
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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CONTENTS

DOCKET	4-6
CALENDAR of February 8, 2005	
Morning	7
Afternoon	8
CALENDAR of February 15, 2005	
Morning	9
Afternoon	9-10

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, January 11, 2005**

Morning Calendar11

Affecting Calendar Numbers:

457-56-BZ	152/4 India Street, Brooklyn
410-68-BZ	85-05 Astoria Boulevard, Queens
283-90-BZ	1400 Clove Road, Staten Island
218-96-BZ	138 East 39 th Street, Manhattan
200-01-BZ	182-15 Hillside Avenue, Queens
256-01-BZ	219-06 Hempstead Avenue, Queens
151-02-BZ	223 West 80 th Street, Manhattan
442-42-BZ	2001/2011 Cropsey Avenue, Brooklyn
198-66-BZ	300 East 74 th Street, Manhattan
722-68-BZ	388-392 Kings Highway, Brooklyn
164-94-BZ	84 Hugh Grant Circle, The Bronx
322-98-BZ	300 West 125 th Street, Manhattan
133-99-BZ	1253 Oriental Boulevard, Brooklyn
150-00-BZ	802 Hicksville Road, Queens
111-01-BZ	9001 Ditmas Avenue, Brooklyn
253-04-A	102-35 Williams Court, Queens
254-04-A	102-29 Williams Court, Queens
53-04-A thru	
62-04-A	140-26A/140-28/30/32/32A/34/34A/36 34 th Avenue, Queens
148-04-A	133 Sterling Place, Brooklyn
226-04-A	106 West Market Street, Queens
278-04-A	21 State Road, aka Rockaway Point Boulevard, Queens
279-04-A	29 Suffolk Walk, Queens
341-04-A	115 Beach 215 th Street, Queens
342-04-A	124 Reid Avenue, Queens
343-04-A	35 Beach 220 th Street, Queens
346-04-BZY	3329-3333 Giles Place a/k/a 3333 Giles Place, The Bronx

CONTENTS

Affecting Calendar Numbers:.....23

161-02-BZ	2433 Knapp Street, Brooklyn
193-03-BZ	824/34 Kent Avenue, Brooklyn
16-04-BZ	186-05 120 th Road, Queens
153-04-BZ	2948 Voorhies Avenue, Brooklyn
156-04-BZ	9712 Flatlands Avenue, Brooklyn
185-04-BZ	2275 East Second Street, Brooklyn
203-04-BZ	2801 Avenue N, Brooklyn
204-04-BZ	1116 East 22 nd Street, Brooklyn
227-04-BZ	1335 East 22 nd Street, Brooklyn
259-04-BZ	1181 East 22 nd Street, Brooklyn
327-02-BZ	82 Union Street, Brooklyn
394-03-BZ	16-61 Weirfield Street, Queens
8-04-BZ	78-15 Parsons Boulevard, Queens
63-04-BZ	108-24 Astoria Boulevard, Queens
126-04-BZ	66 87 th Street, Brooklyn
150-04-BZ	129 Elizabeth Street, Manhattan
207-04-BZ	2721 Avenue N, Brooklyn
208-04-BZ	2822 Avenue L, Brooklyn
237-04-BZ	5722 Faraday Avenue, The Bronx
258-04-BZ	1837 and 1839 East 24 th Street, Brooklyn
263-04-BZ	150 Girard Street, Brooklyn
311-04-BZ	380 Lighthouse Avenue, Staten Island
319-04-BZ	35 McDonald Avenue, Brooklyn
331-04-BZ	26 Cortlandt Street, Manhattan

CORRECTIONS40

Affecting Calendar Numbers:

142-03-BZ	140-20 Farmers Boulevard, Queens
258-03-BZ	47 Thames Street, Brooklyn
309-03-BZ	744/48 Greenwich Street, Manhattan

DOCKETS

New Case Filed Up to January 11, 2005

386-04-BZ B.Q. 22-44 119TH Street, corner of 23rd Avenue, Block 4194, Lot 20, Borough of Queens. Applic.#401963586. Proposed enlargement and development of an existing community facility, located in M1-1 zoning district, which does not comply with the zoning requirements for accessory off-street loading berth, waterfront yards, total height and parking, is contrary to Z.R. §44-52, §62-331, §62-34, §62-441 and §44-21.

COMMUNITY BOARD #7Q

387-04-BZ B.S.I. 908 Clove Road (formerly 904 and 908 Clove Road), east side, between Bard and Tyler Avenues, Block 323, Lot 42 (previously Lots 42 and 44), Borough of Staten Island. N.B.#500740665. Proposed construction of a one story and cellar building (retail and office), Use Group 6, located in an RS-2(HS) zoning district, is contrary to Z.R. §22-00.

COMMUNITY BOARD #1SI

388-04-BZ B.Q. 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. Applic.#401867119. 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.

COMMUNITY BOARD #12Q

389-04-BZ B.M. 150 East 34th Street, between Lexington and Third Avenues, Block 889, Lot 55, Borough of Manhattan. Applic.#103932167. The legalization of an existing physical culture establishment, situated on the second floor of the subject premises, requires a special permit from the Board as per Z.R. §73-36.

COMMUNITY BOARD #6M

390-04-BZ B.BX. 2290 Boston Road, southeast corner of Astor Avenue, Block 4343, Lot 31, Borough of The Bronx. Applic.#s200920539 and 200920520. The reestablishment of a gasoline service station, Use Group 16, with accessory auto repairs, accessory parking and the storage of motor vehicles, located in a C1-3 within an R6 zoning district, is contrary to Z.R. §32-00.

COMMUNITY BOARD #11BX

391-04-BZ B.BK. 2610 Avenue "L", south side, 60' east of the intersection of Avenue "L" and East 26th Street, Block 7644, Lot 44, Borough of Brooklyn. Applic.#301874032. Proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141(a).

COMMUNITY BOARD #14BK

392-04-BZ B.BK. 966 East 23rd Street, west side, 220.0' north of Avenue "J", between Avenues "I" and "J", Block 7586, Lot 75, Borough of Brooklyn. Applic.#301760912. Proposed two story rear enlargement, to an existing one family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. §23-141, §23-461, §23-47 and §54-31.

COMMUNITY BOARD #14BK

393-04-BZ B.Q. 41-19 Bell Boulevard, east side, 75' north of 42nd Avenue, Block 6290, Lot 5, Borough of Queens. Alt.1#400391679. The legalization of an existing physical culture establishment, located in a one story masonry building, situated in a C4-2/C8-1 zoning district, is contrary to §32-00.

COMMUNITY BOARD #11Q

394-04-BZ B.M. 44 Mercer Street, aka 471 Broadway, east side, 107.1/2" north of the intersection of Grand and Mercer Streets, Block 474, Lot 49, Borough of Manhattan. Applic.#103576024. Proposed construction of a seven-story mixed-use building, containing residential and retail uses, whereas such uses are not permitted as right, located within an M1-5B zoning district, is contrary to Z.R. §42-10 and §42-14(D)(2)(B).

COMMUNITY BOARD #2M

DOCKETS

395-04-BZ B.BK. 1232 54TH Street, southwest side, 242'-6" southeast of the intersection formed by 54th Street and 12th Avenue, Block 5676, Lot 17, Borough of Brooklyn. Applic.#301860706. Proposed synagogue and rectory, Use Group 4, located in an R4 zoning district, which does not comply with the zoning requirements for front wall, sky exposure, side and front yards, also parking, is contrary to Z.R. §24-521, §24-35(a), §24-34 and §25-31.

COMMUNITY BOARD #12BK

396-04-BZ B.M. 180 West Broadway, northwest corner, between Leonard and Worth Streets, Block 179, Lots 28 and 32, Borough of Manhattan. Applic.#103938045. Proposed construction of a thirteen story, mixed use building, located in a C6-2A, TMU zoning district, which does not comply with the zoning requirements for floor area, lot coverage, street walls, building height and tree planting, is contrary to Z.R. §111-104, §23-145, §35-24(c)(d) and §28-12.

COMMUNITY BOARD #1M

397-04-A B.M. 151 West 76th Street, north side, 471' from the intersection of Columbus Avenue, Block 1148, Lot 112, Borough of Manhattan. Applic.#103869084. An appeal to request the Board to determine that the apartment house at subject premises, is not a "single room occupancy multiple dwelling" and (2) nullify the Department of Buildings' plan review "objection" that resulted in this appeal application.

398-04-BZ B.BK. 2103 Avenue "M", northeast corner of East 21st Street, Block 7639, Lot 9, Borough of Brooklyn. Applic.#301056264. The legalization of an enlargement to an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area and open space ratio, is contrary to Z.R. §23-141, also the proposed removal of the existing garage, which is situated at the northern end of the existing enlarged home.

COMMUNITY BOARD #14BK

399-04-BZ B.M. 425/27 Broome Street, southeast corner of Crosby Street, Block 473, Lot 33, Borough of Manhattan. Applic.#103670029. Proposed use of the subcellar for accessory parking, first floor and cellar for retail, and the construction of partial sixth and seventh stories for residential use, also a special permit to allow a physical culture establishment on

the cellar level, of the subject premises, located in an M1-5B zoning district, is contrary to Z.R. §42-14(D), §13-12(a) and §73-36.

COMMUNITY BOARD #2M

400-04-A B.Q. 42-03 249th Street (t/b/k/a 42-01 and 42-03 249th Street), bounded by 41st Avenue, Little Neck Parkway, 43rd Avenue and 249th Street, Block 8127, Lots 43 and 45 (Tentative Lots 42 and 45), Borough of Queens. Applic.#s401994277 and 401994286. Proposed two semi-detached, two-family dwellings, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

401-04-BZ B.BK. 1395 Ocean Avenue, northeast corner of Avenue "I", Block 7566, Lot 6, Borough of Brooklyn. Applic.#301397771. Proposed enlargement of an existing yeshiva, Use Group 3, located in an R4 zoning district, 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.

COMMUNITY BOARD #14BK

402-04-BZ B.BK. 2461 Knapp Street, east side, between Avenues "X and Y", Block 8833, Lot 200, Borough of Brooklyn. Applic.#301858112. Proposed change in use from an enclosed amusement arcade, Use Group 15, to a self-storage facility, Use Group 16, located in a C3 and a C7 zoning district, is contrary to Z.R. §32-00 and §33-122.

COMMUNITY BOARD #15BK

403-04-A B.Q. An appeal asking the Board to rescind an Order issued by the Commissioner of the Department of Buildings, dated December 16, 2004, which is contrary to §26-115 of the NYC Administrative Code.

DOCKETS

404-04-BZ B.BK. 1384 East 24th Street, bounded by Avenue "N", East 23rd Street, Avenue "M" and East 24th Street, Block 7659, Lot 81, Borough of Brooklyn. Applic.#301853297.

Proposed enlargement of an existing one family dwelling , which does not comply with the zoning requirements for floor area, open space ratio, and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47.

COMMUNITY BOARD #14BK

405-04-BZ B.BK. 1734 East 27th Street, west side, between Quentin Road and, Avenue "R", Block 6809, Lot 24, Borough of Brooklyn. Applic.#301865747. Proposed enlargement of an existing one family dwelling , which does not comply with the zoning requirements for floor area, lot coverage, height of walls, and side and rear yards, is contrary to Z.R. §23-141, §23-461 and §23-47 and §23-631.

COMMUNITY BOARD #15BK

1-05-A B.BX. 1426 Shore Drive and 1428 Shore Drive, 643.08' south of the intersection of Layton Avenue and Shore Drive, Block 5467, New Lots 138 and 139, (p/o of Lots 37 and 38, Borough of The Bronx. Applic.#s 200786514 and 200786505. Proposed construction of two-one family dwellings, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

FEBRUARY 8, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 8, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

314-28-BZ

APPLICANT - Manuel B. Vidal, Jr., for Henilda Realty Corporation, owner; Henilda Realty Corporation, lessee.

SUBJECT - Application July 8, 2004 - reopening for an amendment to the prior resolution to permit the removal of the existing kiosk and to erect a new building on the property to be used as a convenience store.

PREMISES AFFECTED - 902/14 Westchester Avenue and 911/15 Rogers Place, south west corner of 889/903 East 163rd Street, Block 2696, Lot 130, Block 2696, Lot 130, Borough of The Bronx.

COMMUNITY BOARD #2BX

450-46-BZ

APPLICANT - Friedman & Gotbaum, LLP by Shelley S. Friedman, Esq., for 41 East LLC, owner.

SUBJECT - Application December 29, 2004 - Extension of Term for a commercial UG6B in a residential district previously granted, which is not permitted in R8B zoning district and an amendment to include a community use facility UG4, which is as of right, is contrary to previously approved plans. This application is an In-Part legalization.

PREMISES AFFECTED - 41 East 62nd Street, Manhattan, north side of East 62nd Street, 105' east of the corner formed by the intersection of East 62nd Street and Madison Avenue, Block 1377, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #8M

286-99-BZ

APPLICANT - Rampulla Associates Architects, for Vasilios Koniosis, owner.

SUBJECT - Application September 20, 2004 - Extension of Time/Waiver of the Rules of Practice and Procedures to complete construction for the conversion of an existing single family detached dwelling to stores and offices, approved by the Board on May 2, 2000.

PREMISES - 4142 Hylan Boulevard, SE/S of Hylan Boulevard at the corner of Hylan Boulevard and Hinz Avenue, Block 5310, Lot 1, Borough of Staten Island.

FEBRUARY 8, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday*

COMMUNITY BOARD #3SI

295-99-BZ

APPLICANT - Rampulla Associates Architects, for Wyckoff Heights Medical Center, owner.

SUBJECT - Application September 20, 2004 - Extension of Time/Waiver of the Rules of Practice and Procedures to complete construction the erection of a five (5) story parking facility, which will service the Wyckoff Hospital as an accessory parking facility which was granted by the Board on May 2, 2000.

PREMISES - 370 Stanhope Street, Stanhope Street between Wyckoff Avenue and St. Nicholas Avenue, Block 3271, Lots 17, 18, 20, 22, 37, 38, Borough of Brooklyn.

COMMUNITY BOARD #4BK

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders Group, Inc., owner.

SUBJECT - Application December 18, 2003 - Reopening for an application previously denied by the Board of Standards and Appeals to consider additional information that was not available at the time the BSA originally considered this application. The application was filed pursuant to section 72-21 of the zoning resolution to permit a proposed six story residential building located in an R-5 zoning district, which would create non-compliance with respect to Section 23-141, FAR, lot coverage and open space, Section 23-631 height and perimeter wall, Section 23-222 lot area per dwelling unit, Sections 23-45, 23-46 and 2347 yard requirements.

PREMISES - 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Block 6889, Lots 7, 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEALS CALENDAR

312-04-A

APPLICANT - Eric Paltnik, P.C for Aspinwall Building Corp., owner.

SUBJECT - Application September 15, 2004 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law .

PREMISES - 14 Letty Court , 185.87' west of Van Name Avenue, Block 1188, Lot 115, Borough of Staten Island.

COMMUNITY BOARD #1SI

afternoon, February 8, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

72-04-BZ

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

SUBJECT - Application March 5, 2004 - under Z.R. §11-411 to request an extension of term of the previously granted variance, which permitted the erection and maintenance of a gasoline service station with accessory uses, and Section 11-412 to authorize the alteration of the signage and the accessory use of a convenience store located in an R6/C1-2 and R6 zoning district.

PREMISES AFFECTED - 141-54 Northern Boulevard, southwest corner of Parsons Boulevard, Block 5012, Lot 45, Borough of Queens.

COMMUNITY BOARD #7Q

220-04-BZ

APPLICANT - Eric Palatnik, P.C., for Marjay Realty, LLC, owner; Maxim Health and Fitness, lessee.

SUBJECT - Application May 28, 2004 - under Z.R. §73-36 to permit the proposed physical culture establishment, to occupy a portion of the second floor, of an existing six story building, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting on North 9th and 10th Streets and Driggs Avenue, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

234-04-BZ

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

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

FEBRUARY 15, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 15, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

265-04-BZ

APPLICANT - Greenberg & Traurig, LLP by Jay A. Segal, Esq. for LVMH, Inc., owner; BlissWorld LLC, Lessee.

SUBJECT - Application July 27, 2004 - under Z.R. §73-36 to permit the legalization of the operation of a physical cultural establishment on the 3rd floor of a twenty -two story commercial building consisting of 3,792sqft located within a C5-3 (MID) Zoning district.

PREMISES AFFECTED - 19 East 57th Street - north side of East 57th Street and Madison Avenue ,Block 1293, Lot 14, Borough of Manhattan

COMMUNITY BOARD #5M

298-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yeshiva Emek Hatalmud, owner.

SUBJECT - Application September 7, 2004 - under Z.R. §72-21 to permit the proposed conversion of a two family residential house to a Yeshiva (Religious School), located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio, lot coverage, street wall, sky exposure, side and rear yards, is contrary to Z.R. §24-11, §24-521, §24-35(a) and §24-36.

PREMISES AFFECTED - 1746 East 21st Street, west side, 440' north of Quentin Road, Block 6783, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #15

SPECIAL ORDER CALENDAR

1126-48-BZ

APPLICANT - Sheldon Lobel, P.C., for Advance Parking LLC, owner.

SUBJECT - Application July 30, 2004 - Reopening for an

CALENDAR

extension of term of variance for an open garage for parking & storage of more than five(5) motor vehicles, located in C1-5 zoning district.

PREMISES - 249/51 West 43rd Street, north side of West 43rd Street, 200' east of 8th Avenue, Block 1015, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #5M

259-98-BZ

APPLICANT - Davidoff Malito & Hutcher LLP by Howard S. Weiss, Esq., for Kent Plaza Realty Corp., owner.

SUBJECT - Application November 17, 2004 - reopening for an amendment to a previously granted variance for a multiple dwelling, located in an M1-2 zoning district.

PREMISES AFFECTED - 761-773 Kent Avenue a/k/a 763 Kent Avenue, south frontage of Kent Avenue between Little Nassau Street and Flushing Avenue, Block 1884, Lots 36 & 33 (tent 36), Borough of Brooklyn.

COMMUNITY BOARD #3BK

FEBRUARY 15, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, February 15, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

138-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Cong. Machne Chaim, Inc., owner; Yeshiva Bais Sorah, lessee.

SUBJECT - Application March 24, 2004 - under Z.R. §73-19 to request a special permit for a school, Use Group 3, within an M1-1 Zoning District to vary Z.R. §42-00 so as to permit the school on the Premises.

PREMISES AFFECTED - 6101-6123 16th Avenue, 16th Avenue between 61st and 62nd Streets, Block 5524, Lot 1, Borough of Queens.
PREMISES AFFECTED - 610 Lanett Avenue, north west side of Lanett Avenue, 200' east of Beach 8th Street, Block 15596, Lot 7, Borough of Queens.

COMMUNITY BOARD #14Q

296-04-BZ

APPLICANT - Sheldon Lobel, P.C., for 135 Orchard Street, Co., LLC, owner.

SUBJECT - Application August 30, 2004 - under Z.R. §72-21 to

Brooklyn.

COMMUNITY BOARD #11BK

187-04-BZ

APPLICANT - Eric Palatnik, P.C., for 182 MXB, LLC owner.
SUBJECT - Application May 4, 2004 - under Z.R. §72-21 to permit the proposed construction of a four story building, with eight dwelling units, Use Group 2, located in an R-5 zoning district, which does not comply with the zoning requirements for lot coverage, floor area, front yards, parking, height and perimeter wall, also the number of dwelling units, is contrary to Z.R. §23-141(c), §23-631(e), §23-45(a), §25-23(a) and §23-22.

PREMISES AFFECTED - 182 Malcolm X Boulevard, north west corner of Madison Street, Block 1642, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #3BK

230-04-BZ

APPLICANT - Sheldon Lobel, P.C., for La Perst, LLC, owner.
SUBJECT - Application June 16, 2004 - under Z.R. §72-21 to permit the legalization of the residential conversion of a building located in an M1-2 zoning district.

PREMISES AFFECTED - 260 Moore Street, between White Street and Bogart Street), Block 3110, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #1BK

293-04-BZ

APPLICANT - Eric Palatnik, P.C., for Torah Academy For Girls, owner.

SUBJECT - Application August 25, 2004 - under Z.R. §72-21 in an R3-1 district, approval sought to enlarge an existing Yeshiva (Torah Academy High School for Girls). It is proposed to add four classrooms, bringing the total number of classrooms to 22; a new multi-purpose room, and the enlargement of an existing auditorium/gymnasium/multi-purpose room. The application seeks waivers from floor area, wall height, side yard, rear yard and sky exposure plane requirements.

permit the legalization of the residential uses on floors two through five of an existing five-story mixed use building located in a C6-1 zoning district.

PREMISES AFFECTED - 135 Orchard Street, (a/k/a 134 Allen Street), between Delancey and Rivington Streets, Block 415, Lot 69, Borough of Manhattan.

COMMUNITY BOARD #3M

Pasquale Pacifico, Executive Director

MINUTES

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JANUARY 11, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, October 26, 2004, were approved as printed in the Bulletin of November 4, 2004, Volume 89, No. 44.

SPECIAL ORDER CALENDAR

457-56-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Beatrice Trachtman, owner.

SUBJECT - Application June 24, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired February 13, 2004 to permit accessory parking of motor vehicles, customer parking, loading and unloading in conjunction with adjacent factory building, located in an R6 zoning district.

PREMISES AFFECTED - 152/4 India Street, south side of India Street 150' east of Manhattan Avenue, Block 2541, Lots 12 & 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening and an extension pursuant to Z.R. § 11-411 of the term of the variance, which expired on February 13, 2004; and

WHEREAS, a public hearing was held on this application on October 19, 2004, after due notice by publication in The City Record, with a continued hearing on December 7, 2004, and then to decision on January 11, 2005; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since December 4, 1956, when it granted an application under the subject calendar number to permit accessory parking, loading and unloading in connection with a factory building located on another lot; and

WHEREAS, the Board has granted subsequent extensions of

410-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Alessandro Bartellino, owner.

SUBJECT - Application June 29, 2004 - reopening for an

the term of the variance and minor amendments to the resolution, most recently on January 31, 1995, when the variance was extended for a term of 10 years from February 13, 1994; and

WHEREAS, the applicant asserts that no amendments to the variance are being requested; and

WHEREAS, pursuant to Z.R. § 11-411, the Board may, in appropriate cases, allow an extension of the term of a pre-1961 variance; and

WHEREAS, the Board has determined that the evidence in the record supports the finding required to be made under Z.R. § 11-411.

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, reopens and amends the resolution, and extends the term of the variance which expired on February 13, 2004, so that as amended this portion of the resolution shall read: "to permit the extension of the term of the variance for an additional ten (10) years from February 13, 2004 expiring on February 13, 2014; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 27, 2004" - (1) sheet; and on further condition;

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

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

THAT an 8'-0" high, 100 percent opaque fence shall be installed and maintained along the easterly lot line;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect; THAT the aforementioned fence shall be installed within 30 days from the date of this grant, and the applicant shall provide photographic evidence of the installation of such fence to the Board's Executive Director within such time;

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

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

(DOB Application #301801904)

Adopted by the Board of Standards and Appeals, January 11, 2005.

amendment to the resolution to convert a portion of the existing automotive service station to a convenience store and permit the construction of a new building to contain two automobile service repair bays, service attendant area and customer waiting area.

MINUTES

PREMISES AFFECTED - 85-05 Astoria Boulevard, fronting 85th Street and 24th Avenue, Block 1097, Lot 1, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application under Z.R. § 11-412 for an amendment to the resolution, to permit the conversion of a portion of an existing automotive service station to a convenience store, the construction of a new building to contain two automotive service repair bays, service attendant area and customer waiting area, an extension of the existing canopy, the relocation of the pump islands, and the addition of one new fuel dispenser; and

WHEREAS, a public hearing was held on this application on November 16, 2004, after due notice by publication in The City Record, with a continued hearing on December 7, 2004 and then to January 11, 2005 for decision; and

WHEREAS, Community Board 3, Queens, recommended conditional approval of this application, and certain of said conditions are incorporated herein as conditions; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since February 24, 1953, when the Board granted an application to permit the erection and maintenance of a gasoline service station, with an auto wash, lubricatorium and motor vehicle repairs; and

WHEREAS, most recently, on February 29, 2000, the Board granted an application to extend the term of the variance for a period of ten years from November 29, 1998, and to permit the installation of a steel canopy over the motor fuel dispensers and the conversion of a portion of the existing building for an attendant's area; and

WHEREAS, the subject application seeks to convert the existing 1,868 sq. ft., three-bay automotive service station to a one-bay service station, with an office, utility room, and convenience store, and to permit a new 934 sq. ft. addition to the building; and

WHEREAS, the applicant represents that the new addition will contain two automobile service repair bays, a service attendant area and a customer waiting area; and WHEREAS, pursuant to Z.R. § 11-412, the Board may, in appropriate cases, allow the enlargement of a building on a premises subject to a pre-1961 variance, provided that the enlargement does not exceed 50 percent of the floor area of the existing building; and

283-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for OPM Holdings, LLC, owner.

SUBJECT - Application January 7, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1400 Clove Road, a/k/a Oswego Street, southwest corner of Clove Road and Oswego Street, Block 658, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #ISI

WHEREAS, the Board has determined that the evidence in the record supports the finding required to be made under Z.R. § 11-412.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution pursuant to Z.R. § 11-412, said resolution having been adopted on December 24, 1929, so that as amended this portion of the resolution shall read: "To permit the conversion of a portion of an of an existing automotive service station to a convenience store, an addition to the existing building to contain two automotive service repair bays, a service attendant area and a customer waiting area, an extension of the existing canopy, the relocation of the pump islands, and the addition of one new fuel dispenser; on condition that all work shall substantially conform to drawings filed with this application marked 'Received December 9, 2004'-(5) sheets; and on further condition;

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

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

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

THAT the hours of operation of the automotive repairs shall be limited to Monday through Saturday, 8:00 AM - 6:00 PM;

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

THAT all curb cuts and landscaping shall be installed and/or maintained as shown on the BSA-approved plans; the curb cut on 24th Avenue shall be eliminated;

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

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

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

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

(DOB Application # 401856997).

Adopted by the Board of Standards and Appeals, January 11, 2005.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner

MINUTES

Caliendo, Commissioner Miele and
Commissioner Chin.....5
Negative:.....0

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner
Caliendo, Commissioner Miele and
Commissioner Chin.....5
Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for an amendment to the variance, to permit the enlargement of a non-conforming eating and drinking establishment in an R3X zoning district; and

WHEREAS, a public hearing was held on this application on March 27, 2004, after due notice by publication in The City Record, with continued hearings on June 7, August 10, September 28, October 19, November 16, and December 14, 2004, and then to decision on January 11, 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 Caliendo, Miele, and Chin; and

WHEREAS, Community Board No. 1, Staten Island, recommended disapproval of this application; and

WHEREAS, the application was also opposed by the Clove Lake Civic Association, as well as various neighbors; and

WHEREAS, the subject lot is irregularly shaped, with frontages on three streets (Clove Road to the east, Oneida Avenue to the west, and Oswego Street to the north), and is currently developed with a two-story and cellar building; and

WHEREAS, in 1977, under BSA Calendar No. 185-77-BZ, the Board permitted, pursuant to Z.R. § 72-21, the enlargement of the site (which was then in an R3-1 zoning district) in order to provide accessory parking for 20 cars and the enlargement of the cellar for additional storage space; however, these enlargements were never built; and

WHEREAS, on September 10, 1996, under the subject calendar number, the Board granted an application to permit an enlargement of the existing non-conforming eating and drinking establishment on the site; and

WHEREAS, specifically, the Board approved an enlargement of the eating and drinking establishment by 1430 sq. ft. and an

WHEREAS, specifically, at the October 19, 2004 hearing, the Board requested that the applicant provide: (1) a wall, treated in stucco on all exposed surfaces, 4'-6" away from the southerly property line, with a landscaped area behind it and a gate for access; (2) proof that the area formerly used for garbage is now free of garbage; (3) a workable parking layout; and (4) a plan eliminating access from Oneida Street so that no vehicles or pedestrians can enter or exit the premises from that side; and

WHEREAS, the Board finds that the applicant has sufficiently responded to these specific requests and has submitted adequate plans incorporating the Board requirements; and

WHEREAS, the applicant has also submitted photos indicating that the area formerly used for trash storage has been converted to a landscaped area and showing that the open area adjacent to Clove Road was cleared of weeds; and

enlargement of the parking area to provide a total of 18 accessory parking spaces; and

WHEREAS, on March 6, 2001, the Board granted an application for an extension of time to complete construction for a period of two years, expiring on September 10, 2003; and

WHEREAS, a certificate of occupancy, issued on August 14, 2003, provides that the following are permitted uses at the premises: accessory storage in the cellar, eating and drinking establishment on the first floor and mezzanine, and one family residence on the second floor; and

WHEREAS, in 2003, the Board was made aware that the eating and drinking establishment at the site was enlarged and being operated contrary to certain terms and conditions of the Board's prior grant; the Board then initiated compliance proceedings; and

WHEREAS, after being notified of the non-compliances, the applicant filed the subject amendment application; and

WHEREAS, in the instant proceeding, the applicant acknowledged the following non-compliances with the prior BSA approval: (1) no apartment was constructed on the second floor; the second floor is instead utilized as another dining area; (2) a landscaped area was not provided along the southerly lot line of the premises; (3) a masonry wall was erected instead of a wrought iron fence; (4) a dumpster/refuse area was provided at the southeast corner of the premises; (5) the cellar is used for active food preparation as well as for storage; (6) the entrances/exits on the first floor were modified, partially in order to accommodate the installation of a handicapped accessibility ramp from the parking lot; and (6) other minor interior modifications were made, such as the addition of a pantry area outside the kitchen; and

WHEREAS, the applicant states that the apartment was not constructed because it was not a feasible living area given the level of activity in the eating and drinking establishment; and

WHEREAS, the Board agrees with the applicant that residential use of the subject second floor area now used as a dining room does not make sense, given the level of activity in the eating and drinking establishment and the fact that there is no need for a live-in caretaker; and

WHEREAS, in addition, after much discussion at public hearing, the applicant has agreed to certain site and operation modifications requested by the Board that will address the other existing non-compliances; and

WHEREAS, additionally, the applicant has committed to the installation of all fencing and landscaping as required within 60 days of the date of this grant, and will submit proof of such installation to the Board; and

WHEREAS, finally, at the request of the Board, the applicant has committed to provide attended parking for 30 vehicles on Friday and Saturday nights, between 5 pm and 2 am, in order to alleviate any parking congestion on the streets surrounding the site; and

WHEREAS, accordingly, based upon both its review of the submissions and the applicant's willingness to accept the conditions set forth below, the Board finds that the proposed amendment to the prior resolution is appropriate.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on May 20, 1997, as amended on December 11,

MINUTES

2001, so that as amended this portion of the resolution shall read: "To permit the conversion of the second floor space formerly designated as an apartment to a dining area, the use of the cellar for food preparation and storage, the relocation of the garbage area, the installation of fencing and landscaping, and other minor interior modifications on condition that all work shall substantially conform to drawings filed with this application marked 'Received December 27, 2004' - (3) sheets and 'Received January 11, 2005' - (1) sheet; and on further condition:

THAT total occupancy shall be limited to 166 patrons, with 50 persons in the existing dining room on the first floor, 56 persons in the bar area on the first floor, 30 persons in the new dining area on the second floor, and 30 persons in the existing dining area on the second floor, as shown on the BSA-approved plans;

THAT the hours of operation shall be 11 am to 1 am Sunday through Thursday, and 11 am to 2 am on Friday and Saturday;

THAT there shall be no access of any kind from Oneida Avenue to the parking area; this entrance shall be sealed off;

THAT the parking area shall be gated off and inaccessible during non-business hours, except for garbage collection;

THAT attended parking for 30 cars will be provided on Friday and Saturday between 5 pm and 2 am;

THAT handicapped parking shall be provided as shown on the BSA-approved plans;

THAT no lighting shall be installed along the portion of the wall adjacent to the southerly lot line, and that all exterior lighting shall be limited to decorative fixtures, with bulbs of 75 watts maximum;

THAT no dining area in the eating and drinking establishment shall be used for catering or as a banquet hall;

THAT garbage shall be collected only between the hours of 7 am to 11 am; garbage collection shall occur from inside the parking lot and not across the sidewalk

THAT a concrete pad for garbage cans shall be provided and maintained on the north side of the parking lot; this area shall not be accessible from the sidewalk;

218-96-BZ

APPLICANT - The Agusta Group for The Armenian Apostolic Church, owners.

SUBJECT - Application August 10, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction of an enlargement to an existing community facility.

PREMISES AFFECTED - 138 East 39th Street, south side 123.4' east of Lexington Avenue, Block 894, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES - None.

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

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION-

WHEREAS, this is an application for a waiver of the Rules of

THAT all landscaping and fencing shall be provided and maintained as indicated on the BSA-approved plans;

THAT a 3 ft. access gate, 100 percent opaque, shall be maintained in the southerly wall, shall be used for maintenance of the planting area only, and shall be locked at all other times;

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

THAT all conditions from prior resolutions not specifically waived, superceded or modified herein remain in effect;

THAT installation of all required fencing, landscaping, and other items as shown on the BSA-approved plans shall be completed within 60 days of the date of this grant, and proof of same shall be submitted to the Board's Executive Director when installation has been completed;

THAT a new certificate of occupancy be obtained within six months of the date of this grant;

THAT 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; and

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

(DOB Application No. 500648409)

Adopted by the Board of Standards and Appeals, January 11, 2005.

Practice and Procedure, and an extension of time to complete construction and obtain a Certificate of Occupancy; and

WHEREAS, a public hearing was held on this application on December 7, 2004, after due notice by publication in The City Record, and then to decision on January 11, 2005; and

WHEREAS, on May 20, 1997, the Board granted an application under the subject calendar number to permit a one-story enlargement above the basement level at the rear of an existing community facility building, occupied by the Armenian Apostolic Church; and

WHEREAS, on December 11, 2001, the Board granted an application for an extension of time to complete construction for a period of two years, expiring on December 11, 2003; and

WHEREAS, the applicant represents that due to continued and unforeseeable adverse economic conditions, the construction has not been completed, and the Certificate of Occupancy application has been delayed; and

WHEREAS, the applicant states that the community facility has now obtained the required funds to undertake the expense of construction, and has submitted sufficient evidence of this to the Board.

Resolved, that the Board of Standards and Appeals reopens

MINUTES

and amends the resolution, said resolution having been adopted on May 20, 1997 as amended on December 11, 2001, so that as amended this portion of the resolution shall read: "To permit an extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on January 11, 2007 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) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, January 11, 2005.

200-01-BZ

APPLICANT - Davidoff Malito & Hutcher LLP by Howard S. Weiss, Esq., for Hillside Manor Rehabilitation/Browne Associates; Hillside Manor Rehabilitation and Extended Care Center LLC; lessee
SUBJECT - Application July 29, 2004 - request for a waiver of the Rules of Practice and Procedure and Extension of Time to obtain a Certificate of Occupancy for a variance granted for the enlargement

WHEREAS, the applicant represents that due to unforeseen delays related to obtaining a special permit from the City Planning Commission and program and funding approvals from the New York State Department of Health, the construction has not been completed, and the certificate of occupancy application has been delayed.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on April 16, 2002, so that as amended this portion of the resolution shall read: "To permit an extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on January 11, 2007 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) and/or configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, January 11, 2005.

256-01-BZ

of the twelfth floor of an existing 11 (plus partial 12) story community facility building and the addition of three elevators.

PREMISES AFFECTED - 182-15 Hillside Avenue, northern corner of Hillside Avenue and Avon Street, Block 9950, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Juan Reyes.

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

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on December 14, 2004, after due notice by publication in The City Record, and then to decision on January 11, 2005; and

WHEREAS, on April 16, 2002, the Board granted an application under the subject calendar number to permit the enlargement of the twelfth floor of an existing eleven (plus partial twelve) story community facility building and the addition of three elevators; and

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

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

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

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application under Z.R. § 11-412, for a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on September 21, 2004, after due notice by publication in the City Record, with continued hearings on October 19, 2004 and

MINUTES

November 23, 2004, and then to January 11, 2005 for decision; and

WHEREAS, the Queens Borough President as well as Community Board No. 13, recommended approval of this application; and

WHEREAS, the Board has exercised jurisdiction over the subject premises since 1958, when under Calendar Number 634-54-BZ Vol. II, the Board granted an application to permit the erection and maintenance of a gasoline service station with accessory uses, lubritorium, car wash (non-automatic), minor repairs, office, sales and storage of automobile accessories, and parking of cars awaiting service; and

WHEREAS, the record indicates that the gasoline service station operated continuously from 1958 until 1998, when the gasoline storage tanks and fuel dispensing pumps were removed; and

WHEREAS, the record indicates that subsequent to the elimination of the gasoline station service use, the property was sold and operated as an automotive repair facility providing minor repairs, lubrication, inspection, and related automotive services including the sale of automotive accessories; and

WHEREAS, on September 10, 2002 the Board granted an application under the subject calendar number, pursuant to Z.R. §§

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to permit the an 843 sq. ft. one-story enlargement to the existing building for use as additional service bays for cars being repaired; on condition that all work shall substantially conform to drawings as filed with this application, marked 'Received October 4, 2004' - (4) sheets, 'Received November 8, 2004' -(2) sheets, and 'Received November 22, 2004' - (1) sheet; and on further condition;

THAT the landscaped area on the eastern portion of the lot adjacent to residential uses shall be maintained and shall not be used for any commercial use;

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

(DOB ALT II. #401758415)

Adopted by the Board of Standards and Appeals, January 11, 2005.

11-411 and 11-413, to re-establish the use of the subject premises as a gasoline service station with motor vehicle repairs (Use Group 16B), and to change the use of part of the facility from a gasoline service station to a motor vehicle repair establishment; and

WHEREAS, the instant application seeks an amendment to the resolution to permit a one-story, 843 sq. ft. enlargement to the existing building for use as additional service bays for cars being repaired; and

WHEREAS, the applicant states that the additional service bays will provide for faster service for customers and reduce the number of parking spaces needed to store cars awaiting service; and

WHEREAS, in response to the concerns of the Board related to automotive and pedestrian traffic, the applicant has eliminated the curb cut on 219th Street and consolidated the two curb cuts along Hempstead Avenue; and

WHEREAS, pursuant to Z.R. § 11-412, the Board may, in appropriate cases, allow the alteration of a building on a premises subject to a pre-1961 variance; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. § 11-412.

151-02-BZ

APPLICANT - Law Offices of Howard Goldman, LLC, for Cavan Development Corp., owner.

SUBJECT - Application July 8, 2004 - reopening for an amendment to the resolution to permit the conversion of portion of cellar to livable space.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Chris Wright.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5
Negative:.....0

THE VOTE TO GRANT -

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

Commissioner Chin.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for an amendment to the resolution, to conform the BSA-approved plans with those filed and approved at the Department of Buildings, which reflect the conversion of a portion of the cellar (607 sq. ft.) to residential floor area, the relocation of recreation space from the cellar to the roof, and an increase in dwelling units from 11 to 12; and

WHEREAS, a public hearing was held on this application on November 23, 2004, after due notice by publication in The City Record, and then to January 11, 2005 for closure and decision; and

WHEREAS, Community Board 7, Manhattan, waived recommendation upon this application; and

MINUTES

WHEREAS, on January 14, 2003, under the subject calendar number, the Board granted a variance pursuant to Z.R. § 72-21 permitting the proposed construction of a twelve-story building on a site within a C4-6A zoning district, which exceeded the maximum permissible height; and

WHEREAS, under the 2003 grant, the Floor Area Ratio ("FAR") of the proposed building was 8.3, the number of dwelling units was 11 and the recreation space was to be located in the cellar; and

WHEREAS, the applicant represents that although the cellar space will now be converted to living area, because of mechanical deductions, the resulting FAR of the proposed building under this amendment is 8.2; and

WHEREAS, the applicant further represents that the rear yard fully complies with all applicable Z.R. and Multiple Dwelling Law requirements, and notes that the rear yard has already been approved by DOB; and

WHEREAS, the applicant also states that the recreational space to be provided on the roof will total 586 sq. ft., and the overall

THAT DOB shall ensure that the BSA-approved plans conform to those approved by DOB prior to issuance of any temporary or permanent certificate of occupancy;

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

(DOB Application No. 103134724).

Adopted by the Board of Standards and Appeals, January 11, 2005.

442-42-BZ

APPLICANT - Sheldon Lobel, P.C., for Cropsey 20th Avenue Corporation, owner.

SUBJECT - Application July 30, 2004 - reopening for an amendment to an existing gasoline service station to erect a new canopy over the existing MPD's and alter signage.

PREMISES AFFECTED - 2001/2011 Cropsey Avenue, northeast corner of 20th Avenue and Cropsey Avenue, Block 6442, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane and Shirin Semnani.

ACTION OF THE BOARD - Laid over to February 8, 2005, at 10 A.M., for continued hearing.

198-66-BZ

recreational space will total 742 sq. ft. (the original grant provided 594 sq. ft. in the cellar); this space meets the requirements of the Quality Housing regulations and will be accessible to all tenants; and

WHEREAS, the Board has determined that based upon the evidence in the record, the subject amendment is appropriate to grant.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on January 14, 2003, so that as amended this portion of the resolution shall read: "to conform the BSA-approved plans with those filed and approved at the Department of Buildings, which reflect the conversion of a portion of the cellar (607 sq. ft.) to residential floor area, the relocation of recreation space from the cellar to the roof, and an increase in dwelling units from 11 to 12; on condition that all work shall substantially conform to drawings filed with this application marked 'Received October 6, 2004' -(9) sheets, and 'Received January 10, 2005' -(2) sheets; and on further condition:

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -None.

ACTION OF THE BOARD - Laid over to March 15, 2005, at 10 A.M., for continued hearing.

722-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Matthews Pines, owner; Speedstar Motors, Inc., lessee.

SUBJECT - Application July 30, 2003 - reopening for an amendment to legalize a change of use from wholesale storage and packaging establishment, with an accessory office and loading area (Use Group 16) to automotive repair and sales (Use Group 16) and warehouse (Use Group 16), with accessory offices, located in an R-6 zoning district.

PREMISES AFFECTED - 388-392 Kings Highway, West 3rd Street and Kings Place, Block 6678, Lot 68, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Irving E. Minkin.

ACTION OF THE BOARD - Laid over to February 15, 2005, at 10 A.M., for continued hearing.

164-94-BZ

APPLICANT - Sullivan, Chester & Gardner, P.C., for Tuckahoe Realty, LLC, owner; Lucille Roberts Health Club, lessee.

SUBJECT - Application February 11, 2004 - Extension of term and Waiver of the Rules and Procedures for an expired variance for a physical culture establishment ("Lucille Roberts Fitness for

MINUTES

Women"), granted pursuant to section 72-21 which expired on March 1, 2003.

PREMISES AFFECTED - 84 Hugh Grant Circle, South side of Hugh Grant Circle, 95.69 feet west of Cross Bronx Expressway, Block 3794 Lot 109, The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Laid over to February 8, 2005, at 10 A.M., for continued hearing.

322-98-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for HUSA Management Co., LLC, owner; TSI Harlem USA, Inc. d/b/a New York Sports Club, lessee.

133-99-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Anna Kadar, owner.

SUBJECT - Application February 2, 2004 and June 10, 2004 - reopening for an extension of time to complete construction and obtain a certificate of occupancy to permit a one story family residence and for an amendment to the resolution to modify the interior arrangement and also raise the height of the building.

PREMISES AFFECTED - 1253 Oriental Boulevard, northwest corner Norfolk Street, Block 8756, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: **Harold Weinberg.**

THE VOTE TO REOPEN HEARING -

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 15, 2005, at 10 A.M., for continued hearing.

150-00-BZ

APPLICANT - Eric Palatnik, P.C., for Yeshiva of Far Rockaway, owner.

SUBJECT - Application May 17, 2004 - reopening for an amendment to the resolution for modification of an existing Yeshiva previously approved by the Board.

PREMISES AFFECTED - 802 Hicksville Road, corner of Beach 9th Street, Block 15583, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

SUBJECT - Application March 15, 2004 - reopening for an amendment to the resolution to allow the enlargement of a previously granted special permit permitting the operation of a physical culture establishment located in portions of the first floor and of the fourth floor of the subject premises.

PREMISES AFFECTED - 300 West 125th Street, south side of West 125th Street, between St. Nicholas Avenue and Frederick Douglas Boulevard, Block 1951, Lots 22, 25, 27, 28, 29, 33, 39, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD - Laid over to February 1, 2005, at 10 A.M., for continued hearing.

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for decision, hearing closed.

111-01-BZ

APPLICANT - Eric Palatnik, P.C., acting of Counsel to Charles R. Foy, Esq., for George Marinello, owner; Wendy's Restaurant, lessee.

SUBJECT - Application March 23, 2004 - reopening for an amendment to the resolution to amend the hours of operation of the existing drive thru facility until 4 A.M. daily.

PREMISES AFFECTED - 9001 Ditmas Avenue, between 91st Street and Remsen Avenue, Block 8108, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Marva Straker and Esme Trotman.

ACTION OF THE BOARD - Laid over to February 1, 2005, at 10 A.M., for continued hearing.

APPEALS CALENDAR

253-04-A

APPLICANT - Joseph P. Morsellino, Esq., for P & D Builders Inc., owners.

SUBJECT - Application July 15, 2004 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 fo the General City Law.

PREMISES AFFECTED - 102-35 Williams Court, west of Ocean Avenue, Block 14239, Lot 1184, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Joseph Morsellino.

MINUTES

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated June 18, 2004 acting on Department of Buildings Application No. 401872274, which reads in pertinent part:

"1. Comply with General City Law 36 for buildings not fronting a mapped street.

WHEREAS, the applicant has agreed to fully sprinkler the homes in accordance with the Fire Department's request; 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 June 18, 2004 acting on Department of Buildings Application No. 401872274, 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, November 22, 2004" - (1) sheet; that the proposal 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 homes shall be sprinklered in accordance with the Fire Department's request ;

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

254-04-A

APPLICANT - Joseph P. Morsellino, Esq., for P & D Builders Inc., owners.

SUBJECT - Application July 15, 2004 - Proposed one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 fo the General City Law.

PREMISES AFFECTED - 102-29 Williams Court, west of Ocean Avenue, Block 14239, Lot 1186, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT -

2. Comply with Section 27-291, building frontage."; and

WHEREAS, a public hearing was held on this application on December 14, 2004 after due notice by publication in the City Record, and then to decision on January 11, 2005; and

WHEREAS, by letter dated November 5, 2004, the Fire Department states that it has reviewed the above project and has recommended that since this is a new street with no other developments, a 30ft curb to curb street width is required since the existing street is only 20ft in width and access is compromised; and

WHEREAS, the Fire Department also states that if the Board finds that 20ft width street is acceptable, the buildings will need to be sprinklered; and

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated June 18, 2004 acting on Department of Buildings Application No. 401872283, which reads in pertinent part:

"1. Comply with General City Law 36 for buildings not fronting a mapped street.

2. Comply with Section 27-291, building frontage."; and

WHEREAS, a public hearing was held on this application on December 14, 2004 after due notice by publication in the City Record, and then to decision on January 11, 2005; and

WHEREAS, by letter dated November 5, 2004, the Fire Department states that it has reviewed the above project and has recommended that since this is a new street with no other developments, a 30ft curb to curb street width is required since the existing street is only 20ft in width and access is compromised; and

WHEREAS, the Fire Department also states that if the Board finds that 20ft width street is acceptable, the buildings will need to be sprinklered; and

WHEREAS, the applicant has agreed to fully sprinkler the homes in accordance with the Fire Department's request; 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 June 18, 2004 acting on Department of Buildings Application No. 401872283, 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, November 22, 2004" - (1) sheet; that the proposal 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 homes shall be sprinklered in accordance with the Fire Department's request ;

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

MINUTES

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

53-04-A thru 62-04-A

APPLICANT - New York City Department of Buildings

OWNER OF RECORD: Thomas Huang

SUBJECT - Applications February 26, 2004 - Application to revoke Certificate of Occupancy No. 401223289, on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

PREMISES AFFECTED -

140-26A 34th Avenue, Block 4994, Lot 24, Borough of Queens.

140-28 34th Avenue, Block 4994, Lot 224, Borough of Queens.

140-28A 34th Avenue, Block 4994, Lot 224, Borough of Queens.

140-30 34th Avenue, Block 4994, Lot 125, Borough of Queens.

140-30A 34th Avenue, Block 4994, Lot 225, Borough of Queens.

140-32 34th Avenue, Block 4994, Lot 126, Borough of Queens.

140-32A 34th Avenue, Block 4994, Lot 27, Borough of Queens.

140-34 34th Avenue, Block 4994, Lot 127, Borough of Queens.

140-34A 34th Avenue, Block 4994, Lot 227, Borough of Queens.

140-36 34th Avenue, Block 4994, Lot 327, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Opposition: Adam W. Rothkrug and Tom B.

For Administration: Lisa Orantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to March 15, 2005, at 10 A.M., for decision, hearing closed.

148-04-A

APPLICANT - Jenkins & Gilchrist Parker Chaplin, LLP and Fischbein Badillo Wagner Harding

OWNER OF RECORD: Sterling & Seventh LLC.

SUBJECT - Application April 5, 2004 - Under Z.R. §12-10 to reverse the NYC Department of Buildings' revocation of the above referenced permits. The permits had allowed for the subdivision of Lot 52 from Lots 55, 58, and 61 and the construction of new

building on Lot 52.

PREMISES AFFECTED - 133 Sterling Place, a/k/a 22 Seventh Avenue, northwest corner, Block 942, lots 48 and 52, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Paul Selver, Caroline Harris and Howard Goldman.

For Administration: Lisa Orantia, Department of Buildings.

ACTION OF THE BOARD - Laid over to February 15, 2005, at 10 A.M., for continued hearing.

226-04-A

APPLICANT - Joseph Sherry, for Breezy Point Cooperative, Inc., owner; William Basher, lessee.

SUBJECT - Application June 15, 2004 - Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, located within the bed of a mapped street and has a private disposal system in the bed of the mapped street, is contrary to Sections 35 and 36 of the General City Law and Department of Buildings' Policy.

PREMISES AFFECTED - 106 West Market Street, north side, 55.8' south of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 1, 2005, at 10 A.M., for decision, hearing closed.

278-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Ann-Marie & Edward Reilly, lessees.

SUBJECT - Application August 10, 2004 - Proposed reconstruction and enlargement of an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35 of the General City Law.

PREMISES AFFECTED -21 State Road, aka Rockaway Point Boulevard, north side, 83.42' east of Beach 178th Street, Block 16340, Lot 50, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

MINUTES

THE VOTE TO CLOSE HEARING -

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

279-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Karen & Walter Zunic, lessees.

SUBJECT - Application August 10, 2004 - Proposed enlargement of an existing one family dwelling, located within the bed of a mapped street, and has a private disposal system situated in the bed of the service lane, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 29 Suffolk Walk, east side, 240.37' south of Sixth Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for decision, hearing closed.

341-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Jacqueline Amari, lessee.

SUBJECT - Application October 20, 2004 - Proposed alteration and enlargement of an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 115 Beach 215th Street, east side, 280' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for decision, hearing closed.

342-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Patricia & John Martin, lessees.

SUBJECT - Application October 20, 2004 - Proposed reconstruction and enlargement of an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 124 Reid Avenue, west side, 230' south

Negative:.....0

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for decision, hearing closed.

of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for decision, hearing closed.

343-04-A

APPLICANT - Gary Lenhart, R.A., for One Breezy Point Cooperative, Inc., owner; Mary & Michael Cotter, lessees.

SUBJECT - Application October 20, 2004 - Proposed alteration and enlargement of an existing single family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 35 Beach 220th Street, east side, 260.92' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to January 25, 2005, at 10 A.M., for decision, hearing closed.

346-04-BZY

APPLICANT - Sheldon Lobel, P.C., for GRA V LLC, owner.

SUBJECT - Application October 27, 2004 - Application to extend time to complete construction for a minor development pursuant to Z.R. §11-331.

PREMISES AFFECTED - 3329-3333 Giles Place (a/k/a 3333 Giles Place), west side of Giles Place between Canon Place and Fort Independence Street, Block 3258, Lot 5 and 7, Borough of The Bronx.

APPEARANCES -

For Applicant: Jordan Most, Tony Perez Cassino, Chair, CB#8; Lynn Schwarz.

ACTION OF THE BOARD - Laid over without date.

MINUTES

Pasquale Pacifico, Executive Director.
REGULAR MEETING
TUESDAY AFTERNOON, JANUARY 11, 2005
2:00 P.M.

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

ZONING CALENDAR

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.
SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.
COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Peter Hirshman.

ACTION OF THE BOARD -

THE VOTE TO REOPEN HEARING - Application granted on condition.

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Borough Commissioner, dated April 19, 2002, acting on Department of Buildings Application No. 301318376, reads:

"The proposed new residential building located in a C3 zoning district does not comply with the new residential bulk regulations and is contrary to Section 23-00 ZR and requires approval from the

WHEREAS, the following waivers are required: FAR - 0.5 is the maximum, 1.0 is proposed; number of dwelling units - 14 units are the maximum permitted, 21 units are proposed; streetwall height - 21 ft. is the maximum, 32 ft. is proposed; rear yard - 30 ft. is required, a rear yard with a varying depth of 10 to 20 ft. is proposed; and parking spaces - 21 are required; 20 are proposed; and

WHEREAS, the applicant states that the following are unique

Adjourned: 1:15 P.M.

BSA. And contrary to Section 25-00 ZR, 23-141 ZR, 23-22 ZR, 23-631 ZR, 62-332 ZR, 25-23 ZR."; and

WHEREAS, a public hearing was held on this application on September 16, 2003 after due notice by publication in The City Record, with continued hearings on November 5, 2003, February 3, April 13, June 8, July 13, September 14, and November 9, 2004, and then to decision on January 11, 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 Caliendo, Miele, and Chin; and

WHEREAS, Community Board 15, Brooklyn recommended disapproval of the original version of this application; and

WHEREAS, the following elected officials testified at hearing or made a submission to the Board: Congressman Wiener, Council Member Fidler, and State Senator Golden; and

WHEREAS, certain members of the community appeared in opposition to the application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a three-story multiple dwelling (Use Group 2), with a floor area ratio ("FAR") of 1.0, to contain twenty-one residential units, located in an C3 zoning district, contrary to Z.R. §§ 25-00, 23-141, 23-22, 23-631, 62-332 and 25-23; and

WHEREAS, in response to the request of the Board, the applicant has revised the project from the original proposal - the FAR has been reduced from 1.92 to 1.0; the height of the building has been reduced from 60'-0" (six stories) to 32'-0" (three stories); and the number of dwelling units has been reduced from 43 to 21; and

WHEREAS, an intermediate version of this proposal contemplated a FAR of 1.43, five stories, 26 dwelling units and a height of 48 ft.; and

WHEREAS, a second intermediate version of this proposal contemplates a FAR of 1.35, four stories, 23 dwelling units, and a height of 37 ft.; and

WHEREAS, the subject site is a waterfront corner lot located at the intersection of Knapp Street and Avenue X, near Shellbank Creek; and

WHEREAS, the Board notes that although Avenue X, east of Knapp Street, is not developed, it is nevertheless a mapped street; and

WHEREAS, the site is improved with a two-story commercial building fronting Knapp Street, with a one-story addition in the rear, which the applicant states has been vacant for the past decade; and

WHEREAS, the proposal contemplates the demolition of the existing vacant structure and the construction of a three-story multiple dwelling; and

physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in compliance with underlying district regulations: (1) the majority of the subject site is below water; (2) the site is burdened with adverse subsurface soil conditions stemming from the proximity to water; and (3) the developable portion of the site is irregular and triangularly-shaped; and

MINUTES

WHEREAS, the record indicates that although the total lot area for the subject premises is 78,000 sq. ft., only 25,000 sq. ft. is above water and considered upland; and

WHEREAS, the applicant represents that as per the waterfront regulations set forth in the Zoning Resolution, only the upland area of a zoning lot may be used to determine the applicable bulk regulations; and

WHEREAS, while the Board acknowledges that much of the site is under water, the Board does not deem this a unique physical condition that contributes to hardship on the site, in that such a condition is reflected in the purchase price for all similarly situated properties; thus, any alleged hardship is not unique; and

WHEREAS, the applicant states that water was found at a depth of nine feet below grade, precluding construction of usable floor area below grade, and also increasing costs for foundation construction, in that piles are required; and

WHEREAS, the Board notes that the condition of the soil leads to a hardship in that it increases the foundation construction costs and necessitates the need for additional compensatory FAR and an increase in the amount of dwelling units, and the triangular shape of the lot leads to a hardship in that it eliminates the possibility of a feasible layout for multiple dwellings and necessitates the need for the yard relief, as well as the smaller waivers for parking and streetwall; and

WHEREAS, accordingly, the Board finds that certain of the aforementioned unique physical conditions, namely the water table condition and the shape of the developable portion of the site, when considered in the aggregate, create unnecessary hardship and practical difficulties in developing the site in conformity with the current zoning; and

WHEREAS, after much discussion at hearing as to the actual premium costs associated with the site conditions and the most efficient layout for the proposed development, the applicant has submitted a revised feasibility study, reflecting the increased cost of foundation work on the site resulting from poor soil conditions, which demonstrates that developing the entire premises with a complying use would not yield the owner a reasonable return; and

WHEREAS, the Board finds the this feasibility study credible and sufficient; and

WHEREAS, the applicant also submitted an earlier as-of-right scenario showing a single-family development, and determined that that such a scenario was not feasible as the amount of individual buildings to be constructed significantly increased foundation costs, due to the soil conditions; 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 02-BSA-204K dated May 5, 2002; 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; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise;

WHEREAS, the Board notes that the applicant has also submitted analyses of conforming restaurant and marina uses and determined that such uses are not feasible; and

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

WHEREAS, the applicant represents that the surrounding area is comprised predominantly of one-and-one-half and two-story, single-family residential development to the north and east of the subject site, with some commercial uses to the west on Knapp Street; and

WHEREAS, the Board notes that residential use of the site is permitted under the applicable zoning, and that no use waiver is required; and

WHEREAS, the Board observes that the applicant has significantly reduced the proposed bulk to more closely conform with the surrounding area, with both the height and number of units now at levels such that no negative impact on the character of the neighborhood or impact upon nearby uses is anticipated; and

WHEREAS, the Board also notes that applicant will provide 20 on-site parking spaces for residents of the proposed development; and

WHEREAS, the Board further notes that the applicant will provide a community park on the premises which will remain open to the public during the hours set forth below as a condition; 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, after accepting guidance from the Board as to the proper amount of relief necessary to alleviate the hardship associated with the site while providing a building that is compatible with the essential character of the neighborhood, the applicant significantly reduced the proposed bulk of the building, both in terms of height, amount of dwelling units and FAR; and

WHEREAS, accordingly, 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; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617; and 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 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings

MINUTES

under Z.R. § 72-21 and grants a variance to permit the proposed construction of a three-story multiple dwelling (Use Group 2), with an FAR of 1.0, to contain twenty-one residential units, located in an C3 zoning district, contrary to Z.R. §§ 25-00, 23-141, 23-22, 23-631, 62-332 and 25-23; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 28, 2004" - (5) sheets and "January 10, 2005" - (1) sheet; and on further condition:

THAT the proposed community park will be open from 7 am to 8:30 pm May 1 through September 30, and 7 am to 7 pm October 1 through March 30, and shall be maintained by the owner of the property;

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

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

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

193-03-BZ

APPLICANT - James M. Plotkin, Esq., for Park and Kent Associates, Inc., owner.

SUBJECT - Application June 10, 2003 - under Z.R. §72-21 to permit the proposed construction of a five (5) story, 27 unit residential building, in an M1-1 zoning district.

PREMISES AFFECTED - 824/34 Kent Avenue, south side of Park Avenue, and east of Taaffe Place, Block 1897, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

WHEREAS a public hearing was held on this application on July 20, 2004 after due notice by publication in The City Record, with continued hearings on December 7, 2004, and then to January 11, 2004 for decision; 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 Caliendo, Commissioner Miele and Commissioner Chin; and

WHEREAS, this is an application under Z.R. §§ 73-30 and 73-03, to permit the proposed construction of a non-accessory radio tower for public utility wireless communications, within an R4 zoning district, which is contrary to Z.R. §§ 22-21 and 22-11; and

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

WHEREAS, the applicant represents that the pole has been

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn

THE VOTE TO WITHDRAW -

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

Commissioner Chin.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, January 11, 2005.

16-04-BZ

APPLICANT - Snyder & Snyder, LLP c/o Omnipoint Communications, Inc., for Montauk NY, LLC, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application January 27, 2004 - under Z.R. §73-30 to permit the proposed construction of a non-accessory radio tower for public utility wireless communications, within an R4 zoning district, which is contrary to Z.R. § 22-21 and 22-11.

PREMISES AFFECTED - 186-05 120th Road, southwest corner of Farmers Boulevard, Block 12458, Lot 421, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 20, 2004, acting on Department of Buildings Application No. 401733567, reads in pertinent part:

"Proposed non-accessory radio tower and related telecommunications equipment in building requires a special permit from the Board of Standards and Appeals pursuant to Section 73-30 of the NYC Zoning Resolution."; and

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

WHEREAS, the applicant states that the proposed telecommunications facility will consist of an 85-foot high monopole which with twelve small panel antennae attached thereon; and

WHEREAS, in response to community-based concerns and at the request of the Board, the applicant has relocated the proposed tower towards the rear portion of the property, and redesigned the facility as a stealth flagpole; and

WHEREAS, the applicant states that only a small portion of the monopole will be visible above the roof-line of the existing building on the premises from the surrounding area, and that the facility will be further screened by trees; and

WHEREAS, the applicant also states that related equipment cabinets will be installed inside the basement of a building on the

MINUTES

premises, and the cables connecting the equipment cabinets and the monopole will be located underground; and

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

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

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

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

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. Part 617

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

153-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Peter Moschovitis, owner.

SUBJECT - Application April 9, 2004 - under Z.R. §72-21 to permit the proposed two family dwelling, Use Group 2, located in an R3-2 zoning district, which does not comply with the zoning requirements for front yard, lot width, lot area and minimum dwelling size units, in a detached residence, is contrary to Z.R. §23-222, §23-45 and §23-32.

PREMISES AFFECTED - 2948 Voorhies Avenue, a/k/a 2710 Haring Street, southwest corner, Block 8794, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15

APPEARANCES -

and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings and grants a special permit under Z.R. §73-03 and §73-30, to permit the proposed construction of a non-accessory radio tower for public utility wireless communications, within an R4 zoning district, which is contrary to Z.R. § 22-21 and 22-11, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received December 22, 2004"-(5) sheets; and on further condition;

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

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

THAT no commercial or retail signage will be posted;

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

THAT the pole be designed to include additional slots for other carriers to promote co-location;

THAT the flag will be replaced at least one time per year, properly maintained at all times and lit at night;

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

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

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted upon condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Borough Commissioner, dated April 27, 2004, acting on Department of Buildings Application No. 301632936, reads, in pertinent part:

- "1. Proposed two family dwelling is not compliant to Zoning Resolution 23-23, minimum size of dwelling unit.
- 2. Proposed two family dwelling is not compliant to Zoning Resolution 23-45, front yard requirements for corner lot.
- 3. Proposed lot is not compliant to Zoning Resolution 23-32, minimum lot width and lot area."; and

WHEREAS, a public hearing was held on this application on October 26, 2004, after due notice by publication in The City Record, with a continued hearing on December 7, 2004, and then to decision on January 11, 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 Caliendo,

MINUTES

Commissioner Miele and Commissioner Chin; and

WHEREAS, Community Board 15, Brooklyn recommended approval of this application; and

WHEREAS, certain neighbors appeared in opposition to this application; and

WHEREAS, this is an application under Z.R. § 72-21, to permit the proposed construction of a two-story and cellar, two-family dwelling (Use Group 2), located in an R3-2 zoning district, which does not comply with the zoning requirements for minimum dwelling unit size, front yard, and lot width, contrary to Z.R. §§ 23-23, 23-45 and 23-32; and

WHEREAS, as an initial matter, the Board notes that the street address number of the premises may be changed in the future, as the currently assigned number is already in use by another premises on the block; however, the lot number of the subject premises will remain the same, and any street address change will not have any impact upon the Board's decision herein; and

WHEREAS, the record indicates that the subject premises is a corner lot located on the southwest corner of the intersection of Haring Street and Voorhies Avenue, has a total lot area of 2,500 sq. ft., with dimensions of 25 ft. in width and 100 ft. in depth, and is currently vacant; and

WHEREAS, the proposal contemplates a 3 ft. front yard along the Haring Street frontage; the other yards will be conforming; and

WHEREAS, the proposal also contemplates parking for two cars within the 41-foot deep side yard behind the house, through a curb cut on Haring Street; and

WHEREAS, additionally, the applicant has conducted a survey of the surrounding area, and has submitted a color-coded map, which demonstrates that there are a significant number of two-family and multiple dwellings in the vicinity of the subject site; and

WHEREAS, the applicant represents that a two-family structure is allowed in the subject zoning district, and that based upon current construction and housing costs, it would be the exception to develop a site with a single-family dwelling where two or three family dwellings are permitted; and

WHEREAS, the applicant also states that without the dwelling unit size waiver, which is necessitated by the two-family proposal, a less desirable and marketable layout would result, making the proposed development infeasible; and

WHEREAS, the Board finds that the aforementioned unique physical condition, namely the smallness and narrowness of the subject undeveloped corner lot, creates a practical difficulty in developing the site in compliance with the applicable zoning provision; 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 a residential development that would be habitable; and

WHEREAS, the applicant states that the bulk of the proposed building is consistent with the surrounding residential uses; and

WHEREAS, the applicant represents that the impact of the 3 ft. front yard along Haring Street will be offset by the 41 ft. distance to the northerly lot line, on which a garage structure provides further separation from the nearest adjacent dwelling to the north; and

WHEREAS, at the request of the Board, the applicant also

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties in developing the subject lot in compliance with underlying district regulations: the site is an undeveloped corner lot that is uniquely small and narrow; and

WHEREAS, the applicant represents that the lot has a width of 25'-0" and that the provision of the required 5'-0" side yard and a 10'-0" front yard along Haring Street would result in a house with a 10'-0" depth, which the applicant represents is neither practical nor marketable; and

WHEREAS, the applicant notes that Z.R. § 23-33 would eliminate the lot area and width objections for a single-family dwelling, but not the front yard objection; thus, as-of-right development is not possible without waivers and

WHEREAS, at the request of the Board, the applicant conducted a survey of corner lots in a 200 ft. radius of the subject lot and the Department of Building records associated with their development, and established that the subject lot's physical conditions were not so prevailing in the area that the lot could not be considered uniquely afflicted; and

WHEREAS, specifically, this survey revealed that with the exception of two significantly larger lots, the corner lots in the vicinity of the subject premises were developed prior to the implementation of the December 15, 1961 zoning and thus were not subject to the current front yard regulations, which the applicant alleges make development of the subject premises impossible without the requested yard waiver; and

documented the applicable parking regulations for the surrounding area, and has determined that there were no parking restrictions on either side of Haring Street or Voorhies Avenue; 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, 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 construction of a two-story and cellar, two-family dwelling (Use Group 2) located in an R3-2 zoning district, which does not comply with the zoning requirements for minimum dwelling unit size, front yard, and lot width, contrary to Z.R. §§ 23-23, 23-45 and 23-32; on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 22, 2004"- (6) sheets; and on further condition;

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

MINUTES

in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

156-04-BZ

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

PREMISES AFFECTED - 9712 Flatlands Avenue, between East

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 Caliendo, Miele and Chin; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, on a lot within an R5 zoning district, the legalization of an existing commercial use, contrary to Z.R. § 22-00; and

WHEREAS, Community Board No. 18, Brooklyn, recommended approval of this application; and

WHEREAS, the subject premises is an 80' by 20' lot, with a total lot area of 1600 sq. ft., located on Flatlands Avenue between East 98th Street and Rockaway Parkway; and

WHEREAS, the site is currently improved upon with a two-story plus attic structure, with 1887 sq. ft. of floor area, built around 1915 as a single-family home (hereinafter, the "House"); and

WHEREAS, the applicant represents that the House has been occupied exclusively by an insurance brokerage business since 1977; and

WHEREAS, the applicant further represents that the Padlock Enforcement Unit of the Department of Buildings sought to close this illegal commercial use, but that pursuant to a stipulation between the owner and DOB, closure was stayed pending the outcome of the instant variance application; and

WHEREAS, the applicant alleges that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in using the House or otherwise developing the lot in strict conformance with underlying district regulations: (1) the site is uniquely small; (2) the House has two non-complying side yards and a non-complying front yard, which detracts from the appeal of residential use; (3) the site is located among other non-residential uses; (4) the site is located on a major thoroughfare (Flatlands Avenue), which conspires against the reasonable enjoyment of residential use of the building; and (5) the House is too small to be converted to a multi-family structure; and

WHEREAS, in support of the claim of unique hardship, the

98th Street and Rockaway Parkway, Block 8205, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:.....0

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

Commissioner Chin.....5

THE RESOLUTION:

WHEREAS, the decision of the Borough Commissioner, dated March 25, 2004, acting on Department of Buildings Application No. 301810128, reads:

"Proposed use in R5 zoning district is contrary to Section 22-00 of the Zoning Resolution."; and

WHEREAS, a public hearing was held on this application on September 21, 2004 after due publication in The City Record, with a continued hearing on November 9, 2004, and then to decision on January 11, 2005; and

applicant has submitted a letter from a real estate broker that states that the property is undesirable for residential use because of its "rather small" size and its location, and is better suited for commercial use; and

WHEREAS, the applicant also cites to case law, claiming it establishes precedent for the following propositions: (1) that physical features may affect other parcels in the area and still support a claim of unique hardship; (2) that uniqueness is not limited to the land itself, but may also relate to the building on the land; (3) that uniqueness can be based upon location and traffic conditions; and (4) that uniqueness can be based upon the totality of many conditions; and

WHEREAS, however, leaving aside the validity of these propositions, as an initial matter, the Board notes that the mere existence of certain physical conditions on, or related to, a site is insufficient to support the uniqueness finding set forth at Z.R. § 72-21(a); and

WHEREAS, Z.R. § 72-21(a) provides that the physical conditions, once proven to be unique, must also result in practical difficulties or unnecessary hardship in strictly conforming to applicable zoning provisions; and

WHEREAS, as noted by the Board at hearing, the relevant inquiry when the Board evaluates variance requests for a single-family dwelling such as the House is whether the dwelling is habitable without the requested waivers, or at all; and

WHEREAS, the Board observes that the House is capable of being used as a single or two-family residence in conformance with the applicable use regulations in an R5 zoning district; and

WHEREAS, the claimed unique features set forth above do not affect this determination: small houses with non-complying yards situated on busy streets can be both habitable and marketable, and the applicant has not provided any compelling evidence that the House can not be occupied residentially because of its size, non-complying yards, or location; and

WHEREAS, the Board also notes that the mere fact that commercial use of the House may be more profitable or desirable

MINUTES

from the perspective of the illegal commercial occupant/owner or the real estate broker does not support a finding that use of the House for residential purposes imposes unnecessary hardship or practically difficulties; and

WHEREAS, moreover, the Board disagrees that proximity to community facility uses - which, under certain conditions, are permitted uses in residential districts because they are presumed to be compatible with residential uses - contributes to a finding of uniqueness; community facilities are often in proximity to residences; and

WHEREAS, additionally, the applicant's claim that the House's proximity to other illegally commercially occupied houses contributes to a finding of uniqueness is problematic in that the illegal status of these occupancies subjects them to the same padlock and closure enforcement actions that were pursued against the subject premises;

WHEREAS, the applicant contends that this is evidence that the smallness of the homes on the block renders them uninhabitable as single-family dwellings; and

WHEREAS, however, the applicant concedes that this is speculation, and has not offered any evidence regarding the other homes that shows that they possess some physical feature that makes them uninhabitable as a single-family home; and

WHEREAS, the Board observes that it is just as likely that the owners of said homes have availed themselves of an opportunity to maximize financial gain by converting them into unlawful three-family dwellings, notwithstanding the fact that they are habitable for lawful residential occupancies; and

WHEREAS, in the most recent submission to the Board, the applicant cites to two recently decided BSA cases and suggests that the facts and the Board's findings in these two cases are similar to the facts and the applicant's proposed findings in the case at hand; and

WHEREAS, the Board observes as an initial matter that all of its decisions on variance applications are site-specific, and notwithstanding commonalities in the language used to describe the Board's findings, the decisions do not serve as binding precedent for other applications; and

WHEREAS, in any event, the two cases are significantly dissimilar to the instant matter and therefore are erroneously cited by the applicant as being indicative of how the Board should (or must) analyze and decide the subject application; and

WHEREAS, in BSA Cal. No. 306-03-BZ, the Board considered an application for a conversion and enlargement of a manufacturing building in an M1-2 zoning district to residential use, and found that uniqueness was established because: (1) the lot was too small to support floor plates necessary for modern manufacturing uses; and (2) the building was obsolete for its intended purpose; and

WHEREAS, in BSA Cal. No. 377-03-BZ, the Board considered an application for construction of a residential building in a manufacturing district and concluded that uniqueness was established by: (1) the small size of the lot and the resulting inability to support floor plates necessary for modern manufacturing uses; and (2) the unique structural features of a non-conforming garage and attendant premium demolition costs; and

WHEREAS, the Board observes that the applicant has attempted to attach the importance of lot size and floor plate size for modern manufacturing uses, as discussed in the two prior cases, to residential use, but has not provided an explanation of why the floor

should DOB continue to enforce against such illegal uses on the subject block, it is conceivable that such commercial uses will no longer be present; and

WHEREAS, while the Board has previously recognized that proximity to lawful commercial establishments may impact the viability of residential development, no evidence has been offered by the applicant that the Board has given the same recognition to unlawful commercial uses; and

WHEREAS, accordingly, the Board declines to credit the House's proximity to illegally commercially occupied houses as a partial basis of unique hardship; and

WHEREAS, the applicant makes much of the fact that other dwellings constructed as single-family homes on the subject block appear to be illegally occupied as three-family dwellings with cellar units; and

plates of the House are deficient for residential use; and

WHEREAS, in fact, the Board finds that the floor plates of the House are sufficient for lawful residential use; and

WHEREAS, the Board is unaware of any past BSA decision in which it was found that a single or two-family dwelling's floor plates were insufficient for residential use, and the applicant did not provide the Board with any such decision; and

WHEREAS, additionally, the applicant has not provided any evidence that the House is obsolete for its intended purpose for some other reason, as was provided when the Board evaluated the building considered in BSA Cal. No. 306-03-BZ; and

WHEREAS, in sum, based upon its review of the record, the Board finds that the applicant has not provided any evidence that the alleged unique physical conditions, when considered in the aggregate, compromise the habitability of the House for residential purposes to the degree where it could be said that practical difficulties or unnecessary hardship arise; and

WHEREAS, accordingly, the Board finds that the applicant has failed to provide substantial evidence in support of the finding set forth at Z.R. § 72-21(a); and

WHEREAS, because the Board finds that the application fails to meet the finding set forth at Z.R. § 72-21(a), which is a threshold finding for any variance grant, the Board declines to address the remaining findings.

Therefore it is Resolved that the decision of the Borough Commissioner, dated March 25, 2004, acting on Department of Buildings Application No. 301810128, is sustained and the subject application is hereby denied.

Adopted by the Board of Standards and Appeals, January 11, 2005.

185-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Raymond Chakkalo, owner.

SUBJECT - Application May 3, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing two family dwelling, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for floor area, lot coverage, rear and side yards, is contrary to Z.R. §23-141, §23-47 and §23-461.

MINUTES

PREMISES AFFECTED - 2275 East Second Street, between Avenue "W" and Gravesend Neck Road, Block 7154, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Elisa B. Hwu.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner

WHEREAS a public hearing was held on this application on November 16, 2004 after due notice by publication in The City Record, and then to January 11, 2005 for decision; and

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

WHEREAS, Community Board 15, Brooklyn recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing two-family residence (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for rear yard, contrary to Z.R. § 23-47; and

WHEREAS, the subject lot is located on the east side of East 2nd Street between Avenue W and Gravesend Neck Road, and has a total lot area of approximately 4,000 sq. ft.; and

WHEREAS, the applicant states that the subject premises is improved upon with an existing two-story and cellar residential structure; and

WHEREAS, the applicant also represents that because the subject premises qualifies to use predominantly built up regulations, the proposed floor area ratio ("FAR") of 1.32 is permitted as of right (the maximum FAR permitted under predominantly built up regulations is 1.35); and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

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

Caliendo, Commissioner Miele and

Commissioner Chin.....5
Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Borough Commissioner, dated December 7, 2004, acting on Department of Buildings Application No. 301664982, reads, in pertinent part:

"Proposed rear yard is contrary to ZR 23-47." and;

required findings under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing two-family residence (Use Group 2), located in an R5 zoning district, which does not comply with the zoning requirements for rear yard, contrary to Z.R. § 23-47; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received December 28, 2004" - (9) sheets, and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth on the certificate of occupancy;

THAT the use and layout of the cellar shall be as 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; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

203-04-BZ

APPLICANT - Dennis D'Dellangelo, for Benjamin Epstein, owner.
SUBJECT - Application May 17, 2004 - under Z.R. §73-622 to permit the proposed horizontal enlargement to an existing detached one family dwelling, which creates non-compliance with respect to open space ratio and floor area ratio, is contrary to Z.R. §23-14.
PREMISES AFFECTED - 2801 Avenue "N", northeast corner of East 28th Street, Block 7664, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES - None.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5
Negative:.....0

THE RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated April 26, 2004, acting on Department of Buildings Application No.

MINUTES

301443873, reads, in pertinent part:

"The proposed F.A.R. and O.S.R constitutes an increase in the WHEREAS a public hearing was held on this application on November 23, 2004 after due notice by publication in The City Record, and then to January 11, 2005 for decision; and

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

WHEREAS, Community Board 14, Brooklyn recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area and open space lot contrary to Z.R. §§ 23-141; and

WHEREAS, the subject lot is located on the northeast corner of the intersection created by Avenue N and East 28th, and is improved upon with an existing two-story, attic and cellar residential structure; and

WHEREAS, the applicant states that the subject premises has an existing non-complying lot area of approximately 3,333 sq. ft. (the minimum required is 3,800 sq. ft.) and an existing non-complying lot width of 33'-4" (the minimum required is 40'-0"); and

WHEREAS, the applicant states that the subject premises also has two existing non-complying front yards of 9'-6" and 8'-0" (the minimum required is 15'-0") and one existing non-complying side yard of 4'-7" (the minimum required is 5'-0"); and

WHEREAS, the applicant seeks to enlarge the existing structure through the construction of a horizontal extension at the northern end of the building; and

WHEREAS, the applicant seeks an increase in the floor area from 1,730.77 sq. ft. (0.52 Floor Area Ratio or "FAR") to 2,530.77 sq. ft. (0.75 FAR) - the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to reduce the open space ratio from 94.28 to 70.22 - the minimum required is 1.50; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the applicant states that no rear yard is required because the premises is located on a corner lot; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and

Commissioner Chin.....5
Negative:.....0

degree of existing non-compliance contrary to Sec. 23-14 of the NYC Zoning Resolution."; and advantages to be derived by the community; and

WHEREAS, therefore he Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

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. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area and open space lot contrary to Z.R. §§ 23-141; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received October 4, 2004"-(6) sheets, and "Received December 28, 2004" - (3) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth on the certificate of occupancy;

THAT the use and layout of the cellar shall be as 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; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

204-04-BZ

APPLICANT - Dennis D'Dellangelo, for Simy Kofman, owner.

SUBJECT - Application May 17, 2004 - under Z.R. §73-622 to permit the proposed horizontal enlargement to an existing detached one family dwelling, which creates non-compliance with respect to open space ratio, floor area ratio, also rear and side yards, is contrary to Z.R. §23-14, §23-46 and §24-47.

PREMISES AFFECTED - 1116 East 22nd Street, west side, 340' south of Avenue "J", Block 7603, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -None.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 6, 2004, acting on Department of Buildings Application No. 301797312, reads, in pertinent part:

MINUTES

"1. Proposed F.A.R. and O.S.R constitutes an increase in the degree of existing non-compliance contrary to Sec. 23-14 of the NYC Zoning Resolution.

2. Proposed horizontal enlargement provides less than the required side yards contrary to Sec. 23-46 Z.R. and less than the required rear yard contrary to Sec. 23-47 Z.R."; and

WHEREAS a public hearing was held on this application on November 23, 2004 after due notice by publication in The City Record, and then to January 11, 2005 for decision; and

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

WHEREAS, Community Board 14, Brooklyn recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and side and rear yard, contrary to Z.R. §§ 23-141, 23-461 and 23-47; and

WHEREAS, the subject lot is located on the west side of East 22nd Street, between Avenues J and K, with a total lot area of 2,000 sq. ft., and is improved upon with an existing three-story and cellar residential structure; and

WHEREAS, the applicant represents that the subject premises is currently non-complying with regards to side yards - the premises has side yards of 2'-7" and 5'-7" (the minimum required is 5'-0" for each, with a total of 13'-0"); and

WHEREAS, the applicant seeks an increase in the floor area from 2,778.15 sq. ft. (0.69 Floor Area Ratio or "FAR") to 3,996 sq. ft. (0.99 FAR) - the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to reduce the open space ratio from 0.80 to 0.55 - the minimum required is 1.50; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at PREMISES AFFECTED -1335 East 22nd Street, between Avenues "L and M", Block 7640, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner

large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

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. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and side and rear yard, contrary to Z.R. §§ 23-141, 23-461 and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received October 4, 2004" - (2) sheets, "Received December 28, 2004" - (7) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth on the certificate of occupancy;

THAT the use and layout of the cellar shall be as 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; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

227-04-BZ

APPLICANT - Eric Palatnik, P.C., for Moshe Katz, owner.

SUBJECT - Application June 15, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for open space ratio, floor area ratio, and side and rear yards, is contrary to Z.R. §23-141(a), §23-47 and §23-48.

Caliendo, Commissioner Miele and

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 18, 2004, acting on Department of Buildings Application No. 301739723, reads, in pertinent part:

"1. Plans are contrary to Z.R. 23-141(a) in that the proposed

MINUTES

Floor Area Ratio (FAR) exceeds the permitted .5.

2. Plans are contrary to Z.R. 23-141(a) in that the proposed Open Space Ratio (OSR) is less than the minimum required 150.0.

3. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required 30'-0".

4. Proposed plans are contrary to Z.R. 23-48 in that the minimum side yard is less than the required 5'-0".; and

WHEREAS a public hearing was held on this application on December 7, 2004 after due notice by publication in The City Record, and then to January 11, 2005 for decision; and

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

WHEREAS, Community Board 14, Brooklyn recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and side and rear yard, contrary to Z.R. §§ 23-141, 23-47 and 23-48; and

WHEREAS, the subject lot is located on the east side of East 22nd Street, between Avenues L and M, with a total lot area of 3,000 square feet, and is improved upon with an existing two-story, attic and cellar residential structure; and

WHEREAS, the applicant states that the subject premises has an existing non-complying lot width of 30 ft. (the minimum required is 40 ft.) and non-complying side yards of 2'-2" and 7'-8" (the minimum required is 5'-0" for each, with a total of 9'-8", in accordance with the provisions for existing narrow zoning lots); and

WHEREAS, the applicant seeks to enlarge the existing structure through the construction of an addition at the front and rear of the existing home; and

WHEREAS, the applicant seeks an increase in the floor area from 2,035 sq. ft. (0.68 Floor Area Ratio or "FAR") to 2,640 sq. ft. (0.88 FAR) - the maximum floor area permitted is 1,500 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to reduce the open space ratio from 0.82 to 0.74 - the minimum required is 1.50; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

259-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Richard Senior, owner.

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the existing non-complying side yard on the northern end of the house will be enlarged from 2'-2" to 3'-10"; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

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. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and side and rear yard, contrary to Z.R. §§ 23-141, 23-47 and 23-48; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received December 27, 2004" - (9) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth on the certificate of occupancy;

THAT the use and layout of the cellar shall be as 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; no approval has been given by the Board as to the use and layout of the cellar;

SUBJECT - Application July 20, 2004- under Z.R. §73-622 to permit the proposed enlargement of a single family residence in an R-2 zoning district, which does not comply with the zoning requirements for floor area, open space, side and rear yards, is contrary to Z.R. §23-461 and §23-47.

PREMISES AFFECTED -1181 East 22nd Street, between Avenues "K" and "L", Block 7622, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Elisa B. Hwu.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

MINUTES

Commissioner Chin.....5
Negative:.....0THE
RESOLUTION-

WHEREAS, the decision of the Borough Commissioner, dated June 24, 2004, acting on Department of Buildings Application No. 301743754, reads, in pertinent part:

"The proposed work does not conform to the following Z.R.:

- 1) 23-14 The proposed Floor Area Ratio is greater than the maximum allowed of [0.50].
- 2) 23-14 The proposed open space ratio is less than the minimum required of 150.
- 3) 23-32 The proposed lot area is less than the minimum required of 4,000 square feet.
- 4) 23-32 The proposed lot width is less than the minimum required of 40'-0".
- 5) 23-461 Proposed side yard width is less than the minimum width of 5' for one yard and the total width of 13' for two yards
- 6) 23-47 Proposed rear yard is less than the minimum requirement of 30'0"."; and

WHEREAS a public hearing was held on this application on December 14, 2004 after due notice by publication in The City Record, and then to January 11, 2005 for decision; and

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

WHEREAS, Community Board 15, Brooklyn recommended approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and side and rear yard, contrary to Z.R. §§ 23-141, 23-32, 23-461 and 23-47; and

WHEREAS, the subject lot is located on the east side of East 22nd Street, between Avenues K and L, and is improved upon with an existing two-story and cellar residential structure; and

WHEREAS, therefore the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§ 73-622 and 73-03.

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. §§ 73-622 and 73-03, to permit the proposed enlargement of an existing single family residence (Use Group 1), located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space, and side and rear yard, contrary to Z.R. §§ 23-141, 23-32, 23-461 and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application and marked "Received December 28, 2004" - (6) sheets; and on further condition;

THAT there shall be no habitable room in the cellar;

THAT the above condition shall be set forth on the certificate of occupancy;

THAT the use and layout of the cellar shall be as approved by

WHEREAS, the applicant states that the subject premises has an existing non-complying lot width of 35'-0" (the minimum lot width required is 40'-0") and an existing non-complying lot area of approximately 3,500 sq. ft. (the minimum lot area required is 4,000 sq. ft.); and

WHEREAS, the applicant also represents that the subject premises is currently non-complying with regards to side yards - the premises has side yards of 2'-11" and 8'-9" (the minimum required is 5'-0" for each, with a total of 13'-0"); and

WHEREAS, the applicant seeks to enlarge the existing structure through the construction of an addition to the rear of the second floor; and

WHEREAS, the applicant seeks an increase in the floor area from 2,604 sq. ft. (0.74 Floor Area Ratio or "FAR") to 2,943 sq. ft. (0.84 FAR) - the maximum floor area permitted is 1,750 sq. ft. (0.50 FAR); and

WHEREAS, the applicant seeks to reduce the open space ratio from 0.84 to 0.71 - the minimum required is 1.50; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

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; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals, January 11, 2005.

327-02-BZ

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

MINUTES

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 February 15, 2005, at 1:30 P.M., for continued hearing.

394-03-BZ

APPLICANT - Sheldon Lobel, Esq., for American Physique of Ridgewood, owner.

SUBJECT - Application December 23, 2003 - under Z.R. §73-36 to permit the legalization of the operation of a physical cultural establishment on the ground and mezzanine level of a one story with mezzanine building located within a M1-4D zoning district.

PREMISES AFFECTED - 16-61 Weirfield Street, between Wyckoff and Cypress Avenues, Block 3549, Lots 74, 78 and 80, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Elisa B. Hwu.

For Opposition: Victoria Hofro.

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

PREMISES AFFECTED - 108-24 Astoria Boulevard, southwest corner of 110th Street, Block 1703, Lots 94, 97, 98 and 99, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -None.

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for continued hearing.

126-04-BZ

APPLICANT - Eric Palatnik, Esq., for James Bateh, owner.

SUBJECT - Application October 7, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 2, located in an R3-1(BR) zoning district, which does not comply with the zoning requirements for open space, floor area, also side and front yards, is contrary to Z.R. §23-141, §23-461(a) and §23-45.

PREMISES AFFECTED - 66 87th Street, south side, between Narrows Avenue and Colonial Road, Block 6046, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Eric Palatnik.

8-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Jewish Center of Torah Emeth, owner; Yeshiva Ketanah D'Queens, lessee.

SUBJECT - Application June 9, 2004 - under Z.R. §72-21 to permit the proposed renovation of an existing two story community facility (school), Use Group 3, by the addition of two additional stories, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, height of front walls, and the location of front stair and handicap elevator, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-33.

PREMISES AFFECTED - 78-15 Parsons Boulevard, between 78th Avenue and 78th Road, Block 6829, Lot 1, Borough of Queens.

COMMUNITY BOARD #8

APPEARANCES -

For Applicant: Elisa B. Hwu.

THE VOTE TO CLOSE HEARING-

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 15, 2005, at 1:30 P.M., for decision, hearing closed.

63-04-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Showky Kaldawy, owner.

SUBJECT - Application February 27, 2004- under Z.R. §72-21 to permit the proposed accessory parking, for an adjacent car rental facility, (Use Group 8), located in an R5 zoning district, is contrary to Z.R. §22-10.

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

150-04-BZ

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

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

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

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 15, 2005, at 1:30 P.M., for continued hearing.

207-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for David Spira and Gayle Malka Spira, owners.

MINUTES

SUBJECT - Application May 19, 2004 - under Z.R. §72-21 to permit the proposed enlargement of the cellar, first and second floors, also the attic, on the northerly side of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, also side and front yards, is contrary to Z.R. §23-141, §23-461 and §23-45.

PREMISES AFFECTED - 2721 Avenue "N", northwest corner of East 28th Street, Block 7663, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for continued hearing.

208-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Brian Gross and Chedva Gross, owners.

SUBJECT - Application May 21, 2004 - under Z.R. §72-21 to permit the proposed enlargement of the cellar, first floor and second floor, on the southerly side of single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, side and front yards, also the front setback, is contrary to Z.R. §23-141, §23-461, §23-45 and §23-631.

PREMISES AFFECTED - 2822 Avenue "L", southwest corner of

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for decision, hearing closed.

258-04-BZ

APPLICANT - Eric Palatnik, P.C., for Mindy Elmann, owner.

SUBJECT - Application November 16, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage and rear yard, is contrary to Z.R. §23-141(b) and §23-47.

PREMISES AFFECTED - 1837 and 1839 East 24th Street, south of Avenue "R", Block 6830, Lots 70 and 71 (tentative Lot 71), Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for continued hearing.

263-04-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Jack Zarif and Randy Zarif, owners.

SUBJECT - Application July 22, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence in an R3-1 zoning district, which exceeds the allowable floor area, causes

East 29th Street, Block 7646, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #14

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for continued hearing.

237-04-BZ

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

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

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

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING-

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

Commissioner Chin.....5

Negative:.....0

an increase in lot coverage, has a non-complying rear yard, and a perimeter wall that exceeds the maximum permitted, is contrary to §23-141, §23-631, and §23-47.

PREMISES AFFECTED - 150 Girard Street, between Hampton Avenue and Oriental Boulevard, 360' south of Hampton Avenue, Block 8749, Lot 262, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO REOPEN HEARING-

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO CLOSE HEARING-

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to January 25, 2005, at 1:30 P.M., for decision, hearing closed.

311-04-BZ

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Jack Madonia, owner.

SUBJECT - Application September 14, 2004 - under Z.R. §72-21 to permit the proposed one-family dwelling, located in an R1-2

MINUTES

(NA-1) zoning district, which does not provide the required lot area, requires tree removal, modification of topography and waiver of the front and rear yards requirements, is contrary to Z.R. §105-50, §105-421, §105-423 and §105-432.

PREMISES AFFECTED - 380 Lighthouse Avenue, south side, 579' west of Windsor Avenue, Block 2285, Lots 1 and 45, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING-

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 8, 2005, at 1:30 P.M., for decision, hearing closed.

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: Lance I Michaels and Steven Sinacori.

For Opposition: John Keefe-State Assemblyman, Guy Lingley, Robbin Bloch, Peter Levinson, Holly Sears, Shirley Chetter, Barbara Johnson,

ACTION OF THE BOARD - Laid over to February 15, 2005, at 1:30 P.M., for continued hearing.

319-04-BZ

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

SUBJECT - Application September 20, 2004 - under Z.R. §72-

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

to permit in a C5-5 (Lower Manhattan Special District) the expansion of floor area in an existing commercial structure (Century 21). The proposed enlargement exceeds the maximum floor area permitted.

PREMISES AFFECTED - 26 Cortlandt Street, northeast corner of Dey Street, Block 63, Lots 3 and 6, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING-

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

Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to February 15, 2005, at 1:30 P.M., for decision, hearing closed.

331-04-BZ

APPLICANT - Jay A. Segal, Esq., Greenberg Traurig, LLP, owner; Century 21 Department Stores, LLC, lessee.

Pasquale Pacifico, Executive Director.

Adjourned: 3:50 P.M.

CORRECTIONS

*CORRECTION

This resolution adopted on March 30, 2004, under Calendar No. 142-03-BZ and printed in Volume 89, Bulletin No. 15, is hereby corrected to read as follows:

142-03-BZ

CEQR #03-BSA-180Q

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

SUBJECT - Application May 1, 2003 - under Z.R. §§11-412 and 11-413, to permit in C2-2 within an R3-2 zoning district, the reestablishment of a variance granted by the board, to allow for the continued operation of an automotive repair establishment (Use Group 7), and to permit a 384 square foot enlargement of the existing structure, in order to accommodate an additional service bay.

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Phanuel Soba.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin.....5

Negative:.....0

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 31, 2003, acting on Department of Buildings Application No. 401218446, reads:

“Proposed use group 16 is not permitted in C2-2 district, as per 32-00. Requires BSA approval.”; and

WHEREAS, a public hearing was held on this application on October 28, 2003 after due notice by publication in the *City Record*, with continued hearings on November 25, 2003, January 6, 2004, February 10, 2004, March 9, 2004, and then laid over to March 30, 2004 for decision; and

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

Board; and

WHEREAS, this is an application under Z.R. §§11-412 and 11-413, on a site previously before the Board, to permit the reestablishment and amendment of a previously granted variance allowing a gasoline service station (Use Group 16), on a lot located in a C2-2 within an R3-2 zoning district, which is contrary to Z.R. §32-00; and

WHEREAS, on April 14, 1953, under Calendar Number 807-52-BZ, the Board granted an application permitting the erection and maintenance of a gasoline service station, lubritorium, car washing, motor vehicle repair, storage and sale of accessories, office use, and parking and storage of motor vehicles on the unbuilt portion of the lot; and

WHEREAS, since the original grant in 1953, the Board has granted several extensions of term, most recently of which was on November 3, 1978, extending the term of the variance to September 26, 1988; and

WHEREAS, the applicant has provided evidence that the sale of gasoline was discontinued and the gasoline tanks were removed in 1985; and

WHEREAS, the subject application seeks only to allow the continued operation of the site as an automotive service establishment (Use Group 7) and a 384 square foot expansion which would accommodate an additional service bay; and

WHEREAS, the subject site is a 11,888 square foot lot that fronts on Farmers Boulevard and 142nd Avenue, and is currently improved with a one-story 1,176 square foot building containing two service bays; and

WHEREAS, the most recent Certificate of Occupancy, issued on April 30, 1968, and certified on September 16, 1998, lists the use of the site as a “gasoline service station, lubritorium, car washing, minor adjustments with hand tools only, storage, office & sales, parking and storage of motor vehicles”; and

WHEREAS, the record indicates that the automotive service/repair/lubritorium use has been continuous since 1952; and

WHEREAS, the record indicates that the instant proposal does not increase the size of the subject zoning lot and that all activity is contained on the zoning lot as originally approved by the Board; and

WHEREAS, the record indicates that the continued use of the site as an automotive service establishment will not impair the essential character or future use of development of the area, because the essential character of the area within the vicinity of the subject site is more commercial than residential, as evidenced by the numerous commercial uses along Farmers Boulevard; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§11-412 and 11-413; and

WHEREAS, both the Queens Borough President as well as Community Board #12Q have recommended approval of this application; and

WHEREAS, the Board has conducted an environmental

review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable

CORRECTIONS

significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a negative declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§11-412 and 11-413, on a site previously before the Board, to permit in C2-2 within an R3-2 zoning district, the reestablishment of a variance granted by the board, to allow for the continued operation of an automotive repair establishment (Use Group 7), and to permit a 384 square foot enlargement of the existing structure, in order to accommodate an additional service bay; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received May 1, 2003"-(2) sheets and "March 30, 2004"-(1) sheet; and *on further condition*;

THAT the term of the variance shall be limited to ten (10) years from March 30, 2004, expiring on March 30, 2014;

THAT there shall be no curb cuts on the property along 142nd Avenue;

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 all applicable fire safety measure will be complied with;

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, March 30, 2004.

*The resolution has been corrected in the part of the resolution which read: "(Use Group 7)" now reads: (Use Group 16). Corrected in Bulletin Nos. 1-3, Vol. 90, dated January 20, 2005.

*CORRECTION

This resolution adopted on December 14, 2004, under Calendar No. 258-03-BZ and printed in Volume 89, Bulletin Nos. 51-52, is hereby corrected to read as follows:

258-03-BZ

CEQR #04-BSA-025K

APPLICANT - Law Office of Howard Goldman, PLLC, for Thames Realty, LLC, owner.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the legalization of twenty-three residential units, in a four story building, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 47 Thames Street, between Morgan Street and Knickerbocker Avenue, Block 3008, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Commissioner Chin:.....5

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Commissioner Chin:.....5

Negative:.....0

THE VOTE TO GRANT -

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

Commissioner Chin:.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 30, 2003, acting on DOB Application No. 301619336 reads:

"Proposed residential dwellings in an M1-1 district are contrary to section 42-00 of the Zoning Resolution and require a variance from the Board of Standards and Appeals."; and

WHEREAS, a public hearing was held on this application on March 2, 2004 after due notice by publication in *The City Record*, with continued hearings on April 13, 2004, June 15, 2004, July 13, 2004, August 17, 2004, and October 26, 2004, and then to decision on December 7, 2004; 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,

CORRECTIONS

Commissioner Caliendo, Commissioner Miele and

WHEREAS, this is an application under Z.R. § 72-21, to permit, in an M1-1 zoning district, the legalization of 14 dwelling units on the third and fourth floors of a four-story manufacturing building, contrary to Z.R. § 42-00; and

WHEREAS, the original version of this application contemplated the legalization of 23 residential units on the first through fourth floors, with a portion of the first floor retained for conforming artist/retail uses; and

WHEREAS, in response to concerns expressed by the Board that the relief requested in the original version was not justified by the degree of hardship present at the site and therefore did not reflect the minimum variance; the applicant eventually modified the original proposal to the current proposal; and

WHEREAS, Community Board 1, Brooklyn, recommended approval of the original version of this application; and

WHEREAS, the subject zoning lot is located on Thames Street between Morgan and Knickerbocker Avenues in the East Williamsburg section of Brooklyn, and has a total lot area of approximately 11,500 square feet; and

WHEREAS, the site is improved upon with a four-story building, with a total floor area of 34,530 sq. ft.; and

WHEREAS, the applicant represents that the building is currently occupied by three conforming uses and three residential units on the first floor, and 20 residential units on the second through fourth floors; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the site in strict conformance with underlying zoning regulations: the building is obsolete for modern manufacturing concerns, in that it has only one passenger size elevator, limited street access through three pedestrian size doors, low ceiling heights of eight to nine feet, 18 support columns spaced throughout the floor plate, and no loading docks; and

WHEREAS, the applicant also states that there is no access to the upper floors or even the ground floor for bulk shipments, due to lack of access and ramps; and

WHEREAS, the applicant concludes that these features combine to create unnecessary hardship and practical difficulties in using the building for conforming use; and

WHEREAS, the Board questioned the degree of hardship created by the cited building conditions, and asked the applicant to explore retrofitting the building in order to address them; and

WHEREAS, in particular, the Board suggested that the applicant investigate the viability of sloping a loading dock below the ground floor level, in order to gain sufficient clearance for trucks; and

WHEREAS, the applicant responded by stating that such

Commissioner Chin; and

a retrofit would be cost prohibitive, but the Board continued to suggest alternative, viable schemes for creation of a loading dock, including an option to create a non-compliant but usable dock; and

WHEREAS, the Board also asked the applicant to establish that the cited building conditions were in fact unique, by submitting a survey of neighboring buildings, showing whether such buildings had complying loading docks and what their floor to floor heights were; and

WHEREAS, based upon its review of the submitted survey of the buildings in the area, which revealed that the conforming uses within the study area were almost all housed in one-to-two-story buildings, the Board concludes that the subject building is in fact one of the few multi-story manufacturing buildings in the area; and

WHEREAS, specifically, the submitted survey shows that there were only four other buildings in a 400 ft. radius with more than two stories, and that two of these buildings had larger floor plates, better suited for conforming uses; and

WHEREAS, after reviewing the various submissions made in response to its queries, the Board determined that though there was an insufficient nexus between the actual degree of hardship present at the site and the originally requested relief, some unnecessary hardship existed on the site, primarily related to the multi-story status of the building and the lack of internal access for bulk transfer of goods within the building; and

WHEREAS, based upon the above, the Board finds that the conditions cited by the applicant, when considered in the aggregate, create unnecessary hardship and practically difficulties in strictly conforming with the applicable provision of the Zoning Resolution, but only as to the third and fourth floors of the existing building; and

WHEREAS, the applicant initially submitted a feasibility study which purported to demonstrate that developing the premises on all four floors in conformance with applicable district use regulations would not yield the owner a reasonable return; and

WHEREAS, additionally, the applicant submitted evidence of failed marketing attempts for conforming uses; and

WHEREAS, based upon this study, the Board agrees that there is no reasonable possibility that development in strict conformance on all four floors of the building with zoning regulations will provide a reasonable return; and

WHEREAS, however, as noted above, the Board determined that any unnecessary hardship really afflicted only the top two floors of the building, and that lesser variance scenarios (discussed below) needed to be analyzed; and

WHEREAS, the applicant represents that the proposed variance will not affect the character of the neighborhood, and

that residential use of the existing building is compatible with the uses in the surrounding neighborhood; and

WHEREAS, in support of this representation, the applicant submitted a copy of the Department of City Planning's April 2001 land use application for a zoning text

buildings within certain delineated loft districts in Brooklyn, including the district in which the subject building is located, which was based upon a study by a task force of various City agencies (the "Task Force"); and

CORRECTIONS

change to permit the as-of-right conversion of industrial

WHEREAS, the applicant states that the Task Force determined that the existing building was part of a group of other Brooklyn buildings with illegal residential occupancy, and recommended that the existing buildings be considered appropriate for residential use; and

WHEREAS, the Board finds that the applicant's reliance on the Task Force recommendation is misplaced, because the Task Force did not evaluate whether the Proposed Building would negatively impact the essential character of the neighborhood or nearby conforming use or development in the same manner and with the same degree of scrutiny as required of the Board in its review of a site-specific application for a variance; and

WHEREAS, rather, the Board understands that the Task Force made recommendations as to a variety of buildings largely in response to the perceived pervasive problem of illegal conversions in Brooklyn, and these recommendations were based on a concern that wide-spread evictions of such tenants would cause a hardship given the City's housing shortage; and

WHEREAS, therefore, the Board finds that the finding set forth at Z.R. § 72-21(c) can not be made merely by citing to the Task Force recommendation; and

WHEREAS, the Board thus requested that the applicant engage in a more traditional analysis of the finding set forth at Z.R. § 72-21(c); and

WHEREAS, in response, the applicant conducted a survey of the surrounding area and submitted a revised land use map, showing that thirty of the lots within the studied area contained legal residential units, and that 31 lots were vacant; and

WHEREAS, the Board agrees that there is some legal residential use in the immediate area, but also notes that the area still has some active conforming uses; and

WHEREAS, however, the Board observes that the introduction of 14 residential units in this area, as opposed to the 30 units initially proposed by the applicant, will not impact the essential character of the neighborhood or impact conforming uses; and

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

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

WHEREAS, in response to the request of the Board to examine a lesser variance, the applicant has submitted additional studies of the following scenarios: (1) a retrofit of the building that would bring it up to modern industrial standards by providing legal loading docks and sufficient elevator capacity; (2) a renovation of the building for conforming office use; and (3) utilization of the lower two floors for conforming warehouse purposes, with residential use on the upper two floors; and

WHEREAS, the applicant's financial consultant opined that none of these scenarios would result in a reasonable return; and

WHEREAS, instead, the applicant proposed a mixed-use Joint Living-Work Quarters for Artists ("JWLQA") and residential scenario, with residential on the third and fourth floors, and JWLQA in place of the existing residential units on the first and second floors, as well as retention of the commercial units on a portion of the first floor; and

WHEREAS, the Board notes that the provisions in the Zoning Resolution that created the JWLQA mechanism were enacted by the City Council in response to area-specific problems in Manhattan, and that the JWLQA designation requires that certain pre-requisites as to the building be met; and

WHEREAS, accordingly, the Board declines to extend JWLQA status to other buildings in non-designated areas through the variance process; and

WHEREAS, moreover, the Board notes that the applicant submitted no evidence that the building meets all the parameters for JWLQA status as set forth in the Zoning Resolution; and

WHEREAS, thus, the Board disagreed that a conventional mixed-use alternative was not feasible, and, in response, the applicant modified the proposal to the current version of the application; and

WHEREAS, based upon the above, 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; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6NYCRR, Part 617; 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 04-BSA-025K dated November 10, 2003; 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; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; 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 617,

CORRECTIONS

the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under Z.R. § 72-21 and grants a variance to permit, in an M1-1 zoning district, the legalization of 14 dwelling units on the third and fourth floors of a four-story manufacturing building, contrary to ZR § 42-00; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received August 12, 2004 – (2) sheets and "Received December 10, 2004 – (3) sheets; *on further condition*;

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

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

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

THAT a new certificate of occupancy shall be obtained within two years from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, December 14, 2004.

*The resolution has been corrected in the part of the 5th WHEREAS, which read: "*30 residential units*" **now reads: "23 residential units"**. **Corrected in Bulletin Nos. 1-3, Vol. 90, dated January 20, 2005.**

*CORRECTION

This resolution adopted on March 30, 2004, under Calendar No. 309-03-BZ and printed in Volume 89, Bulletin No. 15, is hereby corrected to read as follows:

309-03-BZ CEQR #04-BSA-059M

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit **the proposed erection of a six-story residential building, Use Group 2, on a zoning lot divided by C6-1 and R6 zoning**

districts, which does not comply with the zoning requirements for floor area, height and setbacks, contrary to Z.R. §§23-145 and 23-633 (and Table A thereof).

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated November 24, 2003, acting on Department of Buildings Application No. 103433009, reads:

- "1. Section Zr 23-145, Proposed plan indicate floor area exceeding maximum permitted floor area for this new building hence not permitted.
2. Section Ze (sic) 23-633, proposed building height (sic) and setback limit per Table A hence [not] permitted"; and

WHEREAS, a public hearing was held on this application on December 9, 2003 after due notice by publication in the City Record; with continued hearings on January 27, 2004 and March 2, 2004, and then laid over for decision on March 30, 2004; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection of a six story residential building, Use Group 2, on a zoning lot divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setbacks, contrary to Z.R. §§23-145 and 23-633 (and Table A thereof); and

WHEREAS, the subject premises is on the west side of Greenwich Street between Perry and West 11th Streets, has a total lot area of approximately 4,650 square feet, is located partially within an R6 zoning district and partially within an C6-1 zoning district, and is currently occupied by a one story (with mezzanine) building with a legal use as a photographic studio, as well as a small one story triangular shaped building with a legal use as a doctor's office; and

WHEREAS, approximately 1067 square feet of the lot area is within the C6-1 zoning district, while the remaining 3583 square feet is within the R6 zoning district; and

WHEREAS, the subject zoning lot is also within the Greenwich Village Historic District, and the proposed building received a Certificate of Appropriateness from the City's Landmarks Preservation Commission ("LPC") on September 9, 2003; and

WHEREAS, under Calendar No. 9-95-BZ, the Board

CORRECTIONS

permitted the conversion and the enlargement of a former one story garage to a photographic studio, which is contrary to applicable residential use regulations, finding that the subject lot's "irregular shape and history of development gave rise to an unnecessary hardship"; and

WHEREAS, the subject zoning lot is irregularly shaped, being bounded by seven lot lines, and shallow, and has a frontage of approximately 89 feet on Greenwich Street, with a depth ranging from a minimum of 9.75 feet to a maximum of 91 feet; and

WHEREAS, the subject zoning lot is proposed to be developed with a five dwelling unit six story residential building, with a floor area of 15,977.42 square feet, and a height of 65 feet; and

WHEREAS, the requested bulk waiver is for approximately 4,487 square feet of floor area over the permitted 11,500 square feet; the requested perimeter wall waiver is for approximately 10 feet above the permitted 45 feet; and the requested height waiver is for approximately 10 feet above the permitted 55 feet; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the lot is irregular in shape and is shallow, and is divided by a district boundary separating the lot between two zoning districts; and

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

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

WHEREAS, during the course of the public hearing process, opposition to the proposed development contended that a rental alternative could be viable, that the assumed construction loan interest rate as utilized in the submitted feasibility study was too high, that it was inappropriate to include the value of an existing one story building in estimating the overall property value, and that the comparables in the feasibility study were inappropriate; and

WHEREAS, in response to this allegation, the applicant submitted supplementary materials from its financial expert, explaining: 1) why a rental alternative would lead to an unacceptably low return on investment; 2) that the construction loan interest rate was appropriate and further, that this rate's effect on the overall feasibility of the proposal was minimal; 3) that the one-story building reflected an improvement to the property, and that it is reasonable that the value of the building would be recognized by a seller or owner and reflected in the transaction price, and 4) that the comparables provided fell within acceptable real estate practice; and

WHEREAS, the Board has reviewed the supplementary materials and find that they provide a sufficient and credible response to the concerns of the opposition; and

WHEREAS, the Board finds sufficient and credible the

supplementary evidence submitted by the applicant pertaining to the viability of the existing photographic studio located at the premises and marketing efforts that were unsuccessful in obtaining a conforming user for the existing building; and

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

WHEREAS, the applicant states that in the immediate neighborhood there are numerous buildings occupied by both commercial and residential uses, with heights comparable to or higher than the proposed building ; and

WHEREAS, the applicant further states that the massing of the proposed building is in scale with the buildings in the immediate vicinity, and that existing buildings adjacent to the zoning lot having a greater FAR; and

WHEREAS, the applicant notes that the bulk of the proposed building is less than what would be permitted as of right, was specifically designed to be contextual to the neighbors and the historic character of the neighborhood, and designed with a garden space on one side of the building so that the adjacent properties will receive light and air rather than constructing the building to directly abut said properties; and

WHEREAS, at hearing, the opposition raised concerns about the height of the proposed building, its shadow effect, and its massing in terms of the context of the surrounding neighborhood; and

WHEREAS, the applicant submitted supplemental evidence, including a revised shadow study, showing that: 1) a majority of adjacent buildings are above the height of the proposed building, 2) the building's shadow effect is minimal, and 3) the massing of the building is contextual to the surrounding neighborhood, and was massed to address functionality and contextual design concerns; and

WHEREAS, the Board finds sufficient and credible both the revised shadow analysis, which shows that the difference between the effect of the proposed building and an as of right building would be minimal, and as the supplemental submissions concerning height and massing, which show that the proposed building is contextual in both respects; and

WHEREAS, the Board notes that the massing and height of the proposed building has been approved by the LPC, in terms of its compatibility with the historic district; and

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

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

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

CORRECTIONS

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

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

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

Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setbacks, contrary to Z.R. §§23-145 and 23-633 (and Table A thereof); *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "March 4, 2004"-(13) sheets; and *on further condition*:

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

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

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

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

Adopted by the Board of Standards and Appeals, March 30, 2004.

*The resolution has been corrected in the part of the 12th WHEREAS, which read: "3,477 square feet" **now reads: "4,484 square feet"**. **Corrected in Bulletin Nos. 1-3, Vol. 90, dated January 20, 2005.**

Pasquale Pacifico, Executive Director.