
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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August 23, 2007

DIRECTORY

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194-07-A

1447 Rosedale Avenue, At the intersection of Cross Bronx Expressway Service Road N and Rosedale Avenue., Block 3895, Lot(s) 77, Borough of **Bronx, Community Board: 9**. Appeals –To rescind a Stop Work Order issued by DOB and re-instate DOB permit # 201109549-01-NB on the grounds that the owners have acquired a vested right to complete construction and obtain a C of O.

195-07-BZ

8-12 Bond Street, Northwest corner of Bond and Lafayette Streets, Block 530, Lot(s) 62 & 64, Borough of **Manhattan, Community Board: 2**. Under §72-21 – Proposal is to have (UG5) and (UG6) eating and drinking establishment below level of second story in cellar, subcellar and ground floor.

196-07-A

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197-07-A

11 Federal Place, West of Federal Place 195.91' south of the corner of Richmond Terrace and Federal Place., Block 1272, Lot(s) 76, Borough of **Staten Island, Community Board: 1**. General City Law §36 – Proposed attached houses not having at least 8% of the total perimeter fronting directly on a legally mapped street.

198-07-A

15 Federal Place, West of Federal Place 195.91' south of the corner of Richmond Terrace and Federal Place., Block 1272, Lot(s) 77, Borough of **Staten Island, Community Board: 1**. General City Law §36 – Proposed attached houses not having at least 8% of the total perimeter fronting directly on a legally mapped street.

199-07-A

17 Federal Place, West of Federal Place 195.91' south of the corner of Richmond Terrace and Federal Place., Block 1272, Lot(s) 79, Borough of **Staten Island, Community Board: 1**. General City Law §36 – Proposed attached houses not having a least 8% of the total perimeter fronting directly on a legally mapped street.

200-07-BZ

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201-07-BZ

2317 Ralph Avenue, Southwest corner of Ralph Avenue and Avenue M., Block 8364, Lot(s) 34, Borough of **Brooklyn, Community Board: 18**. Under §72-21 – To allow a bank (UG6) in an R3-2 district, which is contrary to ZR §22-00.

202-07-BZ

2160-2170 McDonald Avenue, West side of McDonald Avenue, 40' north of Avenue T., Block 7087, Lot(s) 34, Borough of **Brooklyn, Community Board: 11**. (SPECIAL PERMIT) §73-19 – To allow a school, (UG3) in an M1-1 district.

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

CALENDAR

SEPTEMBER 18, 2007, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, September 18, 2007, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

515-89-BZ, Vol. III

APPLICANT – Sheldon Lobel, P.C., for 50 East 78th Street, L.P., owner.

SUBJECT – Application July 20, 2007 – Extension of Term of a Special Permit for a (UG6) commercial art gallery in the basement portion of a residential building which expires on October 16, 2007 in an R8B (LH-1A) zoning district.

PREMISES AFFECTED – 50 East 78th Street, East 78th Street, between Madison Avenue and Park Avenue, Block 1392, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEALS CALENDAR

63-07-A

APPLICANT – Moshe M. Friedman, P.E., for Constantine Ganginis, owner.

SUBJECT – Application March 12, 2007 – Proposed construction of a three family dwelling located within the bed of a mapped street (50th Street) which is contrary to General City Law Section 35. R5 Zoning district.

PREMISES AFFECTED – 49-23 28th Avenue, a/k/a Vandeventer Avenue aka 25-98 50th Street aka Old Bowery Bay Road, northwest corner of 28th Avenue and 50th Street in the bed of 50th Street, Block 745, Lot 81, Borough of Queens.

COMMUNITY BOARD #1Q

SEPTEMBER 18, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, September 18, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

134-06-BZ

APPLICANT – Sheldon Lobel, P.C., for 241-15 Northern LLC, owner.

SUBJECT – Application June 26, 2006 – Variance under §72-21 to allow a five (5) story residential building containing 40 dwelling units and 63 accessory parking

spaces. Proposal is contrary to regulations for use (§22-12), floor area and FAR (§23-141), open space (§23-141), front yard (§23-45), height and setback (§23-631) and maximum number of dwelling units (§23-22). R1-2 district.

PREMISES AFFECTED – 241-15 Northern Boulevard, northwest corner of the intersection between Northern Boulevard and Douglaston Parkway, Block 8092, Lot 39, Borough of Queens.

COMMUNITY BOARD # 11Q

297-96-BZ & 298-06-A

APPLICANT – Glen V. Cutrona, AIA, for John Massamillo, owner.

SUBJECT – Application November 13, 2006 – Variance under (§72-21) to allow a proposed four (4) story residential building with ground and cellar level retail use to violate applicable lot coverage (§23-145) and rear yard requirements (§23-47). C4-2 district (Special Hillside Preservation District); building is located within the bed of a mapped street, contrary to GCL §35.

PREMISES AFFECTED – 130 Montgomery Avenue, between Victory Boulevard and Fort Place, Block 17, Lot 116, Borough of Staten Island.

COMMUNITY BOARD #1SI

135-07-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Ester Loewy, owner.

SUBJECT – Application May 22, 2007 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space (§23-141(a)); less than the required side yards (§23-461) and less than the required rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 920 East 24th Street. West side of East 24th Street, 140' north of Avenue L, Block 7587, Lot 54, Borough of Brooklyn.

COMMUNITY BOARD #14BK

136-07-BZ

APPLICANT – Lewis E. Garfinkel, R.A., for Leora Fenster, owner.

SUBJECT – Application May 22, 2007 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space (§23-141(a)); less than the required side yards (§23-461) and less than the required rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1275 East 23rd Street. East side of East 23rd Street, 160' north of Avenue M, Block 7641, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #14BK

164-07-BZ

CALENDAR

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Rouse SI Shopping Center, LLC, owner; ME Clinic Two LLC, lessee.

SUBJECT – Application June 15, 2007 – Special Permit (§73-36) to allow a Physical Culture Establishment that will occupy one storefront within a multiple-store mall containing retail stores and eating and drinking establishments (Use Group 6). The proposal is contrary to §32-10. C4-1 district.

PREMISES AFFECTED – (280 Marsh Avenue) The Crossings @ Staten Island Mall, north of Platimum Avenue, west of Marsh Avenue, east of Staten Island Mall Dr., Block 2400, Lot 300, Borough of Staten Island.

COMMUNITY BOARD # 2SI

Jeff Mulligan, Executive Director

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REGULAR MEETING TUESDAY MORNING, AUGUST 14, 2007 10:00 A.M.

Present: Chair Srinivasan, Vice-Chair Collins,
Commissioner Ottley-Brown and Commissioner Hinkson.

SPECIAL ORDER CALENDAR

391-04-BZ Vol. III

APPLICANT – Moshe M. Friedman, for Mellech Fastag,
owner.

SUBJECT – Application May 29, 2007 – Amendment to a
Special Permit (§73-622) for a single family residence for an
enlargement to second floor in an R-2 zoning district.

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

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Yosef Gottdiener.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown
and Commissioner Hinkson.....3

Negative:.....0

Absent: Vice Chair Collins.....1

THE RESOLUTION:

WHEREAS, this is an application for a reopening and an
amendment to a special permit, which allowed for the
enlargement of an existing single-family home in an R2 zoning
district; and

WHEREAS, a public hearing was held on this
application on July 17, 2007, after due notice by publication in
The City Record, and then to decision on August 14, 2007; and

WHEREAS, the site is located on the south side of
Avenue L, between East 26th Street and East 27th Street, within
an R2 zoning district; and

WHEREAS, the subject site is occupied by a three-story
single-family home with a floor area of 3,767.68 sq. ft.; and

WHEREAS, on May 17, 2005, under the subject
calendar number, the Board granted a special permit, pursuant
to ZR § 73-622, to permit the enlargement of an existing single-
family home, which resulted in non-compliance as to floor area
and open space ratio; and

WHEREAS, the approved floor area was 3,918 sq. ft.
(0.98 FAR); and

WHEREAS, on September 17, 2005, the grant was
amended to permit a different distribution of floor area and a
slight reduction to what was approved; and

WHEREAS, specifically, the revised plans provided for
additional floor area on the first floor and a reduction in the
approved floor area on the second floor; and

WHEREAS, the changes resulted in a reduction in the
approved FAR from 0.98 to 0.94; and

WHEREAS, the applicant enlarged the home, pursuant to
the amended plans, but now requests to make an additional
modification; and

WHEREAS, specifically, the applicant proposes to
enlarge the second floor from the existing 1,076.63 sq. ft. to
1,362.63 sq. ft. in order to accommodate a larger bathroom
with improved accessibility; and

WHEREAS, the applicant represents that no other
changes are proposed; and

WHEREAS, however, the applicant notes that the attic
floor area was originally calculated as 818.18 sq. ft., but has
been recalculated to reflect 686.10 sq. ft.; and

WHEREAS, the applicant represents that there have not
been any changes to the attic but that certain spaces which had
a height of less than eight feet were originally included in the
floor area calculations in the prior iterations and have now been
eliminated; and

WHEREAS, the applicant represents that the Department
of Buildings has approved the revised attic floor area
calculation; and

WHEREAS, the noted enlargement to the second floor
and recalculation of the attic floor area results in an increase in
the total floor area from 3,767.68 sq. ft. (0.94 FAR) to 3,921.6
sq. ft. (0.98 FAR); and

WHEREAS, additionally, the applicant proposes to
maintain the existing amount of open space, but because there
is an increase in floor area and the required open space is
calculated as a percentage of that number, the open space is
reduced from 56.46 percent to 54.24 percent; and

WHEREAS, the Board notes that the proposed change is
confined to the rear of the home and that the resulting 0.98
FAR does not exceed what was originally proposed; and

WHEREAS, accordingly, the Board agrees that the
requested change is within the scope of the original grant and
has determined that it does not affect the required special
permit findings; and

WHEREAS, based upon its review of the record, the
Board finds that the proposed amendments are appropriate,
with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and
Appeals reopens and amends the resolution, said resolution
having been adopted on May 17, 2005, so that as amended this
portion of the resolution shall read: “to permit the enlargement
of the second floor of the existing home and to permit the noted
modifications to the BSA-approved plans *on condition* that all
work and site conditions shall comply with drawings marked
“Received May 29, 2007”– (11) sheets; and *on further
condition*:

THAT the parameters of the proposed building are as
follows: a floor area of 3,921 sq. ft. (0.98 FAR) and an open
space of 54.24 percent, as illustrated on the BSA-approved
plans

THAT there shall be no habitable space in the cellar;

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

THAT all conditions from the prior resolution not
specifically waived by the Board shall remain in effect; and

THAT the Department of Buildings must ensure

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

(DOB Application No. 301874032)

Adopted by the Board of Standards and Appeals, August 14, 2007.

309-05-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA for Pafos Realty Corporation, owner.

SUBJECT – Application October 17, 2005 – To consider dismissal for lack of prosecution – proposed bulk variance to allow.

PREMISES AFFECTED – 53-03 Broadway, North side of Broadway on the corner of Broadway and 53rd Place, Block 1155, Lot 36, Borough of Queens.

COMMUNITY BOARD # 1Q

APPEARANCES – None.

ACTION OF THE BOARD – Application dismissed for lack of prosecution.

THE VOTE TO DISMISS –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated July 30, 2007, acting on Department of Buildings Application No. 402116884, reads in pertinent part:

1. Proposed mixed use building does not comply with bulk regulations for a C1-2 in R5 district. FAR exceeds that permitted in a C1-2 in R5 zoning district and is contrary to 35-31 Z.R., 23-00 Z.R. and 33-00 Z.R.
2. Proposed building height does not comply with 35-61 Z.R. Maximum height of walls and required setbacks.
3. Density is contrary to 23-22 Z.R. Proposed number of dwelling units exceeds maximum permitted.
4. Proposed accessory parking spaces are non-compliant with 36-21 Z.R.
5. Proposed building does not comply with 35-22 Z.R. and 35-33 Z.R. minimum required open space.
6. Proposed building does not comply with 35-22 Z.R. and 35-33 Z.R. maximum permitted lot coverage.
7. Special permit from BSA required for reduction of parking spaces for commercial offices (UG 6) for parking requirement category B1 as per 73-44 Z.R.; and

WHEREAS, this is an application under ZR §§ 72-21 and 73-44, to permit, on a site within a C1-2 (R5) zoning district, the construction of a six-story mixed-use commercial/community facility/residential building, which

does not comply with FAR, height, setback, residential density, parking, open space, and lot coverage regulations, and is contrary to ZR §§ 35-31, 23-00, 33-00, 35-61, 23-22, 36-21, 35-22, and 35-33; and

WHEREAS, the variance application was filed on October 17, 2005; and

WHEREAS, on November 22, 2005, Board staff issued a Notice of Objections to the applicant; and

WHEREAS, on June 23, 2006, the applicant made an incomplete submission; and

WHEREAS, on October 18, 2006, the applicant requested additional time to revise the application; and

WHEREAS, on December 18, 2006, the applicant made a second request for additional time to revise the application; and

WHEREAS, the Board did not receive a revised application; and

WHEREAS, on May 24, 2007, Board staff issued a Dismissal Warning Letter requesting all materials for the revised proposal; and

WHEREAS, the Board did not receive a revised application; and

WHEREAS, on July 10, 2007, the Board placed the application on the dismissal calendar for August 7, 2007; and

WHEREAS, the applicant appeared at the August 7, 2007 hearing and stated that the application had been revised and that it would be submitted to the Board; and

WHEREAS, at hearing, the Board informed the applicant that the application would be placed on the August 14, 2007 dismissal calendar and that if a satisfactory revised application was not received by August 13, 2007, the Board would dismiss it; and

WHEREAS, on August 13, 2007, the applicant made a submission, which did not address all of the deficiencies of the application, including the absence of a financial analysis, cost estimates, and a complete structural engineering report; and

WHEREAS, the applicant did not appear at the August 14, 2007 hearing; and

WHEREAS, accordingly, because of the applicant’s lack of good faith prosecution of this application, it must be dismissed in its entirety.

Therefore it is Resolved that the application filed under BSA Cal. No. 309-05-BZ is hereby dismissed for lack of prosecution.

Adopted by the Board of Standards and Appeals, August 14, 2007.

80-54-BZ, Vol. II

APPLICANT – Sheldon Lobel, P.C., for Dryden Hotel Associates LLC, owner.

SUBJECT – Application July 2, 2007 – ZR §11-411 for the Extension of Term of a previously granted variance which, which expired on July 2, 2006, to permit commercial uses on the first floor and cellar of an existing residential building located in an R8B zoning district; the Extension of Time to obtain a Certificate of Occupancy which expired on April 24, 2002 and a Waiver of the rules.

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PREMISES AFFECTED – 150 East 39th Street, Located on south side of 39th Street between Third and Lexington Avenues, Block 894, Lot 52, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

ACTION OF THE BOARD – Laid over to September 11, 2007, at 10 A.M., for decision, hearing closed.

196-58-BZ

APPLICANT – Sheldon Lobel, P.C., for Leemilt’s Petroleum Corp., owner.

SUBJECT – Application April 11, 2007 – Extension of Term/Time pursuant to (§11-411) to extend the term of the previously granted variance permitting the operation of an automotive service station in an R6 zoning district. The application seeks an extension of time to obtain a certificate of occupancy and a waiver of the rules of practice and procedure to permit the filing of the application over one year prior to the expiration of term.

PREMISES AFFECTED – 2590 Bailey Avenue, located on the northeast corner of the intersection of Bailey Avenue and Heath Avenue, Block 3239, Lot 1, Borough of Bronx.

COMMUNITY BOARD #7BX

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to September 25, 2007, at 10 A.M., for continued hearing.

APPEALS CALENDAR

61-07-A

APPLICANT – Alfonso Duarte.

OWNER – Felix Bello.

SUBJECT – Application March 9, 2007 – Proposed legalization of an existing retail establishment located within the bed of mapped street is contrary to General City Law Section 35. C1-4 /R6B Zoning District.

PREMISES AFFECTED – 102-07 Roosevelt Avenue, in bed of mapped Street (102nd Street), Block 1770, Lot 49, Borough of Queens.

COMMUNITY BOARD # 3Q

APPEARANCES –

For Applicant: Alfonso Duarte, P.E.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated February 26, 2007, acting on Department of Buildings Application No. 402213074, which reads in pertinent part:

“Proposed alteration to existing building located in the bed of a mapped street is contrary to Section 35 GCL”; and

WHEREAS, a public hearing was held on this application on August 14, 2007, after due notice by publication in the *City Record*, and then to decision on that same date; and

WHEREAS, Community Board 3, Queens, recommends approval of this application; and

WHEREAS, by letter dated May 10, 2007, the Fire Department states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated May 3, 2007, the Department of Environmental Protection states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated June 29, 2007, the Department of Transportation (DOT) states that it has reviewed the application and has no objections; and

WHEREAS, the Board notes that DOT did not indicate that it intends to include the applicant’s property in its ten-year capital plan; and

WHEREAS, based upon the above, the applicant has submitted adequate evidence to warrant this approval.

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated February 26, 2007, acting on Department of Buildings Application No. 402213074, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received July 31, 2007”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

THAT prior to the issuance of a Certificate of Occupancy, the Department of Buildings shall 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, August 14, 2007.

73-07-A

APPLICANT – Fire Department of The City of New York

OWNER – L. W. Equity Associates Incorporated

LESSEE – Fabco Shoe Store

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SUBJECT – Application March 30, 2007 – Application seeking to modify Certificate of Occupancy No. 300217414, to permit the issuance of an order by the Fire Department to require additional fire protection for the occupied cellar of the commercial structure in the form of an automatic sprinkler system under the authority of Section 27-4265 of the Administrative Code.

PREMISES AFFECTED – 2169-2171 86th Street, North side of 86th Street, 100' west from the corner of Bay Parkway, Block 6347, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES –

For Applicant: DCI Anthony Scaduto, Fire Department and O. Allen.

ACTION OF THE BOARD – Laid over to September 11, 2007, at 10 A.M., for postponed hearing.

140-07-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP.

OWNER – Breezy Point Cooperative, Incorporated.

LESSEE – Thomas Carroll.

SUBJECT – Application May 25, 2007 – Appeals seeking to reverse the Department of Building's decision to revoke permits and approvals for a one family home. R4 Zoning district.

PREMISES AFFECTED – 607 Bayside Drive, North west intersection of Bayside Drive and zoning street know as Service Lane, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to November 20, 2007, at 10 A.M., for postponed hearing.

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

Present: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.

ZONING CALENDAR

152-06-BZ

CEQR #07-BSA-003K

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Gregory Montalbano, owner.

SUBJECT – Application July 11, 2006 – Special Permit (§73-125) to allow the proposed two-story ambulatory diagnostic/treatment care facility containing 5,565 square feet of floor area and parking for fourteen vehicles. The Premise is located in an R3X zoning district. The proposal is contrary to §22-14.

PREMISES AFFECTED – 82 Lamberts Lane, southwest corner of Lamberts and Seldin Avenue, Block 1609, Lot 16, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Commissioner, dated June 19, 2006, acting on Department of Buildings Application No. 500837810, reads in pertinent part:

“ZR 22-14

Use Group 4–A Community facilities –
***Ambulatory diagnostic or treatment health care facilities.

***Not permitted in R1 or R2 Districts and, in R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, limited to a maximum of 1,500 square feet of *floor area*. Application does not comply with such”;
and

WHEREAS, this is an application under ZR §§ 73-125 and 73-03, to permit, on a site within an R3X zoning district, the construction of a two-story building with a cellar to be occupied by an ambulatory diagnostic/treatment health care facility (Use Group 4) with 14 parking spaces, contrary to ZR § 22-14; and

WHEREAS, a public hearing was held on this application on February 27, 2007 after due notice by publication in *The City Record*, and with continued hearings on May 15, 2007, June 12, 2007, and July 17, 2007, and then to decision on August 14, 2007; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Commissioner Hinkson; and

**REGULAR MEETING
TUESDAY AFTERNOON, AUGUST 14, 2007
1:30 P.M.**

MINUTES

WHEREAS, Community Board 2, Staten Island, recommends disapproval of this application; and
WHEREAS, Councilmember Oddo recommends disapproval of this application based on concerns about traffic and parking; and

WHEREAS, Borough President Molinaro recommends disapproval of this application, based on concerns about traffic and effects on neighborhood character; and

WHEREAS, the New York City Fire Department (FDNY) recommends disapproval of this application, citing, *inter alia*, concerns about the potential impact the proposed use would have on traffic and emergency response by FDNY vehicles; and

WHEREAS, the subject site is located on the west side of Seldin Avenue, between Roman Avenue and Lamberts Lane, within an R3X zoning district ; and

WHEREAS, the site has a lot area of 9,876 sq. ft. and is currently improved upon by a single-family home with a floor area of 1,378 sq. ft., which would be demolished as part of the proposed construction; and

WHEREAS, the proposed facility would contain 5,565 sq. ft. of floor area (0.56 FAR); and

WHEREAS, accordingly, 14 parking spaces will be provided (14 parking spaces are required); and

WHEREAS, the applicant represents that the facility will provide Use Group 4 ambulatory diagnostic and treatment health care services related to the practice of orthopedics, including arthroscopic procedures; and

WHEREAS, a 1,500 sq. ft. ambulatory diagnostic/treatment health care facility use is available as-of-right, and

WHEREAS, the special permit pursuant to Z.R. § 73-125 would allow an increase in the floor area of the ambulatory diagnostic/treatment health care facility use from 1,500 sq. ft. up to a maximum of 1.0 FAR (9,876 sq. ft.) on the site; and

WHEREAS, the proposed ambulatory diagnostic/treatment health care facility complies with zoning in all other respects; and

WHEREAS, approximately eight (8) persons would work at the proposed facility, which would have operating hours of 8 a.m. to 5 p.m. Monday through Friday; and

WHEREAS, the applicant, based on concerns expressed by the board at hearing, changed the roofline of the building to minimize its visual impact; and

WHEREAS, with respect to concerns about traffic, the applicant submitted a traffic analysis based on actual projected operation of the proposed ambulatory diagnostic/treatment health care facility with two doctors that showed that actual traffic from the proposed ambulatory diagnostic/treatment health care facility and incremental traffic generated by the special permit would not exceed City Environmental Quality Review (CEQR) screening levels; and

WHEREAS, at the Board's request, the applicant analyzed a generic Use Group 4 diagnostic/treatment health care facility, which analysis projected both the total traffic increase from the proposed ambulatory diagnostic/treatment

health care facility and the incremental traffic increase from the special permit; and

WHEREAS, FDNY requested a full traffic study; and

WHEREAS, however, the applicant's additional traffic analyses demonstrate that neither the incremental nor the actual traffic generated by the proposed ambulatory diagnostic/treatment health care facility would generate enough peak-hour trips to create a significant impact at any intersection; and

WHEREAS, the trip generation levels demonstrated for the proposed building are well below threshold levels under City Environmental Quality Review that would require further analysis to determine whether they might result in significant adverse impacts on traffic; and

WHEREAS, pursuant to CEQR procedures, no further traffic analysis is required; and

WHEREAS, while the Board recognizes that traffic in the area of the proposed diagnostic/treatment health care facility is heavy, any additional traffic generated would be minimal and does not warrant further study; and

WHEREAS, the Board notes that the applicant is providing all of the required parking; and

WHEREAS, in response to assertions of opposition the project within the neighborhood expressed at hearing, the applicant provided evidence in the form of letters and other documentation to demonstrate support for the project by neighbors; and

WHEREAS, approximately 70% of the zoning lot will remain as open space (including landscaping and parking areas); and

WHEREAS, accordingly, the Board finds that the amount of open area and its distribution on the lot conform to standards appropriate to the character of the neighborhood; and

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

WHEREAS, the facility will have a floor area of less than 10,000 square feet; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-125 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 07BSA003R, dated November 20, 2006; and

WHEREAS, the EAS documents that the operation of the facility 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;

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Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, a trip generation analysis dated July 16, 2007 determined that the proposed action would generate less than fifty (50) new vehicle trips in any peak hour (below the CEQR Technical Manual threshold for conducting a detailed analysis of traffic impacts) and therefore the proposed action would not have any potentially significant adverse impacts related to traffic and parking; and

WHEREAS, the Board has determined that the operation of the facility will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings ZR §§ 73-125 and 73-03, to permit, on a site within an R3X zoning district, construction of a one-story and cellar building to be occupied by an ambulatory diagnostic/treatment health care facility (Use Group 4) with 14 parking spaces, contrary to ZR § 22-14; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received May 31, 2007"—eleven (11) sheets; and *on further condition*:

THAT there shall be no change in use of the facility without prior application to and approval from the Board;

THAT landscaping shall be provided and maintained, as per the approved plans;

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

THAT the parameters of the building shall be as follows: 5,565 sq. ft. of floor area and 14 parking spaces, as per the approved plans;

THAT the curb cut shall be approved by DOT and/or New York City Transit, as required, prior to the issuance of any permits;

THAT Local Law 58/87 compliance 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);

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

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

Adopted by the Board of Standards and Appeals, August 14, 2007.

301-06-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Cornerstone Residence LLC, owner.

SUBJECT – Application November 14, 2006 – Variance (§72-21) for the construction of a two-family dwelling on an existing narrow lot with special provisions for party or side lot line walls that does not provide the minimum required side yard of 8 feet (§23-49) in an R5 zoning district.

PREMISES AFFECTED – 148 Fountain Avenue, west side of Fountain Avenue, 111' north of intersection with Glenmore Avenue, Block 4190, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson....4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated November 3, 2006, acting on Department of Buildings Application No. 302140662, reads in pertinent part:

“Proposed two-family dwelling does not provide the required side yard in an R5 zoning district 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 R5 zoning district, the proposed construction of a three-story two-family home that does not provide the required side yard and is contrary to ZR § 23-49; and

WHEREAS, a public hearing was held on this application on March 20, 2007, after due notice by publication in *The City Record*, with continued hearings on May 8, 2007, June 12, 2007, and July 17, 2007, and then to decision on August 14, 2007; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Vice-Chair Collins; and

WHEREAS, Community Board 5, Brooklyn, recommends disapproval of this application, citing concerns about potential effects on adjacent properties; and

WHEREAS, the site is located on the west side of Fountain Avenue, between Glenmore Avenue and Liberty Avenue, in an R5 zoning district; and

WHEREAS, the site has a width of approximately 17.83 feet, a depth of approximately 100 feet, and a total lot area of approximately 1,783 sq. ft.; and

WHEREAS, the applicant represents that the site has existed in its current configuration since before December 15, 1961; and

WHEREAS, the site is currently vacant; records indicate that there was formerly an attached residential building at the

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site, which was demolished in 2002 due to public safety concerns; and

WHEREAS, the applicant represents that the prior building was a two-story attached residential building; and

WHEREAS, the applicant proposes to construct a three-story two-family home with two off-street parking spaces; and

WHEREAS, the proposed home will have the following complying parameters: 2,193 sq. ft. of floor area (1.22 FAR), open space of 1,051 sq. ft., a wall height of 29'-0", a total height of 32'-0", a front yard of 20'-0", a rear yard of 38'-0", and two parking spaces; and

WHEREAS, however, the applicant does not propose to provide any side yards (one side yard with a width of 8'-0" is the minimum required); and

WHEREAS, the applicant states that side yard relief is necessary, for reasons stated below; thus, the instant application was filed; and

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

WHEREAS, the applicant represents that the subject lot is one of only approximately three vacant lots with a width of 18 feet or less within a 400-ft. radius; and

WHEREAS, the applicant represents that there are additional lots of comparable size within the radius, but they are either developed with attached buildings, which do not provide side yards, or have been combined into a larger site, which only requires one side yard at the end of the development as opposed to one for each lot; and

WHEREAS, the applicant has submitted a 400-ft. radius diagram that supports these assertions; and

WHEREAS, the applicant represents that the requested side yard waiver is necessary to develop the site with a habitable home; and

WHEREAS, specifically, the applicant represents that the pre-existing lot width of 17.83 feet cannot feasibly accommodate as of right development; and

WHEREAS, the applicant states that the building would have an exterior width of only 9.83 feet if side yard regulations were complied with fully; and

WHEREAS, accordingly, the applicant represents that the side yard waiver is necessary to create a home of a reasonable width; and

WHEREAS, based upon the above, the Board finds that the cited unique physical condition creates practical difficulties in developing the site in strict compliance with the applicable side yard regulations; and

WHEREAS, the Board has determined that because of the subject lot's unique physical condition, there is no reasonable possibility that compliance with applicable zoning regulations will result in a habitable home; and

WHEREAS, the applicant represents that the proposed variance will not negatively affect the character of the neighborhood, or impact adjacent uses; and

WHEREAS, the applicant notes that the proposed bulk is compatible with nearby residential development and that the

total height is two feet lower than that of the new three-story attached two-family dwellings to the north of the site; and

WHEREAS, the applicant states that there is a context for attached and semi-detached buildings in the surrounding area; and

WHEREAS, as noted, the applicant represents that a large number of the buildings in the surrounding area are attached and do not provide side yards; and

WHEREAS, further, the applicant notes that the adjacent building to the south has a lot line wall without windows, which the proposed building will utilize; and

WHEREAS, the applicant notes that the nine lots to the north of the site are occupied by a series of attached three-story two-family residential buildings and that a single side yard with a width of 8'-0" is provided along the property line of the end building, adjacent to the subject site; and

WHEREAS, the Board agrees that the location of the home on the lot and the non-complying side yard is compatible with the neighborhood context; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is a result of the historical lot dimensions; and

WHEREAS, as noted above, the applicant complies with all R5 zoning district regulations except for the required side yard; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21, to permit, within an R5 zoning district, the proposed construction of a three-story two-family home that does not provide the required side yard and is contrary to ZR § 23-49; *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 June 19, 2007" – (11) sheets; and *on further condition*:

THAT the parameters of the proposed building shall be as follows: 2,193 sq. ft. of floor area (1.22 FAR), an open space of 1,051 sq. ft., three stories, a wall height of 29'-0", a total height of 32'-0", a front yard of 20'-0", a rear yard of 38'-0", and two parking spaces, as per the BSA-approved plans;

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

THAT there shall be no habitable room in the cellar;

THAT this approval is limited to the relief granted by the Board, in response to specifically cited and filed DOB/other

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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, August 14, 2007.

46-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Moishe Bergman, owner.

SUBJECT – Application February 15, 2007 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141(a)); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 1328 East 23rd Street, located on the west side of East 23rd Street between Avenue M and Avenue N, Block 7658, Lot 62, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 13, 2007, acting on Department of Buildings Application No. 302280065, reads in pertinent part:

- “1. Floor area is contrary to ZR 23-141a
2. Open space ratio is contrary to ZR 23-141a
3. Side yard requirements are contrary to ZR 23-461a
4. Rear yard requirement is contrary to ZR 23-47
5. Sky exposure plane is contrary to ZR 23-631a”
and

WHEREAS, this is an application under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family residence, which does not comply with the zoning requirements for floor area, open space ratio, side yards, rear yard and sky exposure plane, contrary to ZR §§ 23-141a, 23-461a, 23-47, and 23-631a; and

WHEREAS, a public hearing was held on this application on June 12, 2007, after due notice by publication in *The City Record*, with a continued hearing on July 17, 2007, and then to decision on August 14, 2007; and

WHEREAS, the premises had a site and neighborhood examination by Commissioner Hinkson; and

WHEREAS, Community Board 14, Brooklyn,

recommends approval of this application; and

WHEREAS, the subject site is located on the west side of East 23rd Street, between Avenue M and Avenue N; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a 2,335 sq. ft. (0.58 FAR) single-family home; 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 2,335 sq. ft. (0.58 FAR) to 3,608 sq. ft. (0.9 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.5 FAR); and

WHEREAS, the proposed enlargement will decrease the open space ratio from 116.1% to 70.1% (an open space ratio of 150% is required); and

WHEREAS, the proposed enlargement will retain the two existing side yards of 12’ – 11” and 4’ – 5-3/4” (side yards with a minimum width of 8’ – 0” and 5’ – 0” are required); and

WHEREAS, the proposed enlargement calls for a rear yard of 20’-0” (30’-0” is required); and

WHEREAS, the proposed enlargement calls for a dormer, which is a permitted obstruction in the sky exposure plane having a one-to-one horizontal to vertical ratio; and

WHEREAS, the Board notes that the enlargement will consist of extensions at the front and rear of the house; and

WHEREAS, based upon its review of the record, 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, Board finds that 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 the City Environmental Quality Review and makes the required findings under ZR § 73-622 to permit, in an R2 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for floor area, open space ratio, side yards, rear yard, and sky exposure plane, contrary to ZR §§ 23-141a, 23-461a, 23-47, and 23-631a; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received July 31, 2007”–(11) sheets; and *on further condition*:

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

THAT the following shall be the bulk parameters of the building: a total floor area of 3,608 sq. ft., a total FAR of 0.90, side yards of 12'-11" and 4'-5-3/4", and rear yard of 20'-0", as illustrated 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 objections(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 the plan(s)/configuration(s) not related to the relief granted. (DOB Application No. 302280065)

Adopted by the Board of Standards and Appeals, August 14, 2007.

10-05-BZ

APPLICANT – Sheldon Lobel, P.C., for Samuel Benitez, owner.

SUBJECT – Application January 20, 2005 – Zoning variance under §72-21 to allow a five (5) story residential building containing twenty-seven (27) dwelling units and fifteen (15) parking spaces contrary to use regulations (§42-00); M1-2 district.

PREMISES AFFECTED – 443 39th Street, a/k/a 459 39th Street, 39th Street between 4th Avenue and 5th Avenue, Block 705, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to October 2, 2007, at 1:30 P.M., for continued hearing.

154-05-BZ

APPLICANT – Kenneth K. Lowenstein, for Broome Thompson, LLC, owner.

SUBJECT – Application June 28, 2005 – Variance (§72-21) to permit the construction of a nine-story mixed-use building which will contain 51 residential units, 7,340 square feet of ground retail uses and a 280-space public parking garage. The premises is located in an M1-5B zoning district. The proposal is contrary to §42-10 (Commercial (Use Group 6) and Residential (Use Group 2) uses are not permitted in a M1-5B zoning district, §42-13 (There are no residential bulk regulations in a M1-5B zoning district), and §13-12 (The proposed public parking garage is not permitted in a residential development.)

PREMISES AFFECTED – 520-528 Broome Street and 530-532 Broome Street/55 Sullivan Street, north side of Broome Street, between Thompson and Sullivan Streets, Block 489, Lots 1 and 41, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Ken Lowenstein and Jack Freeman

For Opposition: Jack Lester and Stuart A. Klein, Paul Aurther, Jack Faxon, Sean Sweeney, Melissa Baldock, Megan Trusty, Gregg Levine, Sean H.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

ACTION OF THE BOARD – Laid over to September 25, 2007, at 1:30 P.M., for decision, hearing closed.

31-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Frank Falanga, owner.

SUBJECT – Application February 24, 2006 – Zoning variance (§72-21) to allow the legalization of an automotive collision repair shop (Use Group 16) in an R3-1/C1-2 district; proposed use is contrary to ZR §§22-00 and 32-00. PREMISES AFFECTED – 102-10 159th Road, south side of 159th Road near the intersection of 192nd Street and 159th Road, Block 14182, Lot 88, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES –

For Applicant: Jordan Most.

ACTION OF THE BOARD – Laid over to October 16, 2007, at 1:30 P.M., for continued hearing.

59-06-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Paul Schillace, owner, Carvel Ice Cream, lessee.

SUBJECT – Application April 3, 2006 – Zoning variance under §72-21 to allow a one-store retail building (UG 6) with thirteen (13) unenclosed accessory parking spaces contrary to use regulations (§ 22-00); R4 district.

PREMISES AFFECTED – 1006 East 233rd Street, Southeast corner of Paulding Avenue, Block 4879, Lot 40, Borough of The Bronx.

COMMUNITY BOARD # 12BX

APPEARANCES –

For Applicant: Carl A. Sulfaro.

For Opposition: Emani P. Taylor, Nedra P. Thomas, A. Edward, I. Lee, Carmen Moore and Earl Wilkinson.

ACTION OF THE BOARD – Laid over to October 2, 2007, at 1:30 P.M., for continued hearing.

161-06-BZ

APPLICANT – Eric Palatnik, P.C., for Webster Affordable Solutions, LLC, owner.

SUBJECT – Application July 24, 2006 – Variance (§72-21) on behalf of the Doe Fund to permit the creation of two (2), eight (8)-story structures at the Premises located in a C8-2

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zoning district. The proposal is contrary to Section 32-10.
PREMISES AFFECTED – 3349 and 3365 Webster Avenue,
Webster Avenue South of Gun Hill Road, Block 3355, Lot
121, Borough of Bronx.

COMMUNITY BOARD #7BX

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to August
21, 2007, at 1:30 P.M., for continued hearing.

311-06-BZ thru 313-06-BZ

APPLICANT – Rothkrug, Rothkrug, & Spector, LLP, for
White Star Lines LLC.

SUBJECT – Application December 4, 2006 – Zoning
variance under §72-21 to allow three, four (4) story
residential buildings containing a total of six (6) dwelling
units, contrary to use regulations (§42-10); M1-1 district.

PREMISES AFFECTED – 300/302/304 Columbia Street,
Northwest corner of Columbia Street and Woodhull Street,
Block 357, Lots 38, 39, 40. Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD – Laid over to
September 18, 2007, at 1:30 P.M., for continued hearing.

10-07-BZ

APPLICANT – Kenneth Philogene, for George Smirnov,
owner.

SUBJECT – Application January 9, 2007 – Variance (§72-
21) to construct a two story, one family home on an
undersized vacant lot with less than the total required side
yards (§23-48) in an R3-1 zoning district.

PREMISES AFFECTED – 118 Graham Boulevard, south
side of Graham Boulevard, Block 3768, Lot 23, Borough of
Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Kenneth Philogene.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins,
Commissioner Ottley-Brown and Commissioner
Hinkson...4

Negative:.....0

ACTION OF THE BOARD – Laid over to
September 11, 2007, at 1:30 P.M., for decision, hearing
closed.

54-07-BZ

APPLICANT – Robert Akerman, Esq., for Ella Weiss,
owner.

SUBJECT – Application February 23, 200 – Special Permit
(\$73-622) for the enlargement of an existing single family
home. This application seeks to vary floor area, lot coverage
and open space (§23-141); side yard (§23-461) and rear yard
(\$23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 1776 East 26th Street, west side
of 26th Street, between Avenue R and Quentin Road, 200'
north of Avenue R, Block 6808, Lot 34, Borough of
Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins,
Commissioner Ottley-Brown and Commissioner
Hinkson...4

Negative:.....0

ACTION OF THE BOARD – Laid over to
September 11, 2007, at 1:30 P.M., for decision, hearing
closed.

72-07-BZ

APPLICANT– Sheldon Lobel, P.C. for Iren Israel Laniado,
owner.

SUBJECT – Application March 28, 2007 – Special Permit
(\$73-622) for the enlargement of a single family residence.
This application seeks to vary open space, lot coverage and
floor area (§23-141); side yard (§23-461); rear yard (§23-47)
and perimeter wall height (§23-631) in an R3-2 zoning
district.

PREMISES AFFECTED – 1941 East 26th Street, eastern
side of 26th Street between Avenue S and Avenue T, Block
7305, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to
September 11, 2007, at 1:30 P.M., for continued hearing.

101-07-BZ

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

SUBJECT – Application April 26, 2007 – Special Permit
(\$73-622) for the enlargement of an existing single family
detached residence. This application seeks to vary open
space and floor area (§23-141) and side yard (§23-461) in an
R-2 zoning district.

PREMISES AFFECTED – 2306 Avenue M, south side, 40'
east of East 23rd Street, between East 23rd and East 24th
Streets, Block 7627, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Harold Weinberg and Frank Sellitto.

For Opposition: Joseph Bergman.

ACTION OF THE BOARD – Laid over to
September 11, 2007, at 1:30 P.M., for continued hearing.

113-07-BZ

APPLICANT – Omnipoint Communications, Inc., for
Joseph Norman, owner; Omnipoint Communications Inc.,

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lessee.

SUBJECT – Application May 7, 2007 – Special Permit (§73-30) for a non-accessory radio tower, which is a public utility wireless communication facility and will consist of an 82-foot stealth, together with antennas mounted therein and related equipment at the base thereof.

PREMISES AFFECTED – 155 Clay Pit Road, northeast corner of the intersection of Veterans Road East and Clay Pit Road, Block 7105, Lot 679, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Robert Gerasdioso.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

ACTION OF THE BOARD – Laid over to September 11, 2007, at 1:30 P.M., for decision, hearing closed.

120-07-BZ

APPLICANT – Bryan Cave LLP, for Fiam Building Associates, owner.

SUBJECT – Application May 11, 2007 – Zoning variance under § 72-21 to allow the partial conversion to residential use of an existing 12-story mixed-use building; contrary to use regulations (§ 42-00). M1-6 district.

PREMISES AFFECTED – 24 West 30th Street, south side, 350' to the west of Fifth Avenue, Block 831, Lot 53, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Margery Perlmutter.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

ACTION OF THE BOARD – Laid over to September 11, 2007, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: 4:30 P.M.