holdings, LLC, owner.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed nine (9) story plus penthouse residential building, Use Group 2, located in an R5, C1-2 overlay zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, total height, perimeter wall height, lot area per dwelling unit and the required number of parking spaces, is contrary to Z.R. §23-141, §23-631, §23-222 and §25-521.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Caroline C. Adams and other.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

102-03-BZ

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

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

PREMISES AFFECTED - 291 Kent Avenue, 35/37 South Second

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

82-03-BZ

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/ warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most and Bruck Tedzano.

For Opposition: Howard Slatkin, John McNulty, Janyce Stefan-Cole, Steven Frankel, David Brody, Tara Bahrapour, Stephanie Elsinberg and Gregory Baramian.

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

118-03-BZ

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

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

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Stuart Beckerman.

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

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150-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Bolshy Gulliver, Inc., owner.

SUBJECT - Application May 15, 2003 - under Z.R. §72-21 to permit the proposed construction of three additional floors above a one story and basement building, to form a mixed-use building, to contain as of right uses on the first floor and basement level, and a nine residential units on the remaining three floors, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 136 Metropolitan Avenue, between Wythe Avenue and Berry Street, Block 2364, Lot 17, Borough of Brooklyn.

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

APPEARANCES -

For Applicant: Jordan Most.

For Opposition: Howard Slatkin, Steven Fankel, Lisa Bamonte, Pally Fioruce and Linda Zambiatto.

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

208-03-BZ

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

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit the legalization of an expansion of an existing catering hall, Use Group 9, located in a split C1-2(overlay of R-4) and M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and parking, is contrary to Z.R. §33-121, 33-292, §36-21, §43-26 and §44-20. PREMISES AFFECTED - 2555 Shell Road, east side, between Avenue "X" and Bouck Court, Block 7192, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for decision, hearing closed.

266-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 1710-2 McDonald Realty, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-50 to permit the proposed enlargement of an existing warehouse (furniture), situated in an M1-1 zoning district, by constructing a one-story addition at the rear, that will encroach into the required yard between district boundaries, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 1710/12 McDonald Avenue, west side, 60' south of Avenue "O", Block 6607, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

340-03-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard B. Weiss, Esq., for Ramirez Properties, LLC, owner.

SUBJECT - Application November 5, 2003 - under Z.R. §72-21 to permit the proposed nine story mixed use building, commercial and residential (Use Groups 2 and 6), located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, is contrary to Z.R. §42-00, §43-12 and §43-42.

PREMISES AFFECTED - 408 Greenwich Street, a/k/a 22/24 Hubert Street, between Laight and Hubert Streets, Block 217, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Howard Weiss.

For Opposition: Sadie Dyer, Office of Assembly Member,

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Doris Diether, Kenneth McCallion, Carole Desaram, Ekkehart Schwarz, Jon Steinberg, Joseph Reidy and Donald Foest.

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

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 For Opposition: Barry Mallin, Vanita Solomon, James Solomon, Martin Hechtman, Lynn Reiser, Stephen Posen, Timothy Wilson, Elizabeth Weatherford, Murray Retch, Oliver Harris, Peter Bosch, Regina Nadelson and others.

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

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

APPEARANCES -

For Applicant: Joseph Morsellino.

THE VOTE TO CLOSE HEARING -

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

Negative:0

Absent: Commissioner Chin.....1

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for decision, hearing closed.

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.

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 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

APPEARANCES -

For Applicant: Jay Segal, Joseph Lombardi, Bruce Terzano and Bill McQuillan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein, Peter Geis, Jack Freeman and Chris Berg.

For Opposition: Sadie Dyer for Assembly Member Deborah Glick, David R. Ree for Community Board #2 and Susan Rosenthal.

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

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 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

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Laid over to March 23, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 6:55 P.M.