
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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COMMUNITY BOARD #15BK

119-05-BZ B.BK. 834 Sterling Place, south side, 80' west of
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Applic.#301932425.
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district, which does not comply with the zoning requirements for floor area,
floor area ratio, perimeter wall height, parking and loading berths, is contrary
to Z.R. §52-41, §33-122, §33-432, §36-21 and §36-62.

CALENDAR

JULY 12, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 12, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

614-74-BZ

APPLICANT - Ross F. Moskowitz, Stroock & Stroock & Lavan, LLP, for Sixty East End Owner, Inc., lessee.
SUBJECT - Application February 18, 2005 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired March 11, 2000.
PREMISES AFFECTED - 60 East End Avenue west side a/k/a532-538 East 83rd Street a/k/a 531-537 East 82nd Street, Block 1579, Lot 23, Borough of Manhattan.
COMMUNITY BOARD #8M

234-84-BZ

APPLICANT - Vito J. Fossella, P.E., for Forest Realty Management, LLC, owner.
SUBJECT - Application May 19, 2005 -Extension of Term for commercial UG6 establishment partially located in a R3-2 residential zoning district.
PREMISES AFFECTED - 1976/82 Forest Avenue, Block 1696, Lot 26, Borough of Staten Island
COMMUNITY BOARD #1SI

164-99-BZ

APPLICANT - Guy M. Harding, for Oscar Franco & Ivan Duque, owners.
SUBJECT - Application January 31, 2005 - Extension of Term/Waiver of a Special Permit for and entertainment and dancing establishment (UG 12) located in a C2-3/R6 zoning district.
PREMISES AFFECTED - 79-03 Roosevelt Avenue, north side of Roosevelt Avenue, 22' east from intersection of 79th Street and Roosevelt Avenue, Block 1290, Lot 46, Borough of Queens.
COMMUNITY BOARD #4Q

382-04-BZ

APPLICANT - Eric Palatnik, P.C., for Billy Ades, (Contract Vendee).
SUBJECT - Application December 6, 2004 - under

11-01-BZ

APPLICANT - Vassalotti Associate Architects, LLP, for Joseph Macchia, owner.
SUBJECT - Application May 19, 2005 - Extension of Time to obtain a Certificate of Occupancy, located in a C1-2(R5) zoning district.
PREMISES AFFECTED - 586/606 Conduit Boulevard, Block 4219, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #5BK

APPEALS CALENDAR

90-05-A

APPLICANT -Zygmunt Staszewski, for Breezy Point Cooperative Inc., owner; Lisa Hogan, lessee.
SUBJECT - Application April 14, 2005 - Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law
PREMISES AFFECTED - 15 Roosevelt Walk, east side, 285.27 south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

JULY 12, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, July 12, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

332-04-BZ

APPLICANT - Eric Palatnik, P.C., for Chava Lobel, owner.
SUBJECT - Application April 6, 2005 - under Z.R.§73-622 to permit the proposed to combine two lots and enlarge one residence which is contrary to ZR 23-141(a) floor area, ZR 23-131(a) open space and ZR 23-47 rear yard, located in an R-2 zoning district.
PREMISES AFFECTED - 1410/14 East 24th Street, between Avenues "N and O", Block 7677, Lots 33 and 34 (tentative 33), Borough of Brooklyn.
COMMUNITY BOARD #14BK

Z.R.§73-622 to permit the proposed enlargement of an existing single family dwelling, located in an R4 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, open space and

CALENDAR

side yards, is contrary to Z.R.§23-141(b) and §23-461(a).
PREMISES AFFECTED - 2026 Avenue "T", corner of Avenue "T" and East 21st Street, Block 7325, Lot 8, Borough of Brooklyn.
COMMUNITY BOARD #15BK

382-04-BZ

APPLICANT - Eric Palatnik, P.C., for Billy Ades, (Contract Vendee).
SUBJECT - Application December 6, 2004 - under Z.R.§73-622 to permit the proposed enlargement of an existing single family dwelling, located in an R4 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, open space and side yards, is contrary to Z.R.§23-141(b) and §23-461(a).
PREMISES AFFECTED - 2026 Avenue "T", corner of Avenue "T" and East 21st Street, Block 7325, Lot 8, Borough of Brooklyn.
COMMUNITY BOARD #15BK

388-04-BZ

APPLICANT - H. Irving Sigman, for D.R.D. Development Inc., owner.
SUBJECT - Application December 13, 2004 - under Z.R.§72-21 to permit the proposed construction of a one story and cellar commercial building, comprising of four stores, and accessory parking, Use Group 6, located in an R2 and a C8-1 zoning district, is contrary to Z.R. §22-00.
PREMISES AFFECTED - 133-16 Springfield Boulevard, west side, 114.44' north of Merrick Boulevard and 277' south of Lucas Street, Block 12723, Lot 9, Borough of Queens.
COMMUNITY BOARD #12Q

392-04-BZ

APPLICANT - Harold Weinberg, P.E., for Ephraim Nierenberg, owner.
SUBJECT - Application December 14, 2005 - under Z.R.§73-622 to permit a proposed rear enlargement to a single family residence which is contrary to ZR 23-141(a) for floor area and open space, ZR 23-461 for side yards and ZR 23-47 for rear yard. Then premises is located in an R2 zoning district.
PREMISES AFFECTED - 101/21 Central Park North, west side of Lenox Avenue, between Central Park North and West 111th Street, Block 1820, Lot 30, Borough of Manhattan.
COMMUNITY BOARD #10M

101-05-BZ

APPLICANT - Irving J. Gotbaum, Esq., by Friedman &

PREMISES AFFECTED - 966 East 23rd Street, west side, 220.0' north of Avenue "J", between Avenues "I" and "J", Block 7586, Lot 75, Borough of Brooklyn.
COMMUNITY BOARD #14BK

29-05-BZ

APPLICANT - Stephen Rizzo (CR&A), for 350 West Broadway, L.P., owner; Lighthouse Rizzo 350, LLC, lessee.
SUBJECT - Application February 17, 2005 - under Z.R.§72-21 to permit the proposed enlargement and renovation to an existing vacant fifteen story, to contain retail use in the cellar, first and second floor, and residential use on the third through fifteen floors, located in an M1-5A zoning district, is contrary to Z.R. §42-14, §42-00 and §42-10.
PREMISES AFFECTED - 350 West Broadway, 60' north of Grand Street, Block 476, Lot 75, Borough of Manhattan.
COMMUNITY BOARD #2M

67-05-BZ

APPLICANT - Sheldon Lobel, P.C., for 1710 Broadway, LLC, C/O C&K Properties, owners; OPUS Properties LLC, lessees.
SUBJECT - Application March 17, 2005 - under Z.R.§73-36 to permit the proposed physical culture establishment, within the cellar level, with entry on the ground level, of an existing six-story building, located in a C6-6/C6-7 zoning district, which requires a special permit.
PREMISES AFFECTED - 1710 Broadway, northeast corner of West 54th Street, Block 1026, Lot 21, Borough of Manhattan.
COMMUNITY BOARD #5M

79-05-BZ

APPLICANT - Herrick, Feinstein LLP, owner; The Athena Group, LLC, owner.
SUBJECT - Application April 5, 2005- under Z.R.§72-21 to permit the proposed 20-story mixed use building, with below grade parking spaces, located in an R8/C1-4 and R7-2/C1-4 zoning district, which does not comply with the zoning requirements for floor area, height and setback, is contrary to Z.R. §23-011, §23-145, §35-22, §35-31, §23-633 and §35-24.
Gotbaum, LLP., for 377Greenwich LLC, owner.
SUBJECT - Application April 26, 2005 - under Z.R.§72-21 to permit the proposed development of a seven-story, plus penthouse, transient hotel, located in a C6-2A/TMU(A-1) zoning district, which does not comply with the zoning requirements for floor area ratio, also maximum base height and setback requirements, is contrary to Z.R. §111-104 and §35-24.
PREMISES AFFECTED - 377 Greenwich Street,

CALENDAR

southeast corner of North Moore Street, Block 187, Lot 16,
Borough of Manhattan.
COMMUNITY BOARD #1M

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MAY 24, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, March 8, 2005 and March 16, 2005, as printed in the Bulletin of March 24, 2005, Volume 90, Nos. 13-14.

SPECIAL ORDER CALENDAR

138-68-BZ

APPLICANT - Francis R. Angelino c/o DeCamp Diamond & Ash, for Martin A. Gleason Funeral Home, LLC, owner.
SUBJECT - Application - February 18, 2005 - Request a two-year Extension of Time/Waiver to obtain a Certificate of Occupancy for a funeral home. The premise is located in an R-2 zoning district.
PREMISES AFFECTED - 10-25 150th Street, Block 4515, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Francis R. Angelino.

ACTION OF THE BOARD -Application granted upon condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and
Commissioner

Chin.....3

Negative:.....
...0

Absent: Commissioner
Miele.....1

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on May 17, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, on June 11, 1968, the Board granted an application under the subject calendar number to permit, within an R2 zoning district, in an existing two-story building, the erection of a one-story enlargement to a funeral establishment, with accessory parking in the open area of the zoning lot; and

WHEREAS, on December 23, 2003, the Board amended the previous resolution to permit the enlargement of the first floor and cellar of the previously-approved funeral home; and

WHEREAS, the resolution for said grant specified that a new certificate of occupancy be obtained with one year of the
Absent: Commissioner Miele.....1

date of the grant; this period of time expired on December 23, 2004; and

WHEREAS, the applicant claims that the need for the extension of time arises from the owners' focus on the purchase and start-up of another funeral home purchased by the owners in December of 2003; and

WHEREAS, based upon the above, the Board has determined that the evidence in record supports the grant of the requested waiver and extension.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, said resolution having been adopted on December 23, 2003, 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 period of two years from the date of this resolution, to expire on May 24, 2006; on condition:

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

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)/configuration(s) not related to the relief granted." (DOB Application No. 401691157)

Adopted by the Board of Standards and Appeals, May 24, 2005.

100-71-BZ

APPLICANT - The Agusta Group, for Maurice Cohen/1065 Eagle, LLC, owner.

SUBJECT - Application July 21, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance to permit the use of an open area for the sale of used cars (U.G. 16) and accessory parking on a lot containing an existing automobile repair shop, located in an R5 zoning district.

PREMISES AFFECTED - 61-03 Northern Boulevard, northeast corner of Northern Boulevard, and 61st Street, Block 1162, lot 53, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Rothkrug, Rothkrug, Weinberg & Spector by Trevis Savage.

ACTION OF THE BOARD -Application granted upon condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and
Commissioner

Chin.....3

Negative:.....
...0

THE RESOLUTION:

MINUTES

WHEREAS, this application is a request for a re-opening, an extension of the term of the variance, and an amendment; and

WHEREAS, a public hearing was held on this application on December 14, 2004, after due notice by publication in The City Record, with continued hearings on January 25, 2005, March 8, 2005, March 29, 2005, and May 10, 2005, and then to decision on May 24, 2005; and

WHEREAS, Community Board No. 1, Queens, recommends conditional approval of this application; some of these conditions are reflected below; and

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

WHEREAS, on June 1, 1971, the Board granted an application under the subject calendar number to permit the use of the site for the sale of used cars and auto repairs (Use Group 16), with accessory parking; and

WHEREAS, the term of the variance was initially for 10 years, and has been extended at various times since 1971; the most recent term expired on January 10, 2003; and

WHEREAS, as represented by the applicant and as observed by the Board, there were various non-compliances with the Board's prior approval present at the site; and

WHEREAS, specifically, the following non-compliances were noted: the addition of roll-down gates; the addition of sliding wrought iron fences; on the north lot line, the replacement of a wire fence with a 8 ft. chain link fence with opaque vinyl slates; replacement of the storage area within the building by an office; the presence of a trailer on-site; and barbed wire along the existing fencing; and

WHEREAS, the Board expressed concern about these non-compliances and asked the applicant to address them; and

WHEREAS, in response, the applicant has removed the barbed wire, and will remove the trailer within 60 days from the date of this approval; and

WHEREAS, the applicant also committed to reducing the number of cars stored on-site to 16, and reducing the width of the curb-cut along 61st Street to 8 ft.; these changes are reflected on the site plan; and

WHEREAS, in light of the above changes, the Board finds that the requested extension of term and amendment is appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, said resolution having been adopted on June 1, 1971, so that as amended this portion of the resolution shall read: "to permit various site plan changes and to extend the term for five years from January 10, 2003; on condition that all work and site conditions shall substantially conform to drawings filed with this application marked `Received March 24, 2005' - (1) sheet and `Received April 12, 2005' - (2) sheets; and on further condition;

THAT the term of this grant shall be for five years, to

ACTION OF THE BOARD -Application granted upon condition.
THE VOTE TO GRANT-
Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3

expire on January 10, 2008;

THAT all exterior lighting shall be directed downward and away from adjacent residential uses;

THAT the curb cut on 61st Street shall be reduced to 8 ft. in width;

THAT no parking or preparation of cars shall be permitted on the sidewalk or any street adjacent to the premises;

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 an 8'-0" high, 100 percent opaque fence shall be installed and maintained as illustrated on the BSA-approved plans;

THAT there shall be no barbed wire anywhere at the site;

THAT no more than 16 cars shall be stored on the premises;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT within 60 days from the date of this grant, the trailer present at the site shall be removed, and no trailers shall be located on the site thereafter;

THAT within 180 days from the date of this grant, the shed present at the site shall be removed, and no sheds shall be located on the site thereafter;

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)/configuration(s) not related to the relief granted." (DOB Application No. 401951448)

Adopted by the Board of Standards and Appeals, May 24, 2005.

739-76-BZ

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

SUBJECT - Application January 19, 2005 - reopening for an extension of term of variance for an amusement arcade (Use Group 15) which expired April 10, 2005.

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

COMMUNITY BOARD #7Q

APPEARANCES - None.

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION-

MINUTES

WHEREAS, this is an application for a reopening and an extension of the term of the special permit; and

WHEREAS, a public hearing was held on this application on May 17, 2004, after due notice by publication in The City Record, and then to May 24, 2005 for decision; and

WHEREAS, both the Queens Borough President and Community Board 7, Queens recommend approval of the subject application; 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 year; and .

WHEREAS, at the time of the initial grant, the location of the arcade was 212-65 26th Avenue; in 1997, the Board permitted the relocation of the arcade to the subject premises; and

WHEREAS, the most recent term expired on April 10, 2005; and

WHEREAS, based upon the submitted evidence, the Board finds that the instant application is appropriate to grant, with conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals, reopens and amends the resolution, said resolution having been adopted on January 6, 1981, as later amended, 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 one year from April 10, 2005 expiring on April 10, 2006; on condition that the all work/on-site conditions shall substantially conform to drawings as filed with this application, marked 'January 19, 2005' - (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 shall appear on the certificate of occupancy;

THAT the operation of the arcade subject premises shall comply with the previously approved Board plans, and all conditions from prior resolutions not specifically waived by the Board remain in effect;

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)/configuration(s) not related to the relief granted." (DOB Application No. 401710430)

Adopted by the Board of Standards and Appeals, May 24, 2005.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, said resolution having been adopted on March 28, 2000, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction of a transient hotel, for one additional

126-99-BZ

APPLICANT - Sheldon Lobel, P.C., for Fortune Hospitality Group LLC, owner.

SUBJECT - Application February 23, 2005 - Extension of Time to Complete Construction of a hotel which was granted on March 28, 2000 under section 72-21 of the zoning resolution for the subject site to be used as a transient hotel located in C1-2 zoning district.

PREMISES AFFECTED - 220-16 Jamaica Avenue, south side of Jamaica Avenue between 220th Street and 221st Street, Block 10789, Lot 268, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD -Application granted upon condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

...0

Absent: Commissioner

Miele.....1

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and an extension of time to complete construction of a transient hotel previously approved by the Board; and

WHEREAS, a public hearing was held on this application on May 10, 2005 after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, on March 28, 2000, the Board granted a variance application under the subject calendar number to permit, within a C1-2 zoning district, the proposed transient hotel (Use Group 5); and

WHEREAS, the period in which to complete construction expired on March 28, 2004; and

WHEREAS, the applicant represents that approximately 90 percent of the work has been completed; and

WHEREAS, the applicant states that the reason for the requested extension of time is due to financing problems on the part of the original owner of the property, and then a subsequent sale of the property to the applicant on March 7, 2005; and

WHEREAS, based upon the above, the Board has determined that the evidence in record supports the grant of the requested waiver and extension.

year from the date of this resolution to expire on May 24, 2006; on condition:

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed

MINUTES

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)/configuration(s) not related to the relief granted." (DOB Application No. 400220257)

Adopted by the Board of Standards and Appeals, May 24, 2005.

215-00-BZ

APPLICANT - McDermott Will & Emery LLP, for Parker Jewish Institute for Health Care and Rehabilitation, owner.

SUBJECT - Application January 13, 2005 - Extension of Time to Complete Construction of the Parker Jewish Institute for Health Care and Rehabilitation, authorized by a variance issued by the Board of Standards and Appeals on January 16, 2001, located R3-2 Zoning District.

PREMISES AFFECTED - 271-11 76th Avenue, Block 8489 and the Nassau County line, Block 8520, Lot 175, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner

Miele.....1

THE RESOLUTION -

WHEREAS, this is an application for an extension of time to complete construction of an enlargement to an existing nursing home previously approved by the Board; and

WHEREAS, a public hearing was held on this application on May 10, 2005 after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, on January 16, 2001, the Board granted a variance application under the subject calendar number to permit the proposed enlargement of an existing nursing home (Use Group 3), located within an R3-2 zoning district; and

WHEREAS, the period in which to complete construction expired on January 16, 2005; and

WHEREAS, the applicant states that the reason for the requested extension of time is due to the economic considerations that have prevented the nursing home from pursuing the enlargement; and

348-82-BZ

APPLICANT - Salvati Architects for George Gong, owner.

SUBJECT - Application December 17, 2004 - Extension of Term/ Waiver/ Amendment, application seeks to legalize the change from three (3) storefronts (U.G. 6) to two (2) storefronts (U.G. 6 & 16D) located in an R5 zoning district.

WHEREAS, therefore, the Board has determined that the evidence in record supports the grant of the requested waiver and extension.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on January 16, 2001, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction of the proposed enlargement to an existing nursing home, for an additional four years from the date of this resolution to expire on May 24, 2009; on condition:

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

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)/configuration(s) not related to the relief granted." (DOB Application No. 401114352)

Adopted by the Board of Standards and Appeals, May 24, 2005.

765-50-BZ

APPLICANT - Kenneth H. Koons, for R. G. Ortiz Funeral Home, Inc., owner.

SUBJECT - Application January 24, 2005 - Extension of Term of a Variance for an existing Funeral Establishment Granted by the Board, filed pursuant to section 11-411 of the zoning resolution, located in aC1-2/R6 zoning district. PREMISES AFFECTED - 1430-36 Unionport Road, east side 43' south of Olmstead Avenue, Block 3933, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth Koons.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner

Miele.....1

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for decision, hearing closed.

The application was approved under section 72-21 of the zoning resolution to permit in an R5 zoning district, the establishment of three (U.G. 6) storefronts for a term of 20 years which expired on April 12, 2003.

PREMISES AFFECTED - 204 Avenue S, Avenue S and West 6th Street, Block 7083, Lot 4, Borough of Brooklyn.

COMMUNITY BOARD #11BK

MINUTES

APPEARANCES -

For Applicant: Peter Hirshman and Jessica Landis representing Councilman Recchia.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for decision, hearing closed.

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for decision, hearing closed.

258-90-BZ

APPLICANT - Sheldon Lobel, P.C., for John Isikli, owner.
SUBJECT - Application March 31, 2005 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy for the proposed restaurant and banquet hall.

PREMISES AFFECTED - 2337 Coney Island Avenue, easterly side of Coney Island Avenue between Avenue T and Avenue U, Block 7315, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to June 14, 2005, at 10 A.M., for decision, hearing closed.

35-05-A

APPLICANT - Zygmunt Staszewki, for Breezy Point Co-op Inc., owner; Richard Whalen, lessee.

SUBJECT - Application February 24, 2005 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, also a proposal to upgrade the existing septic system, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 37 Beach 221st Street, east side, 240' south of Fourth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated January 26, 2005, acting on Department of Buildings Application No. 401997951, reads:

least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code

A-2 The proposed upgraded private disposal system is contrary to the Department of Buildings policy; and

189-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 830 East 233rd Street, Corp., owner.

SUBJECT - Application September 20, 2004 - reopening for an amendment to the resolution to permit the enlargement and conversion of the existing accessory service bays to an accessory convenience store.

PREMISES AFFECTED - 836 East 233rd Street, Bushing Avenue, Block 4857, Lots 44 & 41, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING

A-1 The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

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

B) Existing dwelling to be altered does not have at

MINUTES

WHEREAS, a public hearing was held on this application on May 24, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 28, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated January 26, 2005, acting on Department of Buildings Application No. 401997951, 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 February 24, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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, May 24, 2005.

37-05-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Cooperative, Inc., owner; Brian J. Lang, lessee.

SUBJECT - Application February 24, 2005 - Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, also a proposal to upgrade the existing septic system, which is in the bed of the service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED -17 Fulton Walk, east side, 185' north of Breezy Point Boulevard, Block 16350, Lot 400,

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated January 26, 2005, acting on Department of Buildings Application No. 402026981, 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 February 24, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further

Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Michael Harley.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated January 26, 2005, acting on Department of Buildings Application No. 402026981, reads:

For Board of Standards & Appeals Only:

A-1 The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

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

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code

A-2 The proposed upgraded private disposal system is in the bed of the service lane and contrary to the Department of Buildings policy; and

WHEREAS, a public hearing was held on this application on May 24, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 28, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

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)

MINUTES

and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

51-05-A

APPLICANT -Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; William & Nancy Gorra, lessees.

SUBJECT - Application March 4, 2005 -Proposed enlargement of the first story, and the construction of a partial second story, 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 -105 Beach 219th Street, east side, 80' South of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 23, 2005, acting on Department of Buildings Application No. 402064733, reads:

A-1 The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

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

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

WHEREAS, a public hearing was held on this application on May 24, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 10, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 23, 2005, acting on Department of Buildings Application No. 402064733, 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 March 4, 2005 " - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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, May 24, 2005.

55-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Giacomo & Elizabeth Reneo, lessee.

SUBJECT - Application March 8, 2005 - 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 - 40 Ocean Avenue, west side, 295.32' north of Rockaway Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402074027, reads:

"For Board of Standards & Appeals Only

A-1 The Site and Building is not fronting on an

MINUTES

official mapped street therefore no permit or a Certificate of Occupancy can be 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 total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York."; and

WHEREAS, a public hearing was held on this application on May 17, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 24, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402074027, 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 March 8, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

56-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402074036, 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 March 8, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other

Cooperative, Inc., owner; John & Margaret Carr, lessees.
SUBJECT - Application March 8, 2005 - 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 - 10 Janet Lane, south side, 235.6' west of Beach 201st Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402074036, reads:

"For Board of Standards & Appeals Only

A-1 The Site and Building is not fronting on an official mapped street therefore no permit or a Certificate of Occupancy can be 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 total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York."; and

WHEREAS, a public hearing was held on this application on May 17, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 24, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

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57-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; James & Bernadette Geissler, lessees.

SUBJECT - Application March 8, 2005 - 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 -667 Highland Place, east side, .10' north of 12th Avenue, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402059179, reads:

"For Board of Standards & Appeals Only

A-1 The Site and Building is not fronting on an official mapped street therefore no permit or a Certificate of Occupancy can be 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 total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York."; and

WHEREAS, a public hearing was held on this application on May 17, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 24, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402059179, is modified under the power vested in the Board by Section 36 of

WHEREAS, the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402074018, reads:

"For Board of Standards & Appeals Only

A-1 The Site and Building is not fronting on an official mapped street therefore no permit or a Certificate of Occupancy can be 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 total perimeter of building fronting directly upon a

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 March 8, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

58-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative Inc., owner; Muriel Daly, lessee.

SUBJECT - Application March 8, 2005 - 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 - 15 Ocean Avenue, east side, 295.32' north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele.....1

THE RESOLUTION -

legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York."; and

WHEREAS, a public hearing was held on this application on May 17, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 24, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

MINUTES

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402074018, 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 March 8, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

59-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative, Inc., owner; Kevin & Maureen Gormley, lessees.
SUBJECT - Application March 8, 2005 - Proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, also a proposal to upgrade the private disposal in the bed of an existing service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 5 Courtney Lane, north side, 237.31' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

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

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

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

Adopted by the Board of Standards and Appeals, May 24, 2005.

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner

Miele.....1

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402059160, reads:

"For Board of Standards & Appeals Only

A-1 The Site and Building is not fronting on an official mapped street therefore no permit or a Certificate of Occupancy can be 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 total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section C27-291 of the Administrative Code of the City of New York.

A-2 The upgraded private disposal system is in the bed of an existing service road contrary to Department of Buildings Policy.; and

WHEREAS, a public hearing was held on this application on May 17, 2005, after due notice by publication in the City Record, and then to decision on May 24, 2005; and

WHEREAS, by letter dated March 24, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 15, 2005, acting on Department of Buildings Application No. 402059160, 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 March 8, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

23-05-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Richard & Josephine O'Connor.
SUBJECT - Application February 8, 2005 - Proposed enlargement to an existing one family dwelling, located within the bed of a mapped street and not fronting on a legally mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 32 Bedford Avenue, south side,

MINUTES

515.07' west of 12th Avenue, Block 16350, Part of Lot 300,
Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING-

Affirmative: Chair Srinivasan, Vice-Chair Babbar and
Commissioner

Chin.....3

Negative:.....

...0

Absent: Commissioner

Miele.....1

ACTION OF THE BOARD - Laid over to June 7,
2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 1:45 P.M.

REGULAR MEETING TUESDAY AFTERNOON, MAY 24, 2005 2:00 P.M.

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

ZONING CALENDAR

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD -Application granted on
condition.

THE VOTE TO GRANT -

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

Chin.....3

Negative:.....

.0

Absent: Commissioner Miele

134-04-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Howard Hornstein.

ACTION OF THE BOARD - Application withdrawn

THE VOTE TO GRANT -

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

Chin.....3

Negative:.....

.....0

Absent: Commissioner Miele

.....1

Adopted by the Board of Standards and Appeals,
May 24, 2005.

144-04-BZ

APPLICANT - Eric Palatnik, P.C., for Atlantic Realty
Management, Inc., owner.

SUBJECT - Application March 30, 2004 - Under Z.R.
§72-21, to permit the proposed development which will
contain residential uses at the second through eighth floors
(Use Group 2), within an M1-6 zoning district to vary Z.R.
§43-10.

PREMISES AFFECTED - 286 Hudson Street, East side of
Hudson Street between Dominick and Spring Streets, Block
579, Lot 3, Borough of Manhattan.

COMMUNITY BOARD #2M

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THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough
Commissioner, dated March 12, 2004, acting on Department
of Buildings Application No. 103694236, reads:

"Proposed residential use from 2nd to 9th floors is not
permitted as of right in M1-6. It is contrary to ZR
43-10"; and

WHEREAS, a public hearing was held on this
application on March 8, 2005 after due notice by publication
in the City Record, with a continued hearing on April 19,

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2005 and then to decision on May 17, 2005; the decision was then deferred to May 24, 2005; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application, with a condition as reflected below; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within an M1-6 zoning district, the proposed construction of a seven-story mixed-use residential/retail building, which is contrary to Z.R. § 43-10; and

WHEREAS, the subject site is a 36 ft. wide by 65 ft. deep vacant lot, with a lot area of approximately 2,035 sq. ft., located on Hudson Street between Dominick and Spring Streets; and

WHEREAS, the subject site is adjacent to an entrance to the Holland Tunnel, located on lot 43 on the same block; and

WHEREAS, the subject application proposes the development of a seven-story building, with ground floor retail use and residential use on floors two through seven, with six dwelling units; and

WHEREAS, the street wall height of the proposed building is 84 ft.; and

WHEREAS, the new building will have a Floor Area Ratio ("F.A.R.") of 5.9, with a commercial F.A.R. of 1.0 and a residential F.A.R. of 4.9; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: the lot is small and shallow; and

WHEREAS, in amplification of the argument that the shallowness and size of the lot causes a hardship, the applicant notes that such a small, shallow lot can not sustain the floor plates necessary for a viable conforming development; and

WHEREAS, additionally, the applicant has submitted a survey showing that the subject site is one of the few undeveloped lots of comparable size in the immediate area; and

WHEREAS, based upon the above, the Board finds that the unique condition mentioned above creates practical difficulties and unnecessary hardship in developing the site in

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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 04-BSA-154M, dated December 27, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources;

strict conformance with applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study that analyzed a conforming office building; the study concludes that such a scenario would not be feasible due to the sub-standard floor plates that arise from the lot's small size; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with the use provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant states that the proposed development will not negatively affect the character of the neighborhood nor impact adjacent uses; and

WHEREAS, the applicant notes that the area is mixed-use in nature, being characterized by many large buildings with residential use; and

WHEREAS, the applicant observes that the site is immediately adjacent to buildings that contain residential use; and

WHEREAS, the site is also in close proximity to a C6-2A zoning district, where residential use is allowed as-of-right; and

WHEREAS, the applicant represents that the height and the bulk of the building comply with the bulk and height regulations applicable in the C6-2A district; and

WHEREAS, at the request of the Board, the proposal to have balconies for the residential units was deleted from the plans; and

WHEREAS, the Port Authority of New York & New Jersey submitted a letter stating that at the present time, there is no immediate plan to develop lot 43, where the tunnel entrance is located; and

WHEREAS, accordingly, based upon the above, 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 the proposal is the minimum necessary to afford the owner relief; and Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part

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617.4, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within an M1-6 zoning district, the proposed construction of a seven-story mixed-use residential/retail building, which is contrary to Z.R. § 43-10; 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 19, 2005"-(4) sheets; and on further condition:

THAT the ground floor shall only be used for Use Group 6 uses;

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

THAT the bulk parameters of the proposed building shall be as follows: a total F.A.R. of 5.9, with a commercial F.A.R. of 1.0 and a residential F.A.R. of 4.9, a total building height of 92.5 ft., and a street wall height of 84 ft., as illustrated on the BSA-approved plans;

THAT the interior layout and all exiting requirements shall be as reviewed and approved by the Department of Buildings;

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

THAT the 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

152-04-BZ

APPLICANT - James M. Plotkin, Esq., for Frank T. Porco, owner.

SUBJECT - Application April 9, 2004 - under Z.R. §72-21 to

Adopted by the Board of Standards and Appeals, May

24, 2005.

276-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Albert J. and Catherine Arredondo, owners.

SUBJECT - Application August 10, 2004 - under Z.R. §72-21 to permit the proposed addition of a second floor plus attic, to an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirements for rear and side yards, is contrary to Z.R. §23-461 and §23-47.

PREMISES AFFECTED - 657 Logan Avenue, west side, 100' south of Randall Avenue, Block 5436, Lot 48, Borough of The Bronx.

permit in an R5 district, on a site consisting of 11,970SF, the construction of a four one-story warehouses (UG 16). Currently, the site is improved with four buildings: one concrete block building, and three sheds. The proposed warehouse is contrary to residential district use regulations.

COMMUNITY BOARD #12BX

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn
THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and
Commissioner Chin.....3
Negative:.....0
Absent: Commissioner Miele1

Adopted by the Board of Standards and Appeals, May 24, 2005.

225-04-BZ

APPLICANT - Jay A. Segal, Esq., for 201 Berry Street, LLC, c/o Martin Edward, Management, owner.

SUBJECT - Application September 28, 2004 - under Z.R. §72-21 to permit the construction of three four-story residential buildings in an M1-2 zoning district contrary to Z.R. §42-10.

PREMISES AFFECTED - 201 Berry Street (a/k/a 121-157 North 3rd Street; 248-252 Bedford Avenue; 191-205 Berry Street), North 3rd Street from Bedford Avenue to Berry Street (northern part of block bounded by North 4th Street), Block 2351, Lots 1, 28 and 40, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn
THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and
Commissioner Chin.....3
Negative:.....0
Absent: Commissioner Miele1

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and
Commissioner
Chin.....3

Negative:.....0

Absent: Commissioner Miele
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THE RESOLUTION -

WHEREAS, the decision of the Bronx Borough Commissioner, dated July 26, 2004, acting on Department of Buildings Application No. 200859936, reads:

"1. Proposed plans are contrary to ZR 23-461 in

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that the proposed straight line enlargement continues with the existing non-complying side yards and is less than the minimum required side yard of 5'-0"

2. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required rear yard of 30 ft."; and

WHEREAS, a public hearing was held on this application on May 10, 2005, after due notice by publication in The City Record, and then to decision on May 24, 2005; and

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

WHEREAS, Community Board 10, Bronx, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed addition of a second floor and attic to an existing one-family dwelling (UG 1), located in an R4 zoning district, which does not comply with the zoning requirements for rear yard and side yards, contrary to Z.R. §§ 23-461 and 23-47; and

WHEREAS, the record indicates that the subject premises is located on the west side of Logan Avenue, south of Randall Avenue, and has a total lot area of 3,000 sq. ft.; and

WHEREAS, the applicant represents that the lot is 100 ft. in length, and has a width of 30 ft.; and

WHEREAS, the applicant states that there is a significant grade change from the front of the property to the rear; and

WHEREAS, the applicant represents that the existing residence was constructed in 1918, and is located at the rear of the property, on the top of the hill; and

WHEREAS, the applicant further represents that the residence contains a total of 895 sq. ft., and uses less than one-third of the floor area permitted on the site; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in compliance with underlying district regulations: the site is encumbered with a significant

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

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. § 72-21, to permit the proposed addition of a second floor and attic to an existing one-family dwelling (UG 1), located in an R4 zoning district, which does not comply with the zoning requirements for rear yard and side yards, contrary to Z.R. §§ 23-461 and 23-47; on

slope; and the house is located at the rear of the property, atop a hill; and

WHEREAS, the applicant represents that given the existing topography and grade change, it is not practical to construct an enlargement towards the front of the lot, and that any such enlargement might have a negative impact on the adjacent dwelling to the south since it is constructed on the front of the lot; and

WHEREAS, the applicant represents that to construct a second story and attic in compliance with the required 30 ft. rear yard and 8 ft. side yard, there would only be an additional 269 sq. ft. of floor area on the second floor and 269 sq. ft. of floor area in the attic; construction of an addition to accommodate such limited floor area would not be practical given the costs involved; and

WHEREAS, the applicant has submitted a land use survey/property chart of all of the residentially-occupied zoning lots in the subject R4 district within a 400 ft. radius of the site, which shows that the subject premises is the only single story dwelling located on a hill; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, namely the slope of the site and the location of the residence on the top of the hill, create a practical difficulty in developing the site in compliance with the applicable zoning provisions; 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 the applicable zoning requirements will result in an enlargement that would be habitable or feasible; and

WHEREAS, the applicant states that the bulk of the proposed building is consistent with the surrounding one and two-family, two-story residences; and

WHEREAS, the applicant's survey shows that 85 out of the 102 surrounding residences are two stories; and

WHEREAS, the applicant states that the impact on the surrounding residences' light and air will be minimal; and

condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 21, 2005" - (9) sheets and "Received May 11, 2005" - (2) sheets; and on further condition;

THAT the total attic floor area shall not exceed 569 sq. ft.;

THAT the proposed attic floor area shall be reviewed and confirmed by the Department of Buildings;

THAT the internal floor layouts on each floor of the proposed building shall be as reviewed and approved by DOB;

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

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relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

319-04-BZ

APPLICANT - Steven Sinacori/Stadtmauer Bailkin, for Joseph De Simone, owner.

SUBJECT - Application September 20, 2004 - under Z.R. §72-21 to permit, in an R5 (Infill) district, approval sought to erect a four-story, 45 foot eight inch high, residential building on a currently unimproved lot consisting of 25,413 SF. There are proposed 39 dwelling units with 28 parking spaces in the cellar. The proposed building is non-compliant to wall height and total height requirements.

PREMISES AFFECTED - 35 McDonald Avenue, a/k/a 25/47 McDonald Avenue, east side, between 20th Street and Terrace Place, Block 895, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Steven Gagliardo.

ACTION OF THE BOARD -Application granted upon condition.

THE VOTE TO GRANT -

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

Chin.....3

Negative:.....

..0

Absent: Commissioner Miele
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WHEREAS, the premises is a vacant, triangularly shaped lot located on a block bordered by McDonald Avenue, 20th Street, and Terrace Place, and has approximately 269 ft. of linear frontage on McDonald Avenue; the total lot area is approximately 25,413 sq. ft.; and

WHEREAS, the applicant states that the lot is currently used for the storage of commercial trucks, which is a lawful non-conforming use that will be eliminated upon development of the subject proposal; and

WHEREAS, the applicant also claims that the site is encumbered with a mapped but undeveloped sixty ft. wide portion of 21st Street, which is privately owned and is not dedicated to public use; and

WHEREAS, the area of the portion of the mapped street on the site is approximately 4,735.61 sq. ft., and traverses the lot such that there is a 440.79 sq. ft. portion of the lot isolated from the primary developable portion

THE RESOLUTION -

WHEREAS, the decisions of the Brooklyn Borough Commissioner, dated September 14, 2004 and February 21, 2005, acting on Department of Buildings Application No. 301604299, read, in pertinent part:

"Proposed height and setback is contrary to Zoning Resolution Section 23-631(e)." and

"Proposed front yard is contrary to Z.R. section 23-45."; and

WHEREAS, a public hearing was held on this application on January 11, 2005 after due notice by publication in the City Record, with continued hearings on February 15, 2005, March 29, 2005, and April 19, 2005, and then to decision on May 24, 2005; and

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

WHEREAS, Community Board 7, Brooklyn, recommends disapproval of this application; and

WHEREAS, State Senator Carl Andrews recommends approval of this application; and

WHEREAS, certain members of the community appeared in opposition to this application, contending that the height of the proposed building was out of context with the neighborhood; and

WHEREAS, as described in more detail below, the Board asked the applicant to modify the initial proposal in order to minimize the impact that the proposed building would have; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, within a R5 zoning district, the proposed development of a four-story residential building on a triangular shaped lot, which does not comply with the zoning regulations for street wall height, total height, and front yard, contrary to Z.R. §§ 23-631(e) and 23-45; and by the street; and

WHEREAS, at the direction of the Board, the applicant filed a companion case under BSA Calendar No. 61-05-A pursuant to General City Law § 35, to allow the proposed building to be erected within the bed of 21st Street; this application was granted the date hereof; and

WHEREAS, the applicant proposes to construct a four-story, 41 ft., 8 inch high building, with approximately 41,900 sq. ft. of floor area, 39 dwelling units, and 27 parking spaces; and

WHEREAS, the proposed development triggers the following waiver requests: (1) a street wall height of 41 ft., 8 inches (30 ft. is the maximum permitted); (2) a total height of 41 ft., 8 inches (33 ft. is the maximum permitted); and (3) a front yard of 10 ft. (15 ft. is the minimum required); and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the

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subject lot in compliance with underlying district regulations: (1) the site is burdened with the afore-mentioned mapped street; and (2) the site is triangularly shaped; and

WHEREAS, as an initial matter, the Board notes that the existence of the mapped street is not necessarily a hardship, given that the Board can allow development to occur within the bed of the street pursuant to a GCL § 35 grant; and

WHEREAS, thus, as noted above, the applicant was directed to make a companion application for a GCL § 35 waiver, so that the street could be developed upon and the isolated portion of the site could be utilized; and

WHEREAS, the applicant states that the triangular shape of the lot, when considered in conjunction with the height limitation, makes it difficult to create a complying building that utilizes available floor area; and

WHEREAS, because of the 15 ft. front yard requirement and the lot's shape, a complying building would have to be sited in the narrower part of the lot; and

WHEREAS, this leads to smaller floor-plates that could only accommodate an F.A.R. of 1.2, which would be insufficient to realize a reasonable return; and

WHEREAS, moreover, the units of a complying development would not meet the applicable light and air requirements; and

WHEREAS, thus, the applicant represents that the requested height and front yard waivers allow the development of a building with floor plates of a size sufficient to accommodate available floor area; and

WHEREAS, the applicant also represents that the front yard waiver minimizes the need for a greater height waiver, thereby creating a building that is more contextual with, and less impactful of, the surrounding residences; specifically, the relocation of the building allows the bulk to be concentrated on McDonald Avenue (a wide street) and away from adjacent residential uses; and

WHEREAS, accordingly, the Board finds that the unique conditions mentioned above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict

WHEREAS, initially, the applicant proposed a building that fronted on the mapped portion of 21st Street on the site, with a driveway; and

WHEREAS, as noted above, the Board asked the applicant to open up the unmapped portion of 21st Street in order to facilitate the re-siting of the building such that it would front on McDonald Avenue and be situated further away in the rear from adjacent residential buildings, thereby reducing the impact that the height of the building would have; and

WHEREAS, the Board also directed the applicant to consider moving the front of the building towards the lot line, into the required front yard, such that the building could be further pulled away from adjacent residential uses; and

WHEREAS, in response, the applicant abandoned the prior site plan, and repositioned the building on the

compliance with applicable zoning regulations; and

WHEREAS, the applicant submitted an initial feasibility study that analyzed a fully complying building; and

WHEREAS, at the request of the Board, the applicant updated the feasibility study by providing revised comparable land sales for the site valuation, as well as updated comparable sales for the income analysis; and

WHEREAS, additionally, in response to community concerns that certain development projects in the neighborhood had been neglected in the feasibility study, the applicant incorporated into the analysis one certain recent project, and noted that other cited development sites had not resulted in any sales that could be incorporated into the analysis; and

WHEREAS, after making the required adjustments, the applicant concluded that a complying development would not realize a reasonable return due to the site's constraints; specifically, the applicant claimed that a building that complied with both the yard and height requirements would not be able to accommodate sufficient saleable floor area to generate a reasonable return; and

WHEREAS, the Board has reviewed the revised feasibility study and the response to the community objections, and finds them both credible and sufficient; and

WHEREAS, based upon the above, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance with the use provisions applicable in the subject zoning district will provide a reasonable return; and

WHEREAS, the applicant states that the proposed building's height and front yard will not negatively affect the character of the neighborhood nor impact adjacent uses; and

WHEREAS, the site is adjacent to many two-and-three story residential buildings to the north, and many two-story residential buildings to the east; and

site such that it fronts on McDonald Avenue, and encroaches into both 21st Street and the required front yard; and

WHEREAS, the Board has reviewed the new site plan and finds that it is superior to that initially proposed in that more open space is created on the northern portion of the site, which will lessen any impact on the adjacent residential uses; and

WHEREAS, the applicant also submitted elevations showing the relationship of the proposed building's envelope to the existing buildings; the Board reviewed these elevations and agrees that the proposed building's envelope is compatible with the existing adjacent residences; and

WHEREAS, in addition, the applicant made the following modifications to the proposal: a reduction in the below-grade parking garage, which lessens

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potential construction impacts on adjacent residences, elimination of the balconies on the side and at the rear, and a redesign of the front lobby space; and

WHEREAS, the applicant also reduced the floor-to-floor heights from the initial proposal; and

WHEREAS, the Board finds that these modifications also lead to an improved development proposal; and

WHEREAS, based upon the above, 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, 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 project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 05-BSA-043K, dated September 20, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

61-05-A

APPLICANT - Steve Sinacori/Stadtmauer Bailkin, for Joseph De Simone, owner.

SUBJECT - Application March 11, 2005 - Proposed erection of a four-story residential building, located partially within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 35 McDonald Avenue, a/k/a 25/47 McDonald Avenue, east side, between 20th Street and Terrace Place, Block 895, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Steven Gagliardo.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.4, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under Z.R. § 72-21, to permit, within a R5 zoning district, the proposed development of a four-story residential building on a triangular shaped lot, which does not comply with the zoning regulations for street wall height, total height, and front yard, contrary to Z.R. §§ 23-631(e) and 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 May 11, 2005" - (13) sheets; and on further condition:

THAT the bulk parameters of the proposed building shall be as follows: (1) a street wall height of 41 ft., 8 inch.; (2) a total height of 41 ft., 8 inch.; and (3) a 10 ft. front yard;

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

Commissioner

Chin.....3

Negative:.....0

Absent: Commissioner Miele
.....1

THE RESOLUTION -

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 21, 2005, acting on Department of Buildings Application No. 301604299, reads, in pertinent part:

"1 The proposed building is in the bed of a mapped street and is contrary to GCL 35"; and

WHEREAS, a public hearing was held on this application on April 19, 2005 after due notice by publication in the City Record, with a continued

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hearing on May 24, 2005, and then to decision on May 24, 2005; and

WHEREAS, the premises is the subject of a companion variance application under BSA Calendar Number 319-04-BZ, also decided the date hereof; and

WHEREAS, by letter dated March 29, 2005, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated April 5, 2005, Department of Transportation states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Brooklyn Borough Commissioner, dated February 21, 2005, acting on Department of Buildings Application No. 301604299 as the referenced objection is hereby 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 May 11, 2005" - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 24, 2005.

385-03-BZ

APPLICANT - Joseph P. Morsellino, for Fabian Organization II, LLC, owner.

SUBJECT - Application December 12, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story multiple dwelling with 46 Units, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, dwelling units, and height and setback, is contrary to Z.R. §23-141(c), §23-22 and §23-631(b).

PREMISES AFFECTED - 85-15 and 85-17 120th Street, southeast corner of 85th Avenue, Block 9266, Lots 48 and 53, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and

327-02-BZ

APPLICANT - Harold Weinberg, P.E., for Frank Galeano, owner.

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

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

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for deferred decision.

378-03-BZ

APPLICANT - Harold Weinberg, P.E., for The New Way Circus Center by Regina Berenshtein, owner.

SUBJECT - Application December 4, 2003- under Z.R. §72-21 application seeks to waive sections: 23-141 (Lot Coverage), 23-462 (Side Yards), 23-45 (Front Yard), and 23-631 (Perimeter Wall Height, Sky Exposure Plane and Setback), to allow in a R5 zoning district the construction of a two story building to be used as a non-profit institution without sleeping accommodations for teaching of circus skills.

PREMISES AFFECTED - 2920 Coney Island Avenue, west side, 53.96' north of Shore Parkway, Block 7244, Lot 98, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Regina Berenghtein.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

Commissioner

Chin.....3

Negative:.....

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Absent: Commissioner Miele

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ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for decision, hearing closed.

190-04-BZ

APPLICANT - Agusta & Ross, for Ira and Larry Weinstein, LLC, owner.

SUBJECT - Application May 7, 2004 - under Z.R. §72-21

MINUTES

to permit the proposed conversion of a former lead factory, into a multiple dwelling (45 families), with a ground floor waterfront restaurant, and doctor's office, is contrary to Z.R. §22-12, which states that "residential uses" shall be limited to single, two family or semi-detached residences in an R3-1 zoning district.

PREMISES AFFECTED - 2184 Mill Avenue, a/k/a 6001 Strickland Avenue, southwest corner, Block 8470, Lot 1090, Part of Lot 1091, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Opposition: Roberta Sherman, Laura Cotrich and Alan Maisel.

THE VOTE TO REOPEN HEARING -

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

Chin.....3

Negative:.....

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Absent: Commissioner Miele

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THE VOTE TO CLOSE HEARING -

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

Chin.....3

Negative:.....

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Absent: Commissioner

Miele.....1

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

41-04-BZ

APPLICANT - Sheldon Lobel, P.C. for 2113 First Avenue, LLC, owner.

SUBJECT - Application February 23, 2004 - Pursuant to Z.R.

SUBJECT - Application June 18, 2004 - under Z.R. §72-21 to

permit in a M1-1 and M1-2 district, approval sought to legalize residential occupancy of 73 dwelling units in a four-story and basement industrial building, which was constructed in 1931.

The legal use is listed artist loft space for the 73 units. There are proposed 18 parking spaces on the open portion of the lot, which consists of 25,620 SF in its entirety. The use is contrary to district use regulations.

PREMISES AFFECTED - 255 McKibbin Street, between Bushwick Avenue and White Street, Block 3082, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most and Robert Pauls.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

§ 72-21, to permit the proposed legalization of the existing auto laundry, lubritorium, and accessory retail building in a C2-5 overlay within R7-2 Zoning District, and to vary Sections 33-00 and 22-00 of the Resolution.

PREMISES AFFECTED - 338 East 109th Street aka 2113 First Avenue, First Avenue between East 108th and East 109th Streets, Block 1680, Lots 27 & 32, Borough of Manhattan.

COMMUNITY BOARD #11M

APPEARANCES -

For Applicant: Doniminick and Sheldon Lobel.

ACTION OF THE BOARD - Laid over to August 16, 2005, at 1:30 P.M., for continued hearing.

212-04-BZ

APPLICANT - Rampulla Associates Architects, for G.A.C. Caterers, Inc., owner.

SUBJECT - Application May 21, 2004 - under Z.R. §72-21 to permit the proposed erection and maintenance of a cellar and two (2) story photography and video studio, Use Group 6, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 2360 Hylan Boulevard, a/k/a 333 Otis Avenue, between Otis and Bryant Avenues, Block 3905, Lot 17, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: Edward Vamero.

ACTION OF THE BOARD - Laid over to July 19, 2005, at 1:30 P.M., for continued hearing.

234-04-BZ

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

257-04-BZ

APPLICANT - Patrick W. Jones, Petraro & Jones, LLP, for Boerum Place, LLC, owner.

SUBJECT - Application November 19, 2004 - under Z.R. §72-21, to permit the proposed construction of an eight story mixed-use, retail-residential building, located in an R6A, R6, C2-4 and C2-3 zoning districts which does not comply with the zoning requirements for floor area ratio, lot coverage, building height and loading berth, is contrary to Z.R. §23-145, §33-121, §23-633, §35-25 and §36-22.

PREMISES AFFECTED - 252/60 Atlantic Avenue (a/k/a 83/87 Boerum Place; 239/47 Pacific Street), east side of Boerum Place, between Atlantic Avenue and Pacific Street, Block 181, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Patrick Jones, Daniel P. Lane, Vincent

MINUTES

Ferrandino and Sandy Balboza.

ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for continued hearing.

267-04-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Kermit Square, LLC, owner.

SUBJECT - Application July 30, 2004 - under Z.R. §72-21, to permit the proposed thirty-two unit multiple dwelling, Use Group 2, located in a C8-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 362/64 Coney Island Avenue, northwest corner of Kermit Place, Block 5322, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Peter Geis, Howard Hornstein and Jieming Wang.

THE VOTE TO CLOSE HEARING -

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

Chin.....3

Negative:.....0

Absent: Commissioner Miele
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ACTION OF THE BOARD - Laid over to July 26, 2005, at 1:30 P.M., for decision, hearing closed.

290-04-BZ

APPLICANT - Stuart A. Klein, Esq., for Alex Lokshin - Carroll Gardens, LLC, owner.

SUBJECT - Application August 20, 2004 - under Z.R. §72-21 to permit, in an R4 zoning district, the conversion of an existing one-story warehouse building into a six-story and

SUBJECT - Application November 26, 2004 - Z.R. §72-21, to permit the proposed development of a seven-story residential building with ground floor commercial space in a C6-2A Special Lower Manhattan District and the South Street Seaport Historic District, to vary Sections 23-145, 23-32, 23-533, 23-692, 23-711, and 24-32 of the Resolution. PREMISES AFFECTED - 246 Front Street a/k/a/ 267 1/2 Water Street, Through lot fronting on Front and Water Streets, 126 feet north of the intersection of Peck Slip and Front Street, and 130 feet north of the intersection of Peck Slip and Water Street, Block 107, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deirdre A. Carson.

For Opposition: Rosemary Birardi, Rick Liss and Jou Greenberg.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

390-04-BZ

penthouse mixed-use residential/commercial building, which is contrary to Z.R. §§22-00, 23-141(b), 23-631(b), 23-222, 25-23, 23-45, and 23-462(a).

PREMISES AFFECTED - 341-349 Troy Avenue (a/k/a 1515 Carroll Street), Northeast corner of intersection of Troy Avenue and Carroll Street, Block 1407, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES -

For Applicant: Gregory Chillino for Stuart Klein.

ACTION OF THE BOARD - Laid over to July 19, 2005, at 1:30 P.M., for continued hearing.

299-04-BZ

APPLICANT - Patrick W. Jones, Petraro & Jones, LLP, for Sutphin Boulevard, owner.

SUBJECT - Application September 7, 2004 - under Z.R. §72-21 - Proposed construction of a one-story retail building, Use Group 6, located in an R3-2 zoning district, is contrary to Z.R. §22-11.

PREMISES AFFECTED - 111-02 Sutphin Boulevard, (a/k/a 111-04/12 Sutphin Boulevard), southeast corner of 111th Avenue, Block 11965, Lots 26, 188 and 189 (tentative 26), Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Patrick Jones, Marc Chemtob, Dan Lane, Theom Ven and Vince Ferrandino.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

374-04-BZ

APPLICANT - Deirdre A. Carson, Esq., Greenberg Traurig, LLP for Micro Realty Management, LLC c/o Werber Management, owner.

APPLICANT - Walter T. Gorman, P.E., for J R & J Auto Corp., owner.

SUBJECT - Application December 13, 2004 - under Z.R. §72-21, the reestablishment of a gasoline service station, Use Group 16, motor vehicles, located in a C1-3 within an R6 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 2290 Boston Road, southeast corner of Astor Avenue, Block 4343, Lot 31, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan

THE VOTE TO CLOSE HEARING -

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

Chin.....3

Negative:.....0

Absent: Commissioner Miele
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ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

MINUTES

401-04-BZ

APPLICANT - Eric Palatnik, P.C., for Masores Bais Yaakov, owner.

SUBJECT - Application December 28, 2004 - under Z.R. §72-21 to permit the proposed enlargement of an existing yeshiva, Use Group 3, located in an R4 & R6 zoning districts, which does not comply with the zoning requirements for floor area, lot coverage, wall height and the sky exposure, is contrary to Z.R. §24-11 and §24-522.

PREMISES AFFECTED - 1395 Ocean Avenue, northeast corner of Avenue "I", Block 7566, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Chin.....3

Negative:.....
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Absent: Commissioner Miele
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ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

SUBJECT - Application February 25, 2005 - under Z.R. §73-622 to permit an enlargement to the rear of a single family home to vary sections ZR 23-141 floor area and open space, ZR 23-461 side yards and ZR 23-47 for rear yard. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED - 1826 East 28th Street, west side, 200'-0" south of Avenue "R", Block 6833, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg and Yossi Cohen

For Opposition: John J. Howard, Edward Jacob, Richard C.?, P. Michittar, Widh J. Pharaon, David Gross, Carole Farnum, Antoinette Vasile and Roy Alexander.

ACTION OF THE BOARD - Laid over to July 12, 2005, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 6:15 P.M.

4-05-BZ

APPLICANT - Sheldon Lobel, P.C., for V.G.F. Property, LLC, owner.

SUBJECT - Application January 12, 2005 - under Z.R. §73-49, to permit parking on the roof of an as-of-right commercial building located in an M1-1 zoning district. The application seeks to create 114 rooftop parking spaces.

PREMISES AFFECTED - 69-02 Garfield Avenue, south side, between 69th Street and 69th Place, Block 2438, Lot 20, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

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

Chin.....3

Negative:.....
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Absent: Commissioner Miele
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ACTION OF THE BOARD - Laid over to June 14, 2005, at 1:30 P.M., for decision, hearing closed.

43-05-BZ

APPLICANT - Harold Weinberg, P.E., for Yossi Cohen, owner.