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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 91, No. 25

June 22, 2006

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## DIRECTORY

**MEENAKSHI SRINIVASAN, *Chair***

**SATISH BABBAR, *Vice-Chair***

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**CHRISTOPHER COLLINS**

*Commissioners*

**Jeffrey Mulligan, *Executive Director***

**Roy Starrin, *Deputy Director***

**John E. Reisinger, *Counsel***

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<b>OFFICE -</b>	<b>40 Rector Street, 9th Floor, New York, N.Y. 10006</b>
<b>HEARINGS HELD -</b>	<b>40 Rector Street, 6th Floor, New York, N.Y. 10006</b>
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## CONTENTS

DOCKET .....	428
<b>CALENDAR</b> of July 25, 2006	
Morning .....	429
Afternoon .....	430

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# CONTENTS

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**MINUTES of Regular Meetings,  
Tuesday, June 13, 2006**

Morning Calendar ..... 431

**Affecting Calendar Numbers:**

364-04-BZ            690-702 New Lots Avenue, Brooklyn  
413-50-BZ, Vol. II   691/703 East 149<sup>th</sup> Street, Bronx  
1888-61-BZ         93-10 23<sup>rd</sup> Avenue, Queens  
224-66-BZ         325-335 East 49<sup>th</sup> Street, Manhattan  
  71-93-BZ         153-11 Bayside Avenue, Queens  
269-98-BZ         70 East 184<sup>th</sup> Street, Bronx  
182-04-BZ         351/53 West 14<sup>th</sup> Street, Manhattan  
222-04-A thru     486 Arthur Kill Road, Staten Island  
224-04-A            486 Arthur Kill Road, Staten Island  
370-04-A            1511 Egmont Place, Queens  
153-05-A            222-50 and 222-54 141<sup>st</sup> Avenue, Queens  
354-05-BZY        182 15<sup>th</sup> Street, Brooklyn  
372-05-BZY/  
373-05-BZY        28 Webster Avenue, Staten Island

Afternoon Calendar ..... 433

**Affecting Calendar Numbers:**

66-05-BZ            1236 Prospect Avenue, Bronx  
108-05-BZ         224-22 Prospect Court, Queens  
109-05-BZ         224-26 Prospect Court, Queens  
  15-06-BZ         147-22 73<sup>rd</sup> Avenue, Queens  
  28-06-BZ         158 Beaumont Street, Brooklyn  
194-04-BZ thru  
199-04-BZ         9029/31/33/35/37/39 Krier Place, Brooklyn  
286-04-BZ/  
287-04-BZ         85-78/82 Santiago Street, Queens  
351-04-BZ         210-08/12 Northern Boulevard, Queens  
381-04-BZ         83 Bushwick Place, Brooklyn  
  47-05-BZ         90-15 Corona Avenue, Queens  
204-05-BZ         2211 Avenue T, Brooklyn  
290-05-BZ         1824 53<sup>rd</sup> Street, Brooklyn  
  60-06-A            1824 53<sup>rd</sup> Street, Brooklyn  
310-05-A/  
311-05-BZ         165-18/28 Hillside Avenue, Queens  
369-05-BZ         908 Clove Road, Staten Island  
  4-06-BZ            1435 East 21<sup>st</sup> Street, Brooklyn

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# DOCKETS

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New Case Filed Up to June 13, 2006  
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**115-06-BZ**

1820 East 28th Street, West side, 140'-0" south of Avenue R between Avenues R and S, Block 6833, Lot 13, Borough of **Brooklyn, Community Board: 15**. SPECIAL PERMIT-73-622-Proposed to enlarge the second story over the first and enlarge into the rear yard.  
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**116-06-BZ**

172 Norfolk Street, West side, 200'-0" North of Oriental Boulevard, between Oriental and Shore Boulevards, Block 8756, Lot 26, Borough of **Brooklyn, Community Board: 15**. SPECIAL PERMIT-73-622-Proposed to enlarge the second story over the first and enlarge into the rear yard.  
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**117-06-A**

1373 East 13th Street, Between Avenue N and Elm Avenue, Block 6742, Lot 58, Borough of **Brooklyn, Community Board: 14**. Appeals-To rescind a Stop Work Order by DOB and re-instate permit on the grounds that the owners have acquired a common law vested right to complete construction and to obtain a Certificate of Occupancy.  
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**118-06-BZ**

71 Beaumont Street, East side, 220'-0" north of Hampton avenue between Hampton Avenue and Shore Boulevard., Block 8728, Lot 77, Borough of **Brooklyn, Community Board: 15**. SPECIAL PERMIT-73-622-Proposed to enlarge the second story over the first and enlarge forward in the front without encroaching on a front yard.  
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**119-06-BZ**

444 Avenue W, South side, 70'-0" east of East 4th Street, between Avenues R and S., Block 7180, Lot 4, Borough of **Brooklyn, Community Board: 15**. SPECIAL PERMIT-73-622-Proposed to enlarge the second story over the first and enlarge into the rear space (not a required rear yard).  
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**120-06-A**

1427 East 17th Street, Between Avenue N and Avenue O., Block 6755, Lot 91, Borough of **Brooklyn, Community Board: 14**. Appeal-Rescind a Stop Work Order issued by DOB and re-instate DOB Permit #302058840-01 on the grounds that the owner have acquired a common law vested right to complete construction and obtain a Certificate of Occupancy.  
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**121-06-BZ**

495 East 180th Street, Northwest corner of the intersection formed between 180th Street and Bathgate Avenue., Block 3047, Lot 21, Borough of **Bronx, Community Board: .** SPECIAL PERMIT-11-411 & 11-412-To permit the operation of an automotive service station.  
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**122-06-BZ**

2671 86th Street, West 12th Street and West 11th Street, Block 7115, Lot 27, Borough of **Brooklyn, Community Board: 15**. Under 72-21-Proposed enlargement of medical office building, and construction of residences without required front yard and side yard.  
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**123-06-BZ**

21 Cheshire Place, Northside 905.04' to Victory Boulevard, Block 240, Lot 77, Borough of **Staten Island, Community Board: 1**. Under 72-21-to legalize the existing one (1) room, one (1) story addition which encroaches upon the required rear yard.  
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**124-06-BZ**

1078 East 26th Street, East 26th Street between Avenue J and Avenue K, Block 7607, Lot 83, Borough of **Brooklyn, Community Board: 14**. SPECIAL PERMIT-73-622-To allow the enlargement of a single family residence.  
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**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.**

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# CALENDAR

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**JULY 25, 2006, 10:00 A.M.**

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

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**SPECIAL ORDER CALENDAR**

**106-76-BZ**

APPLICANT – Carl A. Sulfaro, Esq., for Amerada Hess Corp., owner.  
SUBJECT – Application May 2, 2006 - Pursuant to ZR 72-01 to reopen and amend the BSA resolution to construct a new one story accessory convenience store, replace the existing metal canopy, pumps and pump islands and to remove two curb cuts and replace with one curb cut. The premise is located in an R3-2 zoning district.  
PREMISES AFFECTED – 129-15 North Conduit Avenue, northeast corner of 129<sup>th</sup> Street, Block 11863, Lot 12, Borough of Queens.  
**COMMUNITY BOARD #10Q**

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**998-83-BZ**

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Ldk Realty Inc., owner.  
SUBJECT – Application April 10, 2006 – Reopening for an extension of term of variance permitting accessory parking to a eating and drinking establishment (UG-6) in an R3-2 zoning district, contrary to section 22-10 of the zoning resolution. The current term expired on April 10, 2004. Staten Island Community Board 2.  
PREMISES AFFECTED – 2940/4 Victory Boulevard, south side of Victory Boulevard, 25.47' west of Saybrook Street, Block 2072, Lots 57, 65, Borough of Staten Island.  
**COMMUNITY BOARD #2SI**

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**291-00-BZ**

APPLICANT – Sheldon Lobel, P.C., for Torah Academy High School, owner.  
SUBJECT – Application May 9, 2006 - Extension of Time to complete construction of a Special Permit, Use Group 3 for a yeshiva (Torah Academy High School) which expired on April 9, 2006. The premise is located in an C8-2 zoning district.  
PREMISES AFFECTED – 2316-2324 Coney Island Avenue, Block 7112, Lots 9, 10, Borough of Brooklyn.  
**COMMUNITY BOARD #15BK**

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**189-03-BZ**

APPLICANT – Sheldon Lobel, P.C., for Bill Wolf Petroleum Corp., owner.  
SUBJECT – Application June 14, 2006 - Extension of Time/Waiver to complete construction and obtain a Certificate of Occupancy for an automotive service station with an accessory convenience store which expired on October 21, 2005. The premise is located in a C2-2/R-5 zoning district.  
PREMISES AFFECTED – 836 East 233<sup>rd</sup> Street, southeast corner of 233<sup>rd</sup> Street and Bussing Avenue, block 4857, Lots 44, 41, Borough of The Bronx.  
**COMMUNITY BOARD #12BX**

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**362-03-BZ**

APPLICANT – Sheldon Lobel, P.C., for Reiss Realty Corporation, owner.  
SUBJECT – Application June 1, 2006 - Extension of Time to obtain a Certificate of Occupancy for an accessory parking lot to a commercial use group which expired on May 11, 2006. The premise is located in an R8 zoning district.  
PREMISES AFFECTED – 428 West 45<sup>th</sup> Street, south side of West 45<sup>th</sup> Street, between 9<sup>th</sup> and 10<sup>th</sup> Avenues, Block 1054, Lot 48, Borough of Manhattan.  
**COMMUNITY BOARD #4M**

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**APPEALS CALENDAR**

**63-06-A**

APPLICANT – Sheldon Lobel, P.C.,  
OWNERS: Kevin and Alix O'Mara  
SUBJECT – Application April 11, 2006 – Appeal seeking to revoke permits and approvals which allows an enlargement to an existing dwelling which violates various provisions of the Zoning Resolution and Building Code regarding required setbacks and building frontage.  
PREMISES AFFECTED – 160 East 83<sup>rd</sup> Street, Lexington Avenue and Third Avenue, Block 1511, Lot 45, Borough of Manhattan.  
**COMMUNITY BOARD #8M**

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**81-06-A**

APPLICANT – Whitney Schmidt, Esq.  
OWNERS: Kevin and Alix O'Mara  
SUBJECT – Application May 2, 2006 – Appeal seeking to revoke permits and approvals which allows an enlargement to an existing dwelling which violates various provisions of the Zoning Resolution and Building code regarding required setbacks and building frontage.  
PREMISES AFFECTED – 160 East 83<sup>rd</sup> Street, Lexington Avenue and Third Avenue, Block 1511, Lot 45, Borough of Manhattan.  
**COMMUNITY BOARD #8M**

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# CALENDAR

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**JULY 25, 2006, 1:30 P.M.**

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

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**ZONING CALENDAR**

**364-04-BZ**

APPLICANT – Sheldon Lobel, P.C., for New Lots Avenue, LLC, owner.

SUBJECT – Application November 18, 2004 – pursuant to Z.R. §72-21 to permit the proposed construction of a one-story commercial building, for use as three retail stores, Use Group 6, located within a residential district, is contrary to Z.R. §22-00.

PREMISES AFFECTED – 690/702 New Lots Avenue, south side, between Jerome and Warwick Streets, Block 4310, Lots 5, 7, 8 and 10, Borough of Brooklyn.

**COMMUNITY BOARD #5BK**

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**298-05-BZ**

APPLICANT – Rampulla Associates Architects, for Pasquale Pappalardo, owner.

SUBJECT – Application October 4, 2005 – Variance pursuant to Z.R. Section 72-21 to construct a new two-story office building (Use Group 6) with accessory parking for 39 cars. The premises is located in an R3X zoning district. The site is currently vacant and contains an abandoned greenhouse building from when the site was used as a garden center. The proposal is contrary to the district use regulations pursuant to Z.R. Section 22-00.

PREMISES AFFECTED – 1390 Richmond Avenue, bound by Richmond Avenue, Lamberts Lane and Globe Avenue, Block 1612, Lot 2, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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**10-06-BZ**

APPLICANT – Harold Weinberg, for David Cohen, owner.

SUBJECT – Application January 12, 2006 – Pursuant to ZR 73-622 Special Permit for the enlargement of a single family residence which increase the degree of non-compliance for lot coverage and side yards (23-141 & 23-48), exceeds the maximum permitted floor area (23-141) and proposes less than the minimum rear yard (23-47). The premise is located in an R4 zoning district.

PREMISES AFFECTED – 2251 East 12<sup>th</sup> Street, east side 410' south of Avenue V between Avenue V and Gravesend Neck Road, Block 7372, Lot 67, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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**55-06-BZ**

APPLICANT – Rampulla Associates Architects, for Nadine Street, LLC, owner.

SUBJECT – Application March 24, 2006 – Zoning variance pursuant to ZR Section 72-21 to allow a proposed office building in an R3-2/C1-1 (NA-1) district to violate applicable rear yard regulations; contrary to ZR sections 33-26 and 33-23. Special Permit is also proposed pursuant to ZR Section 73-44 to allow reduction in required accessory parking spaces.

PREMISES AFFECTED – 31 Nadine Street, St. Andrews Road and Richmond Road, Block 2242, Lot (Tentative 92, 93, 94), Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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**127-06-BZ**

APPLICANT – Stadtmauer Bailkin, LLP, for Kaufman Center, owner.

SUBJECT – Application June 16, 2006 – Zoning variance pursuant to Z.R. Section 72-21 to enlarge an existing community facility building. Proposal is non-compliant regarding floor area ratio (FAR) and rear yard. The site is located within a C4-7(L) zoning district; contrary to Z.R. 33-123 and 33-26.

PREMISES AFFECTED – 129 West 67<sup>th</sup> Street, north side of 67<sup>th</sup> Street, between Broadway and Amsterdam Avenue, Block 1139, Lots 1, 8, 57, 107, Borough of Manhattan.

**COMMUNITY BOARD #7M**

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*Jeff Mulligan, Executive Director*

# MINUTES

## REGULAR MEETING TUESDAY MORNING, JUNE 13, 2006 10:00 A.M.

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

The motion is to approve the minutes of regular meetings of the Board held on Tuesday morning and afternoon, March 28, 2006 as printed in the bulletin of April 6, 2006, Volume 91, Nos. 13 & 14. If there be no objection, it is so ordered.

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## SPECIAL ORDER CALENDAR

### 364-04-BZ

APPLICANT – Sheldon Lobel, for New Lots Avenue, LLC, owner.

SUBJECT – Application to consider Dismissal.

PREMISES AFFECTED – 690-702 New Lots Avenue, south side of New Lots Avenue between Jerome Street and Warwick Street, Block 4310, Lots 5, 7, 8 & 10, Borough of Brooklyn

### COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Ron Mandel.

**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, June 13, 2006.

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### 413-50-BZ, Vol. II

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

SUBJECT – Application October 12, 2005 - pursuant to ZR 11-411 & 11-412 for an Extension of Term of a Gasoline Service Station-UG 16 (BP North America) for ten years which expired on November 18, 2005. This instant application is also for an Amendment to legalize modifications to the previously approved signage on site.

PREMISES AFFECTED – 691/703 East 149<sup>th</sup> Street, northwest corner of Jackson Avenue, Block 2623, Lot 140, Borough of The Bronx.

### COMMUNITY BOARD #15BX

APPEARANCES –

For Applicant:

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 10 A.M., for continued hearing.

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### 1888-61-BZ

APPLICANT – Alfonso Duarte, for Ali Amanolahi, owner.  
SUBJECT – Application June 21, 2005 – Pursuant to Z.R. §11-412 for an Amendment to an eating and drinking establishment and catering hall for the further increase in floor area and the to legalize the existing increase in floor area, the separate entrance to the catering hall and the drive thru at the front entrance. The premise is located in an R3-2 zoning district.

PREMISES AFFECTED – 93-10 23<sup>rd</sup> Avenue, southwest corner of 94<sup>th</sup> Street, Block 1087, Lot 1, Elmhurst, Borough of Queens.

### COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Alfonso Duarte, P.E.

**ACTION OF THE BOARD** – Laid over to August 15, 2006, at 10 A.M., for continued hearing.

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### 224-66-BZ

APPLICANT – Peter Hirshman, for Building Management Co., owner.

SUBJECT – September 23, 2005 - Extension of Term & Waiver for the re-establishment of transient parking use within the existing garage of a multiple dwelling which expired on June 14, 2001. The proposed term of this filing is for ten (10) years. The premise is located in an R8B zoning district.

PREMISES AFFECTED – 325-335 East 49<sup>th</sup> Street, aka 328-334 50<sup>th</sup> Street, northside of East 49<sup>th</sup> Street, 262’-4” west of First Avenue, Block 1342, Lots 12,13,15,39-41, 111, 139, Borough of Manhattan.

### COMMUNITY BOARD #6M

APPEARANCES –

For Applicant:

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 10 A.M., for decision, hearing closed.

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### 71-93-BZ

APPLICANT – Paul F. Bonfilio, for Vincenzo Farruggio, owner.

SUBJECT – Application May 11, 2006 - Amendment to a previously granted Variance ZR72-21 to construct an additional single family residence on one zoning lot that has been sub-divided into two tax lots. The proposed application does not have the required 15' front yard and is contrary to ZR 23-45.

PREMISES AFFECTED – 153-11 Bayside Avenue, 193’ west of 154<sup>th</sup> Street, Block 4835, Lot 27, Borough of Queens.

### COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant:

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

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# MINUTES

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Commissioner Chin and Commissioner Collins.....4  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 11, 2006, at 10 A.M., for decision, hearing closed.

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**269-98-BZ**

APPLICANT – Mothiur Rahman, for Mothiur Rahman, owner.

SUBJECT – Application April 12, 2006 -pursuant to ZR 72-01 for the Extension of Time to Complete Construction and to obtain a Certificate of Occupancy for the construction of a two story building for commercial use (Retail UG6) in a residential use district.

PREMISES AFFECTED – 70 East 184<sup>th</sup> Street, aka 2363 Morris Avenue, south side of East 184<sup>th</sup> Street, corner formed by the intersection of Morris Avenue, Block 3183, Lot 42, Borough of The Bronx.

**COMMUNITY BOARD #5BX**

APPEARANCES –

For Applicant:

**ACTION OF THE BOARD** – Date to determined at a later date at the applicant’s request.

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**182-04-BZ**

APPLICANT – Stadtmauer Bailkin, LLP, for Chelsea Village Associates, owner; Harmic III, LLC, lessee.

SUBJECT – Application January 17, 2006 – Reopening for an amendment permit proposed eating and drinking establishment (comedy theater), Use Group 12, on a zoning lot, split between a C6-2A and R8B zoning district, of which a portion is located in the R8B district, is contrary to Z.R. §22-10.

PREMISES AFFECTED – 351/53 West 14th Street, north side, between Eighth and Ninth Avenues, Block 738, Lot 8, Borough of Manhattan.

**COMMUNITY BOARD #4M**

APPEARANCES –

For Applicant:

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 10 A.M., for continued hearing.

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**APPEALS CALENDAR**

**222-04-A thru 224-04-A**

APPLICANT – Rothkrug, Rothkrug, Weinberg, & Spector,

LLC for Dalip Karpuzi, owner.

SUBJECT – Application 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, and 120, 122 Pemberton Avenue, Block 5450, Lots 37, 35 and 36, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES –

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 10 A.M., for decision, hearing closed.

-----  
**370-04-A**

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

SUBJECT – Application November 23, 2004 – to permit 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.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 10 A.M., for decision, hearing closed.

-----  
**153-05-A**

APPLICANT – Rothkrug, Rothkrug, Weinberg, Spector, LLP for MSP Development, owner.

SUBJECT – Application filed on June 28, 2005 – Proposed construction of a two family homes, which lies in the bed of a mapped street (141<sup>st</sup> Avenue) which is contrary to Section 35 of the General City Law. Premises is located in R3-2 zoning district.

PREMISES AFFECTED – 222-50 and 222-54 141<sup>st</sup> Avenue, Block 13149, Lot 148, 48, Borough of Queens.

**COMMUNITY BOARD #13Q**

APPEARANCES –

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 10 A.M., for continued hearing.

# MINUTES

TUESDAY AFTERNOON, JUNE 13, 2006  
1:30 P.M.

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**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 15<sup>th</sup> Street, Brooklyn, south side of 15<sup>th</sup> Street, 320 feet west of 5<sup>th</sup> Avenue, Block 1047, Lot 22 Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

APPEARANCES –

For Applicant: Howard Hornstein and Peter Geis.

For Opposition: Michael J. Schweinsburg of Office of Councilwoman Gonzalez, Hannibal Galin, Jane Cypher, Bo Samjopoulos, Joe Levine, and Jay Zeid.

For Administration: Janine Garland, Department of Buildings.

THE VOTE TO CLOSE HEARING –

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

THE VOTE TO REOPEN HEARING –

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

**ACTION OF THE BOARD** – Laid over to July 25, 2006, at 10 A.M., for continued hearing.

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**372-05-BZY & 373-05-BZY**

APPLICANT – Adam Rothkrug, for Woodrow Estates North LLC, owner.

SUBJECT – Application December 27, 2005 – Proposed extension of time to renew building permits and complete construction of a development pursuant to Z.R. §11-332. Prior R4 Zoning District. Current R3-A (HS) Zoning District.

PREMISES AFFECTED – 28 Webster Avenue (aka 101 Stanley Avenue) Block 111, Lot 15, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

APPEARANCES –

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** – Laid over to July 11, 2006, at 10 A.M., for continued hearing.

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*Jeffrey Mulligan, Executive Director*

Adjourned: 1:00 P.M.

**REGULAR MEETING**

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

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**ZONING CALENDAR**

**66-05-BZ**

APPLICANT – Sheldon Lobel, P.C., for Leemilt's Petroleum Inc., owner.

SUBJECT – Application March 16, 2005 – Special Permit filed Under Z.R. §§11-411 and 11-413 of the zoning resolution to request the reinstatement of an expired, pre-1961, variance, and to request authorization to legalize the change of use from a gasoline service station with accessory automotive repairs, to an automotive repair facility without the sale of gasoline, located in a C2-4/R7-1 zoning district. PREMISES AFFECTED – 1236 Prospect Avenue, southeast corner of Prospect Avenue and Home Street, Block 2693, Lot 29, Borough of The Bronx.

**COMMUNITY BOARD #2BX**

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 Bronx Borough Commissioner, dated February 24, 2005 acting on Department of Buildings Application No. 200929193, reads, in pertinent part:

“Continued use . . . of the automotive service station is contrary to Board of Standards and Appeals resolution 176-35-BZ, Vol. III, and is not permitted as-of-right in an R7-1/C2-4 zoning district.”; and

WHEREAS, this is an application for a reinstatement of a prior Board approval and an extension of term, pursuant to ZR § 11-411, and a legalization of a change in use from a gasoline service station with accessory automotive repairs (UG 16), to an automotive repair facility without the sale of gasoline (UG 16), pursuant to ZR § 11-413; and

WHEREAS, a public hearing was held on this application on March 7, 2006, after due notice by publication in the *City Record*, with continued hearings on April 11, 2006 and May 16, 2006, and then to decision on June 13, 2006; and

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

WHEREAS, the premises is located on the southeast corner of Prospect Avenue and Home Street in a C2-4 (R7-1) zoning district; and

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# MINUTES

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WHEREAS, the subject zoning lot is trapezoid-shaped and has a total lot area of approximately 8,740 sq. ft.; and

WHEREAS, the site is currently occupied by a 2,061 sq. ft. automotive repair facility, with accessory parking for vehicles awaiting service; and

WHEREAS, the Board originally granted a variance to permit the erection and maintenance of a gasoline service station on October 15, 1935 under BSA Cal. No. 176-35-BZ; and

WHEREAS, subsequently, the variance was re-established, amended, and extended by the Board at various times, most recently on January 4, 1983, when the Board permitted an extension of term for a gasoline service station with accessory uses for a term of ten years, expiring on July 24, 1991; and

WHEREAS, the applicant represents that the premises is improved upon with an existing automotive repair facility without the sale of gasoline (UG 16); and

WHEREAS, the applicant represents further that there has been no enlargement to the zoning lot or the building, and the only changes to the site from the time of the last grant are the removal of the gasoline pumps, the conversion of the auto wash bay to a fourth service bay, the addition of parking for vehicles awaiting service, and the installation of an enclosed fence for vehicles awaiting service; a UG 16 use has been in occupancy at the site on a continuous basis since the expiration noted above; and

WHEREAS, the applicant now proposes to reinstate the prior grant, legalize the existing use, and obtain a new ten-year term; and

WHEREAS, at hearing, the Board asked the applicant to remove the two storage sheds present at the southeast corner of the site since they were not part of the previous grants; and

WHEREAS, the applicant submitted a revised site plan indicating that the storage sheds would be removed; and

WHEREAS, additionally, the Board reviewed the position of the curb cuts and identified traffic circulation and safety concerns; and

WHEREAS, the Board asked the applicant to relocate the curb cut on Prospect Avenue, south of the intersection with Home Street, away from the intersection in order to provide better circulation and a safer condition; and

WHEREAS, the Board asked the applicant to remove the second curb cut on Prospect Avenue, to the east of the one at the intersection; and

WHEREAS, the applicant submitted a revised site plan that shows the first Prospect Avenue curb cut moved to the east, away from the intersection, and the second one removed; and

WHEREAS, during the site visit, the Board observed non-complying signage and asked the applicant to have it removed; and

WHEREAS, the Board also asked the applicant for evidence that the site was maintained free of graffiti; and

WHEREAS, the applicant submitted photographs of the site demonstrating the sign removal and a letter from the operator detailing his efforts to keep the building free of graffiti; and

WHEREAS, pursuant to ZR § 11-411, the Board may extend the term of an expired variance; and

WHEREAS, pursuant to ZR § 11-413, the Board may grant a request for a change in use from one non-conforming use to another non-conforming use in the same use group; and

WHEREAS, the Board has determined that evidence in the record supports the findings required to be made under ZR §§ 11-411 and 11-413.

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR 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 each and every one of the required findings under ZR §§ 11-411 and 11-413, for a reinstatement of a prior Board approval, an extension of term, and a legalization of a change in use from a gasoline service station with accessory automotive repairs (UG 16), to an automotive repair facility without the sale of gasoline (UG 16); *on condition* that any and all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received March 16, 2006"-(2) sheets and "May 30, 2006"-(2) sheets; and *on further condition*:

THAT this permit shall be for a term of ten years, to expire on June 13, 2016;

THAT the hours of operation shall be from 8 A.M. to 7 P.M., Monday through Saturday;

THAT no gas pumps shall be installed on the site;

THAT the lot shall be kept free of dirt and debris;

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 the layout of the property, location and size of the fence shall be as approved by the Department of Buildings;

THAT all signage shall comply with C1-1 zoning regulations;

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, June 13, 2006.

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## 108-05-BZ

APPLICANT – Rothkrug Rothkrug, Weinberg & Spector, for Avi Mansher, owner.

SUBJECT – Application May 11, 2005 – Under Z.R. §72-21

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# MINUTES

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to permit the construction of a one-family semi attached dwelling that does not provide the required front yard, contrary to section 23-462 of the zoning resolution. The site is located in an R3-2 zoning district. The subject site is Tax Lot #74, the companion case, 109-05-BZ is Tax Lot #76 on the same zoning lot.

PREMISES AFFECTED – 224-22 Prospect Court, northwest corner of Prospect Court and 225<sup>th</sup> Street, Block 13071, Lot 13, Borough of Queens.

## COMMUNITY BOARD #13Q

### APPEARANCES –

For Applicant: Adam W. Rothkrug

For Opposition: Judith Charrington.

**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 Queens Borough Commissioner, dated June 2, 2006, acting on Department of Buildings Application No. 402039511, reads:

“Proposed one family dwelling without a required rear yard is contrary to Section 23-47 ZR and must be referred to the Board of Standards and Appeals  
Proposed one family dwelling without a required front yard is contrary to Section 23-45 ZR and must be referred to the Board of Standards and Appeals”;  
and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R3-2 zoning district, the proposed construction of a two-story, single-family residence, which does not comply with the zoning requirements for rear yard and front yard, contrary to ZR §§ 23-47 and 23-45; and

WHEREAS, this application was filed concurrently with a companion application brought under BSA Cal. No. 109-05-BZ, for an adjacent single family dwelling at 226-22 Prospect Court, Lot 76, decided this same date; and

WHEREAS, the Board notes that the subject site was before the Board in 2004, pursuant to a variance application filed under Cal. No. 365-03-BZ; the application sought an additional side yard waiver as well as authorization to re-use illegal construction at the premises (discussed further below); and

WHEREAS, the Board dismissed this application without prejudice for failure to prosecute; during the hearing process, the Board repeatedly informed the applicant that the site plan was unacceptable as it did not provide the required side yards, but the applicant did not submit a revised plan; and

WHEREAS, subsequently, the applicant filed the instant application and the companion application; and

WHEREAS, the Board notes that the original version of the current applications proposed two semi-detached homes; and

WHEREAS, after the Board expressed concern that this proposal was out of character with the neighborhood, the

applicant revised the proposal to reflect detached homes; and

WHEREAS, initially, the applicant only presented the Board with a front yard objection for this proposal; however, during the course of the hearing process, the Board ascertained that the proposed dwelling at the subject premises also required a rear yard objection, since it was located more than 100 ft. from an intersection and thus did not qualify for the exemption from rear yard; and

WHEREAS, instead, a 10 ft. rear yard is required for this interior lot portion; the applicant will provide 5 ft.; and

WHEREAS, the applicant states, and the Board agrees, that placing the proposed dwelling within this 100 ft. distance from the corner would have required that the development proceed as a semi-detached scheme, which is less desirable given the length and narrowness of the lot; and

WHEREAS, a public hearing was held on this application on January 24, 2006, after due notice by publication in *The City Record*, with continued hearings on March 7, 2006, April 11, 2006, and then to decision on May 16, 2006, on which date the decision was deferred until June 13, 2006; and

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

WHEREAS, Community Board 13, Queens, recommends disapproval of the revised version of this application, stating that the proposed three ft. front yard where a 10 ft. front yard is required (along Prospect Avenue) is inadequate and incompatible with the surrounding homes; and

WHEREAS, certain neighbors to the site appeared at hearing in opposition to this application, claiming that: (1) the illegal construction of dwellings that did not comply with applicable zoning regulations caused damage to their property; (2) the survey used by the applicant is incorrect as to the location of the rear lot line; and (3) the site is improperly fenced and poorly maintained; all of these issues are addressed below; and

WHEREAS, the record indicates that the subject premises is located on the northwest corner of Prospect Court and 225<sup>th</sup> Street; and

WHEREAS, the site consists of two tax lots, Lot 74 (the subject lot) and Lot 76 (the adjacent lot), which together are one zoning lot; and

WHEREAS, the site is a 26.5 ft. wide by 184.2 ft. deep lot, with a total lot area of 4,976 sq. ft.; and

WHEREAS, the site is currently occupied by partially constructed dwellings, built pursuant to permits that were determined by DOB to have been issued in error; and

WHEREAS, these dwellings do not comply with the front yard and side yard requirements, and, at the suggestion of the Board, will be completely razed, including foundations; and

WHEREAS, on Lot 74, which is the lot further from the corner of Prospect Court and 225<sup>th</sup> Street, it is proposed to construct a two-story and cellar, single-family detached dwelling, 18.5 ft. in width by 37 ft. in depth, with a complying floor area of 1,369 sq. ft. (0.55 FAR); and

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# MINUTES

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WHEREAS, this dwelling will comply in all respects with the applicable zoning parameters except for: (1) the front yard along Prospect Court; a ten ft. front yard is required, but a three ft. side yard is proposed; and (2) the rear yard behind the proposed dwelling; a ten ft. rear yard is required, but a five ft. rear yard is proposed; and

WHEREAS, the home will also be built on new foundations instead of those of the illegal construction, and will be fully detached from the proposed neighboring home on Lot 76, with approximately 70 ft. between the two homes; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties in developing the subject lot in compliance with underlying district regulations: the 26.5 ft. width of the site would result in an as of right building of only 6.5 ft. in width, if both the rear yard and front yard requirements were applied; and

WHEREAS, the applicant states that the width of the site is insufficient to sustain a habitable development that complies with all applicable yard requirements, thus necessitating the requested seven ft. front yard waiver and five ft. rear yard waiver; and

WHEREAS, the applicant has submitted a radius diagram that illustrates that the configuration of the site and its width are unique conditions relative to other sites in the neighborhood; and

WHEREAS, in particular, the Board observes that the subject site is the only residentially zoned site in the neighborhood that has such a wide street frontage, and which abuts the rear yards of adjacent properties for its entire width; and

WHEREAS, based upon the above, the Board finds that the aforementioned unique condition creates practical difficulty in developing the site in compliance with the applicable zoning provisions concerning yards for corner lots; and

WHEREAS, the applicant states that without the requested waiver, no residence could be constructed on the property; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in any development of the property; and

WHEREAS, the applicant states that the building will comply with R3-2 zoning regulations in all other respects other than front and rear yard; and

WHEREAS, in particular, the applicant notes that the plans for the proposed dwelling on Lot 74 reflect a 25'-0" side yard and a complying distance between it and the other proposed dwelling on Lot 76; and

WHEREAS, at hearing, the Board expressed concern about the proposed construction, given the allegations about property damage to the neighboring properties from the illegal construction, and asked the applicant to clarify that the cellar of the proposed building will not extend to the rear lot line or include any portion of the existing illegal foundation; and

WHEREAS, in response, the applicant cited to the cellar plan, which indicates that the cellar will not be built to the lot line and that none of the foundation would be retained; and

WHEREAS, the Board also expressed concern about the security and cleanliness of the site, and asked the applicant to provide pictures showing that the site had been properly fenced and cleaned up; and

WHEREAS, in response, the applicant provided photos of the fence, and submitted a receipt for debris cleaning services; and

WHEREAS, the applicant subsequently submitted pictures showing that the site was cleaned; and

WHEREAS, the Board notes that it is imposing conditions in this resolution highlighting the need to comply with all Building Code requirements regarding protection of adjacent property and site safety and cleanliness during construction; and

WHEREAS, finally, as to the survey, the Board notes that although the neighbors complained that the survey submitted by the applicant was inaccurate, the property line dispute is not properly before it, as the subject application is one for a variance; and

WHEREAS, further, disputes as to property damage should be resolved in another forum, if necessary; 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 notes that the depth of the site and its location on the corner are not conditions that were created by the owner; instead, they are pre-existing conditions inherent to the site; and

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

WHEREAS, because the only requested waivers are for front and rear yard, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, accordingly, 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 determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 72-21, to permit, within an R3-2 zoning district, the proposed construction of a two-story, single-family residence, which does not comply with the zoning requirements for rear yard and front yard, contrary to ZR § 23-47 and 23-45; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 28, 2006"-(5) sheets and "June 6, 2006"-(1) sheet; and *on further condition*:

THAT there shall be no habitable floor area in the attic;  
THAT the above condition shall be listed on the

# MINUTES

certificate of occupancy;

THAT a valid Demolition permit shall be obtained within 120 days from the date of this grant;

THAT professional certification of the Demolition permit, or any other permit related to the construction of the subject building, is not permitted;

THAT the owner shall demolish the existing illegal construction, including the foundation, pursuant to a validly issued Demolition permit, issued upon examination by the Department of Buildings, and said Demolition permit shall have received sign-off by DOB prior to the issuance of any New Building, excavation, or foundation permit;

THAT during demolition, excavation, foundation construction, and building construction, all applicable Building Code and other legal requirements pertaining to protection of adjacent structures, underpinning, establishment of property boundary lines, and site security, fencing, and upkeep shall be complied with;

THAT except for a front yard along Prospect Court of three ft. and a rear yard of 5 ft., the subject lot shall comply with all R3-2 zoning district requirements, as reviewed and approved by DOB;

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, June 13, 2006.

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## 109-05-BZ

APPLICANT – Rothkrug Rothkrug, Weinberg & Spector, for Avi Mansher, owner.

SUBJECT – Application May 11, 2005 – Under Z.R. §72-21 to permit the construction of a one-family semi attached dwelling that does not provide the required front yard, contrary to section 23-462 of the zoning resolution. The site is located in an R3-2 zoning district. The subject site is Tax Lot #76, the companion case, 108-05-BZ is Tax Lot #74 on the same zoning lot.

PREMISES AFFECTED – 224-26 Prospect Court, northwest corner of Prospect Court and 225<sup>th</sup> Street, Block 13071, Lot

76, Borough of Queens.

## COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Adam W. Rothkrug

For Opposition: Judith Charrington.

**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 Queens Borough Commissioner, dated June 2, 2006, acting on Department of Buildings Application No. 402039511, reads, in pertinent part:

“Proposed one family dwelling without a required front yard is contrary to Section 23-45 ZR and must be referred to the Board of Standards and Appeals”; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R3-2 zoning district, the proposed construction of a two-story, single-family residence, which does not comply with the zoning requirement for front yard, contrary to ZR § 23-45; and

WHEREAS, this application was filed concurrently with a companion application brought under BSA Cal. No. 108-05-BZ, for an adjacent single family dwelling at 224-22 Prospect Court, Lot 74, decided this same date; and

WHEREAS, the Board notes that the subject site was before the Board in 2004, pursuant to a variance application filed under Cal. No. 365-03-BZ; the application sought an additional side yard waiver as well as authorization to re-use illegal construction at the premises (discussed further below); and

WHEREAS, the Board dismissed this application without prejudice for failure to prosecute; during the hearing process, the Board repeatedly informed the applicant that the site plan was unacceptable as it did not provide the required side yards, but the applicant did not submit a revised plan; and

WHEREAS, subsequently, the applicant filed the instant application and the companion application; and

WHEREAS, the Board notes that the original version of the current applications proposed two semi-detached homes; and

WHEREAS, after the Board expressed concern that this proposal was out of character with the neighborhood, the applicant revised the proposal to reflect detached homes; and

WHEREAS, a public hearing was held on this application on January 24, 2006, after due notice by publication in *The City Record*, with continued hearings on March 7, 2006 and April 11, 2006, and then to decision on May 16, 2006, on which date the decision was deferred until June 13, 2006; 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,

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# MINUTES

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Commissioner Chin and Commissioner Collins; and

WHEREAS, Community Board 13, Queens, recommends disapproval of the revised version of this application, stating that the proposed three ft. front yard where a 10 ft. front yard is required (along Prospect Avenue) is inadequate and incompatible with the surrounding homes; and

WHEREAS, certain neighbors to the site appeared at hearing in opposition to this application, claiming that: (1) the illegal construction of dwellings that did not comply with applicable zoning regulations caused damage to their property; (2) the survey used by the applicant is incorrect as to the location of the rear lot line; and (3) the site is improperly fenced and poorly maintained; all of these issues are addressed below; and

WHEREAS, the record indicates that the subject premises is located on the northwest corner of Prospect Court and 225<sup>th</sup> Street; and

WHEREAS, the site consists of two tax lots, Lot 76 (the subject lot) and Lot 74 (the adjacent lot), which together are one zoning lot; and

WHEREAS, the site is a 26.5 ft. wide by 184.2 ft. deep corner lot, with a total lot area of 4,976 sq. ft.; and

WHEREAS, the site is currently occupied by partially constructed dwellings, built pursuant to permits that were determined by DOB to have been issued in error; and

WHEREAS, these dwellings do not comply with the front yard and side yard requirements, and, at the suggestion of the Board, will be completely razed, including foundations; and

WHEREAS, on Lot 76, it is proposed to construct a two-story and cellar, single-family detached dwelling, 18.5 ft. in width by 37 ft. in depth, with a complying floor area of 1,369 sq. ft. (0.55 FAR); and

WHEREAS, this dwelling will comply in all respects with the applicable zoning parameters except for the front yard along Prospect Court; a ten ft. front yard is required, but a three ft. side yard is proposed; and

WHEREAS, the home will also be built on new foundations instead of those of the illegal construction, and will be fully detached from the proposed neighboring home on Lot 74, with approximately 70 ft. between the two homes; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties in developing the subject lot in compliance with underlying district regulations: the 26.5 ft. width of the site would result in an as of right building of approximately 11 ft. in width, if the front yard requirement was fully applied; and

WHEREAS, the applicant states that the width of the site is insufficient to sustain a habitable development that complies with all applicable yard requirements, thus necessitating the requested seven ft. front yard waiver; and

WHEREAS, the applicant has submitted a radius diagram that illustrates that the configuration of the site and its width are unique conditions relative to other sites in the neighborhood; and

WHEREAS, in particular, the Board observes that the

subject site is the only residentially zoned site in the neighborhood that has such a wide street frontage, and which abuts the rear yards of adjacent properties for its entire width; and

WHEREAS, based upon the above, the Board finds that the aforementioned unique condition creates practical difficulty in developing the site in compliance with the applicable zoning provisions concerning yards for corner lots; and

WHEREAS, the applicant states that without the requested waiver, no residence could be constructed on the property; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that development in strict compliance with the applicable zoning requirements will result in any development of the property; and

WHEREAS, the applicant states that the building will comply with R3-2 zoning regulations in all other respects other than front and rear yard; and

WHEREAS, in particular, the applicant notes that the plans for the proposed dwelling on Lot 76 reflect complying side yards, and a complying distance between it and the other proposed dwelling on Lot 74; and

WHEREAS, at hearing, the Board expressed concern about the proposed construction, given the allegations about property damage to the neighboring properties from the illegal construction, and asked the applicant to clarify that the cellar of the proposed building will not extend to the rear lot line or include any portion of the existing illegal foundation; and

WHEREAS, in response, the applicant cited to the cellar plan, which indicates that the cellar will not be built to the lot line and that none of the foundation would be retained; and

WHEREAS, the Board also expressed concern about the security and cleanliness of the site, and asked the applicant to provide pictures showing that the site had been properly fenced and cleaned up; and

WHEREAS, in response, the applicant provided photos of the fence, and submitted a receipt for debris cleaning services; and

WHEREAS, the applicant subsequently submitted pictures showing that the site was cleaned; and

WHEREAS, the Board notes that it is imposing conditions in this resolution highlighting the need to comply with all Building Code requirements regarding protection of adjacent property and site safety and cleanliness during construction; and

WHEREAS, finally, as to the survey, the Board notes that although the neighbors complained that the survey submitted by the applicant was inaccurate, the property line dispute is not properly before it, as the subject application is one for a variance; and

WHEREAS, further, disputes as to property damage should be resolved in another forum, if necessary; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the

# MINUTES

surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board notes that the depth of the site and its location on the corner are not conditions that were created by the owner; instead, they are pre-existing conditions inherent to the site; and

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

WHEREAS, because the only requested waivers are for front and rear yard, the Board finds that this proposal is the minimum necessary to afford the owner relief; and

WHEREAS, accordingly, 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 determination under 6 N.Y.C.R.R. Part 617.5 and 617.13 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 72-21, to permit, within an R3-2 zoning district, the proposed construction of a two-story, single-family residence, which does not comply with the zoning requirements for front yard, contrary to ZR § 23-45; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 28, 2006"-(5) sheets and "June 6, 2006"-(1) sheet; and *on further condition*:

THAT there shall be no habitable floor area in the attic;

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

THAT a valid Demolition permit shall be obtained within 120 days from the date of this grant;

THAT professional certification of the Demolition permit, or any other permit related to the construction of the subject building, is not permitted;

THAT the owner shall demolish the existing illegal construction, including the foundation, pursuant to a validly issued Demolition permit, issued upon examination by the Department of Buildings, and said Demolition permit shall have received sign-off by DOB prior to the issuance of any New Building, excavation, or foundation permit;

THAT during demolition, excavation, foundation construction, and building construction, all applicable Building Code and other legal requirements pertaining to protection of adjacent structures, underpinning, establishment of property boundary lines, and site security, fencing, and upkeep shall be complied with;

THAT except for a front yard along Prospect Court of three ft. and a rear yard of 5 ft., the subject lot shall comply with all R3-2 zoning district requirements, as reviewed and approved by DOB;

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, June 13, 2006.

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## 15-06-BZ

APPLICANT – Eric Palatnik, PC for the Yeshiva Tifereth Moshe, Owner.

SUBJECT – Application January 26, 2006 – Zoning Variance (bulk) pursuant to Zoning Resolution Section §72-21 to facilitate the construction of a new yeshiva located in an R4 zoning district. The proposed variance would allow modifications of zoning requirements for lot coverage, side yards, rear yard and height and setback; contrary to Z.R. §§ 24-11, 24-35, 24-36, 24-521 and 24-551.

PREMISES AFFECTED – 147-22 73<sup>rd</sup> Avenue located on the south side of 73<sup>rd</sup> Avenue between 147<sup>th</sup> and 150<sup>th</sup> streets (Block 6682, Lots 11 and 13), Borough of Queens.

## COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Eric Palatnik, Mark Mariscal and Don Goldschein.

**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 3, 2006, acting on Department of Buildings Application No. 402256946, reads, in pertinent part:

- “1-Proposed building exceeds the maximum lot coverage permitted by ZR 24-11.
- 2-Proposed building does not meet the minimum side yard requirements of ZR 24-35.
- 3-Proposed building does not meet the minimum rear yard requirements of ZR 24-36.
- 4-Proposed building violates sky exposure plane and is contrary to ZR 24-521.
- 5-Proposed building does not meet the minimum side setback requirements of ZR 24-551.”; and

WHEREAS, this is an application for a variance pursuant to ZR § 72-21, to permit, on a site within an R4 zoning district, a proposed three-story plus cellar Use Group 3 yeshiva, which does not comply with lot coverage, side yard, rear yard, sky exposure plane, and side setback requirements for community facilities, contrary to ZR §§ 24-11, 24-35, 24-36, 24-521, and 24-551; and

WHEREAS, a public hearing was held on this

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# MINUTES

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application on May 9, 2006, after due notice by publication in *The City Record*, and then to decision on June 13, 2006; and

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

WHEREAS, Community Board 8, Queens, recommends conditional approval of the application with recommendations that there be an interior space for garbage storage, that the design of the façade be compatible with neighboring buildings, and that a fence be erected around the play area; and

WHEREAS, City Councilmember James F. Gennaro has also expressed support for this application; and

WHEREAS, the applicant also submitted affidavits from nearby affected property owners indicating their support of the application; and

WHEREAS, this application is being prosecuted on behalf of Yeshiva Tifereth Moshe, a non-profit religious entity (hereinafter, the "Yeshiva"); and

WHEREAS, the subject premises is located on the south side of 73<sup>rd</sup> Avenue, between 147<sup>th</sup> and 150<sup>th</sup> Streets, and is currently vacant except for remnants of a foundation; and

WHEREAS, the applicant proposes to construct a 44'-6" high building (35 feet is the maximum permitted) without a setback (a setback is required at 35 feet), with 14,267 sq. ft. of floor area (15,246 sq. ft. is the maximum permitted); a FAR of 1.87 (2.0 FAR is permitted for a community facility), with Use Group ("UG") 3 yeshiva use space on the cellar through third floors; and

WHEREAS, the applicant also proposes 66 percent lot coverage (a maximum of 55 percent is permitted); a full encroachment into the side yard at the cellar level (an 8'-0" side yard is required); an encroachment into the sky exposure plane for a portion of the third floor; and a non-complying rear yard above the permitted obstruction on the first floor (a 30'-0" rear yard is required); and

WHEREAS, consequently, the vertical configuration of the building will be as follows: the cellar will be 6'-6" below grade and 5'-6" above grade, with an additional 3'-0" non-cellar mechanical space above grade; the first, second, and third floors will each have a slab to slab height of 12'-0"; and the total height will be 44'-6", exclusive of mechanicals; and

WHEREAS, the cellar and mechanical floor will not set back and will provide partial 8'-0" side yards and a partial 15'-0" front yard; the first, second, and third floors will provide a full 8'-0" of open space at both sides and 15'-0" at the front; and the third floor will be set back 15'-0" from the rear lot line; and

WHEREAS, the proposed building will contain ten classrooms, a full dining room/multi-purpose room and Kosher kitchen, administrative and staff offices, and outdoor recreation space to be located on the terrace at the third floor and roof; and

WHEREAS, the applicant states that the following is the primary programmatic need of the Yeshiva: sufficient classroom and assembly space to accommodate current and future kindergarten through third grade students at one facility; and

WHEREAS, as to the space needs, the applicant notes that

the floor area requested is less than the maximum allowed for the district, but that due to the young age of the students and the need for constant their supervision, the school runs more efficiently if housed in fewer large floors, rather than four or more with smaller floor plates; and

WHEREAS, the applicant represents that a majority of students live in the neighborhood surrounding the subject site; and

WHEREAS, the applicant asserts that relocating the school to a Yeshiva-owned building in a neighborhood where many of the students live will also serve its program needs; and

WHEREAS, the applicant states that the proposed amount of classrooms (ten) would accommodate the current enrollment of 250 students and allow for continued growth; the as-of-right scenario would only allow for six classrooms; and

WHEREAS, the Board accepts that having the classrooms for younger students in close proximity to each other and on fewer floors in the same building and having the school building in the neighborhood where many of the students live are both legitimate programmatic needs of the Yeshiva; and

WHEREAS, the Board acknowledges that the Yeshiva, as a religious educational institution, is entitled to significant deference under the case law of the State of New York as to zoning and as to its ability to rely upon programmatic needs in support of the subject variance application; and

WHEREAS, the applicant states that the following are unique physical conditions which create an unnecessary hardship in developing the site in compliance with applicable regulations: the existing site does not provide the requisite amount of lot area to comply with applicable lot coverage, yard and setback requirements and still allow development of a building that would meet the programmatic needs of the Yeshiva; and

WHEREAS, specifically, the applicant states that the required FAR cannot be accommodated within the as-of-right yard and sky exposure plane parameters and allow for efficient floor plates that will accommodate the young student body, thus necessitating the requested waivers of these provisions; and

WHEREAS, the applicant claims that a complying building would result in a taller building with irregular floor plates at the upper floors because of the sky exposure plane requirement, which would compromise the ability of the Yeshiva to occupy the building in a manner that meets its programmatic needs; and

WHEREAS, the applicant argues that the requested yard and sky exposure plane waivers would enable the Yeshiva to develop the site with a building with viable floor plates; and

WHEREAS, the applicant states that in addition to facilitating a uniform floor plate, the waivers also allow the Yeshiva's height to fit into the context of the neighborhood; and

WHEREAS, the applicant represents that the site has an unusually high water table which prevents the foundation from starting below seven to eight feet; and

WHEREAS, the applicant asserts that the inability to provide a full cellar below grade interferes with the Yeshiva's ability to meet all its programmatic needs on site, and requires

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# MINUTES

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an encroachment into the side yard at that level; and

WHEREAS, based upon the above, the Board finds that the aforementioned unique physical condition, when considered in conjunction with the programmatic needs of the Yeshiva, creates unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, the applicant need not address ZR § 72-21(b) since the Yeshiva is a not-for-profit organization and the proposed development will be in furtherance of its not-for-profit mission; 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, the applicant notes that the proposed use is permitted in the subject zoning district; and

WHEREAS, the applicant also notes that there is a three-story multiple dwelling located two buildings to the east of the site and that there are a number of community facilities interspersed amongst single family homes within the immediate vicinity; and

WHEREAS, as noted above, the applicant has submitted affidavits in support of the project from all but two immediate neighbors who could not be reached; and

WHEREAS, at hearing, the Board requested that the applicant decrease the floor to floor height in an effort to bring down the total building height; and

WHEREAS, at hearing, the project architect provided testimony that the floor to floor height was necessary to accommodate for mechanicals on each floor and that this dimension was standard for this kind of facility; and

WHEREAS, the applicant also submitted a chart noting six other similar educational institutions in Brooklyn and Queens with comparable floor to floor heights; and

WHEREAS, the applicant noted that the traffic impact would be minimal as a majority of students live nearby and would walk to school; and

WHEREAS, the Board observes that the proposed floor area and the proposed use are as of right; and

WHEREAS, accordingly, 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 applicant states that the hardship was not self-created and that no development that would meet the programmatic needs of the Yeshiva could occur on the existing lot; and

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

WHEREAS, the Board finds the requested waivers to be the minimum necessary to afford the Yeshiva the relief needed to both meet its programmatic needs and to construct a building

that is compatible with the character of the neighborhood; 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 6 NYCRR; 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.06BSA051Q, dated May 9, 2006; 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 School Safety Engineering Division of the New York City Department of Transportation (DOT) has reviewed the subject proposal for potential impacts regarding student pedestrian safety as noted in a letter dated April 11, 2005; and

WHEREAS, the April 11, 2005 DOT letter states that “[w]e have no objection for the proposed school at the above-mentioned location;” and

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

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an R4 zoning district, a proposed three-story plus cellar yeshiva, which does not comply with lot coverage, side yard, rear yard, sky exposure plane, and side setback requirements for community facilities, contrary to ZR §§ 24-11, 24-35, 24-36, 24-521, and 24-551, *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 May 30, 2006” – ten (10) sheets; and *on further condition*:

THAT any change in ownership, control or ownership of the building shall require the prior approval of the Board;

THAT there shall be an 11’-0” decorative fence enclosing the play area on the third floor and roof;

THAT all fencing in the rear yard shall comply with

# MINUTES

Building Code regulations;

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

THAT roof-top mechanicals shall comply with all applicable Building Code and other legal requirements, as reviewed and approved by the Department of Buildings; and

THAT some of the parameters of the subject building are as follows: three stories plus a cellar, a community facility and total FAR of 1.87; lot coverage of 66 percent; and a total height of 44'-6"; other parameters are as reflected 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 13, 2006.

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**28-06-BZ**

APPLICANT – Harold Weinberg, P.E., for Moshe Plutchok, owner.

SUBJECT – Application February 16, 2006 – Special Permit, Z.R. §73-622 for the enlargement of an existing single family home which seeks to vary Z.R. §23-141 for increase in floor area, lot coverage and open space ratio, Z.R. §23-461 for side yards and Z.R. §23-47 for less than the required rear yard. The premise is located in an R3-1 zoning district.

PREMISES AFFECTED – 158 Beaumont Street, west side, 300' north of Oriental Boulevard, between Oriental Boulevard and Hampton Avenue, Block 8733, Lot 69, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

APPEARANCES –

For Applicant: Harold Weinberg, P.E.

**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 February 14, 2006, acting on Department of Buildings Application No. 302063451, reads, in pertinent part:

“[Proposed enlargement]

1. Creates a new non-compliance with respect to lot coverage and is contrary to Section 23-141 of the Zoning Resolution (ZR).
2. Creates a new non-compliance with respect to floor area ratio and open space and is contrary to Section 23-141 ZR.
3. Creates a new non-compliance with respect to rear yard and is contrary to Section 23-47 ZR.”; 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 a single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio (FAR), open space, and rear yard, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on May 2, 2006, after due notice by publication in *The City Record*, with a continued hearing on May 16, 2006, and then to decision on June 13, 2006; and

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

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

WHEREAS, the Manhattan Beach Community Group recommended disapproval of an earlier version of the application, which proposed an FAR of 1.07, contending that this FAR would result in a home that would negatively impact the neighborhood character; and

WHEREAS, the subject lot is located on Avenue M at the northeast corner of Avenue M and East 21<sup>st</sup> Street; and

WHEREAS, the subject lot has a total lot area of 4,000 sq. ft., and is occupied by a 1,316 sq. ft. (0.33 FAR) single family dwelling; 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 1,316 sq. ft. (0.33 FAR) to 3,948.5 sq. ft. (0.99 FAR); the maximum floor area permitted is 2,400 sq. ft. (0.60 FAR, with attic bonus); and

WHEREAS, the proposed enlargement will decrease the open space from 2,684 sq. ft. to 2,377 sq. ft. (the minimum required open space is 2,600 sq. ft.) and increase the lot coverage from 23.2% to 41.3% (the maximum lot coverage is 35%) ; and

WHEREAS, the proposed enlargement will reduce the rear yard from 24’8” to 20’-0” (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 enlargement will maintain the existing side yards, and will result in a reduction in the front yard

# MINUTES

from 25'-2" to 18'-0"; the front yard will still comply with the minimum 15 ft. requirement; and

WHEREAS, initially, the applicant proposed a perimeter wall height of 22'-6", but reduced it to 21'-0" at the Board's request; this height complies with the district regulations; and

WHEREAS, additionally, the applicant reduced the proposed FAR from 1.07 to 0.99, also at the Board's request; and

WHEREAS, the Board notes that this FAR is comparable to other FAR increases that the Board has granted through the subject special permit for lots of comparable size; and

WHEREAS, the Board also notes that the proposed front yard, though diminished, still complies with applicable R3-1 district requirements, and that the existing side yard width dimensions will be maintained; and

WHEREAS, finally, the Board observed other large homes in the neighborhood on its site visit, and finds that the proposed home is compatible with these other homes; and

WHEREAS, accordingly, 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 a single-family dwelling, which does not comply with the zoning requirements for Floor Area Ratio, open space, and rear yard, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "May 30, 2006"-(7) sheets and "June 9, 2006"-(3) 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, including the attic, shall not exceed 0.99;

THAT the total attic floor area shall not exceed 753 sq. ft., as confirmed by the Department of Buildings;

THAT DOB shall review and approve the location of any garage

THAT the use and layout of the cellar shall be as 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 objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

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

Adopted by the Board of Standards and Appeals, June 13, 2006.

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## **194-04-BZ thru 199-04-BZ**

APPLICANT – Augusta & Ross, for Always Ready Corp., owner.

SUBJECT – Application May 10, 2004 – Under Z.R. §72-21 Proposed construction of a six- two family dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED –

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

9031 Krier Place, a/k/a 900 East 92nd Street, 113.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 179), Borough of Brooklyn.

9033 Krier Place, a/k/a 900 East 92nd Street, 93' west of East 92nd Street, Block 8124, Lot 75 (tentative 178), Borough of Brooklyn.

9035 Krier Place, a/k/a 900 East 92nd Street, 72.5' west of East 92nd Street, Block 8124, Lot 75 (tentative 177), Borough of Brooklyn.

9037 Krier Place, a/k/a 900 East 92nd Street, 52' west of East 92nd Street, Block 8124, Lot 75 (tentative 176), Borough of Brooklyn.

9039 Krier Place, a/k/a 900 East 92nd Street, corner of East 92nd Street, Block 8124, Lot 75 (tentative 175), Borough of Brooklyn.

## **COMMUNITY BOARD #18BK**

APPEARANCES –

For Applicant: Mitchell Ross.

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

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## **286-04-BZ & 287-04-BZ**

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, LLP for Pei-Yu Zhong, owner.

SUBJECT – Application August 18, 2004 – Under Z.R. §72-21 to permit the proposed one family dwelling, without the required lot width and lot area is contrary to Z.R. §23-32.

PREMISES AFFECTED –

85-78 Santiago Street, west side, 11.74' south of McLaughlin Avenue, Block 10503, Part of Lot 13 (tent.#13), Borough of Queens.

# MINUTES

85-82 Santiago Street, west side, 177' south of  
McLaughlin Avenue, Block 10503, Part of Lot 13  
(tent.#15), Borough of Queens.

## COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Adam Rothkrug.

For Opposition: Kurt E. Huppe, Linda Valentino, Hueichun Shing and Tom Tang.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 18,  
2006, at 1:30 P.M., for decision, hearing closed.

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## 351-04-BZ

APPLICANT – The Agusta Group, for Stahva Realty, owner.  
SUBJECT – Application November 1, 2004 – Under Z.R.  
§73-44 – to allow parking reduction for proposed  
enlargement of existing office building located in an R6B/C2-  
2.

PREMISES AFFECTED – 210-08/12 Northern Boulevard,  
thru lot between Northern Boulevard and 45<sup>th</sup> Road, 150' east  
of 211<sup>th</sup> Street, Block 7309, Lots 21 and 23 (Tentative Lot  
21), Borough of Queens.

## COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Sol Korman and Hiram Rothkrug.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 18,  
2006, at 1:30 P.M., for decision, hearing closed.

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## 381-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Zvi Realty, LLC,  
owner.

SUBJECT – Application December 2, 2004 - Variance  
pursuant to Z.R. Section 72-21 to permit the construction of a  
four-story building to contain 20 residential units with 10  
parking spaces. The site is currently an undeveloped lot  
which is located in an M1-1 zoning district. The proposal is  
contrary to district use regulations pursuant to Z.R. Section  
42-00.

PREMISES AFFECTED – 83 Bushwick Place a/k/a 225-227  
Boerum Street, northeast corner of the intersection of Boerum  
Street and Bushwick Place, Block 3073, Lot 97, Borough of  
Brooklyn.

## COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant:

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

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## 47-05-BZ

APPLICANT – Cozin O'Connor, LLP, for AMF Machine,  
owner.

SUBJECT – Application March 1, 2005 – Under Z.R. §72-21  
to permit the proposed eight story and penthouse mixed-use  
building, located in an R6B zoning district, with a C2-3  
overlay, which exceeds the permitted floor area, wall and  
building height requirements, is contrary to Z.R. §23-145  
and §23-633.

PREMISES AFFECTED – 90-15 Corona Avenue, northeast  
corner of 90<sup>th</sup> Street, Block 1586, Lot 10, Borough of Queens.

## COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Peter Geis.

THE VOTE TO REOPEN HEARING –

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

Negative:.....0

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to August 15,  
2006, at 1:30 P.M., for decision, hearing closed.

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## 204-05-BZ

APPLICANT – Harold Weinberg, for Amalia Dweck, owner.  
SUBJECT – August 26, 2005 - Pursuant to ZR §73-622,  
Special Permit for an enlargement of a two-family residence  
which increases the degree of non-compliance for floor area,  
open space, lot coverage and side yards is contrary to  
ZR§§23-141 and 23-461. The application also proposed an  
as-of-right change from a one-family dwelling to a two-  
family dwelling.

PREMISES AFFECTED – 2211 Avenue T, north side, 57'  
east of East 22<sup>nd</sup> Street, between East 22<sup>nd</sup> and East 23<sup>rd</sup>  
Streets, Block 7301, Lot 47, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg.

**ACTION OF THE BOARD** – Laid over to July 18,  
2006, at 1:30 P.M., for continued hearing.

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## 290-05-BZ

APPLICANT – Stuart A. Klein, for Yeshiva Imrei Chaim  
Viznitz, owner.

SUBJECT – Application September 19, 2005 and updated  
4/19/06 - Variance pursuant to Z.R. Section 72-21 to permit a  
catering hall (Use Group 9) accessory to a synagogue and  
yeshiva (Use Groups 4 & 3). The site is located in an R5  
zoning district.

PREMISES AFFECTED – 1824 53<sup>rd</sup> Street, south side,  
127.95' east of the intersection of 53<sup>rd</sup> and 18<sup>th</sup> Avenue,  
Block 5480, Lot 14, Borough of Brooklyn.

# MINUTES

## COMMUNITY BOARD #12BK

### APPEARANCES –

For Applicant: Stuart A. Klein, Chaim Weinberg, Mendez Zilberberg, Abraham Ginhorn, Yechid Kaufman and Armen Moss.

For Opposition: Yoel Steinberg, Rabbi Ismael Steinberg and Bluma ?

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

**ACTION OF THE BOARD** – Laid over to August 15, 2006, at 1:30 P.M., for continued hearing.

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### 60-06-A

APPLICANT – Stuart A. Klein, for Yeshiva Imrei Chaim Viznitz, owner.

SUBJECT – Application April 5, 2006 - Request pursuant to Section 666 of the New York City Charter for a reversal of DOB's denial of a reconsideration request to allow a catering use as an accessory use to a synagogue and yeshiva in an R5 zoning district.

PREMISES AFFECTED – 1824 53<sup>rd</sup> Street, south side, 127.95' east of the intersection of 53<sup>rd</sup> and 18<sup>th</sup> Avenue, Block 5480, Lot 14, Borough of Brooklyn.

## COMMUNITY BOARD #12BK

### APPEARANCES –

For Applicant:

Zilberberg, Abraham Ginhorn, Yechid Kaufman and Armen Moss.

For Opposition: Yoel Steinberg, Rabbi Ismael Steinberg and Bluma ?

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

**ACTION OF THE BOARD** – Laid over to August 15, 2006, at 1:30 P.M., for continued hearing.

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### 311-05-BZ/310-05-A

APPLICANT – Joseph P. Morsellino, Esq., for Bernard F. Dowd, owner.

SUBJECT – Application October 19, 2005 - Special Permit pursuant to Z.R. Section 73-27 to legalize the existing second floor use in an existing funeral establishment. The site is located in a C4-2 zoning district. A case (310-05-A) was filed with the BZ case on 10/19/05 since the C of O lapsed for the prior A case (232-52-A).

PREMISES AFFECTED – 165-18/28 Hillside Avenue, Northeast corner Hillside Avenue and Merrick Boulevard, Block 9816, Lot 41, Borough of Queens.

## COMMUNITY BOARD #12Q

### APPEARANCES –

For Applicant: Mitchell Ross.

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 1:30 P.M., for continued hearing.

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### 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 Z.R. §§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

### APPEARANCES –

For Applicant: Eric Palatnik, Randy Lee, Robert Pauls, Henry Arlin Salmon and Hiram Rothkrug.

For Opposition: Vincent DiGesu.

**ACTION OF THE BOARD** – Laid over to August 8, 2006, at 1:30 P.M., for continued hearing.

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### 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

### APPEARANCES –

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to July 18, 2006, at 1:30 P.M., for decision, hearing closed.

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*Jeff Mulligan, Executive Director*

*Adjourned: 7:00 P.M.*