
BULLETIN

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AND APPEALS

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COMMUNITY BOARD #14BK

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COMMUNITY BOARD #4Q

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Law and Department of Buildings' Policy.

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enlargement of the first story, and the construction of a
partial second story, to an existing one family dwelling, not
fronting on a legally mapped street, is contrary to Section 36,
Article 3 of the General City Law.**

**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

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

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

SPECIAL ORDER CALENDAR

752-64-BZ

APPLICANT - Patrick Jones, Esq, by Petraro & Jones, for Gallery Partners, LLC, owner.

SUBJECT - Application September 7, 2004 - reopening for an extension of term of a variance for attended transient parking, limited to a maximum of twenty-three (23) vehicles, in a multiple dwelling presently located in C5-1 (MP) zoning district. The original grant of the variance by the Board of Standards and Appeals was made pursuant to Section 60(3) of the multiple Dwelling Law.

PREMISES AFFECTED - 49 East 77th Street, east side of Madison Avenue at intersection of E. 78th Street and E. 77th Street, Block 1392, Lot 1101, Borough of Manhattan.

COMMUNITY BOARD #8M

721-67-BZ

APPLICANT - Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.

SUBJECT - Application September 15, 2004- reopening for an amendment to the resolution to permit the addition of a canopy and the conversion of the existing accessory service bays to an accessory convenience store.

PREMISES AFFECTED - 7310-7322 New Utrecht Avenue, block bound by New Utrecht Avenue, 74th Street and 16th Avenue, Block 6203, Lot 1, Borough of Brooklyn

COMMUNITY BOARD #11BK

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 13, 2005 - reopening for an extension of term of variance which expired on January 6, 2005 for an amusement arcade.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Whitestone Expressway, Block 4327, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

327-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Beth Gavriel Bukharian

APPEALS CALENDAR

325-04-A

APPLICANT -Rothkrug Rothkrug Weinberg Spector, for Kevin Kane, owner.

SUBJECT - Application October 4, 2004 - Proposed construction of a one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -91 Wakefield Road, west side, 825.19 north of Woods of Arden Road, Block 5415, Lot 85, Borough of Staten Island.

COMMUNITY BOARD #3SI

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

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

ZONING CALENDAR

275-04-BZ

APPLICANT - Martyn & Don Weston Architects, for Christodora House Association, owner.

SUBJECT - Application August 9, 2004 - Under Z.R.§72-21 to permit the proposed conversion of an existing unused gymnasium (Use Group 4) into four residential units (Use Group 2), within an R7-2 Zoning District and to vary Sections 23-142 and 23-22 of the Resolution.

PREMISES AFFECTED - 601-603 East 9th Street a/k/a 143 Avenue B, Northeast corner of 143 Avenue B, Block 392, Lot 1087, Borough of Manhattan.

COMMUNITY BOARD #3M

322-04-BZ

APPLICANT - Eric S. Palatnik, P.C., for Beis Avroham, owner.

SUBJECT - Application September 28, 2004 - Z.R. §72-21, to permit the proposed extension of an existing synagogue and Rabbi's apartment (Rectory), within an R2 Zoning District and to vary Sections 24-111(a), 23-141(a), 24-35, 24-34, and 25-31 of the Resolution.

PREMISES AFFECTED - 1124 East 21st Street a/k/a Kenmore Place a/k/a 2015-2025 Avenue J, Northwest corner of the intersection of Avenue J and East 21st Street, Block 7584, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Congregation, owner.

SUBJECT - Application October 4, 2004 - under Z.R.§72-21 to

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request a variance from the following sections of the Zoning Resolution: 24-11(floor area ratio); 24-34 (front yard requirements); and 24-521 (height and setback regulations). The proposal calls for the enlargement of an existing Community Facility.

PREMISES AFFECTED - 66-35 108th Street, between 66th Road and 67th Avenue, Block 2175, Lot 1, Borough of Queens.
COMMUNITY BOARD #6Q

352-04-BZ

APPLICANT - Eric Palatnik, P.C., for R. Randy Lee, owner.
SUBJECT - Application November 4, 2004 - Under Z.R.§72-21, to modify the previous approval by the BSA (118-01-BZ) by altering the configuration of the subject building and to permit a change in use from Use Group 6 office use to Use Group 6 retail use, within an R3-1 Zoning District and to vary Section 22-00 of the Resolution.

PREMISES AFFECTED - 1845 Richmond Avenue, East side of Richmond Avenue, 500 feet south of Eaton Place, Block 2030, Lot 57, Borough of Staten Island.
COMMUNITY BOARD #2SI

16-05-BZ

APPLICANT - James McCormack, Architect, for James McCormack, owner.

SUBJECT - Application January 27, 2005 - under Z.R.§ 72-21 to permit the proposed one family residence which does not meet the requirements of Section 23-45 (Front Yard) and Section 23-461 (Side Yards), located in R3A.HS (Hillside Preservation District).

PREMISES AFFECTED - 161 Westervelt Avenue, southeast corner of Curtis Place, Block 30, Lot 11, Borough of Staten Island.

COMMUNITY BOARD #1SI

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, MARCH 15, 2005
10:00 A.M.**

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

MINUTES

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 11, 2005, were approved as printed in the Bulletin of January 20, 2005, Volume 90, No. 1-3.

SPECIAL ORDER CALENDAR

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 - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening and amendment to the resolution for a previously issued variance; and

WHEREAS, a public hearing was held on this application on July 13, 2004, after due notice by publication in the *City Record*, with continued hearings on September 21, 2004, January 11, 2005, and February 15, 2005, then to decision on March 15, 2005; and

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

WHEREAS, Community Board No. 11, Brooklyn, recommends approval of the subject application, on condition that all vehicles waiting for service at the subject establishment shall be parked on the site and not on the streets surrounding the site; and

WHEREAS, the subject site is located on Kings Highway between West 3rd Street and Kings Place; and

WHEREAS, on July 22, 1969, under the subject THAT screened fences 10 feet high surrounding the inner court and at the rear lot line shall be installed and maintained, as shown on the BSA-approved plans;

calendar number, the Board granted an application under Z.R. § 72-21, to permit, in an R6 district, in an existing one-story building, the extension of a wholesale establishment into the adjoining store; and

WHEREAS, since 1999, the applicant has used the premises to support an automotive facility that includes a repair shop, a retail store and an accessory office and a warehouse devoted to the storage of upholstering fabrics (with an accessory office); and

WHEREAS, the applicant now seeks an amendment to the resolution to legalize a change in use to automotive repair and sales and warehouse (UG 16) with accessory offices; and

WHEREAS, the subject application was previously on the dismissal calendar for lack of prosecution; and

WHEREAS, after the applicant made a required submission, the subject application was withdrawn from the dismissal calendar and placed back on the Special Order Calendar; and

WHEREAS, the Board expressed concerns about the original version of this application specifically related to: (i) the uses proposed, including repair and sale of cars; (ii) the number of spaces for cars awaiting service; (iii) the existing signage; (iv) the use group designation of the fabric store; and (v) the operation of the retail store; and

WHEREAS, in response to the Board's concerns, the applicant amended its application to: (i) remove auto sales from the proposed uses; (ii) have a maximum of two cars waiting for service in the waiting area; (iii) remove one of the existing wall signs and bring the remaining signs into compliance with the business signage regulations applicable in C1 districts; (iv) designate the fabric store as a Use Group 16 warehouse; and (iii) clarify that the retail store would be an accessory use to the automotive establishment; and

WHEREAS, the Board has determined that the evidence in the record supports the grant of the requested amendment to the prior resolution.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on July 22, 1969, so that as amended this portion of the resolution shall read: "to permit, in an R6 zoning district, a change in use from wholesale storage and packaging establishment, with an accessory office and loading area to automotive repair and sales and warehouse (UG 16) with accessory offices; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received January 26, 2005"- (3) sheets and "Received March 1, 2005"- (1) sheet; and *on further condition*:

THAT all vehicles waiting for service at the subject establishment shall be parked on-site and not on the streets surrounding the site or the sidewalk;

THAT the inner court and the rear yard shall be clean and kept free of debris and materials at all times and should not be used for auto repair use;

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

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

THAT a new certificate of occupancy 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; 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. 301232850).

Adopted by the Board of Standards and Appeals, March 15, 2005.

208-78-BZ

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

SUBJECT - Application May 18, 2004 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance to permit a funeral establishment (Use Group 7), located in an R3-2 zoning district.

PREMISES AFFECTED - 2145 Richmond Avenue, east side of Richmond Avenue, 11.74' south of Rockland Avenue, Block 2360, Lot 54, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on December 7, 2004 after due notice by publication in the *City Record*, with a continued hearing on February 15, 2005 and then to decision on March 15, 2005; and

WHEREAS, Community Board No. 2, Staten Island recommends approval of the subject application; and

WHEREAS, in 1978, under the subject calendar number, the Board granted a variance application to permit, in an R3-2 district, the erection of a one-story building for 133-99-BZ

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

use as a funeral establishment, with accessory parking in the open area; the term of variance was subsequently extended on September 3, 1994; and

WHEREAS, the premises is located on the east side of Richmond Avenue, 11.74 feet south of Rockland Avenue, and has a total lot area of 19,771 sq. ft.; and

WHEREAS, the applicant now seeks an extension of the term of variance for ten years; and

WHEREAS, the applicant initially represented that there had been no change in the operation or layout of the subject establishment; and

WHEREAS, however, upon review of the submitted plans, the Board noted that there was an illegal roof sign on the subject building; and

WHEREAS, the applicant removed this roof sign at the Board's direction; and

WHEREAS, the Board has determined that the evidence in the record supports the grant of the requested amendment to the prior resolution.

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 extend the term of a funeral establishment use, with accessory parking in the open area, previously granted by the Board, for a term of ten years from September 3, 2004 to expire on September 3, 2014; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received January 21, 2005”-(2) sheets and “Received May 18th, 2004”-(3) sheets; and *on further condition*:

THAT there shall be no signage above the eave on the lower roof of the building;

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

THAT all conditions from prior resolution(s) not specifically waived by the Board remain in effect and shall be listed on the certificate of occupancy if listed previously;

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. 500665728)

Adopted by the Board of Standards and Appeals, March 15, 2005.

owner.

SUBJECT - Application February 2, 2004 and June 10, 2004 -

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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.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a re-opening, an extension of time to complete construction and obtain a certificate of occupancy, and an amendment to the resolution, to increase the height and Floor Area Ratio ("F.A.R.") of the proposed enlarged residential structure; and

WHEREAS, a public hearing was held on this application on November 9, 2004, after due notice by publication in the *City Record*, with continued hearings on December 7, 2004, January 11, 2005, and February 15, 2005, and then to decision on March 15, 2005; and

WHEREAS, on February 8, 2000, the Board granted a special permit pursuant to Z.R. § 73-622 and under the subject calendar number to allow, in an R3-1 zoning district, the enlargement of an existing one-family dwelling; and

WHEREAS, the period in which to complete construction expired on February 8, 2004; and

WHEREAS, the applicant states the reason for the requested extension of time is due to a major family dispute resulting in a divorce proceeding that lasted nearly four years; and

WHEREAS, in connection with the special permit, the Board approved an F.A.R. of 0.89 and a building height of 29 ft.; and

WHEREAS, the applicant is seeking an increase in F.A.R. from 0.89 to 1.02 and an increase in building height from 29 ft. to 31 ft., 8 in.; and

WHEREAS, the increase in F.A.R. is due to the a reconfiguration of the attic, which qualifies the attic floor space as zoning floor area; and

WHEREAS, the applicant notes that the maximum permitted height in an R3-1 district is 35 ft.; and

WHEREAS, the applicant represents that a different building height must be calculated due to a new Department of 295-99-BZ

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

Buildings Procedure and Policy Notice ("PPN"), which requires the elevation of structures within a Flood Plane zone to be measured from the Base Flood Plane; and

WHEREAS, the Board acknowledges the new PPN and has no objection to the measurement of height as represented by the applicant so long as the elevation will be measured from the Base Flood Plane as per DOB's current practice, as reviewed and confirmed by DOB; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that the requested extension and 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 February 8, 2000, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction for a period of three years from the date of this resolution" *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 23, 2005"-(8) sheets and "Received March 9, 2005"-(1) sheet; *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 total F.A.R., including the attic floor area, shall not exceed 1.02;

THAT the elevation will be measured from the Base Flood Plane as per the Department of Buildings' current practice, as reviewed and approved by the Department of Buildings;

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

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

THAT a new certificate of occupancy be obtained within three years from the date of this grant; and

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. 300863153)

Adopted by the Board of Standards and Appeals, March 15, 2005.

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

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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

APPEARANCES -

For Applicant: Philip Rampulla.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and an extension of time to complete construction for a five-story parking facility previously approved by the Board; and

WHEREAS, a public hearing was held on this application on February 8, 2005, 2005 after due notice by publication in the *City Record*, and then to decision on March 15, 2005; and

WHEREAS, on May 2, 2000, the Board granted a variance application under the subject calendar number to permit, within an R6 zoning district, the erection of a five story parking facility, to serve as accessory parking to an existing community facility; and

WHEREAS, the period in which to complete construction expired on May 2, 2004; and

WHEREAS, the applicant has constructed an at-grade as-of-right open accessory parking lot in the interim; and

WHEREAS, the applicant states that the reason for the requested extension of time is because of financing difficulties; and

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

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, said resolution having been adopted on May 2, 2000, so that as amended this portion of the resolution shall read: "to permit an extension of the time to complete construction of a five story parking facility for an additional three years from the date of this resolution to expire on March 15, 2008; 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 286-99-BZ

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

SUBJECT - Application September 20, 2004 - Extension of

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. 300845708)

Adopted by the Board of Standards and Appeals, March 15, 2005.

198-66-BZ

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

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

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

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to April 19, 2005, at 10 A.M., for continued hearing.

1237-66-BZ

APPLICANT - Eric Palatnik, P.C., for BP Products North America, Inc., owner.

SUBJECT - Application - December 14, 2004 - Extension of Term to obtain a Certificate of Occupancy for a gasoline service station, with accessory uses, located in a C2-2 zoning district.

PREMISES AFFECTED - 1 East 233rd Street, northeast corner of Van Cortland and Park East, Block 3363, Lots 18 and 23, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 19, 2005, at 10 A.M., for decision, hearing closed.

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.

MINUTES

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.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 12, 2005, at 10 A.M., for decision, hearing closed.

384-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Maureen & Bill Tully, lessees.

SUBJECT - Application December 6, 2004 - Proposed reconstruction and enlargement of an existing single family residence, not fronting on a legally mapped street, also the proposed upgrading of the private disposal system in the bed of the service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings Policy.

PREMISES AFFECTED - 37 Jamaica Walk, east side, 75.61' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated November 12, 2004, acting on Department of Buildings Application No. 401947756, reads:

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

- A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law.
- B) Existing dwelling to be altered does not have at least 8 % of total perimeter of the Building fronting directly upon a legally mapped street or frontage is contrary to Section 27-291 of the Administrative Code.

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

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

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

WHEREAS, a public hearing was held on this application on March 1, 2005 after due notice by publication in the *City Record*, and then to decision on March 15, 2005; and

WHEREAS, by letter dated December 16, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated November 12, 2004, acting on Department of Buildings Application No. 401867958, 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 December 6, 2004” - (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and on further condition:

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

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

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

Adopted by the Board of Standards and Appeals, March 15, 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.

140-30A 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

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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 Applicant: Lisa Orrantia, Department of Buildings.
For Opposition: Adam W. Rothkrug and Tom Beriawato.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to July 12, 2005, at
10 A.M., for continued hearing.

241-04-A

APPLICANT - Rampulla Associates Architects, for Erin Esposito,
owner.

SUBJECT - Application June 28, 2004 - Proposed one family
dwelling, not fronting on a legally mapped street, is contrary to
Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -6515 Amboy Road, 650' south of
Bedell Avenue, Block 7664, Lot 452 (Tentative Lot 463), Borough
of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Philip Rampulla.
For Opposition: B.C. Carty and Anthony Scaduto, Fire Department.

ACTION OF THE BOARD - Laid over to April 12, 2005,
at 10 A.M., for continued hearing.

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 Ciy Law .

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

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.
THE VOTE TO CLOSE HEARING -

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

Negative:.....0

3-05-A

APPLICANT -Joseph A. Sherry, for Breezy Pt. Cooperative Inc.,
owner; Dale & Susan Salmonese; lessee.

SUBJECT - Application January 11, 2005 - Proposed enlargement
of an existing one family dwelling, not fronting on a legally mapped

ACTION OF THE BOARD - Laid over to April 12, 2005,
at 10 A.M., for decision, hearing closed.

385-04-A

APPLICANT -Gary Lenhart, R.A., for The Breezy Point
Cooperative, owner; Christine & Barry Fixxher, lessee.

SUBJECT - Application December 6, 2004 - Proposed
reconstruction and enlargement of an existing single family dwelling,
also the proposed upgrading of an existing private disposal system,
located within the bed of a mapped street, is contrary to Section 35,
Article 3 of the General City Law and Department of Buildings
Policy.

PREMISES AFFECTED - 2 Deauville Walk, in the bed of Beach
214th Street, at the intersection of Palmer Drive, Block 16350, Lot
300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 5, 2005, at
10 A.M., for decision, hearing closed.

2-05-A

APPLICANT - Joseph A. Sherry, for Breezy Point Cooperative
Inc., owner; Mr. & Mrs. Terrance Farrell, lessee.

SUBJECT - Application January 11, 2005 - Proposed enlargement
of an existing one family dwelling, not fronting on a legally mapped
street, and has a private disposal system which is being upgraded in
the bed of a private service road, is contrary to Section 36, Article 3
of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED -37 Marion Walk, east side, 102.98'
south of Oceanside Avenue, Block 16350, Lot 400, Borough of
Queens.

COMMUNITY BOARD #14Q

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to March 29, 2005,
at 10 A.M., for decision, hearing closed.

street, and has a private disposal system which is being upgraded in
the bed of a private service road, is contrary to Section 36, Article 3
of the General City Law, and Department of Buildings Policy.

PREMISES AFFECTED - 10 Doris Lane, south side, 42.02' west
of Reid Avenue, Block 16350, Lot 400, Borough of Queens.

MINUTES

APPEARANCES -

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to March 29, 2005, at 10 A.M., for decision, hearing closed.

17-05-A

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

SUBJECT - Application January 27, 2005 - An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue a development commenced under R6 Zoning.

PREMISES AFFECTED - 3329/3333 Giles Place, (a/k/a 3333 Giles Place), west side, between Canon Place and Fort Independence Street, Block 8258, Lots 5 and 7, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES -

For Applicant: Jordon Most, Donna Difara and William Turkish.
For Opposition: Janine Gayland, Lynn Schwartz, Arax Hogroian, Margaret Groarke and Karen Argentu.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

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

Pasquale Pacifico, Executive Director.

Adjourned: 12:25 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 15, 2005
2:00 P.M.**

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

126-04-BZ

CEQR #04-BSA-141K

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

ZONING CALENDAR

349-03-BZ

CEQR #04-BSA-079Q

APPLICANT - The Agusta Group, for Cyril Pereira, owner.
SUBJECT - Application November 14, 2003 - under Z.R. §72-21 to permit the legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

PREMISES AFFECTED - 85-14 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 21, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, March 15, 2005.

350-03-BZ

CEQR #04-BSA-080Q

APPLICANT - The Agusta Group, for Cyril Pereira, owner.
SUBJECT - Application November 14, 2003 - under Z.R. §72-21 to permit the legalization of the conversion of a two family dwelling, into a three family dwelling, is contrary to Z.R. §22-12, which only permits two family dwelling in R3-1 zoning districts.

PREMISES AFFECTED - 85-16 63RD Drive, east side, between Fitchett Street and Woodhaven Boulevard, Block 3115, Lot 22, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:.....0

Adopted by the Board of Standards and Appeals, March 15, 2005.

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 -

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For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 28, 2004, acting on Department of Buildings Application No. 301685610, reads:

“Obtain approval from the Board of Standards and Appeals for the following objections:

1. Proposed floor area is contrary to ZR 23-141
2. Proposed open space ratio is contrary to ZR: 23-141
3. Proposed side yard is contrary to ZR 23-461(a)”; and

WHEREAS a public hearing was held on this application on January 11, 2005 after due notice by publication in *The City Record*, with continued hearings on February 1, 2005 and March 1, 2005, and then to decision on March 15, 2005; and

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

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

WHEREAS, this is an application under Z.R. § 73-622 to permit, in an R3-1 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and side yard, contrary to Z.R. §§ 23-141 and 23-461(a); and

WHEREAS, the subject lot is located on the south side of 87th Street between Colonial Road and Narrows Avenue, and has a total lot area of 5,000 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 3,066 sq. ft. (0.62 Floor Area Ratio or “FAR”) to 4,678.82 sq. ft. (.936 FAR); this exceeds the permitted 2,500 sq. ft. floor area (0.60 FAR with attic); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio (“OSR”) from 61% to 57% (the minimum open space ratio required is 65%); and

WHEREAS, the applicant received a letter from the Department of Buildings that states that the applicant can

THAT the total attic floor area shall not exceed 997.74 s.f.;

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

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

maintain the existing perimeter wall height of 21’-0” so long as the applicant obtains waivers from the Board of Standards and Appeals for F.A.R., open space ratio and side yards; and

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

WHEREAS, the applicant proposes a straight line enlargement into the rear yard; and

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

WHEREAS, the applicant submitted photographs documenting houses in the immediate vicinity of the site that stand two stories high with no setbacks between the first and second floors; 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 imposed, any 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, in an R3-1 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and side yard, contrary to Z.R. §§ 23-141 and 23-461(a); *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 August 24, 2004” - (5) sheets, “Received February 15, 2005” - (1) sheet, and “Received March 8, 2004” - (1) sheet; 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 total F.A.R. for the premises, including the attic, shall not exceed 0.936;

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

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configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 15, 2005.

207-04-BZ

CEQR #04-BSA-206K

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

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 - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

Negative:.....0

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 5, 2004, acting on Department of Buildings Application No. 301745967, reads in pertinent part:

1. Proposed plans are contrary to Z.R. 23-141 in that the proposed building exceeds the maximum permitted floor area ratio of .50.
2. Proposed plans are contrary to Z.R. 23-141 in that the proposed open space ratio is less than the minimum required open space ratio of 150.
3. Proposed plans are contrary to Z.R. 23-461 in that the proposed straight line enlargement continues with the existing non-complying side

WHEREAS, the proposed enlargement is a straight line extension into the complying side yard; and

WHEREAS, the enlargement into the complying side yard does not result in a decrease in the existing minimum width between the building and the side lot line on the non-complying side; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the

yard of 3'-7" and is less than the minimum required side yard of 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*, with continued hearings on January 11, 2004 and February 8, 2004, and then to decision on March 15, 2005; 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, recommends approval of this application; and

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

WHEREAS, this application was initially submitted to the Board as a request for a variance pursuant to Z.R. § 72-21; and

WHEREAS, the applicant failed to provide evidence to substantiate a claim of uniqueness inherent to the site, that would affect the habitability of the structure; and

WHEREAS, thus, the Board found that the findings required to issue a variance were not supported by substantial evidence; and

WHEREAS, moreover, the relief requested by the applicant was possibly obtainable through a special permit pursuant to Z.R. § 73-622; and

WHEREAS, accordingly, the applicant converted the application to the present request for a special permit; and

WHEREAS, the subject corner lot is located on the northwest corner of Avenue N and East 28th Street, and has a total lot area of 3,333 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,020 sq. ft. (0.60 Floor Area Ratio or "F.A.R.") to 3,390.41 sq. ft. (1.01 FAR); this exceeds the permitted 1,667 sq. ft. floor area (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio ("O.S.R.") from 115 to 43 (the minimum O.S.R. required is 150); and

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

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 imposed, any disadvantage to the community at large due to the proposed special permit use is outweighed by the advantage to be derived by the community; and

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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, in an R2 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and side yard, contrary to Z.R. §§ 23-141, and 23-461; 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 March 14, 2005"-(10) 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 total F.A.R. on the premises, including the attic, shall not exceed 1.01;

THAT the total attic floor area shall not exceed 909.81 sq. ft.;

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

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, March 15, 2005.

208-04-BZ

CEQR #04-BSA-207K

WHEREAS a public hearing was held on this application on December 7, 2004 after due notice by publication in *The City Record*, with continued hearings on January 11, 2004 and February 8, 2004, and then to decision on March 15, 2005; 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, recommends approval of this application; and

WHEREAS, this is an application under Z.R. § 73-622 to

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

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO REOPEN HEARING -

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

THE VOTE TO CLOSE HEARING -

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

THE VOTE TO GRANT -

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 19, 2004, acting on Department of Buildings Application No. 301744511, reads in pertinent part:

"The proposed enlargement of the existing one family residence in an R2 zoning district:

1. Creates non-compliance with respect to floor area by exceeding the allowable floor area ratio and is contrary to Section 23-141 of the Zoning Resolution.
 2. Creates non-compliance with respect to the open space ratio and is contrary to Section 23-141 of the Zoning Resolution.
 3. Creates non-compliance with respect to the side yard by not meeting the minimum requirements of Section 23-461 of the Zoning Resolution.;"
- and

permit, in an R2 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and side yard, contrary to Z.R. §§ 23-141 and 23-461; and

WHEREAS, this application was initially submitted to the Board as a request for a variance pursuant to Z.R. § 72-21; and

WHEREAS, the applicant failed to provide evidence to substantiate a claim of uniqueness inherent to the site, that would affect the habitability of the structure; and

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WHEREAS, the Board found that the findings required to issue a variance were not supported by substantial evidence,

WHEREAS, moreover, the relief requested by the applicant was obtainable possibly through a special permit pursuant to Z.R. § 73-622; and

WHEREAS, accordingly, the applicant converted the application to the present request for a special permit; and

WHEREAS, the subject lot is located on the southwest corner of Avenue L and East 29th Street, and has a total lot area of 3,333 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 2,727 sq. ft. (0.82 Floor Area Ratio or "FAR") to 3,479 sq. ft. (1.05 FAR); this exceeds the permitted 1,667 sq. ft. floor area (0.50 FAR); and

WHEREAS, the proposed enlargement will reduce the Open Space Ratio ("OSR") from 82 to 56 (the minimum open space ratio required is 150); and

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

WHEREAS, the proposed enlargement is a straight line extension into the complying side yard; and

WHEREAS, the enlargement into the complying side yard does not result in a decrease in the existing minimum width between the building and the side lot line on the non-complying side; 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 imposed, any disadvantage to the community at large due to the proposed special permit use is outweighed by the advantage 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 COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner

the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§ 73-622 and 73-03, to permit, in an R2 zoning district, the proposed enlargement of an existing single-family residence (Use Group 1), which does not comply with the zoning requirements for floor area, open space ratio and side yard, contrary to Z.R. §§ 23-141 and 23-461; *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 March 1, 2005" - (3) sheets and "Received March 14, 2005"-(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 total F.A.R. on the premises, including the attic, shall not exceed 1.05;

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

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

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 15, 2005.

220-04-BZ

CEQR #04-BSA-211K

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, a/k/a 482/504 Driggs Avenue, through lot fronting on North 9th and 10th Streets and Driggs Avenue, Block 2305, Lot 18, Borough of Brooklyn.

dated May 12, 2004, acting on Department of Buildings Application No. 301216716, reads:

"Proposed physical culture establishment is contrary to ZR Section 42-10 and requires BSA approval as per ZR 73-36"; and

WHEREAS, a public hearing was held on this application on February 4, 2005 after due notice by publication in *The City Record*, and then to decision on March 15, 2005; and

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

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WHEREAS, Community Board No. 1, Brooklyn, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-36 and 73-03, to permit within a M1-2 zoning district, the legalization of a physical culture establishment located on the second floor of an existing mixed-use building, contrary to Z.R. § 42-10; and

WHEREAS, on January 28, 2003, the Board granted an application under Calendar No. 366-01-BZ for the subject premises to permit the conversion of the fourth, fifth and sixth floors of a six-story manufacturing building to residential occupancy; and

WHEREAS, the applicant represents that the PCE will occupy a total area of 10,036 sq. ft., on the second floor level, serviced by two sets of stairs as well as two elevators; and

WHEREAS, the applicant states that the PCE will contain workout equipment, open spaces for aerobics, martial arts and other and programs for physical improvement, as well as areas for sun tanning and the practice of massage; all massages will be performed by New York State licensed masseurs or masseuses; and

WHEREAS, the PCE will operate from 5 AM to 11 PM Monday through Friday, 6 AM to 7 PM Saturday, and 7 AM to 7 PM Sunday; and

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

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; 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 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. §§ 73-36 and 73-03; and

THAT the hours of operation shall be limited to from 5 AM to 11 PM Monday through Friday, 6 AM to 7 PM Saturday, and 7 AM to 7 PM Sunday;

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

THAT all fire protection measures indicated on the BSA-approved plans shall be installed and maintained;

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;

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

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR 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. NO. 04BSA-0211K, dated May 24, 2004; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; 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, 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 and § 6-07(b) of 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. §§ 73-36 and 73-03, to permit the legalization of a physical culture establishment on the second floor of an existing mixed-use building, located within a M1-2 zoning district, contrary to Z.R. § 42-10; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received December 1, 2004"-(1) sheet and "Received February 28, 2005"-(2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years from January 1, 2005, expiring on January 1, 2015;

THAT all massages will be performed only by New York State licensed massage therapists;

THAT there shall be no change in ownership or operating control of the physical culture establishment without prior application to and approval from the Board;

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 15, 2005.

361-02-BZ

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

SUBJECT - Application December 13, 2002 and updated January 5, 2004 - under Z.R. §72-21 to permit the proposed renovation and

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conversion of an existing factory building, to create 15 unit loft type apartments, with five parking spaces in the mews, a garden courtyard, and the addition of floor area to the center of the front structure, located in an M1-1D district, which does not meet the zoning requirements for rear lot line, parking, height and setback, is contrary to Z.R. §42-00, §43-61(d), §43-61(c) and §44-27.

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

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to April 12, 2005, at 1:30 A.M., for defer decision.

357-03-BZ

APPLICANT - Agusta & Ross, for ECROB, LLC., owner.

SUBJECT - Application November 19, 2003 - under Z.R. §72-21 to permit the proposed four-story and penthouse multiple dwelling in an M1-2 district contrary to Z.R. §42-10.

PREMISES AFFECTED - 33 Berry Street, a/k/a 144 North 12th Street, southwest corner of North 12th Street and Berry Street, Block 2290, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

ACTION OF THE BOARD - Laid over to June 7, 2005, at 1:30 P.M., for decision, hearing closed.

6-04-BZ

APPLICANT - Sheldon Lobel, Esq. for TSI Bay Ridge, Inc. dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2004 - under Z.R. §72-21 to legalize an existing physical cultural establishment in a three story building within a R-6/C1-3/R-6 zoning district.

PREMISES AFFECTED - 7118-7124 Third Avenue, between 71st street and 72nd Street, Block 5890, Lot 43, Borough of Brooklyn.

247-04-BZ

APPLICANT - Sheldon Lobel, P.C., for BC Merrick Storage LP, owner.

SUBJECT - Application July 7, 2004 - under Z.R. §72-21, to permit the proposed enlargement of a two-story storage facility (Use Group 16) in a C8-1 zoning district, which creates non-compliance by exceeding the permitted floor area authorized by Section 33-122 of the Zoning Resolution and creates a second floor within a rear yard equivalent, increasing the degree of non-compliance contrary to Sections 54-31 and 33-283 of the Zoning Resolution.

PREMISES AFFECTED - 22-20 Merrick Blvd., Northern side of the area bounded by Merrick Blvd., 125th Avenue, Merrill Street and Baisley Blvd., Block 12516, Lot 37, Borough of Queens.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Janice Cahalane.

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

134-04-BZ

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

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

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

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Barbara Hair.

ACTION OF THE BOARD - Laid over to May 24, 2005, at 1:30 p.m., for defer decision.

212-04-BZ

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

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

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

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Philip Rampulla.

For Opposition: Edward Vamero and Silvia Mazza.

ACTION OF THE BOARD - Laid over to May 24, 2005, at 1:30 P.M., for continued hearing.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Richard Lobel and David Levefeld.

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

297-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Arthur Djmal, owner.

SUBJECT - Application January 18, 2005 - under Z.R. §73-622 to permit the proposed enlargement of an existing one family dwelling, Use Group 1, located in an R-2 zoning district, which does not comply with the zoning requirement for floor area ratio, is contrary to Z.R. §23-141.

PREMISES AFFECTED - 1174 East 22nd Street, southwest

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corner of Avenue "K", Block 7621, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Richard Lobel.

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

315-04-BZ thru 318-04-BZ

APPLICANT - Steve Sinacori/Stadtmauer Bailkin, for Frank Mignone, owner.

SUBJECT - Application September 20, 2004 - Under Z.R. §72-21 to permit the proposed development which will contain four three-family homes (Use Group 2), within an M1-1 Zoning District which is contrary to Section 42-00 of the Resolution.

PREMISES AFFECTED -

1732 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 127), Borough of Brooklyn.

1734 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 128), Borough of Brooklyn.

1736 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 129), Borough of Brooklyn.

1738 81st Street, east side of New Utrecht Avenue, Block 6314, Lots 26 and 29, (Tentative Lot 130), Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Steven Sinacori.

ACTION OF THE BOARD - Laid over to May 10, 2005, at 1:30 P.M., for continued hearing.

363-04-BZ

APPLICANT - Herrick Feinstein, LLP, for 6002 Fort Hamilton Parkway Partners, owners.

SPECIAL MEETING WEDNESDAY MORNING, MARCH 16, 2005 10:00 A.M.

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

301-04-BZY

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector, for Medhat M. Hanna, owner.

SUBJECT - Application September 10, 2004 - Application to complete construction for a minor development as per Z.R. §11-331.

PREMISES AFFECTED - 102 Greaves Avenue, corner of Dewey Avenue, Block 4568, Lot 40, Borough of Staten Island.

APPEARANCES -

SUBJECT - Application November 18, 2004 - under Z.R. §§72-01(b) and 72-21 to permit in an M1-1 district, approval sought to convert an existing industrial building to residential use. The proposed development will contain 115,244 SF of residential space containing 90 dwelling units, as well as 9,630 SF of retail space. There will be 90 parking spaces. The development is contrary to district use regulations per Section 42-00.

PREMISES AFFECTED - 6002 Fort Hamilton Parkway, a/k/a 949/59 61st Street, a/k/a 940/66 60th Street, south side of 61st Street, east side, of Fort Hamilton Parkway and north side of 60th Street, Block 5715, Lots 21 and 27, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mitchell Korbey and Jack Freeman.

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

Pasquale Pacifico, Executive Director.

Adjourned: 4:00 P.M.

For Applicant: Adam W. Rothkrug.

For Opposition: Council Member Andrew Lanza, Steven Morello, Ralph R. Cagro and others.

ACTION OF THE BOARD - Laid over to April 12, 2005, at 10 A.M., for continued hearing.

303-04-BZY thru 308-04-BZY

APPLICANT - Edward Lauria, P.E., for Fred LaRocca, owner.

SUBJECT - Application September 10, 2004 - Application to complete construction for a minor development as per Z.R. §11-331.

PREMISES AFFECTED -

81 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 62, Borough of Staten Island.

85 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 61, Borough of Staten Island.

89 Lorrain Avenue, north side, 220' west of Ralph

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Avenue, Block 6212, Lot 58, Borough of Staten Island.
93 Lorrain Avenue, north side, 220' west of Ralph Avenue, Block 6212, Lot 56, Borough of Staten Island.
88 Jeannette Avenue, north side, 220' west of Ralph Avenue and Lorrain Avenues, Block 6212, Lot 26, Borough of Staten Island.
92 Jeannette Avenue, north side, 220' west of Ralph Avenue and Lorrain Avenues, Block 6212, Lot 27, Borough of Staten Island.

APPEARANCES -

For Applicant: Edward Laura.

ACTION OF THE BOARD - Laid over to April 12, 2005, at 10 A.M., for continued hearing.

309-04-BZY & 310-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Steeplechase Building Corp, owner.

SUBJECT - Application September 13, 2004 - Application to extend time to complete construction for a major development as per Z.R. §11-331.

PREMISES AFFECTED -

65 North Burgher Avenue, east side, 630.42' south of Richmond Terrace, Block 158, Lot 173, Borough of Staten Island.

67 North Burgher Avenue, east side, 655.42' south of Richmond Terrace, Block 158, Lot 171, Borough of Staten Island.

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to April 19, 2005, at 10 A.M., for continued hearing.

324-04-BZY

For Applicant: Adam W. Rothkrug and Orazio LaPietra.

For Opposition: James Vacca, Community Board #10, Christopher Tocca and other.

ACTION OF THE BOARD - Laid over to April 19, 2005, at 10 A.M., for continued hearing.

349-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Anamika Kaur Sahni, owner.

SUBJECT - Application October 28, 2004 - Application to extend time to complete construction for a minor development pursuant to Z.R. §11-331.

PREMISES AFFECTED - 1420 Balcom Avenue, east side, 225' north of Latting Street, Block 5370, Lot 10, Borough of The Bronx.

COMMUNITY BOARD#10BX

APPEARANCES -

For Opposition: James Vacca, Community Board #10.

THE VOTE TO CLOSE HEARING -

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

APPLICANT - Edward Lauria, P.E., for Peter Rendel, owner.
SUBJECT - Application September 13, 2004 - Application to extend time to complete construction for a major development pursuant to Z.R. §11-331.

PREMISES AFFECTED - 1150 Arden Avenue, northeast side, 736.38' southeast of Ralph and Arden Avenues, Block 6212, Lot 115, Borough of Staten Island.

APPEARANCES -

For Applicant: Edward Lauria, Igor Neghdonou and Alexandra Riplan.

For Opposition: Council Member Andrew Lanza.

THE VOTE TO CLOSE HEARING -

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

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 12, 2005, at 10 A.M., for decision, hearing closed.

347-04-BZY & 348-04-BZY

APPLICANT - Rothkrug Rothkrug Weinberg Spector, for Ana Canton Ramirez, owner.

SUBJECT - Application October 28, 2004 - Application to extend time to complete construction for a major development pursuant to Z.R. §11-331.

PREMISES AFFECTED -

3056 Cross Bronx Expressway, west side, 176.54' north of Sampson Avenue, Block 5443, Lot 71, Borough of The Bronx.

3058 Cross Bronx Expressway, west side, 119.70' north of Sampson Avenue, Block 5443, Lot 80, Borough of The Bronx.

COMMUNITY BOARD#10BX

APPEARANCES -

Negative:.....0

Absent: Commissioner Miele.....1

ACTION OF THE BOARD - Laid over to April 19, 2005, at 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 12:00 P.M.