
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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April 6, 2006

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44-06-BZ

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45-06-BZY

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46-06-BZ

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47-06-A

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48-06-BZ

420 Morris Park Avenue, South west corner of East Tremont Avenue & Morris Park Avenue, Block 3909, Lot 61, Borough of **Bronx, Community Board: 6**. Under 72-21-To construct a new eight (8) story building containing seventy (70) apartments.

49-06-BZ

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50-06-BZ

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51-06-BZ

188-02/22 Union Turnpike, On the south side of Union Turnpike between 188th and 189th Streets., Block 7266, Lot 1, Borough of **Queens, Community Board: 8**. Under 72-21-To legalize an existing dance studio on the first and cellar floors and to permit the operation of a Physical Culture Establishment on the cellar floor of an existing building in a C1-2 Zoning District.

52-06-BZ

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53-06-A

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54-06-BZ

401 & 403 Elmwood Avenue, Elmwood Avenue between East 3rd and East 5th Streets, Block 6503, Lot 99, Borough of **Brooklyn, Community Board: 12**

55-06-BZ

31 Nadine Street, Saint Andrews Road and Richmond Road, Block 2242, Lot 92,93, 94 (92 tent), Borough of **Staten Island, Community Board: 2**. Variance/Special Permit-To permit construction of a three (3) story office building.

DOCKET

56-06-BZ

1060 East 24th Street, East 24th Street between Avenue J and Avenue K., Block 7606, Lot 70, Borough of **Brooklyn, Community Board: 14**. SPECIAL PERMIT-73-622-To allow the enlargement of a single family residence located in a residential (R2) zoning district.

57-06-A

141,143,145,147 Storer Avenue, South of Storer Avenue, 101.57' west of the corner of Carlin Street & Storer Avenue., Block 7311, Lot 35, Borough of **Staten Island, Community Board: .** General City Law Section 36-Proposed two (2) story commercial building not having a least 8% of the total perimeterfronting directly on a legally mapped street.

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

CALENDAR

APRIL 25, 2006, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 25, 2006, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

265-59-BZ

APPLICANT – Martyn & Don Weston, for 11 College Place, Inc., owner.

SUBJECT – Application December 12, 2005 – Extension of term for a variance to permit an eight car garage located in a residential building. The premise is located in an R7-1/LH-1 zoning district.

PREMISES AFFECTED – 11 College Place, west side 89'-6" north of Love Lane, Block 236, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #2BK

1233-88-A

APPLICANT – Richard Bowers of Stadtmauer Bailkin, LLP, for Sunrise Development, owner.

SUBJECT – Application February 22, 2006 – Extension of Time/Waiver to complete construction of a five-story (with basement) residential buiding of senior housing (Sunrise) for an additional twenty four months which expired on October 29, 2005. The premise is located in an R3-1 (Hillside Preservation District.

PREMISES AFFECTED – 801 Narrows Road North, north side of Narrows Road, 1162.62' east of Howard Avenue, Block 631, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1SI

143-05-A

APPLICANT – Eric Palatnik, P.C., for Andrew Latos & Peter Latos, owners.

SUBJECT – Application February 15, 2006 – Extension of Time to complete construction and to obtain a Certificate of Occupancy. On November 29, 2005 BSA granted issued a resolution determining that the owner of the premises had obtained a vested right to continue construction under DOB permit No. 4021124879 and reinstated the permit for a period of six months to expire on May 29, 2006. The premise is located in a R2A zoning district.

PREMISES AFFECTED – 47-05 Bell Boulevard, between 47th and 48th Avenues, Block 7346, Lot 49, Borough of Queens.

COMMUNITY BOARD #11Q

149-05-A

APPLICANT – Eric Palatnik, P.C., for Gregory Broutzas, owner.

SUBJECT – Application February 21, 2006 – Extension of Time to complete construction and to obtain a Certificate of Occupancy. On November 1, 2005 BSA issued a resolution determining that the owner of the premises had obtained a vested right to continue construction under DOB permit No. 401867618 and reinstated the permit for a period of six months to expire on May 1, 2006. The premise is located in an R2A zoning district.

PREMISES AFFECTED – 32-29 211th Street, east corner of 32nd Avenue and 211th Street, Block 6061, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEALS CALENDAR

263-03-A

APPLICANT – John W. Carroll, Wolfson & Carroll, for Ben Bobker, owner.

SUBJECT – Application August 20, 2003 – An administrative appeal challenging the Department of Buildings' final determination dated August 13, 2003, in which the Department refused to revoke the certificate of occupancy, on the basis that the applicant had satisfied all objections regarding said premises.

PREMISES AFFECTED – 1638 Eighth Avenue, west side, 110-5' east of Prospect Avenue, Block 1112, Lot 52, Borough of Brooklyn.

COMMUNITY BOARD #7BK

361-05-BZY

APPLICANT – Greenberg & Traurig, LLP for Prospect Terrace LLC, owner.

SUBJECT – Application December 19, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R.§110331 under the prior R5 zoning district. Current R5B zoning district.

PREMISES AFFECTED – 1638 8th Avenue, lot fronting on 8th Avenue between Prospect Avenue and Windsor Place, Block 1112, Lots 52, 54, Borough of Brooklyn.

COMMUNITY BOARD #7BK

366-05-A

APPLICANT – Greenberg & Traurig, LLP for Prospect Terrace LLC, owner.

SUBJECT – Application December 19, 2005 – An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to continue development commenced under the prior R5 zoning district. Current R5B zoning district.

PREMISES AFFECTED – 1638 8th Avenue, lot fronting on 8th Avenue between Prospect Avenue and Windsor Place, Block 1112, Lots 52, 54, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APRIL 25, 2006, 1:30 P.M.

CALENDAR

APRIL 26, 2006, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 25, 2006, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

320-05-BZ

APPLICANT – Rothkrug Rothkrug Weinberg, for John Catsimatidis, owner; 113 4th Sports Club, LLC, lessee.

SUBJECT – Application November 2, 2005 – Special Permit Under ZR §73-36, to allow the proposed operation of a physical cultural establishment located on portions of the cellar and first floor of an existing eight story mixed use structure. PCE use is 25, 475 sq ft of floor area. The site is located in a C6-1 Zoning District.

PREMISES AFFECTED – 113/9 Fourth Avenue, a/k/a 101 /117 East 12th Street, N/E/C of Fourth Avenue and East 12th Street, Block 558, Lot 7502, Borough of Manhattan.

COMMUNITY BOARD #3M

351-05-BZ

APPLICANT – The Law Offices of Howard Goldman/Emily Simons, Esq., for Atlas Packaging Solutions Holding Co., owner.

SUBJECT – Application December 14, 2005 – Variance ZR §72-21 to allow a proposed four (4) story residential building containing eight (8) dwelling units in an M2-1 Zoning District; contrary to ZR §42-00.

PREMISES AFFECTED – 146 Conover Street, south facing block of Conover Street, between King and Sullivan Streets, Block front of Conover Street, between King and Sullivan Streets. Block 554, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #6BK

369-05-BZ

APPLICANT – Eric Palatnik, P.C., for 908 Clove Road, LLC, owner.

SUBJECT – Application December 22, 2005 – Variance ZR §72-21 to allow a proposed four (4) story multiple dwelling containing thirty (30) dwelling units in an R3-2 (HS) Zoning District; contrary to ZR §§23-141, 23-22, 23-631, 25-622, 25-632.

PREMISES AFFECTED – 908 Clove Road (formerly 904-908 Clove Road) between Bard and Tyler Avenue, Block 323, Lots 42-44, Borough of Staten Island.

COMMUNITY BOARD #1SI

Jeff Mulligan, Executive Director

NOTICE IS HEREBY GIVEN of a public hearing, Wednesday morning, April 26, 2006, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL HEARING

334-05-BZ

APPLICANT – Kramer Levin Naftalis & Frank, LLP, for The Whitney Museum of American Art, owner.

SUBJECT – Application November 23, 2005 - Zoning Variance (use & bulk) pursuant to Zoning Resolution Section §72-21 to facilitate the expansion of an existing museum complex including the construction a nine (9) story structure located in C5-1(MP) and R8B (LH-1A) zoning districts. The proposed variance would allow modifications of zoning requirements for street wall height, street wall recess, height and setback, mandatory use, and sidewalk tree regulations; contrary to ZR § § 24-591, 99-03, 99-051, 99-052, 99-054, 99-06.

PREMISES AFFECTED – 933-945 Madison Avenue, 31-33 East 74th Street, East side of Madison Avenue between East 74th and East 75th Streets, Block 1389, Lots 21, 22, 23, 24, 25, 50, Borough of Manhattan.

COMMUNITY BOARD #8M

Jeff Mulligan, Executive Director

CALENDAR

MAY 2, 2006, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 2, 2006, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

337-79-BZ, Vol. II

APPLICANT – Moshe M. Friedman, P.E., for Dr. Martin S. Bernstein, owner.

SUBJECT – Application January 23, 2006 – Extension of Term/Waiver for the conversion of the first story of an existing two (2) story residential building into medical offices, located in an R2 zoning district.

PREMISES AFFECTED – 2107 Avenue N, north side of Avenue N, 40' east of East 21st Street, Block 7657, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #14BK

111-01-BZ

APPLICANT – Eric Palatnik, P.C., for George Marinello, owner; Wendy's Restaurant, lessee.

SUBJECT - Application January 12, 2006 – Pursuant to ZR§§72-21 and 72-22 for the extension of term for ten years for an accessory drive thru facility at an eating and drinking establishment (Wendy's) which one-year term expired February 1, 2006. An amendment is also proposed to extend the hours of operation of the accessory drive-thru facility to operate until 4 a.m. daily. The premise is located in a C1-2/R-5 zoning district.

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

COMMUNITY BOARD#17BK

359-02-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Wegweiser & Ehrlich, LLC, owner; Montessori School of Manhattan, LLC, lessee.

SUBJECT – Application January 17, 2006 – Reopening for an Amendment to a previous variance ZR 72-21 that allowed the operation of a school on the first floor and cellar in a six story buildin; a subsequent amendment in 2005 was to relocate the operation of the school from the cellar to the second floor and to maintain partial first floor operation. The current proposed amendment is to allow for the additional expansion of the school to the third floor of the building. The premise is located in an M1-5(TMU) zoning district.

PREMISES AFFECTED – 53-55 Beach Street, north side of Beach Street, west of Collister Street, Block 214, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

400-05-BZY/401-05-BZY

APPLICANT – John Patrick Curran of Tannebaum Helpen et al for Philip Caccese, owner.

SUBJECT – Application December 28, 2005 – Proposed extension of time to renew building permits and complete construction of a development pursuant to Z.R. 11-332. Prior R3-X Zoning District. Current R3-1 Zoning District. PREMISES AFFECTED –3202 & 3204 Morley Avenue, Block 4313, Lots 2 & 4, Borough of Staten Island.

COMMUNITY BOARD #2SI

MAY 2, 2006, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, May 2, 2006, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

297-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Vestry Acquisition, LLC, owner.

SUBJECT – Application September 30, 2005 – Zoning Variance (use) pursuant to ZR §72-21 to allow a proposed nine (9) story residential building containing seven (7) dwelling units and eight (8) accessory parking spaces located in an M1-5 district (Area B2) of the Special Tribeca Mixed Use District; contrary to ZR§42-00, §111-104(b) and §13-12.

PREMISES AFFECTED – 33 Vestry Street, located on the southerly side of Vestry Street, 100' west of Hudson Street, Block 219, Lot 18, Borough of Manhattan

COMMUNITY BOARD#1M

314-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Raymond Mouhadeb, owner.

SUBJECT – Application October 25, 2005 – Special Permit Z.R. §73-622 for an enlargement to a single family residence which proposed an increase in the degree of non-compliance with respect to floor area ratio and open space/lot coverage as per ZR23-141b, less than the total required side yards as per ZR23-361a and a rear yard less than the required rear yard as per ZR 23-47. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 1670 East 23rd Street, East 23rd Street between Avenue P and Quentin Road, Block 6785, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #15BK

CALENDAR

4-06-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Isaac Tessler and Miriam Tessler, owners.

SUBJECT – Application January 5, 2006 – Special Permit Z.R. §73-622 for an enlargement of an existing single family residence to vary ZR§23-141 for open space and floor area and 23-47 for less than the minimum rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 1435 East 21st Street, East 21st Street between Avenue M and Avenue N, Block 7657, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 28, 2006
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, January 24, 2006, were approved as printed in the Bulletin of February 3, 2006, Volume 91, Nos. 4-5.

SPECIAL ORDER CALENDAR

645-59-BZ

APPLICANT – Vassalotti Associate Architects, LLP., for Cumberland Farms, Inc., owner.

SUBJECT – Application July 12, 2005 – Extension of Term of a Variance for an additional 10 years for the existing gasoline service station with accessory convenience store which expired on October 7, 2005. The premise is located in a C2-1 in an R5 zoning district.

PREMISES AFFECTED – 10824 Flatlands Avenue, Block 8235, Lot 2, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application made pursuant to ZR § 11-411, for an extension of the term of the previously granted variance, permitting a gasoline station and accessory convenience store; and

WHEREAS, a public hearing was held on this application on March 7, 2006, after due notice by publication in *The City Record*, and then to decision on March 28, 2006; and

WHEREAS, Community Board 18, Brooklyn, recommends conditional approval of this application, though it expressed concern about patrons parking on the sidewalk, contrary to the Board’s prior grant; and

WHEREAS, the premises is a 19,900 sq. ft. site located on the south side of Flatlands Avenue at East 108th Street; and

WHEREAS, the site is located within a C2-1 (R5) zoning district, and is improved upon with a gasoline service station and an accessory convenience store; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 12, 1960, when, under the subject calendar number, the Board granted an enlargement of an existing gasoline station; and

WHEREAS, subsequently, the term of this grant has been extended by the Board at various times, most recently on April 23, 1996, for a term of 10 years, expiring on October 7, 2005; and

WHEREAS, at hearing, the Board asked the applicant to address the Community Board’s concerns regarding parking on the sidewalk; and

WHEREAS, the applicant responded that this problem existed when there was an automotive body shop on the site, which has been removed, and that it does not exist with the site’s current commercial activity; and

WHEREAS, pursuant to ZR §11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, based upon the submitted evidence, the Board finds the requested extension of term appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on January 12, 1960, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from October 7, 2005, to expire on October 7, 2015, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received July 12, 2005’ –(1) sheet and ‘February 15, 2005’-(2) sheets; and *on further condition*:

THAT the term of this grant shall expire on October 7, 2015;

THAT there shall be no parking on the sidewalk;

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

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

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

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

(DOB Application No. 300157782)

Adopted by the Board of Standards and Appeals, March 28, 2006.

240-90-BZ

APPLICANT – Joseph P. Morsellino, Esq., for Keil Brothers, Inc., owner.

SUBJECT – Application September 20, 2005 – Extension of Term/Amendment of variance of an Agricultural Nursery and Truck Garden which expires on May 14, 2006. It is requested to extend the term from a 10 year term to a 20 year term and to amend to allow overnight parking for 10 vehicles. PREMISES AFFECTED – 210-12 48th Avenue, 210th Street and 48th Avenue, Block 7369, Borough of Queens.

MINUTES

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

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

WHEREAS, a public hearing was held on this application on March 7, 2006, after due notice by publication in *The City Record*, and then to decision on March 28, 2006; and

WHEREAS, Community Board 11, Queens, recommends approval of this application and supports a 20-year extension of term and the overnight parking request; and

WHEREAS, the premises is located at the southeast corner of 48th Avenue and 210th Street; and

WHEREAS, the site is located within an R4B zoning district and is improved upon with a commercial agricultural nursery and truck garden; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 14, 1991 when, under the subject calendar number, the Board granted an application for the subject lot to change use from a mason builders' supply yard to an agricultural nursery and truck garden; and

WHEREAS, subsequently, this grant has been amended and extended by the Board at various times; and

WHEREAS, most recently, on June 25, 1996, the Board granted an extension of term to expire on May 14, 2006; and

WHEREAS, the applicant seeks an extension of term for twenty years, to expire on May 14, 2026; and

WHEREAS, in addition to a new extension of term, the applicant requests an amendment to permit the overnight parking of up to ten accessory vehicles at the site; and

WHEREAS, the Board, after reviewing the site plan, determined that the request for as of right parking was appropriate because it diminishes the delivery trucks' impact on neighboring streets, and the enclosed lot can easily accommodate it; and

WHEREAS, accordingly, based upon the submitted evidence, the Board finds the requested extension of term and the requested inclusion of overnight parking appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens and amends* the resolution, as adopted on May 14, 1991, as subsequently extended, so that as amended this portion of the resolution shall read: "to permit the maintenance of an agricultural nursery and truck garden, with overnight parking for a maximum of ten accessory vehicles, and to extend the term for twenty years from May 14, 2006, to expire on May 20, 2026, *on condition* that the use shall substantially conform to

drawings as filed with this application, marked 'Received September 20, 2005' –(2) sheets; and *on further condition*:

THAT the term of this grant shall be for twenty years, to expire on May 14, 2026;

THAT overnight parking shall be limited to ten vehicles;

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

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

THAT DOB shall review and approve the layout of the onsite parking;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application No. 400597261)

Adopted by the Board of Standards and Appeals, March 28, 2006.

139-92-BZ

APPLICANT – Samuel H. Valencia, for Samuel H. Valencia – Valencia Enterprise, owner

SUBJECT – Application July 20, 2005 – Reopening for an Extension of Term/Waiver for an eating and drinking establishment, with dancing, which expired on March 7, 2004, located on the first floor of a three story mixed use building with residences on the upper floors. The premise is located in a C2-2 in an R-6 zoning district.

PREMISES AFFECTED – 52-15 Roosevelt Avenue, north side of Roosevelt Avenue, 125.53' East of 52nd Street, Block 1315, Lot 76, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Samuel H. Valencia.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening, an amendment to the previously granted special permit, and an extension of term that expired on March 7, 2004; and

WHEREAS, a public hearing was held on this application on March 7, 2006, after due notice by publication in *The City Record*, and then to decision on March 28, 2006; and

WHEREAS, Community Board 2, Queens, supports this application; and

MINUTES

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

WHEREAS, the subject premises is located on the north side of Roosevelt Avenue, east of 52nd Street; and

WHEREAS, on March 7, 1995, the Board granted a special permit application pursuant to ZR §73-244, to permit, in a C2-2 (R6) zoning district, the use of the first floor and cellar of an existing three-story building as an eating and drinking establishment with dancing; and

WHEREAS, subsequently, the Board has amended and extended this grant twice; and

WHEREAS, most recently, on August 14, 2001, the Board granted an extension of term to expire on March 7, 2004; and

WHEREAS, the Board finds that a three-year extension is appropriate, with the conditions set forth below; and

WHEREAS, in addition to a new extension of term, the applicant is requesting approval of minor modifications to the approved plans, including changing some of the door configurations, and insulating the vestibule with sound-proofing materials; and

WHEREAS, the Board, after reviewing the site plan, approves of the proposed modifications, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, dated March 7, 1995, so that as amended this portion of the resolution shall read: "to grant an extension of the term of the special permit for a term of three years; *on condition* that the use and operation of the eating and drinking establishment with dancing shall substantially conform to drawings as filed with this application, marked 'Received March 2, 2006'-(2) sheets; and *on further condition*:

THAT this grant shall be limited to a term of three years from March 7, 2004, expiring March 7, 2007;

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

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

THAT the Department of Buildings shall review the approved plans for compliance with all safety regulations, including egress and waiting area requirements;

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. 400322469)

Adopted by the Board of Standards and Appeals, March 28, 2006.

136-01-BZ

APPLICANT – Eric Palatnik, P.C., for Cel-Net Holding, Inc.,

owner.

SUBJECT – Application November 23, 2005 – Reopening for an amendment to the resolution to extend the time to complete construction which expires June 11, 2006.

PREMISES AFFECTED – 11-11 44th Drive, north side between 11th and 21st Street, Block 447, Lot 13, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this application is a request for a re-opening and an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on February 7, 2006, after due notice by publication in *The City Record*, laid over for continued hearing on March 7, 2006 and then to decision on March 28, 2006; and

WHEREAS, the subject site is located on the north side of 44th Drive, between 11th and 21st Streets, and is within an M1-4 (R7A) zoning district; and

WHEREAS, on June 11, 2002, the Board granted an application under ZR §72-21, to permit, in an M1-4 zoning district, an increase in floor area for a wholesale office with accessory storage (Use Group 10) and the legalization of the existing encroachment into the rear yard; and

WHEREAS, in its resolution, the Board specified that there be substantial completion in accordance with ZR § 72-23, thus the grant's term expires on June 11, 2006; and

WHEREAS, the applicant represents that due to a change in the zoning district from M1-4 to M1-4 (R7A) that necessitated a redesign of the plans, construction will not be substantially completed by the grant expiration; and

WHEREAS, the applicant represents that the owner is now able to complete construction; and

WHEREAS, during the course of hearings, the Board learned that the applicant has changed the original plans; and

WHEREAS, when the Board inquired about the new plans, the applicant requested additional time to submit an application for an amendment to the revised plans; and

WHEREAS, the Board agreed to allow the applicant additional time to prepare an application for an amendment to the approved plans, to be submitted subsequent to the grant of the subject extension; and

WHEREAS, based upon the above, the Board finds it appropriate to grant the requested extension of time.

Therefore it is Resolved that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on June 11, 2002, so that as amended this

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portion of the resolution shall read: "to permit an extension of time to complete construction and obtain a certificate of occupancy, for an additional period of two years from the date of this resolution, to expire on March 28, 2008; *on condition*:

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

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. 400849748)

Adopted by the Board of Standards and Appeals, March 28, 2006.

410-68-BZ

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

SUBJECT – Application January 21, 2006 – Extension of time to complete construction and to obtain a certificate of occupancy pursuant to Z.R.§11-412.

PREMISES AFFECTED – 85-05 Astoria Boulevard, Block 1097, Lot 1, Borough of Queens.

COMMUNITY BOARD #3

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 11, 2006, at 10 A.M., for decision, hearing closed.

357-72-BZ

APPLICANT - Law Office of Fredrick A. Becker, for Permanent Mission of the Russian Federation to the U.N., owner.

SUBJECT – Application December 19, 2005 – Amendment to a previously granted Variance ZR 72-21 for a multiple dwelling and community facility complex to allow for the enclosure of an existing swimming pool and the enlargement of an accessory health and sports facility. The premise is located in an R-4 zoning district.

PREMISES AFFECTED – 355 West 255th Street, northwest corner of West 255th Street and Fieldston Road, Block 5846, 5848, Lots 1605, 1774, Borough of The Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to April 25,

2006, at 10:00 A.M., for continued hearing

1038-80-BZ

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

SUBJECT – December 1, 2005 - Extension of Term of a Special Permit for an amusement arcade (UG15) in an M2-1 zoning district which expired on January 6, 2006.

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

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Patricia Prothro.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 25, 2006, at 10 A.M., for decision, hearing closed.

7-95-BZ

APPLICANT – Francis R. Angelino, Esq., c/o DeCampo, for Redmont Realty Company, LLC, owner; Town Sports International, Inc., lessee.

SUBJECT – Application September 13, 2005 – Reopening for an extension of term and an amendment of a previously granted variance to permit, in a C1-2(R3-2)/R3-2 district, a physical culture establishment (health club) in a cellar and two-story building within a larger shopping center development, which does not conform to district use regulations.

PREMISES AFFECTED – 153-37 Cross Island Parkway, Block 4717, Lot 16, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Francis R. Angelino.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 11, 2006, at 10 A.M., for decision, hearing closed.

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280-01-BZ

APPLICANT – Stadtmauer Bailkin LLP & Cozin O’Connor, for Perbinder Holdings, LLC, owner; Metropolitan Transportation Auth., lessee.

SUBJECT – Application January 23, 2006 – Extension of Time to complete construction for a variance ZR §72-21 to permit a mixed use building located in a C1-9 zoning district. PREMISES AFFECTED – 663/673 Second Avenue & 241/249 East 36th Street, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD #6

APPEARANCES –

For Applicant: Peter Geis and Steve Sinacori.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD - Laid over to April 11, 2006, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

144-05-BZY

APPLICANT – Alfonso Duarte, for Bel Homes, LLC, owner. SUBJECT – Application June 9, 2005 – Proposed extension of time to complete construction pursuant to Z.R. 11-331 for two-two family attached dwellings.

PREMISES AFFECTED – 143-53/55 Poplar Avenue, northwest corner of Parsons Boulevard, and Poplar Avenue, Block 5228, Lots 32 and 34, Flushing, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Alsonso Duarte.

For Opposition: Robert Tucker, Beverly McDermott, Joe Amoroso and Sally Kahn.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD - Laid over to May 9, 2006, at 10 A.M., for decision, hearing closed.

155-05-A

APPLICANT – Richard Kusack, neighbor; 81 East Third Street Realty, LLC, owner.

SUBJECT – Application filed on June 30, 2005 – for an appeal of the Department of Buildings decision dated May 27, 2005 rescinding its Notice of Intent to revoke the approvals and permit for Application No. 102579354 for a community facility (New York Law School) in that it allows violations of the Zoning Resolution and Building Code regarding bulk, light, air, and unpermitted obstructions in rear yards.

PREMISES AFFECTED – 81 East 3rd Street, Manhattan, Block 445, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Jack Lester and Richard Kusack.

For Administration: Felicia Miller, Department of Buildings.

For Opposition: Margery Perlmutter.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD - Laid over to April 25, 2006, at 10 A.M., for decision, hearing closed.

190-05-A

APPLICANT – Stadtmauer Bailkin, LLP, for John Antzoulis, owner.

SUBJECT – Application filed on August 12, 2005 – An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue development commenced under the prior R2 zoning district. Current Zoning District is R2A.

PREMISES AFFECTED - 28-32 215th Street, east side of 215th Street, between 28th Avenue and 29th Avenue, Block 6016, Lot 56, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Neil Weisbard.

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD - Laid over to May 16, 2006, at 10 A.M., for decision, hearing closed.

222-04-A thru 224-04-A

APPLICANT – Rothkrug, Rothkrug, Weinberg, & Spector, LLC for Dalip Karpuzi, owner.

SUBJECT - Application filed June 1, 2004 - to permit construction of a three one family dwellings in the bed of a final mapped street (Pemberton Avenue) contrary to Article 3, Section 35 of the General City Law . Premises is located within an R3-1 (SRD) Zoning District.

PREMISES AFFECTED - 486 Arthur Kill Road, & 120 , 122 Pemberton Avenue Block 5450, Lots 37, 35 & 36, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Laid over to May 9, 2006, at 10 A.M., for continued hearing.

370-04-A

APPLICANT – Rothkrug, Rothkrug, Weinberg & Spector , LLC for Edgewater Developers and Builders. Inc., Owner.

SUBJECT – Application November 23, 2004 – to permit

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construction of a one family dwelling in the bed of a final mapped street (Egdewater Road) contrary to Article 3, Section 35 of the General City Law. Premises is located within an R2 Zoning District.

PREMISES AFFECTED - 1511 Egmont Place, north side of Egmont Place 705.9 ft east of Mott Avenue, Block 15685, Lot 48, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Laid over to May 9, 2006, at 10 A.M., for continued hearing.

370-05-BZY

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Affirmation Arts Limited, owner.

SUBJECT - Application December 22, 2005 - Proposed extension of time to complete construction pursuant to Z.R. 11-332 for a one story and mezzanine addition to an existing three-story building, previously located in a C6-2(CC) zoning district. The current zoning district is now C6-2(HY).

PREMISES AFFECTED - 523 West 37th Street, interior lot, block bounded by West 37th and West 38th Streets, Tenth and Eleventh Avenues, Block 709, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: James P. Power and Dawn Thompson.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 11, 2006, at 10 A.M., for decision, hearing closed.

371-05-A

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for Affirmation Arts Limited, owner.

SUBJECT - Application December 22, 2005 - An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to complete construction pursuant to Z.R. 11-332 for a one story and mezzanine addition to an existing three-story building, previously located in a C6-2(CC) zoning district. The current zoning district is now C6-2(HY).

PREMISES AFFECTED - 523 West 37th Street, interior lot, block bounded by West 37th and West 38th Streets, Tenth and Eleventh Avenues, Block 709, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: James P. Power and Dawn Thompson.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD - Laid over to April 11, 2006, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director.

Adjourned: 11:20 A.M.

REGULAR MEETING TUESDAY AFTERNOON, MARCH 28, 2006 1:30 P.M.

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

ZONING CALENDAR

245-04-BZ

APPLICANT – Agusta & Ross, for Mark Stern, owner.

SUBJECT – Application July 6, 2004 – under Z.R. §72-21 to permit the proposed five-story, nine unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED – 102/04 Franklin Avenue, west side, 182’ south of Park Avenue, Block 1898, Lots 45 and 46, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Mitchell Ross.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 23, 2004, acting on Department of Buildings Application No. 301668791, reads in pertinent part:

“Proposed new building in a manufacturing zoning district is contrary to Z.R. Section 42-00”; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a lot within an M1-1 zoning district, a three-story plus basement residential development with five dwelling units, which is contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on June 14, 2005, after due notice by publication in the *City Record*, with continued hearings on August 16, 2005 and September 27, 2005, and deferred decision dates on November 15, 2005, January 24, 2006, and March 14, 2006, and then to decision on March 28, 2006; and

WHEREAS, due to lack of prosecution, the matter was at

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one time considered for dismissal; and

WHEREAS, subsequent to a further submission from the applicant, the Board agreed to maintain the application on the zoning calendar; 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 Chin; and

WHEREAS, Community Board 3, Brooklyn, did not provide a recommendation on this application; and

WHEREAS, the subject premises is located on the westerly side of Franklin Avenue, between Myrtle and Park Avenues, and is a 4,775.31 sq. ft. vacant site consisting of two tax lots (45 and 46); and

WHEREAS, the applicant states that the site was formerly improved upon with a multiple dwelling constructed around 1918, which existed on the site until demolished in 1984; and

WHEREAS, the applicant states that the site was used thereafter for automotive storage and illegal repair uses, as well as rubbish removal; and

WHEREAS, the applicant proposes to construct a three-story plus basement residential building, with five units, a street wall and total height of 39'-11", a total residential floor area of 12,921 sq. ft., a total residential FAR of 2.7, a front yard of 5'-0", a rear yard of 30'-0", and one off-street parking space; and

WHEREAS, a therapeutic swimming pool and gym for handicapped children residing in the building will be located in the basement, and the residential units will be located on the upper floors; and

WHEREAS, at the time of initial application, the applicant proposed a five-story building with nine units, an FAR of approximately 3.90, a total height of 70'-2", and a street wall height of 49'-6"; and

WHEREAS, the Board objected to this proposed building because it was excessively large in terms of height and floor area when compared to the surrounding buildings, and directed the applicant to reduce its size; and

WHEREAS, subsequently, the applicant proposed a five-story building with six units and an FAR of 3.05, a total height of 70'-0", and a street wall height of 51'-6"; this was also rejected by the Board as too large; and

WHEREAS, the applicant subsequently revised the proposal to the current version; and

WHEREAS, in addition, the Board made suggestions to the applicant as to the lowest level, which was originally proposed as a cellar, but which was later designed as a basement; and

WHEREAS, specifically, the Board asked the applicant to ensure that the proposed basement would not extend into the rear yard, as a basement is not a permitted obstruction; and

WHEREAS, after repeatedly being asked to address these concerns, the applicant finally submitted corrected plans showing an appropriate basement; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in conformance with applicable

regulations: (1) the site is too small for creation of a conforming building with floor plates sufficient for modern manufacturing uses; (2) the site contains rubble from the foundations of the prior buildings; and (3) the site is adjacent to residential uses; and

WHEREAS, at the outset, the Board rejects the second and third bases of alleged uniqueness, in that neither of these conditions pose significant hardship to conforming development; and

WHEREAS, as to the lot size, the Board agrees that the size of the site inhibits the development of a conforming manufacturing building, because the floor plates in a conforming building would be of insufficient size and impractical layout, and therefore not suitable for a modern conforming user; and

WHEREAS, however, the Board asked the applicant to reinforce the uniqueness of this condition; and

WHEREAS, the applicant submitted an analysis of vacant lots as indicated on a revised area map, and distinguished those in the subject zoning district as either being occupied for parking or contractor storage use; and

WHEREAS, the Board also observed on its site and neighborhood visit that the site is one of the few similarly sized vacant sites within the subject zoning district; and

WHEREAS, further, the Board's review of the area map submitted by the applicant confirms that on the subject block, the site is one of four similarly sized or smaller sites; and

WHEREAS, the Board also notes that while there are more than four vacant lots on the block, the subject site is one of the few with a limited depth, or that can not be combined with other lots to create a better site for conforming development; and

WHEREAS, accordingly, the Board finds that one of the aforementioned unique physical conditions, namely, the site's small size, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility study analyzing the following as-of-right scenario: a conforming one-story manufacturing/commercial building; and

WHEREAS, the applicant concluded that such a scenario would result in a loss; and

WHEREAS, however, the Board had concerns regarding certain aspects of this study; and

WHEREAS, specifically, the Board asked the applicant for elaboration as to the effect of the lot size on the return for a conforming use; and

WHEREAS, the applicant responded that conforming users who needed 5,000 sq. ft. or less typically would locate within larger developments; since no single tenant or user constitutes a large proportion of the space, financing options for such a small user are improved overall; and

WHEREAS, the Board also asked the applicant to submit additional comparables to further support the claimed site valuation; and

WHEREAS, the applicant submitted five additional comparables, used them in a revised site valuation analysis, and

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concluded that the site valuation would not be substantially different; and

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

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and

WHEREAS, as to the proposed residential use, the Board observes that the subject site is adjacent to residential uses, and that there are numerous residential uses on both sides of the street; and

WHEREAS, the Board finds that the introduction of five dwelling units on this street will not impact nearby conforming uses nor change the character of the neighborhood; and

WHEREAS, as to the proposed bulk, the Board requested that the applicant reduce the height and bulk of the proposed building to be more in context with the surrounding buildings; and

WHEREAS, the Board observes that one adjacent building is four stories and the other is three and that most of the residential buildings in the immediate area have similar heights; 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, during the course of the public hearing process, the Board asked the applicant to reduce the size of the proposed building to the current version; and

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

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

WHEREAS, the project is classified as an Unlisted action pursuant to Sections 617.6(h) and 617.2(h) of 6NYCRR; 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. 05BSA001K, dated July 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; 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, the New York City Landmarks Preservation Commission (LPC) has reviewed an Environmental Assessment Statement Form, dated July 14, 2004, and prepared by the applicant's consultant; and

WHEREAS, LPC requested that an archaeological documentary study be completed for the proposed development; LPC's request for this study was based on the presence of potentially significant archaeological resources on the site; and

WHEREAS, a Restrictive Declaration was executed on March 24, 2006 and recorded on March 27, 2006, to address archaeological concerns; 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; 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, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §72-21 and grants a variance to permit, on a lot within an M1-1 zoning district, a three-story plus basement residential development with five dwelling units, which is contrary to ZR §42-10, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 10, 2006"-(10) sheets; and *on further condition*:

THAT the applicant or any successor in title shall adhere to all requirements for archaeological identification, investigation, and mitigation as set forth in the CEQR Technical Manual and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archaeological documentary study, any required field testing, excavation, mitigation, curation of archaeological resources, and a final archeological report, as required by the LPC, and as memorialized in the Restrictive Declaration executed on March 24, 2006 (collectively, the "Archaeological Work");

THAT prior to the issuance of any DOB permit for any work on the site that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or any successor shall perform all of the Archaeological Work to the satisfaction of LPC and submit a written report that must be approved by LPC; the only exception to this condition shall be those soil disturbing activities necessitated by the applicant's

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performance of the Archaeological Work required for LPC's approval (such as the digging of archaeological "pits") that may require a DOB permit;

THAT any DOB permit issued for soil disturbing activities pursuant to this exception shall clearly state on its face that such soil disturbance is limited to that necessary to perform the mandated archaeological work;

THAT no temporary or permanent Certificate of Occupancy shall be issued by DOB or accepted by the applicant or successor until the Chairperson of LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection indicating that the Archaeological Work has been completed to the satisfaction of LPC;

THAT the following shall be the bulk parameters of the proposed building: a residential and total FAR of 2.7; three stories plus a basement; a street wall height of 39'-11"; a total height of 39'-11"; five dwelling units; a five ft. front yard; and 30'-0" rear yard; lot coverage of 66.3 percent; and one parking space;

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

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

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

Adopted by the Board of Standards and Appeals, March 28, 2006.

129-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Laurence Roberts, owner.

SUBJECT – Application May 24, 2005 - Special Permit under ZR §§73-622 to allow the enlargement of a single family residence which is contrary to ZR 23-141 for floor area and open space and ZR 23-47 for rear yard waiver. The premise is located in an R2 zoning district.

PREMISES AFFECTED – 1161 East 21st Street, East 21st Street, between Avenue J and Avenue K, Block 7603, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman and David Shteierman.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

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

Negative:.....0

Adopted by the Board of Standards and Appeals, March 28, 2006.

179-05-BZ

APPLICANT – Harold Weinberg, P.E., for Steven Goldfarb, owner.

SUBJECT – Application August 3, 2005 – Special Permit pursuant to ZR §73-622 for a two story rear enlargement to a single family semi-detached home to vary Z.R. §23-14 for floor area and open space, Z.R. §23-47 for less than the required rear yard, Z.R. §23-641 for less than the required side yard and Z.R. §23-631 for total height. The premise is in an R3-1 zoning district.

PREMISES AFFECTED – 139 Langham Street, east side 311'-8 7/8" south of Shore Boulevard, Block 8755, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated January 27, 2006, acting on Department of Buildings Application No. 301981069, reads, in pertinent part:

“The proposed enlargement of the two-story residence in an R3-1 zoning district:

1. Creates a new non-compliance with respect to floor area ratio and is contrary to Section 23-141.
2. Creates a new non-compliance with respect to lot coverage and open space and is contrary to Section 23-141.
3. The proposed enlargement creates a new non-compliance by encroaching on the required 30' rear yard and is contrary to Section 23-47.
4. The proposed enlargement increases the degree of non-compliance with respect to a deficient side yard and is contrary to sections 23-461(b) and 54-31.”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03 to permit, in an R3-1 zoning district, the proposed enlargement of an existing semi-detached single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio (FAR), Open Space Ratio (OSR), and side and rear yards, contrary to ZR §§ 23-14, 23-47, and 23-461; and

WHEREAS, a public hearing was held on this application on March 14, 2006, after due notice by publication in *The City Record*, and then to decision on March 28, 2006; and

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

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

WHEREAS, the subject lot is located on the east side of Langham Street, south of Shore Boulevard; and

WHEREAS, the subject lot has a total lot area of 2,000 sq. ft.; and

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

WHEREAS, the applicant seeks an increase in the floor area from 927.4 sq. ft. (0.46 FAR) to 1,640 sq. ft. (0.82 FAR); the maximum floor area permitted is 1,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed enlargement will decrease the OSR from 76.8 percent to 58.7 percent; the minimum required OSR is 65 percent; and

WHEREAS, the proposed enlargement of the existing building will increase the degree of non-compliance for the side yard by building in the place of an existing un-enclosed rear deck to make it aligned with the rest of the building; however, the 4 ft. width of the sole side yard will be maintained; and

WHEREAS, the proposed enlargement will reduce the rear yard from 45' to 24'-10"; the minimum rear yard required is 30'-0"; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20'-0" of the rear lot line; and

WHEREAS, the existing non-complying wall height of 25 ft. will be maintained; and the existing complying total height of 28 ft. will be maintained; and

WHEREAS, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of an existing semi-detached single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio, Open Space Ratio, and side and rear yards, contrary to ZR §§ 23-14, 23-47, and 23-461; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 31, 2006"-(8) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar; THAT the above condition shall be set forth in the certificate of occupancy;

THAT the total FAR on the premises shall not exceed 0.82;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 28, 2006.

285-05-BZ

APPLICANT – Rothkrug Rothkrug Weinberg Spector, for Robert E. Benson, owner.

SUBJECT – Application September 13, 2005 – Pursuant to Section ZR §72-21 for a variance for the proposed enlargement of an existing one-family dwelling that will not provide the required front yard, ZR §23-45 and rear yard, ZR §23-47. The premise is located in an R1-2 (HS) Hillside Preservation District.

PREMISES AFFECTED – 34 Duncan Road, West side of Duncan Road 163' North of intersection with Theresa Place, Block 591, Lot 52, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated September 6, 2005, acting on Department of Buildings Application No. 500793331, reads:

- “1. In an R1-2 district, the proposed enlargement of an existing residence within a required 30' rear yard is contrary to Section 23-47 of the NYC Zoning Resolution.
2. In an R1-2 district, the proposed enlargement of an existing residence within a required 20' front yard is contrary to Section 23-45 of the NYC Zoning Resolution.”; and

WHEREAS, this is an application under ZR §72-21, to permit, in an R1-2 zoning district within the Special Hillside

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Preservation District, the proposed enlargement of an existing one- and two-story plus cellar single family home within non-complying front and rear yards, contrary to ZR §§ 23-45 and 23-47; and

WHEREAS, a public hearing was held on this application on March 7, 2006, after due notice by publication in The City Record, and then to decision on March 28, 2006; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application; and

WHEREAS, the City Councilman for the 49th District, Michael E. McMahon, objects to this application, citing concerns about the site's location in the Special Hillside Preservation District; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board, including Chair Srinivasan and Commissioner Chin; and

WHEREAS, the site is located on the west side of Duncan Road, 163 feet north of the intersection with Theresa Place; and

WHEREAS, the site is 75.5 ft. in width and 35.4 ft. in length, with a total lot area of 3,460 sq. ft.; and

WHEREAS, the site is currently improved upon with a 1,145 sq. ft. one- and two-story single family home and a one-story detached garage; and

WHEREAS, the applicant proposes to construct a one-story enclosure around the existing front entry and to construct a one-story horizontal enlargement and two-story vertical enlargement in the rear which would square off the existing one-story section of the house; and

WHEREAS, the resulting enlargement will result in a residence with a floor area that is 1,551 sq. ft. (FAR of 0.45); the total allowable residential floor area is 1,730 sq. ft. (FAR of 0.5); and

WHEREAS, for a residence in an R1-2 zoning district within the Special Hillside Preservation District, the required front yard is 20 ft.; the required rear yard is 30 ft.; and side yards are required to be 8 ft. and 12 ft.; and

WHEREAS, the existing home has a non-complying front yard of 7.33 ft., a non-complying rear yard of 4.59 ft., and complying side yards of 8.09 ft. and 33 ft.; and

WHEREAS, although the yards' depths will remain the same, the proposed enlargement will increase the degree of non-compliance for the front and rear yards because the encroachments will be within the non-complying yards; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying district regulations: the site is an irregularly shaped lot with 75.5 ft. of frontage on Duncan Road and a depth of only 35.4 ft., with existing non-complying front and rear yards; and

WHEREAS, the applicant further states that the requested variances are necessary in order to utilize allowable floor area; and

WHEREAS, therefore, the Board finds that the cited unique physical conditions, namely the shallowness of the lot and its irregular shape, create practical difficulties in

developing the site in strict compliance with the referenced zoning regulations; and

WHEREAS, the applicant represents that in order to accommodate the floor area allowed under the zoning, the requested waivers are necessary as there is no other viable enlargement option; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that an enlargement using available floor area will comply with the applicable zoning requirements; and

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

WHEREAS, the applicant represents that the proposed residence will comply with the Special Hillside Preservation District and the proposed additions will comply with the district's bulk parameters; and

WHEREAS, the radius map submitted by the applicant reflects that the subject site is not only irregularly-shaped, but has the shortest depth, and is among the smallest, of the 20 lots within the radius; and

WHEREAS, further, the applicant states that the proposed overall height, at 19 ft., remains the same and that the property is surrounded by sizeable neighboring yards; and

WHEREAS, the applicant states that the proposed structure will contain 1,551 sq. ft. of floor area, while 1,730 sq. ft. is permitted as of right within the underlying zoning district; 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 applicant relief; and

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21, to permit, in an R1-2 zoning district within the Special Hillside Preservation District, the proposed enlargement of an existing one- and two-story plus cellar single family home, within non-complying front and rear yards, contrary to ZR §§ 23-45 and 23-47; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 24, 2006"--(4) sheets; and on further condition:

THAT the parameters of the proposed building shall be as follows: an FAR of 0.45; a floor area of 1,551 sq. ft.; side yards of 8.09 ft. and 33 ft.; a front yard of 7.33 ft.; and a rear

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yard of 4.59 ft.;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 28, 2006.

301-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Jeanette Impaglia, owner.

SUBJECT – Application October 12, 2005 – Special Permit Under §73-36 to permit the operation of a Physical Culture Establishment on the second floor mezzanine of a building located within a C6-3X.

PREMISES AFFECTED – 410 8th Avenue, located on the East side of 8th Avenue between 30th and 31st Streets, Block 780, Lot 76, Borough of Manhattan

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 12, 2005, acting on Department of Buildings Application No. 104165653, reads, in pertinent part:

“Proposed use physical culture establishment is not permitted as of right and is contrary to ZR 32-10.”; and

WHEREAS, this is an application under ZR §§73-36 and 73-03, to permit, within a C6-3X zoning district, a proposed physical culture establishment (“PCE”) to be located on the second floor mezzanine of an existing building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on March 7, 2006, after due notice by publication in *The City Record*, and then to decision on March 28, 2006; and

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

WHEREAS, the New York City Fire Department has

indicated to the Board that it has no objection to this application; and

WHEREAS, the subject site is located on the east side of Eighth Avenue, between 30th and 31st Streets, and has a lot area of 2,500 sq. ft.; and

WHEREAS, the subject PCE will occupy 1,996 sq. ft. on the second floor mezzanine; and

WHEREAS, the applicant represents that the PCE will provide massage services by licensed massage professionals; and

WHEREAS, the PCE will have the following hours of operation: daily, 10:00 AM to 1:00 AM; and

WHEREAS, at hearing, the board raised the issue of how access would be granted to the second floor mezzanine; and

WHEREAS, the applicant responded that there is a common doorway serving the buildings at 410 and 412 Eighth Avenue which allows for ingress and egress for both buildings and that visitors to the PCE will be buzzed into the building after ringing the intercom for the PCE; and

WHEREAS, further, the applicant responded that there is an easement recording the shared use of the entrance; and

WHEREAS, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

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

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

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any 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 requisite findings pursuant to ZR §§ 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, CEQR No. 06-BSA-022M, dated October 12, 2005; and

WHEREAS, the EAS documents show 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;

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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 ZR §§ 73-36 and 73-03, to permit, within a C6-3X zoning district, a proposed physical culture establishment to be located on the second floor mezzanine of an existing 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 December 30, 2005"-(1) sheet; and on further condition:

THAT the term of this grant shall be for ten years from the date of the grant, expiring on March 28, 2016;

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 daily, 10:00AM to 1:00AM;

THAT all massages shall be performed only by New York State licensed massage professionals;

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

THAT an easement granting common ingress and egress for 410 and 412 Eighth Avenue will be maintained;

THAT the recording information for the easement shall be listed on the Certificate of Occupancy;

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

THAT fire safety measures shall be installed and/or maintained as shown on the Board-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 of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 28, 2006.

72-05-BZ

APPLICANT – Harold Weinberg, P.E., for Cong. Shomlou by Rabbi Marton Ehrenreich, owner.

SUBJECT – Application March 23, 2005 – Under Z.R. §72-21 to permit the proposed erection of a synagogue and yeshiva, with accessory residences, Use Groups 2 and 4,

located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and open space ratio, is contrary to Z.R. §§24-11, 23-142, 24-36 and 24-12.

PREMISES AFFECTED – 245 Hooper Street, north side, 205' east of Marcy Avenue, between Marcy and Harrison Avenues, Block 2201, Lot 61, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for decision, hearing closed.

119-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Sam Malamud, owner.

SUBJECT – Application May 16, 2005 – Under Z.R. §72-21 to permit the proposed enlargement to an existing one and two story warehouse building, with an accessory office, Use Group 16, located in a C4-3 and R6 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio, perimeter wall height, parking and loading berths, is contrary to Z.R. §52-41, §33-122, §33-432, §36-21 and §36-62.

PREMISES AFFECTED – 834 Sterling Place, south side, 80' west of Nostrand Avenue, Block 1247, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to June 6, 2006, at 1:30 P.M., for continued hearing.

124-05-BZ

APPLICANT – Greenberg Traurig, LLP/Deirdre A. Carson, Esq., for Red Brick Canal, LLC, Contract Vendee.

SUBJECT – Application May 20, 2005 – Under Z.R. §72-21 to allow proposed 11-story residential building with ground floor retail located in a C6-2A district; contrary to ZR §35-00, 23-145, 35-52, 23-82, 13-143, 35-24, and 13-142(a).

PREMISES AFFECTED – 482 Greenwich Street, Block 7309, Lot 21 and 23, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

128-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for

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Yisroel Y. Leshkowitz & Esther S. Leshkowitz, owner.
SUBJECT – Application May 24, 2005 – under Z.R. §73-622 – to permit the proposed enlargement of an existing single family residence, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space ratio, also side and rear yard, is contrary to Z.R. §23-141, §23-461 and §23-47.

PREMISES AFFECTED – 1406 East 21st Street, between Avenue “L” and “M”, Block 7638, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra Altman and David Shteirman.

ACTION OF THE BOARD – Laid over to May 9, 2006, at 1:30 P.M., for continued hearing.

163-05-BZ

APPLICANT – Harold Weinberg, for Aaron (Ari) Presser, owner.

SUBJECT – Application July 19, 2005 – Special Permit – pursuant to ZR §73-622 for the enlargement of single family home which seeks to vary ZR §23-141 for the increase in floor area and open space ratio, ZR §23-47 for less than the minimum 30' rear yard required and ZR §23-461 for less than the required side yard. The premise is located in an R2 zoning district.

PREMISES AFFECTED – 1134 28th Street, west side, 260' south of Avenue K, Block 7627, Lot 59, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for decision, hearing closed.

182-05-BZ

APPLICANT – Eric Palatnik, P.C., for 4 Park Avenue Associates, owner.

SUBJECT – Application August 4, 2005 – Under Z.R. §73-36 to allow the legalization of a physical culture establishment in a C5-3 zoning district.

PREMISES AFFECTED – 4 Park Avenue, between East 33rd and East 34th Streets, Block 863, Lot 44, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for continued hearing.

187-05-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Salvatore Porretta and Vincenza Porretto, owners.

SUBJECT – Application August 9, 2005 – under Z.R. §72-21– Propose to build a two family dwelling that will comply with all zoning requirements with the exception of two non-complying side yards and undersized lot area due to a pre-existing condition.

PREMISES AFFECTED – 78-20 67th Road, Southerly side of 67th Road, 170' easterly of 78th Street, Block 3777, Lot 17, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO REOPEN HEARING –

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

ACTION OF THE BOARD - Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

193-05-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 32 East 31st Street Corp., owner; Forever Young Spa Inc., lessee.

SUBJECT – Application August 16, 2005 – Under Z.R. 73-36 to allow the operation of a physical culture establishment in the cellar, first floor and first floor mezzanine of a ten story commercial building which is contrary to §32-21 Z.R.

PREMISES AFFECTED – 32 East 31st Street, East 31st Street between Park and Madison Avenues, Block 860, Lot 55, Borough of Manhattan

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Fredrick A. Becker.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to April 25, 2006, at 1:30 P.M., for decision, hearing closed.

202-05-BZ

APPLICANT – Eric Palatnik, P.C., for Steve Chon, owner; Inn Spa World, Inc., lessee.

SUBJECT – Application August 24, 2005 – Under Z.R. to §73-36 to allow the proposed Physical Culture Establishment in a Manufacturing (M1-1) zoning district.

PREMISES AFFECTED – 11-11 131st Street, between 11th and 14th Avenues, Block 4011, Lot 24, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Eric Palatnik, Steve Chon, Hiram Rothkrug, Sean McNicholas, Justin K and Vincent Randazzo.

For Opposition: Councilmember Avella, Ivan Vost for Senator Padavan, Fred W. Mazzarello for College Point Board of Trade, Michael A. Delligati, John Azzara, Kathleen

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Georgio, Matha Association, Pauline Giudice, Mario Ciomiso, Maria Jones and others.

ACTION OF THE BOARD – Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

323-05-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP for DB Real Estate Enterprises, LLC, owner.

SUBJECT – Application November 9, 2005 – Under Z.R. §72-21 to allow a proposed two-family dwelling that does not provide a required side yard in an R5 Zoning District; contrary to Z.R. §23-461(b).

PREMISES AFFECTED – 488 Logan Street, West side of Logan Street, 190ft south of intersection with Pitkin Avenue, Block 4227, Lot 33, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Adam Rothkrug

ACTION OF THE BOARD – Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

Jeffrey Mulligan, Executive Director

Adjourned: 4:25 P.M.

SPECIAL HEARING WEDNESDAY MORNING, MARCH 29, 2006 10:00 A.M.

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

350-05-BZY

APPLICANT – Eric Palatnik, P.C., for 49 Properties, LLC, owner.

SUBJECT – Application December 08, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a multi family 4 story residential building under the prior Zoning R6. New Zoning District is R6B as of November 16, 2005.

PREMISES AFFECTED – 245 16th Street, Brooklyn, north side between 4th and 5th Avenue, Block 1048, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Adam Rothkrug

For Opposition: Marie Ciccone and others.

ACTION OF THE BOARD – Laid over to April 11, 2006, at 1:30 P.M., for continued hearing.

353-05-BZY

APPLICANT – Cozen & O'Connor for Emet Veshlom Development, LLC, owner.

SUBJECT – Application December 14, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a 38 unit multiple dwelling and community facility under the prior Zoning R6. New Zoning District is R6B as of November 16, 2005.

PREMISES AFFECTED – 614 7th Avenue, Brooklyn, northwest corner of 7th Avenue and 23rd Street, Block 900, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Howard Hornstein and Peter Geis

For Opposition: Councilmember Tony Avella, Randy Pears, John Burns, Viriana Varquez, Amanda Miller Mic Holwin, Robert Furman, Bill De Blasio, Sara Gonzalez, Russell W. Wylig, Steve Surfaro, Nicholas Avallone, Todd Higgins, Tom Toomey, Monica Statin and others.

For Administrative: Angelina Martinez-Rubio, Department of Buildings.

ACTION OF THE BOARD – Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

354-05-BZY

APPLICANT – Cozen & O'Connor for Global Development, LLC, owner.

SUBJECT – Application December 14, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a 62 unit 11 story multiple dwelling under the prior Zoning R6. New Zoning District is R6B/ C2-3 as of November 16, 2005.

PREMISES AFFECTED – 182 15th Street, Brooklyn, south side of 15th Street, 320 feet west of 5th Avenue, Block 1047, Lot 22 Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Caroline Harris, Ralph Perfetto, John Keefe, Daniel Wiley, Nicholas Enrich, Edna M. Johnson, John Burns, Joe Levine, Ann Schaetzel, Jane Cyphers, Mark King, John Rice and others.

For Administration: Janine Gaylord, Department of Buildings.

ACTION OF THE BOARD – Laid over to April 25, 2006, at 1:30 P.M., for continued hearing.

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355-05-BZY

APPLICANT – Rothkrug, Rothkrug, Weinberg, Spector, LLP for Adda 422 Prospect Avenue, LLC, owner.

SUBJECT – Application December 14, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a multi family 3 story residential building under the prior Zoning R5. New Zoning District is R5B as of November 16, 2005.

PREMISES AFFECTED – 422 Prospect Avenue, Brooklyn, Prospect Avenue, west of 8th Avenue, Block 869, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Adam Rothkrug and Eric Nachowskousky.

For Opposition: ?

For Administration: Angelina Martinez-Rubio, Department of Buildings.

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for continued hearing.

360-05-BZY

APPLICANT – Greenberg & Traurig, LLP for 400 15th Street, LLC, owner.

SUBJECT – Application December 14, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a multi family 3 story residential building under the prior Zoning R5. New Zoning District is R5B as of November 16, 2005.

PREMISES AFFECTED – 400 15th Street, Brooklyn, south side of 15th Street, 205' feet 5" west of intersection of 8th Avenue and 15th Street, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Deidre A. Carson and Leonid Krupnik.

For Opposition: John Keefe, Assemblyman Brennan.

For Administration: Angelina Martinez-Rubio, Department of Buildings.

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for continued hearing.

362-05-BZY

APPLICANT – Greenberg & Traurig, LLP for 6 on 6th LLC, owner.

SUBJECT – Application December 16, 2005 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. 11-331 for a six story residential building under the prior Zoning R6. New Zoning District is R6B as of November 16, 2005.

PREMISES AFFECTED – 639 Sixth Avenue, Brooklyn, east side of Sixth Avenue 128'2" north of intersection of 18th Street and Sixth Avenue, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Deidre Carson.

For Opposition: John Keefe for Assemblyman Brennan, Mic Holwin, Aaron Brashear and Ella Wigh.

For Administration: Angelino Martinez-Rubio, Department of Buildings.

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for continued hearing.

367-05-A

APPLICANT – Greenberg & Traurig, LLP for 6 on 6th Avenue, LLC, owner.

SUBJECT – Application December 22, 2005 – An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to continue development commenced under the prior Zoning R6. New Zoning District is R6B as of November 16, 2005.

PREMISES AFFECTED – 639 Sixth Avenue, east side of Sixth Avenue, 128'2" north of intersection of 18th Street and Sixth Avenue, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant:

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for continued hearing.

368-05-A

APPLICANT – Greenberg & Traurig, LLP for 400 15th Street, LLC, owner.

SUBJECT – Application December 22, 2005 – An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to continue development commenced under the prior Zoning R6. New Zoning District is R6B as of November 16, 2005.

PREMISES AFFECTED – 400 15th Street, south side of 15th Street, 205'-5" west of intersection of 8th Avenue and 15th Street, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant:

ACTION OF THE BOARD – Laid over to May 2, 2006, at 1:30 P.M., for continued hearing.

Jeffrey Mulligan, Executive Director

Adjourned: 12:00 P.M.