
BULLETIN

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AND APPEALS

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April 28, 2005

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CONTENTS

DOCKET	268
CALENDAR of May 24, 2005	
Morning	269
Afternoon	270-271

CONTENTS

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, April 19, 2005**

Morning Calendar272

Affecting Calendar Numbers:

198-66-BZ 300 East 74th Street, Manhattan
1237-66-BZ 1 East 233rd Street, Bronx
1038-80-BZ 31-07/09/11 Downing Street, Queens
14-92-BZ 311 Greenwich Street, Manhattan
164-94-BZ 84 Hugh Grant Circle, Bronx
97-97-BZ 1730 Cross Bronx Expressway, Bronx
224-00-BZ 2353 Cropsey Avenue, a/k/a 247 Bay 34th Street, Brooklyn
28-02-BZ 80 Madison Avenue, Manhattan
232-04-A 17 Feldmeyers Lane, Staten Island
309-04-BZY &
 310-04-BZY 65/67 North Burgher Avenue, Staten Island
347-04-BZY &
 348-04-BZY 3056 Cross Bronx Expressway, Bronx
349-04-BZY 1420 Balcom Avenue, Bronx
22-05-A 5728 Amboy Road and 3 Haynes Street, Staten Island

Afternoon Calendar 281

Affecting Calendar Numbers:

291-03-BZ 1380 62nd Street, Brooklyn
369-03-BZ 99-01/23 Queens Boulevard, Queens
201-04-BZ 5 West 16th Street, Manhattan
327-02-BZ 82 Union Street, Brooklyn
355-03-BZ 64-01/07 Grand Avenue, Queens
381-03-BZ 6023 Fort Hamilton Parkway, Brooklyn
385-03-BZ 85-15 and 85-17 120th Street, Queens
144-04-BZ 286 Hudson Street, Manhattan
247-04-BZ 22-20 Merrick Boulevard, Queens
252-04-BZ 170 North 11th Street, Brooklyn
257-04-BZ 252/60 Atlantic Avenue, Brooklyn
272-04-BZ 14-38/40 31st Drive, Queens
292-04-BZ 1340 East 26th Street, Brooklyn
294-04-BZ 103-05 35th Avenue, Queens
297-04-BZ 1174 East 22nd Street, Brooklyn
299-04-BZ 111-02 Sutphin Boulevard, Queens
319-04-BZ 35 McDonald Avenue, Brooklyn
61-05-A 35 McDonald Avenue, Brooklyn
363-04-BZ 6002 Fort Hamilton Parkway, Brooklyn
390-04-BZ 2290 Boston Road, Bronx
391-04-BZ 2610 Avenue "L", Brooklyn

CONTENTS

MINUTES of Dismissal and Special Meeting
Wednesday, April 20, 2005

Dismissal Calendar 290

Affecting Calendar Numbers:

45-65-BZ 1526 Grand Concourse, a/k/a 1539 Sheridan Avenue, Bronx

154-04-BZ 63 Rapeleye Street, Brooklyn

160-04-BZ & 77 Washington Avenue, Brooklyn

161-04-A

245-04-BZ 102-104 Franklin Avenue, Brooklyn

194-04-BZ 9029 Krier Place, Brooklyn

239-04-BZ 225 Starr Street, Brooklyn

Special Hearing 291

Affecting Calendar Numbers:

146-03-BZ & 1511 Third Avenue, a/k/a 201 East 85th Street, Manhattan

139-02-A

DOCKETS

New Case Filed Up to April 19, 2005

83-05-BZ **B.M.** **214/18 West Houston Street and 50/56 Downing Street, between Varick and Bedford Streets, Block 528, Lot 12, Borough of Manhattan. Applic. #104018616. Proposed construction of a 92-bed residential health care facility, Use Group 3, located in an R6 zoning district, which does not comply with the zoning requirements for lot coverage, rear yard and penetration of the initial setback distance, is contrary to Z.R. §24-11, §24-382 and §24-522.**
COMMUNITY BOARD #2M

84-05-BZ **B.Q.** **165-15 Hillside Avenue, northeast corner of 165th Street, Block 9837, Lot 10, Borough of Queens. Applic. #402056261. Proposed redevelopment of an existing gasoline service station, with an accessory convenience store, located in an R5/C2-2 zoning district, is contrary to Z.R. §§22-00 and 32-00.**
COMMUNITY BOARD #8Q

85-05-A **B.Q.** **8 Jamaica Walk, west side, 93.31' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #402098779. Proposed reconstruction and enlargement of an existing single family dwelling, not fronting on a legally mapped street, and a proposal to upgrade the private disposal system located in the bed of the service road, is contrary to Section 36, Article 3 of the General City Law, and Department of Buildings policy.**

86-05-A **B.Q.** **103 Oceanside Avenue east side of Beach 204th Street and north side of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #402067767. Proposed enlargement of an existing single family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.**

87-05-BZ **B.BK.** **216 26th Street, between Fourth and Fifth Avenues, Block 658, Lot 13, Borough of Brooklyn. Applic. #301909503. Proposed three-story residential building, Use Group 2, located in an M1-ID zoning district, is contrary to Z.R. §42-10.**
COMMUNITY BOARD #7BK

88-05-BZ **B.BK.** **2015 East 22nd Street, east side, between Avenues "S and T", Block 7301, Lot 53, Borough of Brooklyn. Applic. #301687422. Proposed enlargement of an existing single family residence, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage and open space ratio, side yards and height and setback requirements, is contrary to Z.R. §23-141(b) and §23-461(a).**
COMMUNITY BOARD #15BK

89-05-BZ **B.BK.** **18 Heyward Street, between Bedford and Wythe Avenues, Block 2230, Lot 7, Borough of Brooklyn. Alt.#301908988. Proposed addition at the rear of the fourth and fifth floors, of an existing five story community facility and office building, Use Groups 4 and 6, which does not comply with the zoning requirements for floor area and rear yard setback, is contrary to Z.R. §24-11, §24-37 and §24-33.**
COMMUNITY BOARD #1BK

90-05-A **B.Q.** **18 Roosevelt Walk, east side, 285.27 south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1 #401985795. Proposed alteration of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.**

91-05-A **B.Q.** **60-04 172nd Street, west side, 105.5' from Horace Harding Expressway, Block 6880, Lot 23, Borough of Queens. Applic. #402088129. Proposed construction of a two family dwelling, which lies partially 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

MAY 24, 2005, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 24, 2005, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

765-50-BZ

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

SUBJECT - Application January 24, 2005 - Extension of Term of a Variance for an existing Funeral Establishment Granted by the Board, filed pursuant to section 11-411 of the zoning resolution, located in aC1-2/R6 zoning district.

PREMISES AFFECTED - 1430-36 Unionport Road, east side 43' south of Olmstead Avenue, Block 3933, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

348-82-BZ

APPLICANT - Salvati Architects for George Gong, owner.

SUBJECT - Application December 17, 2004 - Extension of Term/ Waiver/ Amendment, application seeks to legalize the change from three (3) storefronts (U.G. 6) to two (2) storefronts (U.G. 6 & 16D) located in an R5 zoning district. The application was approved under section 72-21 of the zoning resolution to permit in an R5 zoning district, the establishment of three (U.G. 6) storefronts for a term of 20 years which expired on April 12, 2003.

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

COMMUNITY BOARD #11BK

258-90-BZ

APPLICANT - Sheldon Lobel, P.C., for John Isikli, owner.

SUBJECT - Application March 31, 2005 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy for the proposed restaurant and banquet hall.

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

COMMUNITY BOARD #15BK

PREMISES AFFECTED - 17 Fulton Walk, east side, 185' north

189-03-BZ

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

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

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

COMMUNITY BOARD #12BX

APPEALS CALENDAR

23-05-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Richard & Josephine O'Connor.

SUBJECT - Application February 8, 2005 - Proposed enlargement to an existing one family dwelling, located within the bed of a mapped street and not fronting on a legally mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 32 Bedford Avenue, south side, 515.07' west of 12th Avenue, Block 16350, Part of Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

35-05-A

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

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

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

COMMUNITY BOARD #14Q

37-05-A

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

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

of Breezy Point Boulevard, Block 16350, Lot 400, Borough of

CALENDAR

Queens.

COMMUNITY BOARD #14Q

51-05-A

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

SUBJECT - Application March 4, 2005 -Proposed enlargement of the first story, and the construction of a partial second story, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 105 Beach 219th Street, east side, 80' South of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

MAY 24, 2005, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, May 24, 2005, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

378-03-BZ

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

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

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

COMMUNITY BOARD #15BK

41-04-BZ

4-05-BZ

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

SUBJECT - Application January 12, 2005 - under Z.R.§73-49, to

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

SUBJECT - Application February 23, 2004 - Pursuant to Z.R. § 72-21, to permit the proposed legalization of the existing auto laundry, lubritorium, and accessory retail building in a C2-5 overlay within R7-2 Zoning District, and to vary Sections 33-00 and 22-00 of the Resolution.

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

COMMUNITY BOARD #11M

374-04-BZ

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

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

COMMUNITY BOARD #1M

401-04-BZ

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

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

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

COMMUNITY BOARD #14BK

permit parking on the roof of an as-of-right commercial building located in an M1-1 zoning district. The application seeks to create 114 rooftop parking spaces.

PREMISES AFFECTED - 69-02 Garfield Avenue, south side,

CALENDAR

between 69th Street and 69th Place, Block 2438, Lot 20, Borough
of Queens.

COMMUNITY BOARD #2Q

43-05-BZ

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

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

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

COMMUNITY BOARD #15BK

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, APRIL 19, 2005
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on

MINUTES

Tuesday morning and afternoon, February 15, 2005, were approved as printed in the Bulletin of February 16, 2005, Volume 90, No. 8 & 9.

SPECIAL ORDER CALENDAR

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 - 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 an amendment to permit modifications to the size, configuration and design of the existing plaza, located on the same lot as a 36-story mixed-use building, previously approved by the Board under the subject calendar number in 1966, through a variance for additional floor area; and

WHEREAS, a public hearing was held on this application on March 9, 2004, after due notice by publication in the *City Record*, with continued hearings on May 25, 2004, August 17, 2004, October 26, 2004, January 11, 2005, and March 15, 2005, and then to April 19, 2005 for closure and decision; and

WHEREAS, Community Board 8, Manhattan, recommends approval of the subject application; and

WHEREAS, the subject site is located on the southeast corner of East 74th Street and 2nd Avenue, on a partial through block zoning lot which extends to the north side of 73rd Street; and

WHEREAS, the portion of the plaza area which is at issue in the instant matter is located at the 73rd Street side of the site; and

WHEREAS, the applicant states that a driveway at the East 74th Street side services the entrance to the residential portion of the existing building; at that driveway the plaza

WHEREAS, based upon the above, the Board finds that this application is appropriate to grant, with the conditions set forth below.

area of the premises begins, which extends 20 feet from the sidewalk of East 74th Street to the building; and

WHEREAS, the applicant further states that this plaza area continues to wrap around the 2nd Avenue side of the premises, where it maintains a 15 ft. width running in front of the commercial uses which line 2nd Avenue, and ends at the rear of the premises on East 73rd Street; it is this rear portion that is the subject of this application; and

WHEREAS, the applicant observes that when the 1966 variance was granted, it included an analysis of a plaza bonus, which enabled an increase in floor area in exchange for the provision of a plaza area, and

WHEREAS, the size of the plaza needed to be 5960 sq. ft. in order to achieve the applicable bonus; and

WHEREAS, there is currently 6553 sq. ft. of plaza area, leaving approximately 593 sq. ft. of existing plaza area for which the site never received a bonus; and

WHEREAS, the applicant seeks: (1) a reduction in the size of the previously approved plaza area by 593 sq. ft. from its current size of 6553 sq. ft. to 5960 sq. ft.; (2) a modification of the East 73rd Street side of the plaza area; so as to enable the existing building to reclaim 593 sq. ft. for the use of the storage of recyclables and to legalize a very small portion for the location of mechanical equipment; and (3) physical, organic and visual enhancements to the East 73rd Street side of the plaza area; and

WHEREAS, the desired 593 sq. ft. of space to be reclaimed will come from the north and north west edges of the East 73rd Street Plaza area; and

WHEREAS, the Board notes that the decrease in plaza space would not affect the amount of bonus generated, as the remaining portion of the plaza would generate the amount of bonus floor area attributable to the existing building; and

WHEREAS, as part of the initial application, the applicant proposed certain design considerations as to lighting, seating, circulation, and safety, among other items; and

WHEREAS, during the course of the public hearing process, the Board and the Department of City Planning (which was also reviewing the plans) expressed many concerns about the proposed plaza modifications, especially in terms of the plaza design; and

WHEREAS, specifically, each agency suggested improvements as to seating, landscaping, lighting, signage, circulation and security; and

WHEREAS, these suggestions were incorporated by the applicant into the most recently submitted set of plans; and

WHEREAS, the Board has reviewed the plans and finds they adequately address the expressed concerns; and

WHEREAS, the Board is also in receipt of a letter from DCP stating that it approves of the final set of plans; and

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

MINUTES

modifications to the size, configuration and design of the existing plaza, located on the same lot as a 36-story mixed-use building previously before the Board; *on condition* that the expansion shall strictly conform to drawings as filed with this application, marked 'April 5, 2005'-(8) sheets; and *on further condition*:

THAT the plaza shall be open from 8AM to 8 PM, or until dusk, whichever is later;

THAT a sign showing the hours shall be posted, as shown on the approved plans;

THAT all garbage/recycling shall be collected and stored outside of the plaza area;

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 all work be completed within nine months from the date of this grant, and a new certificate of occupancy be obtained within 18 months from the date of this grant;

THAT all signage, lighting, landscaping, security features, and seating shall strictly comply with the BSA-approved site plan;

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. 103595012)

Adopted by the Board of Standards and Appeals, April 19, 2005.

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.

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

1038-80-BZ

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

THE RESOLUTION -

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

WHEREAS, a public hearing was held on this application on March 15, 2005, after due notice by publication in *The City Record*, and then to decision on April 19, 2005; and

WHEREAS, on April 11, 1967, the Board granted an application permitting the erection and maintenance of a gasoline service station with accessory uses; and

WHEREAS, on November 14, 2000, the Board granted an application under the subject calendar number to permit the demolition and modernization of the previously existing service station with the condition that a new Certificate of Occupancy be obtained on or before November 14, 2002; and

WHEREAS, on January 7, 2003, the Board approved an application to extend the required time to obtain a Certificate of Occupancy to January 5, 2005; and

WHEREAS, the applicant represents that although it has recently retained an organization to perform the necessary filings with the Department of Buildings to obtain an amended Certificate of Occupancy, it took longer than anticipated to retain such organization and therefore the applicant was not able to obtain a new Certificate of Occupancy by January 5, 2005; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens and amends* the resolution to extend the time to obtain a new Certificate of Occupancy, said resolution having been adopted on April 11, 1967, and subsequently modified, so that as amended this portion of the resolution shall read: “to permit an extension of the time to obtain a certificate of occupancy, for an additional period of one year from the date of this resolution, to expire on April 19, 2005; *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, April 19, 2005.

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

MINUTES

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

COMMUNITY BOARD #7Q

APPEARANCES - None.

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 reopening and an extension of the term of the special permit, which expired on January 6, 2005; and

WHEREAS, a public hearing was held on this application on April 12, 2005, after due notice by publication in *The City Record*, and then to April 19, 2004 for decision; and

WHEREAS, on January 6, 1981, the Board granted a special permit for the operation of an amusement arcade on the subject premises; and

WHEREAS, on May 13, 1986, the special permit was amended to increase the number of amusement arcade games from 112 to 130; and

WHEREAS, the Board finds that the instant application is appropriate to grant, based upon the evidence submitted.

Therefore it is Resolved that the Board of Standards and Appeals, reopens and amends the resolution, said resolution having been adopted on January 6, 1981 as amended May 13, 1986, so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the special permit for an additional one (1) year from January 6, 2005 expiring on January 6, 2006; on condition that the all work/on-site conditions shall substantially conform to drawings as filed with this application, marked 'January 13, 2005' - (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 there shall be no more than 130 amusement games on the subject premises;

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

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

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

WHEREAS, the applicant represents that the PCE continues to provide facilities for classes, instruction and programs for physical improvement, body building, weight reduction and aerobics; and

(DOB # 435-81)

Adopted by the Board of Standards and Appeals, April 19, 2005.

14-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for DG Equities and Greenwich Reade Associates, for TSI Greenwich Street, Inc., lessee.

SUBJECT - Application May 19, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 3, 2003 and for an amendment to the resolution to allow the operation of a physical culture establishment.

PREMISES AFFECTED - 311 Greenwich Street, a/k/a 151 Reade Street, southeast corner of Greenwich Street and Reade Street, Block 140, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Fredrick A. Becker.

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, a re-opening to amend the resolution, and a renewal of term for a previously granted special permit that expired on May 4, 2003; and

WHEREAS, a public hearing was held on this application on April 5, 2005, after due notice by publication in the *City Record*, and then to April 19, 2005 for decision; and

WHEREAS, Community Board 1, Manhattan, recommends approval of the subject application; and

WHEREAS, on December 19, 1989, the Board granted a special permit application pursuant to Z.R. § 73-36, to permit in a C6-3 (LMM) zoning district, the use of the first floor and cellar of an existing eleven-story building as a physical culture establishment ("PCE"); and

WHEREAS, the resolution was amended in May of 1990, May of 1993 and October of 1995, to allow for expansions of the PCE; and

WHEREAS, the instant application seeks to legalize an expansion of the cellar and first floor; and

WHEREAS, the originally granted total floor area was 11,360 sq. ft.; the proposed total floor area is 12,560 sq. ft.; and

WHEREAS, the applicant represents that the enlargement comprises 1,770 square feet of floor area, entirely on the first floor of the PCE; and

WHEREAS, the Board finds that the applicant continues to meet the requirements of Z.R. § 73-36; and

WHEREAS, therefore, the Board finds that this

MINUTES

application is appropriate to grant, with the conditions set forth below.

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 a 1,770 square foot expansion of the facility on the first floor of the building; *on condition* that the expansion shall substantially conform to drawings as filed with this application, marked ‘April 6, 2005’-(5) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years from April 19, 2005, expiring April 19, 2015;

THAT the hours of operation shall be limited to: Monday through Thursday 5:30 AM to 11 PM; Friday 5:30 AM to 10 PM; and Saturday and Sunday 8 AM to 7 PM;

THAT fire protection measures, including exit signs, emergency lighting, sprinklers and fire extinguishers shall be installed and maintained as indicated on the BSA approved plans; and

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 all signage shall comply with signage regulations applicable in C6-3 (TMU) zoning districts;

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. 103764099)

Adopted by the Board of Standards and Appeals, April 19, 2005.

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 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 - Application granted on

THAT the hours of operation shall be 8 AM to 9 PM Monday through Thursday, 8 AM to 8 PM Friday, and 9 AM to 3 PM Saturday and Sunday;

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 Board’s Rules of Practice and Procedure, a re-opening and an extension of term of a previously-approved variance for a physical culture establishment (“PCE”); and

WHEREAS, a public hearing was held on this application on January 11, 2005, after due notice by publication in *The City Record*, with a continued hearing on February 8, 2005, and then to April 19, 2005 for decision; and

WHEREAS, Community Board 9, Bronx, recommends approval of this application; and

WHEREAS, the PCE is located in an existing former theater and retail building, and occupies 14,102 sq. ft. of floor area; it is operated as a Lucille Roberts Health Club; and

WHEREAS, on December 10, 1996, under the subject calendar number, the Board granted a variance for a term of approximately seven years, pursuant to Z.R. § 71-21, to permit, in a C1-2 zoning district, the operation of the subject PCE, with certain conditions; and

WHEREAS, the variance expired on March 1, 2003; and

WHEREAS, the applicant further represents that it has obtained the appropriate waiver recommendation as to Local Law 58/87 from the Mayor’s Office of People with Disabilities; and

WHEREAS, the Board notes, however, that DOB approval is still needed for the waiver to be effective, and that this grant is contingent upon DOB review; and

WHEREAS, though the subject case is a variance, the Board finds that the applicant continues to meet the requirements of Z.R. § 73-36; and

WHEREAS, accordingly, the Board finds that it is appropriate to grant an extension of the variance in this case.

Therefore it is Resolved that the Board of Standards and Appeals waives its Rules of Practice and Procedure and reopens and amends the resolution, said resolution having been adopted on November 1, 1994, so that as amended this portion of the resolution shall read: “to permit the extension of the term of the variance, with a term as specified below; *on condition* that all work and operations shall substantially conform to drawings as filed with this application, marked ‘Received June 9, 2004’ - (1) sheet and ‘Received February 11, 2004’ - (1) sheet; and *on further condition*:

THAT the term of this grant shall be for ten years from the date of the last expiration, to expire on March 1, 2013;

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

THAT all conditions from prior resolutions not

MINUTES

specifically waived by the Board shall remain in effect;

THAT a new Certificate of Occupancy shall be obtained within one year of the date from the date of this grant;

THAT all signage shall comply with C1-2 zoning district regulations;

THAT compliance with, or exemption from, Local Law 58/87 shall be as reviewed and approved by DOB;

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.”

(DOB Application No. 200238484)

Adopted by the Board of Standards and Appeals, April 19, 2005.

97-97-BZ

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

SUBJECT - Application November 5, 2004 - Extension of Time to Obtain a Certification of Occupancy. On October 7, 1997 the Board of Standards and Appeals issued a resolution permitting in an R-5 zoning district, the construction and maintenance of a gasoline service station with an accessory convenience store.

PREMISES AFFECTED - 1730 Cross Bronx Expressway, a/k/a 1419/21 Rosedale Avenue, Block 3894, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

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

WHEREAS, a public hearing was held on this application on April 12, 2005, after due notice by publication in the *City Record*, and then to decision on April 19, 2005; and

WHEREAS, on October 7, 1997, the Board granted an application under the subject calendar number to permit, within an R5 zoning district, the construction and maintenance of a gasoline service station with an accessory convenience store; and

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application denied.

WHEREAS, the resolution for said grant specified that a new CO be obtained with four years of the date of the grant; this period of time expired on October 7, 2001; and

WHEREAS, the applicant claims that the need for the extension of time arises from unexpected delays in the retention of an expediter to make the required filings at the Department of Buildings; and

WHEREAS, the applicant represents that the construction work has been completed, and has submitted photos in support of this representation; and

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

Therefore it is Resolved that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, said resolution having been adopted on October 7, 1997, so that as amended this portion of the resolution shall read: “to permit an extension of the time to obtain a certificate of occupancy, for an additional period of one year from the date of this resolution, to expire on April 19, 2005; 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.”

(DOB Application No. 200410572)

Adopted by the Board of Standards and Appeals, April 19, 2005.

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

COMMUNITY BOARD #11BK

THE VOTE TO GRANT -

Affirmative:0

Negative: Chair Srinivasan, Vice-Chair Babbar,

MINUTES

Commissioner Miele and Commissioner Chin.....4
THE RESOLUTION -

WHEREAS, this is an application made pursuant to Section 1-10(e) of the Board's Rules of Practice and Procedure for a re-hearing of a case previously denied by the Board; and

WHEREAS, a public hearing was held on this application on February 8, 2005, after due notice by publication in the *City Record*, and then to decision on April 19, 2005; and

WHEREAS, Community Board 11, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Cropsey Avenue between Bay 34th and Bay 35th Streets, and is within an R5 zoning district; and

WHEREAS, the site is currently improved upon with two commercial buildings, currently used for an auto repair shop and a grocery store; and

WHEREAS, the commercial uses on the site are permitted pursuant to prior Board action from 1950 under a different calendar number; and

WHEREAS, this prior Board action permitted a gasoline service station; and

WHEREAS, since 1950, various Board modifications to this action permitted the current uses on the site; and

WHEREAS, in 2000, an application was made under the subject calendar number for a variance pursuant to Z.R. § 72-21; the application sought approval for a proposed residential building that would not have complied with total Floor Area Ratio ("F.A.R."), lot coverage, open space, height, lot area, and side yards; and

WHEREAS, in this application, applicant originally proposed a six-story building, but later reduced it to a four-story building, with an F.A.R. of 2.2 and a total height of 45 ft.; and

WHEREAS, on May 21, 2002, the Board denied the application; and

WHEREAS, in denying the application, the Board found that the applicant had failed to provide substantial evidence in support of the findings set forth at Z.R. § 72-21 (a), (b) and (c); and

WHEREAS, as to Z.R. § 72-21 (a), the Board found that the applicant had failed to demonstrate that the claimed physical features afflicting the site, namely, a groundwater condition and a slight lot shape irregularity, were in fact unique or that they led to any hardship in developing a complying building; and

WHEREAS, as to Z.R. § 72-21 (b), the Board found that the applicant had failed to present adequate documentation that a complying building would not realize a reasonable return; and

WHEREAS, as to Z.R. § 72-21 (c), the Board found that the bulk of the final version of the proposed building, with a

WHEREAS, thus, the Board concludes that the owner actually knew, or had constructive knowledge, that evidence of environmental contamination was available at the time of

2.2 F.A.R., was out of context with adjacent development; and

WHEREAS, applicant now applies for a re-hearing of the previously denied case, on the basis that the site is afflicted with environmental contamination that must be remediated prior to development, the cost of which makes a complying building financially infeasible; and

WHEREAS, applicant's current proposal is for a six-story building, with an F.A.R. of 2.65 and a total height of 60 ft.; and

WHEREAS, Section 1-10(e) of the Rules of Practice and Procedure provides: "A request for a rehearing shall not be granted unless substantial new evidence is submitted that was not available at the time of the initial hearing, or there is a material change in plans or circumstances or an application is filed under a different jurisdictional provision of the law.;" and

WHEREAS, applicant states that the environmental contamination on the site is substantial new evidence sufficient to warrant a re-hearing; and

WHEREAS, applicant has submitted an environmental report in which it is alleged that environmental remediation of the site will cost approximately \$900,000; and

WHEREAS, however, the Board notes that the standard for a re-hearing is the submission of new evidence "that was not available at the time of the initial hearing"; and

WHEREAS, the Board questioned applicant as to why this evidence was not submitted during the prior hearing, especially given the fact that the contamination occurred many years ago and was indisputably present at the site at the time the original application was made; and

WHEREAS, in response, applicant claims that the environmental evidence was unavailable because the property owner previously leased the property to a tenant, and the lease did not authorize the property owner to enter to take soil samples, nor would the tenant allegedly permit the owner to take such samples; and

WHEREAS, the Board finds this explanation unpersuasive, as it is the owner's responsibility to bring forward all available evidence, notwithstanding the owner's failure to enter into a lease with a reasonable right-of-entry provision or failure to negotiate the ability to enter the property for soil tests with the tenant; and

WHEREAS, additionally, the Board notes that a boring study of the site's soil was submitted in the prior hearing, which indicates that the site was accessible for soil testing, contrary to the applicant's assertions; and

WHEREAS, moreover, the site was known by the owner to have been formerly occupied by gasoline station use, with underground storage tanks that were later removed by the owner; thus, the possibility of environmental contamination should have been recognized by the owner and addressed at the prior hearing; and

the initial hearing, but failed to conduct a study and submit it, contrary to the requirement that all evidence in support of a variance application be submitted at the time of the original

MINUTES

hearing; and

WHEREAS, the Board finds that there is no compelling reason to deviate from this requirement in the instant matter; and

WHEREAS, even assuming *arguendo* that the evidence of contamination warranted a re-hearing on the uniqueness finding, the burden is on applicant to explain why a re-hearing is necessary, not just as to the uniqueness finding, but as to every finding upon which the Board based its prior denial; and

WHEREAS, applicant could attempt to meet this burden by proffering evidence of a material change in plans or circumstances, such as a reduced-bulk development proposal or a significant change in the character of the neighborhood or the bulk of the adjacent development; and

WHEREAS, however, applicant has not made any argument as to why the Board should reconsider its finding that the applicant did not meet the criteria set forth at Z.R. § 72-21 (c); and

WHEREAS, instead, applicant's current proposal contemplates a greater F.A.R. and height than the proposal considered by the Board at the last hearing, which was denied partially on the basis that it would negatively impact adjacent development and the character of the community; and WHEREAS, in the absence of any showing that the neighborhood has changed such that a proposal with greater bulk than the proposal previously denied would not negatively affect the character of the neighborhood or impact adjacent development, the Board finds that a re-hearing is inappropriate, notwithstanding any alleged new evidence of hardship.

Therefore it is Resolved that, based upon the above, this application for a re-hearing of the BSA Calendar No. 224-00-BZ is denied.

Adopted by the Board of Standards and Appeals, April 19, 2005.

28-02-BZ

APPLICANT - Sheldon Lobel. P.C., for Farbod Realty Corp., owner; Harris G. Joseph, Inc., lessee.

WHEREAS, the Board finds that the applicant continues to meet the requirements of Z.R. § 73-36; and

WHEREAS, accordingly, the Board finds that this

SUBJECT - Application - November 5, 2004 - Extension of Term & Amendment for the use of a Physical Cultural Establishment which was granted by BSA pursuant to Section 73-36 of the Zoning Resolution on February 4, 2003 for a term of two years. The application requests a change in the hours of operation contrary to the conditions set in the prior Resolution, located in a C5-2 zoning district.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD#5M

APPEARANCES -

For Applicant: Janice Cahalane.

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, an extension of term for a previously granted special permit that expired February 4, 2005, and a minor change to the hours of operation of the physical culture establishment; and

WHEREAS, a public hearing was held on this application on March 29, 2005, after due notice by publication in the *City Record*, and then to April 19, 2005 for decision; and

WHEREAS, Community Board 5, Manhattan, recommends approval of the subject application; and

WHEREAS, on February 4, 2005, under the subject calendar number, the Board granted a special permit pursuant to Z.R. § 73-36, to allow, in a C5-2 zoning district, the use of the cellar and a small portion of the first floor of an existing building as a physical culture establishment ("PCE"); and

WHEREAS, the subject PCE will continue to occupy the same amount of square footage within the building; and

WHEREAS, the applicant is requesting a change in the hours of operation, such that the new hours would be 10 AM to 11 PM, seven days a week; and

WHEREAS, the applicant represents that the change in hours of operation is necessary in order to accommodate clients that seek services at later hours; and

WHEREAS, the applicant notes that the increase in hours will not disturb the residential tenants in the building because there are no residential units on the ground floor above the PCE, and the PCE is separated from the residential units by other commercial tenants, all of which stay open to 11 PM; and

WHEREAS, the applicant further represents that the PCE continues to provide facilities for classes, instruction and programs for physical improvement, body building, weight reduction and aerobics; and application is appropriate to grant, with the conditions set forth below.

Therefore it is Resolved, that the Board of Standards

MINUTES

and Appeals reopens and amends the resolution, so that as amended this portion of the resolution shall read: "to extend the term of the previously granted special permit, and to modify the hours of operation of the existing PCE; *on condition* that the expansion shall substantially conform to drawings as filed with this application, marked 'Received April 5, 2005' - (2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of ten years from February 4, 2005, expiring February 4, 2015;

THAT the hours of operation shall be limited to: Monday through Sunday 10 AM to 11 PM;

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 fire protection measures, including exit signs, emergency lighting, sprinklers and fire extinguishers shall be installed and maintained as indicated on the BSA-approved plans;

THAT all signage shall comply with signage regulations applicable to C5-2 zoning districts; 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. 103764099)

Adopted by the Board of Standards and Appeals, April 19, 2005.

232-04-A

APPLICANT - Snyder & Snyder LLP, c/o Omnipoint Communications, Inc., for Edward Zdanowicz, owner; Omnipoint Communications, Inc., lessee.

SUBJECT - Application June 18, 2004 - Proposed construction of a communications structure on a property that is not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 17 Feldmeyers Lane, 130' from the intersection of Feldmeyers Lane and Victory Boulevard, Block 2660, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Robert Gandioso.

Therefore it is Resolved that the decision of the Staten Island Borough Commissioner, dated June 16, 2004, acting on Department of Buildings Application No. 500667129, is modified under the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received March 15, 2005" -

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 Staten Island Commissioner, dated June 16, 2004, acting on Department of Buildings Application No. 500667129, reads:

"The street giving access to the proposed telecommunications structure and related equipment is not duly placed on the official map of the City of New York Therefore:

A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 General City Law.

B) Proposed construction does not have at least 8% of the total perimeter of Telecommunications Structure and related equipment fronting directly upon a legally mapped street or frontage space contrary to Section 27-291 of the New York Building Code."; and

WHEREAS, a public hearing was held on this application on April 5, 2005 after due notice by publication in the *City Record*, and then to decision on April 19, 2005; and

WHEREAS, Community Board 2, Staten Island, has approved the application; and

WHEREAS, by letter dated March 8, 2005, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, in connection with the use of the site for a telecommunications facility, the applicant has made certain commitments, as follows: 1) the flag will be replaced at least one time per year, or as needed, properly maintained and lit at night; 2) all lighting will be positioned down and away from any adjacent residential uses; 3) the flagpole will be designed for co-location of other antennas; 4) no commercial or retail signage will be posted at or on the pole or related structures; 5) routine repairs and service of the flagpole and related structures will be limited to Monday through Friday between the hours of 9:00 AM and 5:00 PM; and 6) the site shall be maintained free debris and graffiti, and any graffiti on the site shall be removed within 48 hours; and

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

(2) sheets; 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

MINUTES

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, April 19, 2005.

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 May 17, 2005, at 10 A.M., for continued hearing.

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 -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to May 17, 2005, at 10 A.M., for continued hearing.

349-04-BZY

**REGULAR MEETING
TUESDAY AFTERNOON, APRIL 19, 2005
2:00 P.M.**

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 Applicant: Adam Rothkrug.

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

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

22-05-A

APPLICANT - Dennis Dell' Angelo, President for Pleasant Plains, Richmond Valley, Civic Association for Joseph Galante, owner.

SUBJECT - Application February 7, 2005 - An appeal challenging the Department of Buildings' ("DOB") decision that approved and permitted the building of two (2) houses on a lot containing less than the required square footage as zoned for in the Special South Richmond District ("SSRD"), also this appeal is seeking to reverse the DOB' decision not to enforce §107-42 of the SSRD within NYC Zoning Resolution.

PREMISES AFFECTED -5728 Amboy Road and 3 Haynes Street, southeast corner, Block 6654, Lot 9, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Dennis Recca, Andrew Lanza, Robert E. Englert, Eileen Schmidt and Maria Monahan.

For Opposition: Adam Rothkrug.

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

Pasquale Pacifico, Executive Director.

Adjourned: 11:40 A.M.

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

MINUTES

ZONING CALENDAR

291-03-BZ

CEQR #04-BSA-044K

APPLICANT - Stuart A. Klein, Esq., for 6202 & 6217 Realty Company, owner.

SUBJECT - Application September 4, 2003 - under Z.R. §72-21 to permit the proposed residential building, Use Group 2, located on a site in that is in an M1-1 and an R5 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1380 62nd Street, northwest corner of 14th Avenue, Block 5733, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES -

For Applicant: Stuart Klein.

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 April 20, 2004, acting on Department of Buildings Application No. 301534819, reads, in pertinent part:

“Proposed new residential building (UG2) is not permitted as of right use on a site in both an M1-1 and an R5 district as per section 42-00 of the Zoning Resolution, and, as such, must be referred to the Board of Standards and Appeals for approval.”; 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 20, 2004, June 22, 2004, August 17, 2004, October 5, 2004, December 7, 2004, and then laid over for decision on January 25, 2005, February 8, 2005, March 1, 2005 and then finally on April 19, 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 Commissioner Miele; and

WHEREAS, Community Board 10, Brooklyn, recommended approval of the original version of this application, as discussed below; and

WHEREAS, this is an application under Z.R. § 72-21, to permit, on a site split by M1-1 and R5 zoning district

WHEREAS, although the Board agrees that the site’s proximity to the Long Island Railroad may lead to increased development costs, the Board does not credit the applicant’s contention that proximity to the railroad contributes to the site’s uniqueness or that costs associated with the proximity

boundaries, the proposed construction of a new four-story residential building (Use Group 2), contrary to Z.R. § 42-00; and

WHEREAS, the original version of this application contemplated a six-story residential building, with an F.A.R. of 3.25, 34 residential units, ground floor retail and an underground parking area containing 23 spaces; and

WHEREAS, intermediate proposals contemplated the construction of buildings with F.A.R.s of 3.17, 3.0, 2.59 and 1.64; and

WHEREAS, the current version contemplates a four-story residential building, with an F.A.R. of 2.1, 26 residential units and an underground parking area containing 15 spaces; and

WHEREAS, the building will front both 14th Avenue and 62nd Street, and will have a total building height of 57’-1”, a streetwall height of 36’-9”, with 15 ft. setbacks on both 14th Avenue and 62nd Street, and a total floor area of 33,463 sq. ft.; and

WHEREAS, the subject premises consists of three lots with approximately 16,000 sq. ft. of aggregate lot area; and

WHEREAS, the site has approximately 120 feet of frontage along 14th Avenue and 140 feet of frontage along 62nd Street, and is currently improved upon with a one-story and cellar building that houses a lumber supply and hardware store; and

WHEREAS, the two lots zoned M1-1 have a total area of approximately 14,000 sq. ft. and the lot zoned R5 has a total area of approximately 2,000 sq. ft; and

WHEREAS, the proposed building will be located 60 feet from the cut of the Long Island Railroad, which is approximately 60 to 70 feet deep; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties in developing the subject lot in conformance with underlying district regulations: (1) the site is split by two zoning districts; (2) the building is located 60 feet from the Long Island Railroad; (3) the building is located near a subway tunnel; and (4) the site has poor soil conditions that require substantial foundation work; and

WHEREAS, the applicant represents that due to the proximity of the site to the Long Island Railroad the applicant will be required to use augured piles instead of the less expensive driven piles and will be required to take other precautions for the safety of the bridge abutments; and

WHEREAS, at the request of the board, the applicant submitted reports prepared by two separate consulting engineers stating that increased construction costs will arise in order to comply with certain augured pile requirements of the Metropolitan Transit Authority due to the site’s proximity to the Long Island Railroad; and

to the railroad should be characterized as premium costs; the Board notes that numerous sites adjacent to the subject site are within the same distance from the cut; and

WHEREAS, the applicant further represents that commercial deliveries to the site and loading access to and

MINUTES

from the site are impeded because of the site's proximity to the Long Island Railroad; and

WHEREAS, the applicant submitted a traffic engineering study describing truck access to the site and concluded that it is difficult for trucks to access the site; and

WHEREAS, the Board does not find this argument persuasive, and does not credit the study as substantiating any uniqueness based upon truck access difficulties; and

WHEREAS, the applicant represents that based upon the findings of a soil investigation report, the developer will have to excavate a minimum of approximately 11 to 13 feet in order to reach soil of appropriate bearing pressure to support the foundation; and

WHEREAS, however, after a careful review of the soil boring tests, the Board does not find that the soil conditions at the site impeded development or contribute to the site's uniqueness; and

WHEREAS, the applicant represents that one of the lots is in an R5 zoning district and cannot meet the minimum lot size for detached housing in an R5 zone; and

WHEREAS, the applicant represents that there is no active retail market along 14th Avenue, and the section of the site within the M1-1 zoning district is too small to support an economically feasible retail alternative such as a large discount retail store with on-site parking; and

WHEREAS, the Board credits this argument as a basis for uniqueness; and

WHEREAS, accordingly, the Board finds that certain of the unique conditions mentioned above, namely, the fact that the site is split by district boundaries, that the R5 portion of the site is of a substandard size, and that the lots zoned M1-1 are not large enough for conforming uses, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict conformance with current applicable zoning provision;

WHEREAS, the applicant submitted a feasibility study that shows that a conforming proposal for the subject building would not result in a reasonable return; and

WHEREAS, the Board asked the applicant to analyze two alternative development scenarios: a building with an F.A.R. of 3.0 and a building with reduced height; and

WHEREAS, in response, the applicant submitted a supplementary feasibility study that shows that construction of a building with a 3.0 F.A.R. is not economically feasible; however, this study was not convincing to the Board; and

WHEREAS, the applicant states that a building with reduced height would yield a lower return than the initial proposal and would not achieve the applicant's goal of accommodating larger families because the applicant would have to eliminate two three-bedroom apartments; and

WHEREAS, the Board subsequently asked the applicant to prepare a feasibility study using the prevailing F.A.R. of 1.64 (R5-infill); and

WHEREAS, in response, the applicant submitted a revised feasibility study with an F.A.R. of 1.64 that shows that the construction of a three-story residential

condominium with 24 residential units, without a penthouse and without any commercial space would not be economically viable; and

WHEREAS, at the Board's direction, the applicant has since revised its application to include an F.A.R. of 2.1; and

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

WHEREAS, the applicant represents that the area surrounding the site is a residential area characterized by larger density mixed-use (residential and commercial) development along 14th Avenue and New Utrecht Avenue and smaller density multi-family residences located on the side streets; and

WHEREAS, the applicant submitted a land use map indicating the types and heights of buildings in the area surrounding the site; and

WHEREAS, this map shows that there is a four-story residential building directly behind a portion of the site and numerous three-story buildings on both 62nd and 63rd streets; and

WHEREAS, the Board concluded that the initial F.A.R. requested by the applicant of 3.25 was not consistent with the bulk of buildings in the area; and

WHEREAS, however, the Board finds that the applicant's revised F.A.R. of 2.1 is consistent with the bulk of buildings in the neighborhood; and

WHEREAS, the Board also finds that the proposed setbacks further enhances the compatibility of the proposal with the character of the neighborhood; 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.

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Board has conducted an environmental

MINUTES

review of the proposed action and has documented relevant information about the project in the Final Environmental

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; 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 the required findings under Z.R. § 72-21, to permit the proposed construction of a new four-story residential building on a site within both an M1-1 zoning district and a R5 zoning district, contrary to Z.R. § 42-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 11, 2005"-(9) sheets; and *on further condition*:

THAT the following bulk parameters will apply to the development approved herein: a F.A.R. of 2.1; 26 residential units; a total building height of 57'-1", a streetwall height of 36'-9", setbacks of 15 ft. on 14th Avenue and 62nd Street; and 15 parking spaces;

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, April 19, 2005.

Assessment Statement (EAS) CEQR No. 04-BSA-044K dated September 2, 2003; and

369-03-BZ

CEQR #04-BSA-095Q

APPLICANT - Sheldon Lobel, Esq. for Queens Boulevard Spa Corp. d/b/a Sky Athletic, lessee.

SUBJECT - Application December 2, 2003 - under Z.R. §72-21 to permit part of the cellar and ground level of an existing two story building within an R7-1/C1-2 district to be occupied as physical cultural establishment.

PREMISES AFFECTED - 99-01/23 Queens Boulevard, between 66th Road and 67th Avenue, Block 2118, Lot 1, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES -

For Applicant: Janice Cahalane.

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 November 25, 2003, acting on Department of Buildings Application No. 401454608, reads:

"Proposed Physical Culture Establishment is not permitted in a C1-2 zoning district as per ZR Section 32-10"; and

WHEREAS, a public hearing was held on this application on January 25, 2005 after due notice by publication in *The City Record*, with a continued hearing on February 15, 2005, and then to March 29, 2005 for decision; the decision was deferred to April 19, 2005, on which date the matter was granted; and

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

WHEREAS, this is an application under Z.R. § 72-21, to permit a proposed physical culture establishment ("PCE") use in the cellar, cellar mezzanine and part of the first floor of an existing commercial building, located in a C1-2 overlay within an R7-1 zoning district, which is contrary to Z.R. § 32-10; and

WHEREAS, Community Board 6, Queens, recommends approval of this application, upon the condition that 30 parking spaces be provided to patrons of the PCE; and

WHEREAS, the subject building is located on the northeast side of Queens Boulevard, between 66th Road and 67th Avenue; and

WHEREAS, the total area of the lot is 20,843 sq. ft. and the cellar level covers the entire square footage of the lot; and

MINUTES

WHEREAS, the lot is composed of six sides, with approximately 41 feet of frontage on 99th Street, 217.39 feet of frontage on Queens Boulevard, 102.54 feet of frontage on

WHEREAS, the applicant represents that the entire building is located within the C1-2 commercial overlay; and

WHEREAS, a variance, rather than a special permit, is required because the proposed PCE is not a special permit use in a C1-2 zoning district; and

WHEREAS, the proposed PCE will occupy a total of 25,175 sq. ft. of floor area in the building, including 17,983 sq. ft. in the cellar, 5,873 sq. ft. in the cellar mezzanine, and 1,319 sq. ft. in the first floor; and

WHEREAS, the record indicates that the cellar area of the subject building has been used as a bowling alley since 1952, and at one time the mezzanine was occupied by a restaurant; and

WHEREAS, the applicant states that the following are unique physical conditions, which create practical difficulties and unnecessary hardship in developing the subject lot in conformance with underlying district regulations: (1) the cellar space was designed to be a bowling alley; (2) the cellar has no windows or street exposure; and (3) there are two rows of support beams running through the cellar floor; and

WHEREAS, the applicant represents that the beams that run through the cellar obstruct the open space and reduce the potential mobility of goods or equipment within the cellar; and

WHEREAS, the applicant further states that a significant amount of the building's floor space is located in the cellar and that it is necessary for the owner to lease the cellar in order to generate a profit; and

WHEREAS, the Board finds that there are unique physical conditions inherent to the existing building, namely the obsolescence of the cellar space as it was designed to be used as a bowling alley, as well as the limitations of the configuration of the cellar, which create practical difficulties and unnecessary hardship in conforming strictly with the applicable use provisions of the Zoning Resolution; and

WHEREAS, at the request of the Board, the applicant has submitted a letter, dated February 16, 2005, from a commercial real estate broker involved with marketing of the entire building, including the cellar area, which states that the broker aggressively but unsuccessfully tried to market the cellar from September 2003 through July 2004; and

WHEREAS, in addition to the marketing evidence, the applicant has submitted a feasibility study demonstrating that developing the cellar with a conforming use would not yield the owner a reasonable return; and

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

WHEREAS, the applicant represents that the surrounding area is characterized by commercial buildings and multiple dwellings and that the proposed use is

67th Street, 206.44 feet of frontage along the adjoining site; and 110 feet of frontage on 66th Road; and

compatible with these uses; and

WHEREAS, the hours of operation for the proposed PCE will be 5 AM to 11 PM Monday through Thursday, 5 AM to 9 PM Friday, 7AM to 7PM Saturday, and 7 AM to 5 PM Sunday; and

WHEREAS, the Community Board was concerned with the provision of parking spaces for PCE members; and

WHEREAS, the applicant provided the Board with a copy of an agreement between the applicant and a local parking facility in which the applicant will lease a minimum of 20 parking spaces on a monthly basis and will retain first priority for up to ten additional spaces per day if required by PCE members; and

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

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

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

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

WHEREAS, the Board notes that although a variance is being requested, the subject application meets all the requirements of the special permit for a PCE, except for the required zoning district; and

WHEREAS, the proposed PCE will contain facilities for classes, instruction and programs for physical improvement, bodybuilding, weight reduction, aerobics and martial arts; 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 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. 04-BSA-095Q, dated November 18, 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;

MINUTES

Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the *Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617.4, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under Z.R. § 72-21, to permit a proposed physical culture establishment use in the cellar, cellar mezzanine and part of the first floor of an existing commercial building, located in a C1-2 overlay within an R7-1 zoning district, which is contrary to Z.R. § 32-10, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 1, 2005"-(5) sheets and "Received March 11, 2005"-(1) sheet; and *on further condition*;

THAT the term of this variance will be ten (10) years, from April 19, 2005 and expiring on April 19, 2015;

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 hours of operation shall be limited to 5 AM to 11 PM Monday through Thursday, 5 AM to 9 PM Friday, 7AM to 7PM Saturday, and 7 AM to 5 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, as approved by DOB;

THAT Local Law 58/87 compliance and all exiting requirements shall be as reviewed and approved by DOB;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other 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, April 19, 2005.

201-04-BZ

CEQR #04-BSA-200M

APPLICANT - Eric Palatnik, P.C., for Marilyn Levine & Melvin Mesnick, Urban Spa, Inc., dba Carapan, lessee.

SUBJECT - Application May 14, 2004 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located in the basement level of a four story commercial structure,

proposed action will not have a significant adverse impact on the environment.

situated in a C6-2M zoning district, which requires a special permit. PREMISES AFFECTED - 5 West 16th Street, between Fifth Avenue and Avenue of the Americas, Block 818, Lot 37, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Eric Palatnik.

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 April 19, 2004, acting on Department of Buildings Application No. 103313022, reads:

"The proposed Physical Culture Establishment is not a permitted 'As-Of Right' use in a C6-2M District. The use is contrary to ZR 32-00.;" and

WHEREAS, a public hearing was held on this application on March 29, 2005 after due notice by publication in *The City Record*, and then to decision on April 19, 2005; and

WHEREAS, Community Board No. 5, Manhattan, recommends approval of this application; and

WHEREAS, this is an application under Z.R. §§ 73-36 and 73-03, to permit, within a C6-2M zoning district, a physical culture establishment ("PCE") in the basement of an existing four-story commercial building; and

WHEREAS, the PCE has been in operation for approximately 15 years; and

WHEREAS, the PCE occupies the basement floor of the building and takes up approximately 1,400 square feet; and

WHEREAS, the applicant states that the PCE has facilities for massage and other healing therapies, and an accessory retail shop selling aromatherapy products for the bath, body and home; and

WHEREAS, the applicant states that all masseurs and masseuses employed by the facility are and will be New York State licensed; the applicant has submitted into the record the licenses for 27 massage therapists; and

WHEREAS, the Board finds that the PCE, given the proposed uses and the hours of operation, will not have any significant impact on the adjacent residential uses; and

MINUTES

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

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 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. §§ 73-36 and 73-03; 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. 04-BSA-0200M, dated May 14, 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, within a C6-2M zoning district, a physical culture establishment in the basement of an existing four-story commercial building; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 12, 2005"- (2) sheets and "Received April 18, 2005"-(1) sheet; and *on further condition*:

THAT this grant shall be limited to a term of five years from April 19, 2005, expiring April 19, 2010;

THAT all massages will be performed only by New York

properties, nor will it be detrimental to the public welfare; and

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 hours of operation shall be limited to: Monday through Sunday 10 AM to 11pm

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

THAT all signage shall comply with signage regulations applicable in C6-2M zoning districts;

THAT Local Law 58/87 compliance shall be as reviewed and approved by DOB;

THAT a full sprinkler system and a Class C fire alarm system shall be installed throughout the PCE, as indicated on the BSA-approved plans;

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, April 19, 2005.

327-02-BZ

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

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

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

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: Harold Weinberg.

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

355-03-BZ

APPLICANT - Agusta & Ross, for D'Angelo Properties, Inc., owner.

SUBJECT - Application September 27, 2004 - under Z.R. §72-21 to permit the proposed four story and penthouse mixed-use multiple dwelling, Use Groups 2 and 6, in a C2-2/R4 zoning

MINUTES

district, which does not comply with the zoning requirements for residential floor area, building height, number of dwelling units and residential front yard, is contrary to Z.R. §23-141, §23-60, §35-20, §23-22 and §23-45.

For Applicant: Mitchell Ross.

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 July 12, 2005, at 1:30 P.M., for decision, hearing closed.

381-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Hamilton G.S. Realty, owner.

SUBJECT - Application December 8, 2003 - under Z.R. §72-21 to permit the proposed expansion of existing social security offices, and the addition of school by adding a second floor, to an existing one story building, located in an M1-1 zoning district, which does not comply with the zoning requirements for Use Group and floor area, and is contrary to Z.R. §42-00, §43-12 and §43-122.

PREMISES AFFECTED - 6023 Fort Hamilton Parkway, a/k/a 6013/23 Fort Hamilton Parkway, a/k/a 6012/24 Tenth Avenue, and a/k/a 973/83 61st Street, northeast corner, Block 5715, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Moshe E. Friedman.

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 17, 2005, at 1:30 P.M., for decision, hearing closed.

385-03-BZ

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

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

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

COMMUNITY BOARD #9Q

APPEARANCES - None.

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

PREMISES AFFECTED - 64-01/07 Grand Avenue, northeast corner of 64th Street, Block 2716, Lot 1, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

144-04-BZ

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

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

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

COMMUNITY BOARD #2M

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 May 17, 2005, at 1:30 P.M., for decision, hearing closed.

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 #12Q

APPEARANCES -

For Applicant: Richard Lobel and David Leveufeld.

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 17, 2005, at 1:30 P.M., for decision, hearing closed.

252-04-BZ

APPLICANT - Jay A. Segal, Esq., Greenberg Traurig, LLP, for MKD Group, LLC, owner.

SUBJECT - Application July 15, 2004 - under Z.R. §72-21 to

MINUTES

permit the conversion and enlargement of an existing two-story, vacant industrial building in an M1-2 zoning district contrary to Z.R. PREMISES AFFECTED - 170 North 11th Street, south side of North 11th Street between Bedford Avenue and Driggs Avenue, Block 2298, Lot 9, 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 2, 2005, at 1:30 P.M., for decision, hearing closed.

257-04-BZ

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

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

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

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Patrick Jones, Marc Chemtob and Willy Zambrano.

For Opposition: Victoria Whitmore.

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

272-04-BZ

APPLICANT - Sullivan Chester & Gardner, for Chickie, LLC, owner.

SUBJECT - Application August 5, 2004 - under Z.R. §72-21 to permit the proposed five story, twenty-unit multiple dwelling, Use Group 2, located in an R-5 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, density, side and front yards, height and/or setback and parking spaces, is contrary to Z.R. §23-141, §23-22, §23-45a, §23-461(a and b), §23-462, §23-631d and §25-23.

PREMISES AFFECTED - 14-38/40 31st Drive, East side, between 14th and 21st Streets, Block 531, Lots 50 and 51, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffrey Chester, Joseph Zennaro, Mary L. Rivera and Michelle C. Casamento.

For Opposition: Noreen Violante, Tony Violante, Salvatore Pavone and Maddine Ortiz.

§42-10.

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

292-04-BZ

APPLICANT - Eric Palatnik, P.C., for Daniel Hirsch, owner.

SUBJECT - Application August 23, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear and side yards, is contrary to Z.R. 23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1340 East 26th Street, between Avenues "M and N", Block 7661, Lot 59, Borough of Brooklyn.

COMMUNITY BOARD #14BK

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 May 17, 2005, at 1:30 P.M., for decision, hearing closed.

294-04-BZ

APPLICANT - Petraro & Jones, LLP., by Patrick W. Jones, Esq., for 2478-61 Realty Corp., owner.

SUBJECT - Application August 26, 2004 - under Z.R. §72-21 proposed construction of a three family dwelling, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for front and side yards, is contrary to Z.R. §23-45 and 23-49.

PREMISES AFFECTED - 103-05 35th Avenue, (a/k/a 34-29 35th Avenue), northeast corner of 103rd Street, Block 1744, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Patrick Jones.

ACTION OF THE BOARD - Laid over to May 17, 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 corner of Avenue "K", Block 7621, Lot 47, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

MINUTES

For Applicant: Richard Lobel.

ACTION OF THE BOARD - Laid over to May 17, 2005, at 1:30 P.M., for continued hearing.

299-04-BZ

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

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

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

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Patrick Jones, Marc Chemtob and Willy Zambrano.

ACTION OF THE BOARD - Laid over to May 24, 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. §72-21 to permit, in an R5 (Infill) district, approval sought to erect a four-story, 45 foot eight inch high, residential building on a currently unimproved lot consisting of 25,413 SF. There are proposed 39 dwelling units with 28 parking spaces in the cellar. The proposed building is non-compliant to wall height and total height requirements.

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Steven Sinacori.

For Opposition: John Keefe-State Assemblyman, Robbin Bloch, Holly Sears, Barbara Johnson, Michael Ambrosia, Regina M. Ambrosia and Amy Hausmann.

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 24, 2005, at 1:30 P.M., for decision, hearing closed.

61-05-A

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

SUBJECT - Application March 11, 2005 - Proposed erection of a four-story residential building, located partially within the bed of a

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

mapped street, is contrary to Section 35, Article 3 of the General City Law.

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

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Steven Sinacori.

For Opposition: John Keefe-State Assemblyman, Robbin Bloch, Holly Sears, Barbara Johnson, Michael Ambrosia, Regina M. Ambrosia and Amy Hausmann.

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 24, 2005, at 1:30 P.M., for decision, hearing closed.

363-04-BZ

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

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 June 7, 2005, at 1:30 P.M., for continued hearing.

390-04-BZ

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

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

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

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

MINUTES

391-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Meilech Fastag, owner.

SUBJECT - Application December 13, 2004 - under Z.R. §73-622 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).

PREMISES AFFECTED - 2610 Avenue "L", south side, 60' east of the intersection of Avenue "L" and East 26th Street, Block 7644, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe M. Friedman.

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 17, 2005, at 1:30 P.M., for decision, hearing closed

Pasquale Pacifico, Executive Director.

Adjourned: 5:30 P.M.

WEDNESDAY MORNING, APRIL 20, 2005

10:00 A.M.

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

45-65-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES - John Catsimatidis c/o Red Apple Group.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1526 Grand Concourse, a/k/a 1539 Sheridan Avenue, Sheridan Avenue between East 172nd Street and Mount Eden Parkway, Block 2821, Lot 11, Borough of The Bronx.

COMMUNITY BOARD #4BX

APPEARANCES -

For Applicant: Ellen Hay.

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, April 20, 2005.

154-04-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES - Wavebrook Associates.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 63 Rapeleye Street, north side of Rapeleye Street, 116' east of Hamilton Avenue, Block 363, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Opposition: Mitchell Ross.

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, April 20, 2005.

DISMISSAL CALENDAR**160-04-BZ & 161-04-A**

APPLICANT - New York City of Standards and Appeals.

OWNER OF PREMISES - Daffna, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 77 Washington Avenue, easterly side of Washington Avenue, 170' north of Park Avenue, Block 1875,

MINUTES

Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #2BK

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, April 20, 2005.

245-04-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES - Mark Stern.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 102-104 Franklin Avenue, westerly side of Franklin Avenue, 182' south of Park Avenue, Block 1898, Lots 45 & 46, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

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, April 20, 2005.

194-04-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES - Always Ready Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 9029 Krier Place, a/k/a 900 East 92nd Street, 142' west of 92nd Street, Block 8124, Lot 75 (ten. 180), Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Opposition: Mitchell Ross.

ACTION OF THE BOARD - Laid over to May 10, 2005, at 10 A.M., SOC Calendar, for continued hearing.

239-04-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES - 341 Scholes Street, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 225 Starr Street, northerly side of Starr Street, 304' east of Irving Avenue, Block 3188, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Opposition: Mitchell Ross.

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

SPECIAL HEARING

146-03-BZ/139-02-A

APPLICANT - Jesse Masyr, Wachtel & Masyr, LLP, for 1511 Third Avenue Assoc., owner.

SUBJECT - Application January 19, 2005 - request for a rehearing to permit the filing of a new special permit application pursuant to Z.R. §73-36 to legalize the operation of a physical culture establishment based on substantial new evidence and material changes in the proposed plans. Based on the new evidence, this application requests that the Board permit the filing of a modification to a condition in a previously decided Appeals case under Cal. No. 139-02-A.

PREMISES AFFECTED - 1511 Third Avenue, a/ka 201 East 85th Street, southwest corner bounded by Second and Third Avenues and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Jesse Masyr and Marl Gensberg.

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 10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 10:30 A.M.