

BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:
40 Rector Street, 9th Floor, New York, N.Y. 10006.

Volume 92, Nos. 14-15

April 19, 2007

DIRECTORY

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CONTENTS

DOCKET	247
CALENDAR of May 8, 2007	
Morning	248
Afternoon	249

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, April 10, 2007**

Morning Calendar250

Affecting Calendar Numbers:

597-39-BZ	84-04 Parsons Boulevard, Queens
717-60-BZ	2052 Victory Boulevard, Staten Island
854-60-BZ	188-02 to 188-10 Hillside Avenue, Queens
58-96-BZ	277 Park Avenue, Manhattan
97-97-BZ	1730 Cross Bronx Expressway, Bronx
150-00-BZ	802 Hicksville Road, Queens
741-49-BZ	241-15 Hillside Avenue, Queens
8-01-BZ	352 Clifton Avenue, Staten Island
44-06-BZ	150-24 18 th Avenue, Queens
81-74-BZ	97-27 57 th Avenue, Queens
200-00-BZ	107-24 37 th Avenue, Queens
163-04-BZII	671/99 Fulton Street, Brooklyn
150-06-A & 151-06-A	2550 & 2552 Kingsland Avenue, Bronx
6-07-A thru 9-07-A	127-09, 127-11, 127-15 and 127-17 Gurino Drive, Queens
232-06-A	28 Sand Court, Staten Island
287-05-A	32-42 33 rd Street, Queens
300-06-A	43-17 104 th Street, Queens
17-07-BZY thru 19-07-BZY	5000 and 5020 Iselin Avenue, Bronx
20-07-BZY thru 31-07-BZY	421 West 250 th Street, Bronx

Afternoon Calendar258

Affecting Calendar Numbers:

118-06-BZ	71 Beaumont Street, Brooklyn
177-06-BZ	1840 Richmond Terrace, Staten Island
214-06-BZ	196-25 Hillside Avenue, Queens
240-06-BZ thru 251-06-BZ	147-04 to 147-30 Union Turnpike, Queens
260-06-BZ	547 Greenwich Street, Manhattan
294-06-BZ	31-11 Broadway, Queens
316-06-BZ	2960 Webster Avenue, Bronx
159-05-BZ	880 Annadale Road, Staten Island
183-05-BZ	25-09 38 th Avenue, Queens
318-05-BZ	2040 Dr. MLK Jr., Boulevard, Bronx
425-05-BZ	2409 Avenue Z, Brooklyn
31-06-BZ	102-10 159 th Road, Queens
49-06-BZ	2041 Flatbush Avenue, Brooklyn
79-06-BZ	887 Bergen Street, Brooklyn
83-06-BZ	47-33 Fifth Street, Queens
100-06-BZ	638-640 President Street, Brooklyn
278-06-BZ	871 Bergen Street, Brooklyn
65-06-BZ	72-45 43 rd Avenue, Queens
108-06-BZ	143 West 30 th Street, Manhattan
114-06-BZ	124 Norfolk Street, Brooklyn
253-06-BZ	2243 Homecrest Avenue, Brooklyn
14-07-BZ	152 Franklin Street, Manhattan
41-07-BZ	450 West 17 th Street, Manhattan
44-07-BZ	171-173 East 83 rd Street, Manhattan

DOCKETS

New Case Filed Up to April 10, 2007

68-07-BZ

102-48 65th Road, Southwest corner Yellowstone Boulevard & 65th Road., Block 2130, Lot(s) 37, Borough of **Queens, Community Board: 6.** Under 72-21-Proposed community facility synagogue, which does not comply with front and side yard requirements..

69-07-BZ

240 West Broadway, Northwest corner of the intersection of North Moore Street and West Broadway., Block 190, Lot(s) 44, Borough of **Manhattan, Community Board: 1.** Under 72-21-

70-07-A

49-30 Galasso Place, East side of 49th Street 274' south of Galasso Place., Block 2575, Lot(s) 292, Borough of **Queens, Community Board: 4.** General City Law Section 36-Request for waiver of street frontage requirements as per BC27-291, to obtain Certificate of Occupancy for the existing warehouse..

71-07-BZ

32-05 21st Street, South side 21st Street blockfront between Broadway and 33rd Avenue., Block 555, Lot(s) 16, Borough of **Queens, Community Board: 1.** (SPECIAL PERMIT) 11-411 & 73-01(d)-Proposal to reinstate the variance that was granted under calendar number 274-61-BZ..

72-07-BZ

1941 East 26th Street, Located on the eastern side of 26th Street, midblock between Avenue S and Avenue T., Block 7305, Lot(s) 70, Borough of **Brooklyn, Community Board: 15.** (SPECIAL PERMIT) 73-622-To allow the enlargement of a single family residence in a residential, zoning district, varying floor area and lot coverage requirements..

73-07-A

2169-2171 86th Street, North side of 86th Street, 100' west from the corner of Bay Parkway., Block 6347, Lot(s) 49, Borough of **Brooklyn, Community Board: 11.** Modify

Certificate of Occupancy-Also require the installation of a sprinkler system in the cellar of the subject property..

74-07-BZ

6-10 West 70th Street, 0 feet west of the corner formed by the intersection of Central Park West and West 70th Street., Block 1122, Lot(s) 36 & 37, Borough of **Manhattan, Community Board: 7.** Under 72-21-Proposes to construct new 8-story (plus penthouse), mixed-use building community facility/residential on lot 37..

75-07-BZ

174 Hudson Street, Southeast corner of Vestry Street and Hudson Street., Block 220, Lot(s) 31, Borough of **Manhattan, Community Board: 1.** (SPECIAL PERMIT) 73-36-To permit a cellar and on the first floor of six-story building, a Physical Culture and Health Establishment..

76-07-A

485 Seabreeze Walk, East side Seabreeze Walk 204.11' feet south of Beach 213th Street., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14.** General City Law Section 36, Article 3-Proposal to reconstruct and enlarge an existing one family dwelling and the upgrade of an existing private disposal system..

77-07-A

32 Adele Street, Between Burgher Avenue and Evergreen Avenue., Block 3329, Lot(s) 63, Borough of **Staten Island, Community Board: 2.** General City Law Section 36, Article 3-Propose to construct a new commercial building..

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

CALENDAR

MAY 8, 2007, 10:00 A.M.

APPEALS CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, May 8, 2007, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

177-85-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for 2025 Richmond Avenue LLC, owner.

SUBJECT – Application October 28, 2006 – Extension of Term and waiver of the rules for a Variance, granted on August 12, 1986 to permit in an R3-2 zoning district a two story building for use as a retail establishment and business offices (UG6) which does not conform with the use regulations.

PREMISES AFFECTED – 2025 Richmond Avenue, east side of Richmond Avenue, 894.75' north of Rockland Avenue, Block 2015, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #2SI

118-95-BZII

APPLICANT – Windels Marx Lane & Mittendorf, LLP, for White Castle System, Inc., owner.

SUBJECT – Application April 9, 2007 – Extension of Term of a Special Permit for an accessory drive-through facility, located in an C1-2/R7B zoning district, in conjunction with an (UG6) eating and drinking establishment (White Castle) which expired on July 25, 2006; Extension of Time to obtain a Certificate of Occupancy which expired on June 11, 2002 and a waiver of the rules of practice and procedure.

PREMISES AFFECTED – 89-03 57th Avenue, northeast corner of Queens Boulevard and 57th Avenue, Block 1845, Lot 41, Borough of Queens.

COMMUNITY BOARD #4Q

201-02-BZ

APPLICANT – Eric Palatnik, P.C., for Paco Page, LLC, owner.

SUBJECT – Application April 18, 2007 – Request for a waiver of Practice and Procedure and for an extension of time to complete construction and to obtain a Certificate of Occupancy.

PREMISES AFFECTED – 6778 Hylan Boulevard, southeast corner of Page Avenue, Block 7734, Lots 13 & 19, Borough of Staten Island.

COMMUNITY BOARD #3SI

28-05-A

APPLICANT – Alex Ng

OWNER OF PREMISES: Bill Petit

SUBJECT – Application February 17, 2005 – Appeal seeking to challenge the Department of Building's determination that a fenced refuse area in any yard or open space does not violate any Building Code or Zoning Resolution.

PREMISES AFFECTED – 72-02 Ridge Boulevard, a/k/a Flag Court, Block 5906, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #10BK

317-06-A

APPLICANT – John Dydland-NYCDEP, for Department of Environmental Protection, owner.

SUBJECT – Application December 7, 2006 – Proposed construction of a Groundwater Remediation System at a NYCDEP owned site (Station 24) which is located in the bed of mapped street 109th Avenue which is contrary to General City Law Section 35 .R3X Zoning District.

PREMISES AFFECTED – 180th Street and 106th Road, premises is situated at the following intersections – 176th Street and 109th Avenue and Fern Place, 177th Street and Watson, Block 10343, Lots 300, 32, 12, 1, Borough of Queens.

COMMUNITY BOARD #12Q

320-06-A

APPLICANT – Rothkrug, Rothkrug and Spector, for Furman LLC, owner.

SUBJECT – Application December 11, 2006 – An appeal challenging DOB's interpretation of their DOB Memo 9/21/86 in which compliance with the special provisions of §23-49 (a) & (c) are applicable to the current design of the proposal when the party walls are utilized or shared for 50% or more of the depth of the building. R5 zoning district.

PREMISES AFFECTED – 4368 Furman Avenue, between East 236th and East 237th, Block 5047, Lot 12, Borough of Bronx.

COMMUNITY BOARD #12BX

CALENDAR

MAY 8, 2007, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, May 8, 2007, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

302-06-BZ

APPLICANT – Harold Weinberg, P.E., for Mirrer Yeshiva Central Institute, owner.

SUBJECT – Application November 15, 2006 – Variance (§72-21) to permit the construction of a mezzanine and a two-story enlargement over the existing two-story community facility building. The premise is located in a R6 zoning district and the Ocean Parkway Special Zoning District Sub-District. The proposal is contrary to §24-11.

PREMISES AFFECTED – 1791 Ocean Parkway, northeast corner Avenue R, north side Avenue R between Ocean Parkway and East 77th Street, Block 6663, Lot 46, Borough of Brooklyn.

COMMUNITY BOARD #15BK

13-07-BZ

APPLICANT– Jesse Masyr, Wachtel & Masyr, LLP, for Zahav Enterprises, Inc., owner; Unicorp National Development, Inc., lessee.

SUBJECT – Application January 11, 2007 – pursuant to §11-413 of the Zoning Resolution seeking approval to change the use on the project site from parking and storage of motor vehicles and auto rental (Use Group 8) to accessory off-street parking (Use Group 6). The accessory off-street parking would provide the required parking for an adjacent drug store. The subject application is located in an R6 zoning district.

PREMISES AFFECTED – 1120 East New York Avenue, a/k/a 5 Rockaway Parkway, northeast corner of East New York Avenue and Rockaway Parkway, Block 4600, Lots 1 & 7, Borough of Brooklyn.

COMMUNITY BOARD # 17BK

32-07-BZ

APPLICANT– Omnipoint Communications Inc., for E.C. Hassell Inc., owner; Omnipoint Communications Inc., lessee.

SUBJECT – Application January 24, 2007 – Special Permit §73-30 and §22-21 – In an R3-2 zoning district, for a non-accessory radio tower for a public utility wireless communications facility and consist of a 62-ft. stealth flagpole (gold ball on top), together with antennas mounted and equipment cabinets on roof of nearby commercial building.

PREMISES AFFECTED – 146-10/16 Guy R. Brewer

Boulevard, 240' south of the intersection of Guy R. Brewer Boulevard and Farmers Boulevard, Block 13310, Lots 69 & 70, Borough of Queens.

COMMUNITY BOARD #13Q

42-07-BZ

APPLICANT – Moshe M. Friedman, P.E., for Cong. & Yeshiva Lev Somejach, owner.

SUBJECT – Application February 6, 2007 – Variance (§72-21) to permit the proposed conversion and extension of an existing synagogue. The Premises is located in an R5 Ocean Parkway Special District. The proposal is requesting waivers of open space and lot coverage (§113-11 and §23-141c) and side yards (§113-11 and §23-462a).

PREMISES AFFECTED – 203 Avenue F, a/k/a 201-203 Avenue F, 717-727 East 2nd Street, Block 5396, Lot 50, Borough of Brooklyn.

COMMUNITY BOARD #12BK

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

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, APRIL 10, 2007
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

597-39-BZ

APPLICANT – Walter T. Gorman, P.E., P.C., for Exxon Mobil Corporation, owner; Kings Parsons Car Care Inc., lessee.

SUBJECT – Application December 11, 2006 – §11-412 Amendment to a gasoline service station (Exxon Mobil) for the erection of a new steel canopy and to legalize the conversion from one pump island to two pump islands, conversion of a portion of the service building to an convenience store, the installation of a car vacuum and public telephone on site, four curb cuts and wood planters in a C1-4/R5D zoning district.

PREMISES AFFECTED – 84-04 Parsons Boulevard, a/k/a 152-16 84th Avenue, southwest corner of 84th Avenue, Block 9751, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: John Ronan.

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, this is an application for a re-opening and an amendment to the previously granted variance for a gasoline service station with accessory uses; and

WHEREAS, a public hearing was held on this application on February 6, 2007, after due notice by publication in *The City Record*, with a continued hearing on March 13, 2007, and then to decision on April 10, 2007; and WHEREAS, Community Board 8, Queens, recommends approval of this application on condition that the term be limited to ten years and that the convenience store not be permitted to sell alcoholic beverages; and

WHEREAS, the premises is located on the southwest corner of Parsons Boulevard and 84th Avenue; and

WHEREAS, the site is located within a C1-4 (R5D) zoning district and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 12, 1939 when, under the subject calendar number, the Board granted an application for the

alteration of an existing gasoline service station; and

WHEREAS, subsequently, the grant was amended at various times; and

WHEREAS, most recently, on April 3, 1990, the Board reopened and amended the resolution to allow for certain site modifications; and

WHEREAS, the applicant initially proposed, under this application, to legalize the following changes to the site: the enlarged width of four curb cuts, two new pump islands, a conversion of a portion of the service building to an accessory convenience store, and the addition of planters, a car vacuum, and a public telephone; and

WHEREAS, the existing curb cuts are 30'-4" and 26'-7" on the 84th Avenue frontage and 42'-9" and 45'-3" on the Parsons Boulevard frontage; the approved plans provide for two 25'-0" curb cuts on 84th Avenue and two 30'-0" curb cuts on Parsons Boulevard; and

WHEREAS, the applicant also proposes to construct a steel canopy; and

WHEREAS, the application represents that storage containers, a shed, and a fence enclosure currently onsite will be removed from the site and are not sought to be legalized; and

WHEREAS, pursuant to ZR § 11-412, the Board may grant a request for alterations to the site; and

WHEREAS, at hearing, the Board expressed concern about the width of the curb cuts and directed the applicant to restore the curb cuts provided for on the BSA-approved plans and to reduce the westernmost curb cut on 84th Avenue even further to 20'-0"; and

WHEREAS, in response, the applicant revised the plans to provide for one 25'-0" and one 20'-0" curb cut on 84th Avenue and two 30'-0" curb cuts on Parsons Boulevard; and

WHEREAS, the Board asked the applicant if the signage was complying; and

WHEREAS, the applicant responded that zoning district regulations permit a total of 100 sq. ft. of illuminated signage, with 50 sq. ft. on each frontage; and

WHEREAS, the applicant noted that due to the location of several of the signs directly in the corner of the site, between the two frontages, it is difficult to determine which frontage to attribute the sign to and requests that it be viewed in the aggregate; and

WHEREAS, the Board noted that the signage in the aggregate is within the parameters of that permitted and agreed that the proposed signage is appropriate; and

WHEREAS, as to the Community Board's recommendation to limit the term, the Board notes that the this variance previously has not been termed; and

WHEREAS, as to the Community Board's recommendation to prohibit the sale of alcoholic beverages at the site, the Board notes that this request is beyond the scope of the Board's jurisdiction; and

WHEREAS, based upon its review of the record, the Board finds the proposed amendments are appropriate and that the evidence in the record supports the findings required to be made under ZR § 11-412, with certain conditions as set forth below.

MINUTES

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on December 12, 1939, so that as amended this portion of the resolution shall read: "to permit the legalization of the accessory convenience store and other noted existing site modifications to allow a new metal canopy and other noted new site modifications *on condition* that all work and the site layout shall substantially conform to drawings as filed with this application, marked "February 23, 2007"- (5) sheets; and *on further condition*:

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application Nos. 402492940, 402492806, 402492824, 402492842, 402492815 and 402492833)

Adopted by the Board of Standards and Appeals, April 10, 2007.

717-60-BZ, Vol. III

APPLICANT – Eric Palatnik, P.C., for Sun Refining & Marketing, owner.

SUBJECT – Application September 25, 2006 – Extension of term/waiver of the rules for a Variance (§72-21) for an existing (UG 16) gasoline service station (Sunoco) in an R3-2/C1-1 zoning district which expired on June 1, 2006.

PREMISES AFFECTED – 2052 Victory Boulevard, southeast corner of Bradley Avenue, Block 724, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Eric Palatnik.

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, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term for a previously granted variance for a gasoline service station, which expired on June 1, 2006; and

WHEREAS, a public hearing was held on this application on November 14, 2006 after due notice by publication in *The City Record*, with continued hearings on January 9, 2007, February 13, 2007, and March 13, 2007, and then to decision on April 10, 2007; and

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

WHEREAS, the site is located on the southeast corner of Victory Boulevard and Bradley Avenue; and

WHEREAS, the site is located in a C1-1 (R3-2) zoning district and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 7, 1961 when, under the subject calendar number, the Board granted a variance for the alteration of an existing gasoline service station; and

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

WHEREAS, most recently, on April 15, 2003, the grant was amended to permit an extension of the time to obtain a certificate of occupancy to expire on April 15, 2005; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, at hearing, the Board directed the applicant to remove any non-complying signage; and

WHEREAS, in response, the applicant submitted photographs reflecting that the non-complying signage had been removed; and

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

WHEREAS, based upon its review of the record, the Board finds that the requested extension of term is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on February 7, 1961, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: "to extend the term for ten years from June 1, 2006 to expire on June 1, 2016, *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'Received February 26, 2007'- (4) sheets; and *on further condition*:

THAT the term of this grant shall expire on June 1, 2016;

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

THAT a certificate of occupancy shall be obtained within nine months of the date of this grant;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application No. 5000846864)

Adopted by the Board of Standards and Appeals, April 10, 2007.

MINUTES

854-60-BZ

APPLICANT – Eric Palatnik, P.C., for Sun Company, Inc. R & M, owner.

SUBJECT – Application January 22, 2007 – Extension of Time to obtain a Certificate of Occupancy and waiver of the Rules of Practice and Procedure which expired on September 21, 2000 in a C2-2/R3-2 zoning district.

PREMISES AFFECTED – 188-02 to 188-10 Hillside Avenue, 88-01 to 88-09 188th Street, Block 10453, Lot 19, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Eric Palatnik.

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, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the time to obtain a certificate of occupancy, which expired on September 21, 2000; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

WHEREAS, the subject premises is located on the southeast corner of Hillside Avenue and 188th Street; and

WHEREAS, the site is occupied by a gasoline service station, located within a C2-2 (R3-2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 11, 1961 when, under the subject calendar number, the Board granted a variance for the alteration of an existing gasoline service station; and

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

WHEREAS, most recently, on September 21, 1999, the grant was amended to permit an extension of term of the variance, to expire on September 21, 2000, and an amendment to permit modifications to the site; and

WHEREAS, a condition of the grant was that a new certificate of occupancy be obtained by September 21, 2000; and

WHEREAS, the applicant represents that the work has been completed and that a new certificate of occupancy can be obtained within one year; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated April 11, 1961, so that as amended this portion of the resolution shall read: “to grant an extension of the time to obtain a certificate of occupancy for an additional one year from the date of this grant; *on condition:*

THAT a certificate of occupancy be obtained by April 10, 2008;

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

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

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

(DOB Application No. 400889464)

Adopted by the Board of Standards and Appeals, April 10, 2007.

58-96-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 277 Park Avenue, LLC, owner; Manhattan Athletic Club, LLC, lessee.

SUBJECT – Application December 8, 2006 – Extension of Term/Amendment-For the operation of a Physical Culture or Health Establishment for an additional ten (10) years, and to add 479 square feet to the club for the purposes of a boxing room. The site is located in a C5-3(SMD) &C6-6 zoning district.

PREMISES AFFECTED – 277 Park Avenue, east side of Park Avenue and 47th Street, Block 1302, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Elizabeth Larsen.

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, this is an application for a reopening, an amendment, and an extension of the term for a previously granted special permit for a Physical Culture Establishment (PCE), which expired on December 10, 2006; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

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

WHEREAS, the subject premises is located on the east side of Park Avenue, between East 47th Street and East 48th Street; and

WHEREAS, the site has a lot area of approximately 81,337.5 sq. ft. and is located partially within a C5-3 zoning district and partially within a C6-6 zoning district, within the Special Midtown District; and

MINUTES

WHEREAS, the site is occupied by a 50-story commercial building; and

WHEREAS, the PCE occupies a portion of the first floor and basement for a total floor area of 12,933 sq. ft.; and

WHEREAS, the PCE is operated as Manhattan Athletic Club; and

WHEREAS, on December 10, 1996, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36, to permit the operation of the PCE for a term of ten years; and

WHEREAS, the instant application seeks the legalization of interior layout modifications including the addition of 479 sq. ft. of floor area on the first floor to accommodate boxing facilities; and

WHEREAS, the floor area increase results in the PCE occupying 12,933 sq. ft., rather than the 12,454 sq. ft. as per the approved plans; and

WHEREAS, the applicant also requests a ten-year extension of term for the special permit; and

WHEREAS, based upon its review of the record, the Board finds that the requested interior modifications and extension of term are appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens*, and *amends* the resolution, dated December 10, 1996, so that as amended this portion of the resolution shall read: "to grant approval of the increase in floor area and an extension of the term for ten years from the expiration of the last grant to expire on December 10, 2016; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, and that all work and site conditions shall comply with drawings marked 'Received December 8, 2006' – (6) sheets; and *on condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years to expire on December 10, 2016;

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

THAT a certificate of occupancy shall be obtained within one year of the date of this grant;

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

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application No. 104595715)

Adopted by the Board of Standards and Appeals, April 10, 2007.

97-97-BZII

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

SUBJECT – Application February 12, 2007 – Extension of Time and a waiver of the rules, to obtain a Certificate of Occupancy for a previously granted variance to allow in an R-5 zoning district; the construction and maintenance of a gasoline service station with an accessory convenience store which expired April 19, 2006.

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

COMMUNITY BOARD #9BX

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD –

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of the time to obtain a certificate of occupancy for a gasoline service station, which expired on April 19, 2006; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

WHEREAS, the subject premises is located on the southwest corner of the Cross Bronx Expressway and Rosedale Avenue, within an R5 zoning district; and

WHEREAS, the site is occupied by a one-story gasoline service station with accessory convenience store; and

WHEREAS, on October 7, 1997, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station at the site; the grant required that a new certificate of occupancy be obtained within four years; and

WHEREAS, however, the work was not completed and on April 19, 2005, the Board amended the grant to permit an extension of time to complete work and obtain a certificate of occupancy for one additional year, to expire on April 19, 2006; and

WHEREAS, the applicant states that the work is completed, but that a new certificate of occupancy has not been obtained; and

WHEREAS, the applicant now requests one year to obtain a new certificate of occupancy; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated October 7, 1997, so that as

MINUTES

amended this portion of the resolution shall read: "to grant an extension time to obtain a certificate of occupancy for one year from the date of this grant; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans; and *on condition*:

THAT a certificate of occupancy shall be obtained by April 10, 2008;

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

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

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

(DOB Application No. 200410572)

Adopted by the Board of Standards and Appeals, April 10, 2007.

150-00-BZ, Vol. III

APPLICANT – Eric Palatnik, P.C., for Yeshiva of Far Rockaway, owner.

SUBJECT – Application February 15, 2007 – Extension of Time to complete construction and obtain a certificate of occupancy for a variance for additional floor area on the second floor to an existing two story synagogue and yeshiva which expired January 25, 2007 in an R-2 zoning district.

PREMISES AFFECTED – 802 Hicksville Road, corner of Beach 9th Street, Block 15583, Lot 16, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Eric Palatnik.

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, this is an application for a reopening and an extension of the time to complete construction and obtain a certificate of occupancy for the enlargement of a community facility, which expired on January 25, 2007; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

WHEREAS, the subject premises is located on the northeast corner of Hicksville Road and Beach 9th Street; and

WHEREAS, the site is occupied by a two-story synagogue and yeshiva building, located within an R2 zoning district; and

WHEREAS, on January 9, 2000, under the subject calendar, the Board granted a variance, pursuant to ZR § 72-21,

to permit the enlargement of the second floor of an existing two-story synagogue and yeshiva building; and

WHEREAS, on January 25, 2005, the Board granted an amendment and an extension of time to complete construction and obtain a certificate of occupancy for an additional two-year term; and

WHEREAS, the instant application seeks a two-year extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, based upon its review of the record, the Board finds that a two-year extension is appropriate, with the conditions set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated January 9, 2000, so that as amended this portion of the resolution shall read: "to grant an extension of the time to complete construction and obtain a certificate of occupancy for a term of two years from the date of this grant; *on condition*:

THAT substantial construction shall be completed and a certificate of occupancy be obtained by April 10, 2009;

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

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

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

(DOB Application No. 401962006)

Adopted by the Board of Standards and Appeals, April 10, 2007.

741-49-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Hillside Auto Center S.S., Inc., owner.

SUBJECT – Application January 8, 2007 – §11-411 and §11-412 to extend the term of a variance for a gasoline service station with accessory uses for an additional period of ten years from September 23, 2005 and to amend the resolution to permit a portion of the building to be used as an accessory convenience store and to permit a metal canopy and new fuel pump. The site is located in an R-2 zoning district.

PREMISES AFFECTED – 241-15 Hillside Avenue, northwest corner of 242nd Street, Block 7909, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD – Laid over to June 5, 2007, at 10 A.M., for continued hearing.

8-01-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for Bruno

MINUTES

Savo, owner.

SUBJECT – Application October 20, 2006 – Extension of Time to complete construction to a previously granted Variance (§72-21) for the construction of a single family home on a lot with less than the lot width which expired on December 18, 2005; and an amendment to the off street parking requirement to comply with provisions in an R32(LDGM) zoning district.

PREMISES AFFECTED – 352 Clifton Avenue, south side of Clifton Avenue, 125’ east of Reynolds Street, Block 2981, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Adam Rothkrug .

For Opposition: Sarem Ozdusal.

ACTION OF THE BOARD – Laid over to May 8, 2007, at 10 A.M., for continued hearing.

44-06-BZ, Vol. II

APPLICANT– Rothkrug, Rothkrug & Spector, for Philip & Laura Tuffnel, owner.

SUBJECT – Application October 13, 2006 – Rehearing of a previously granted variance (§72-21) the vertical enlargement of an existing single family home, to permit notification of affected property owners and public officials in an R3A zoning district.

PREMISES AFFECTED – 150-24 18th Avenue, south side of 18th Avenue, 215’ east of intersection with 150th Street, Block 4687, Lot 43, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Opposition: Ronald J. Dillon of President Concerned Homeowners Association.

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 May 8, 2007, at 10 A.M., for decision, hearing closed.

81-74-BZ

APPLICANT – Martyn & Don Weston, for Bogopa Supermarket, Inc., owner; Food Bazaar Supermarket; lessee.

SUBJECT – Application January 29, 2007 – Extension of Term of a previously granted variance for the operation of a Use Group 6 (Food Bazaar Supermarket) in a C1-2/R6A & R6B zoning district which expired on February 27, 2007.

PREMISES AFFECTED – 97-27 57th Avenue, north side between 97th Place and 98th Street, Block 1906, Lot 1, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Don Weston, Kyo C Hwang and Jae Gook Kim.

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 April 24, 2007, at 10 A.M., for decision, hearing closed.

200-00-BZ, Vol. III

APPLICANT – Eric Palatnik, P.C., for Blans Development Corp., owner.

SUBJECT –Application January 22, 2007 – Extension of Term/Waiver of a previously approved variance, which expired on July 17, 2006 for an existing physical culture establishment at the second floor of the premises located in a R6B (C1-4) zoning district

PREMISES AFFECTED – 107-24 37th Avenue, a/k/a 37-16 108th Street, southwest corner of 108th Street and 37th Avenue, Block 1773, Lot 10, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to June 19, 2007, at 10 A.M., for continued hearing.

163-04-BZII

APPLICANT – Rothkrug Rothkrug & Spector, for Mylaw Realty Corp., owner; Crunch Fitness, lessee.

SUBJECT – Application August 28, 2006 – Amendment of a special permit (§73-36) to allow the enlargement and expansion of an existing physical culture establishment into an adjoining building, and to reflect a change in the name of the operator. C2-4(R6) zoning district.

PREMISES AFFECTED – 671/99 Fulton Street, northwest corner of Fulton Street and St. Felix Street, Block 2096, Lots 66 and 69, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES –

For Applicant: Adam Rothkrug.

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 April 24, 2007, at 10 A.M., for decision, hearing closed.

MINUTES

150-06-A & 151-06-A

APPLICANT – Kathleen R. Bradshaw, for Frank Gallo, owner.

SUBJECT – Application July 7, 2006 – Proposed construction of two, two – family dwellings located within the bed of a mapped street contrary to General City Law Section 35. R4A Zoning District.

PREMISES AFFECTED – 2550 & 2552 Kingsland Avenue, between Mace Avenue and Allerton Avenue, Block 4488, Lots 30 & 32, Borough of Bronx.

COMMUNITY BOARD #11BX

APPEARANCES –

For Applicant: Kathleen Bradshaw.

ACTION OF THE BOARD – Appeal 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 Bronx Borough Commissioner, dated June 29, 2006, acting on Department of Buildings Application Nos. 200939583 and 200939574, reads in pertinent part:

“Building in the bed of mapped street contrary to General City Law Section 35.”; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in the *City Record*, and then to decision on April 10, 2007; and

WHEREAS, by letter dated March 13, 2007, the Fire Department states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated November 20, 2006, the Department of Environmental Protection states that it has reviewed the application and has no objections; and

WHEREAS, by letter dated February 23, 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 Bronx Borough Commissioner, dated June 29, 2006, acting on Department of Buildings Application Nos. 200939583 and 200939574, 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 September 7, 2006”-one (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 the lot subdivision is to 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 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, April 10, 2007.

6-07-A thru 9-07-A

APPLICANT – Sheldon Lobel, P.C., for College Point Holding, LLC, owner.

SUBJECT – Application January 8, 2007 – Proposed construction of four two family homes not fronting on mapped street which is contrary to Article 3, Section 36 of the General City Law. R4A Zoning District.

PREMISES AFFECTED – 127-09, 127-11, 127-15 and 127-17 Gurino Drive, (*Former 25th Road*) between 127th Street and Ulmer Street, Block 4269, Lots 1 & 27 (*to be known as New Tax Lots 1, 2, 3 & 4*), Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Zara F. Fernandes.

ACTION OF THE BOARD – Appeal 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 December 7, 2006, acting on Department of Buildings Application Nos. 402031957, 402031948, 402031939, 402031920, reads in pertinent part:

“The proposed development is contrary to General City Law Section 36, and does not have at least 8% of the total perimeter of the building fronting directly upon a street or frontage space per Building code Section 27-291.”; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in the *City Record*, and then to closure and decision on April 10, 2007; and
and

WHEREAS, Community Board 7, Queens, has recommended approval of this application; and

WHEREAS, the site was a corner lot bounded by what was formerly 25th Road to the south and what was formerly 128th Street to the east; and

WHEREAS, the site became landlocked when these portions of 25th Road and 128th Street were de-mapped in October 1973 by the City of New York; and

WHEREAS, this portion of the former 25th Road, now

MINUTES

part of Block 4273 to the south, was designated a 60-ft. wide buffer zone by the City of New York in connection with the College Point Urban Renewal Plan; and

WHEREAS, this buffer zone serves to separate the residentially-zoned site from the industrial-zoned properties to the south; and

WHEREAS, in 2002, the prior owners of the site were granted an easement of necessity over the buffer zone by the Supreme Court of New York State; and

WHEREAS, in 2005, the City Planning Commission determined, pursuant to an application under the College Point Urban Renewal Plan, that an access driveway over the buffer zone was necessary; and

WHEREAS, this portion of the former 25th Road, to be known as Gurino Drive, will provide a roadway that will allow ingress and egress from the site through the buffer zone and 127th Street, a public city street; and

WHEREAS, a Homeowner's Association shall be formed for the purposes of maintaining the common roadway, underground utilities, landscaping, sidewalks, curbs, and fencing; and

WHEREAS, by letter dated March 5, 2007, the Fire Department states that it has reviewed the above project and has no objections; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated December 7, 2006, acting on Department of Buildings Application Nos. 402031957, 402031948, 402031939, and 402031920, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received January 8, 2007"-one (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 the lot subdivision 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 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, April 10, 2007.

Sunset Park, LLC, owner.

SUBJECT – Application September 11, 2006 – Proposed two family dwelling that does not front on a legally mapped street contrary to Article 3, Section 36 of the General City Law. R3-1 Zoning District.

PREMISES AFFECTED – 28 Sand Court, South side of Sand Court, 157 feet west of Father Capodanno Boulevard, Block 3122, Lot 213, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Adam W. Rothkrug.

For Opposition: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD – Laid over to May 8, 2007, at 10 A.M., for continued hearing.

287-05-A

APPLICANT – New York City Board of Standards and Appeals.

OWNER: 32-42 33 Street, LLC, owner.

SUBJECT – Application September 15, 2005 – To consider dismissal for lack of prosecution.

PREMISES AFFECTED – 32-42 33rd Street, between Broadway and 34th Avenue, Block 612, Lot 53, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: John , Eric Hantzopolous, Madeleine Henley, George Mi, Laurel Mei Turbin and Mary Orisses.

For Administration: Deborah Glikin, Department of Buildings.

ACTION OF THE BOARD – Laid over to June 5, 2007, at 10 A.M., for continued hearing.

300-06-A

APPLICANT – Eric Palatnik, P.C., for Tony Wan Yiu Cheng, owner.

SUBJECT – Application November 14, 2006 – Proposed construction of a 4 story mixed use building which extends into the mapped street (44th Avenue) which is contrary to Section 35 of the General City Law. C2-5/R6-B zoning district.

PREMISES AFFECTED – 43-17 104th Street, north side of the corner formed by the intersection of 44th Street and 104th Avenue, Block 1987, Lot 67, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to May 8, 2007, at 10 A.M., for continued hearing.

232-06-A

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for

MINUTES

17-07-BZY, 18-07-BZY, 19-07-BZY & 20-07-BZY thru 31-07-BZY

APPLICANT – Sheldon Lobel, P.C., for Chapel Farm Estates, Inc., d/b/a Villanova Heights, Inc., owner.

SUBJECT – Application January 18, 2007 – Proposed extension of time (§11-332) to complete construction of a minor development commenced under the zoning district regulations in effect as of October 2004. R1-2/NA-2. Zoning District.

PREMISES AFFECTED – 5000 and 5020 Iselin Avenue, 421 West 250th Street, Grosvenor Avenue and Goodridge Avenue, Block 5831, 5829, 5830 and 5839, Lots 10, 20, 30, 4018, 4025, 3912, 3920, 3940, 3630, 3635, 40, 50, 60 and 70, Borough of Bronx.

COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: Jordan Most and Neil Strandberg.

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: 12:20 P.M.

REGULAR MEETING TUESDAY AFTERNOON, APRIL 10, 2007 1:30 P.M.

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

ZONING CALENDAR

118-06-BZ

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

SUBJECT – Application June 9, 2006 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary lot coverage, open space and floor area, ZR §23-141(a) and rear yard, ZR §23-47 in an R3-1 zoning district.

PREMISES AFFECTED – 71 Beaumont Street, east side, 220' north of Hampton Avenue and Shore Boulevard, Block 8728, Lot 77, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES – None.

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 June 6, 2006, acting on Department of Buildings Application No. 302169258, reads in pertinent part:

“Proposed enlargement of the one family residence in an R3-1 zoning district:

1. Extends the degree of non-compliance with respect to lot coverage and is contrary to Sections 23-141 and 54-31 of the Zoning Resolution (ZR).
2. Extends the degree of non-compliance with respect to floor area ratio and open space and is contrary to Sections 23-141 and 54-31 ZR.
3. Extends the degree of non-compliance with respect to rear yard and is contrary to Section 23-47 ZR and 54-31.”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed enlargement of a single-family dwelling, which does not comply with the zoning requirements for lot coverage, floor area, FAR, open space, and rear yard, contrary to ZR §§ 23-141, 23-47, and 54-31; and

WHEREAS, a public hearing was held on this application on February 6, 2007, after due notice by publication in *The City Record*, with a continued hearing on March 6, 2007, and then to decision on April 10, 2007; 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 Collins, and Commissioner Hinkson; and

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

WHEREAS, the subject site is located on the east side of Beaumont Street, between Hampton Avenue and Shore Boulevard; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a 2,186 sq. ft. (0.55 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 2,186 sq. ft. (0.55 FAR) to 4,048 sq. ft. (1.01 FAR); the maximum floor area permitted is 2,400 sq. ft. (0.60 FAR, including the attic allowance); and

WHEREAS, the proposed enlargement will decrease the open space from 2,576 sq. ft. to 2,306.5 sq. ft. (a minimum open space of 2,600 sq. ft. is required); and

WHEREAS, the proposed enlargement will maintain the existing non-complying 21'-6 ¼" rear yard (a minimum rear yard of 30'-0" is required); and

WHEREAS, the enlargement of the building is not

MINUTES

located within 20'-0" of the rear lot line; and

WHEREAS, at hearing, the Board asked the applicant to clearly identify which portions of the existing building would be retained; and

WHEREAS, in response, the applicant submitted drawing, which identify the portions of the building that will be retained; and

WHEREAS, additionally, the Board asked the applicant to provide a streetscape which identifies the perimeter wall and total heights of the homes on the subject block; and

WHEREAS, in response, the applicant submitted a streetscape, which identifies the perimeter wall and total heights of three homes on each side of the subject home; and

WHEREAS, these heights, some of which the applicant states were interpolated, represent a range in perimeter wall heights from 13'-3" to 29'-8" and total heights from 32'-0" to 35'-0"; and

WHEREAS, the Board notes that the proposed enlargement will result in a home with a perimeter wall height of 21'-0" and a total height of 28'-6", which is compatible with the homes on the subject block; 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 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 lot coverage, floor area, FAR, open space, and rear yard, contrary to ZR §§ 23-141, 23-47, and 54-31; *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 November 30, 2006" –(2) sheets and "Received March 1, 2007" – (9) sheets; and *on further condition*:

THAT there shall be no habitable room in the cellar;

THAT the floor area of the attic shall be limited to 660.9 sq. ft.;

THAT the above conditions 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 4,048 sq. ft., a total FAR of 1.01, a perimeter wall height of 21'-0", total height of 28'-6", a front yard of 15'-6 ¾", a rear yard of 21'-6 ¼", and open space of 2,306.5 sq. ft., as illustrated on the BSA-approved plans;

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, April 10, 2007.

177-06-BZ

APPLICANT– Sheldon Lobel, P.C., for 1840 EMAB LLC, owner.

SUBJECT – Application August 16, 2006 – Special permit (§§11-411, 11-413). On a lot consisting of 9,700 SF, in a C2-2 in R3A district, permission sought to legalize auto repair and sale of used cars (UG 16). The existing and proposed FAR is .14 for the one-story commercial building. DOB Objection: Section 32-25: Auto repair and auto sales (UG16) not permitted in C2-2 district.

PREMISES AFFECTED – 1840 Richmond Terrace, Clove Road and Bodine Street, Block 201, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Irving Minkin.

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 August 9, 2006, acting on Department of Buildings Application No. 500792975, reads in pertinent part:

"Proposed use of the premises for an automotive repair shop and sale of used cars, uses in Use Group 16, are not permitted as-of-right in a C2-2 district and are contrary to Section 32-25 Zoning Resolution and therefore referred to Board of Standards and Appeals.;" and

WHEREAS, this is an application for a reinstatement of a

MINUTES

prior Board approval, pursuant to ZR § 11-411, and a legalization of a change in use to an automotive repair shop with the sale of used cars, pursuant to ZR § 11-413; and

WHEREAS, a public hearing was held on this application on January 23, 2007, after due notice by publication in the *City Record*, with a continued hearing on March 6, 2007, and then to decision on April 10, 2007; and

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

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

WHEREAS, the Staten Island Borough President James P. Molinaro recommends disapproval of this application, citing concerns that the site is not operated in compliance with the prior grants; and

WHEREAS, the North Shore Waterfront Conservancy of Staten Island provided testimony in opposition to this application, citing environmental concerns; and

WHEREAS, the premises is located on the southeast corner of Richmond Terrace and Clove Road, and is within a C2-2 (R3-2) zoning district; and

WHEREAS, the subject zoning lot has a total lot area of approximately 9,700 sq. ft.; and

WHEREAS, the site is currently occupied by a 1,347.78 sq. ft. automotive repair shop and used car sales area, with accessory parking for vehicles awaiting service; and

WHEREAS, on April 9, 1957, under BSA Cal. No. 51-56-BZ, the Board granted a variance to permit the reconstruction of a gasoline service station with accessory uses at the site for a term of 15 years; and

WHEREAS, subsequently, the grant was amended to permit the addition of an advertising sign and to permit a ten-year extension of term, to expire on March 13, 1983; and

WHEREAS, on September 5, 1989, under BSA Cal. No. 80-88-BZ, the Board granted a special permit pursuant to ZR § 73-211 to allow the legalization of an automotive service station for a period of ten years; and

WHEREAS, on March 18, 2003, under BSA Cal. No. 322-02-BZ, the Board granted a special permit, pursuant to ZR § 73-211, to permit the re-establishment of the expired variance allowing the automotive service station use and certain site modifications, to expire on March 18, 2013; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 51-56-BZ, and to change the use permitted under the variance from a gasoline service station to an automotive repair shop with the sale of used cars for a term of ten years; and

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

WHEREAS, the applicant represents that there has been no enlargement to the zoning lot or the building; and

WHEREAS, the applicant also proposes to legalize a change in the use at the site from gasoline service station to automotive repair station with the sale of used cars; and

WHEREAS, pursuant to ZR § 11-413, the Board may grant a request for a change in use; and

WHEREAS, the Board notes that the change in use, from

the gasoline service station permitted under the original variance to an automotive repair shop including the sale of used cars is permitted pursuant to ZR § 11-413; and

WHEREAS, initially, the applicant proposed a parking layout with accessory parking abutting the area used for the display of cars; and

WHEREAS, at hearing, the Board expressed concern that the site could not accommodate the requested number of cars at the site and directed the applicant to review the parking layout to improve traffic circulation; and

WHEREAS, the applicant submitted a revised site plan, which limited the accessory parking to the southern side of the site away from the display area for nine used cars for sale; and

WHEREAS, further, the applicant states that an employee of the car sales business would park and move the cars for sale; and

WHEREAS, the Board agreed that the revised parking layout and the removal of two curb cuts near the intersection of Clove Road and Richmond Terrace would improve the traffic circulation; and

WHEREAS, the applicant also agreed to plant and maintain landscaping in front of the car display and along the south and east lot lines to provide screening from adjacent residential uses; and

WHEREAS, the revised site plan also provides for chain link fencing of a height of 8'-0" to be installed and maintained in front of the car display area; and

WHEREAS, as to signage, the Board asked the applicant to ensure that all signs at the site comply with zoning district regulations; and

WHEREAS, while the Board notes that the Community Board and the Borough President do not approve of the proposed use of the site, the Board finds that such use is compatible with existing land uses in the area; and

WHEREAS, specifically, the Board notes the following conditions: (1) the site is within a C2-2 overlay, (2) there is a C8-2 zoning district across Clove Road, which permits a variety of commercial uses including automotive repair, (3) there is an M1-1 zoning district across Richmond Terrace where a sanitation plant is located, and (4) the noted landscaping and fencing provide screening from the adjacent residential uses; and

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

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 under ZR §§ 11-411 and 11-413, for a reinstatement of a prior Board approval and a legalization of a change in use to an automotive repair shop with the sale of used cars; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 21, 2007"-(4) sheets; and *on further condition*:

THAT this grant shall be for a term of ten years, to expire

MINUTES

on April 10, 2017;

THAT landscaping and fencing shall be installed and maintained as per the BSA-approved plans;

THAT the number of used cars for sale on display at the site shall be limited to nine;

THAT all exterior lighting shall be directed away from adjacent residential uses;

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 all signage shall comply with zoning district 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, April 10, 2007.

214-06-BZ

APPLICANT– Walter T. Gorman, P.E., for Sidney Esikoff & Norman Fieber, owners.

SUBJECT – Application August 24, 2006 – Special Permit (§11-411) for the re-establishment and extension of term for an existing gasoline service station, which has been in continuous operation since 1953. R3-2 zoning district.

PREMISES AFFECTED – 196-25 Hillside Avenue, northwest corner of 197th Street, Block 10509, Lot 265, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: John Ronan.

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, August 1, 2006, acting on Department of Buildings Application No. 402183622, reads in pertinent part:

“Proposal to extend the term of the variance which expired on April 22, 2000 is contrary to the latest resolution adopted by the Board of Standards and Appeals under Cal. No. 673-53-BZ and contrary to C.O. # Q195693 which expired on April 22, 1990 and must, therefore, be referred back to the BSA for reinstatement of the variance since the variance

granted under Cal. No. 673-53-BZ had lapsed.”; and
WHEREAS, this is an application for a reinstatement of a prior Board approval to permit a gasoline service station, pursuant to ZR § 11-411; and

WHEREAS, a public hearing was held on this application on December 12, 2006, after due notice by publication in the *City Record*, with continued hearings on January 30, 2007 and March 6, 2007, and then to decision on April 10, 2007; and

WHEREAS, Community Board 8, Queens, recommends approval of this application for a three-year term on condition that the towing business at the site cease operations, the sidewalk be repaired and maintained free of snow, and that full service gas pumping will be available to patrons with disabilities without additional charge; and

WHEREAS, the premises is located on the northwest corner of Hillside Avenue and 197th Street, and is within an R3-2 zoning district; and

WHEREAS, the subject zoning lot has a total lot area of approximately 16,658.51 sq. ft.; and

WHEREAS, the site is currently occupied by 2,168 sq. ft. accessory use building and two gasoline pump islands; and

WHEREAS, on February 23, 1955, under BSA Cal. No. 673-53-BZ, the Board granted a variance to permit the reconstruction of a gasoline service station with accessory uses and the construction of a two-story dwelling at the site for a term of 15 years; and

WHEREAS, the applicant represents that at some point after 1955, the original Lot 265 was divided into the subject site (Lot 265) and an adjacent site occupied by the residential use (Lot 335); and

WHEREAS, the portion of the site attributed to Lot 335 and the residential use are no longer subject to the variance; and

WHEREAS, subsequently, the grant was amended to permit site modifications and to extend the term; and

WHEREAS, on June 4, 1991, the grant was extended for a period of ten years, to expire on April 22, 2000; and

WHEREAS, subsequently, the grant was reopened on three occasions to permit an extension of term to obtain a certificate of occupancy; and

WHEREAS, the applicant states that a new certificate of occupancy has not been obtained since the April 22, 1990 expiration; and

WHEREAS, the applicant now seeks to reinstate the original variance, granted under BSA Cal. No. 673-53-BZ, for a term of 15 years; and

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

WHEREAS, the applicant represents that there has been no enlargement to the zoning lot and that a minor enlargement to the west side of the service building will be removed; and

WHEREAS, initially, the applicant proposed to maintain all three of the curb cuts on Hillside Avenue; and

WHEREAS, at hearing, the Board expressed concern that the middle curb cut may interfere with bus traffic and pedestrian access to the bus stop; and

WHEREAS, in response, the applicant stated that a

MINUTES

request would be made to the Department of Transportation and the MTA to request that the bus stop be relocated; and

WHEREAS, the applicant submitted a letter from the MTA, dated January 30, 2007, which states that it has plans to relocate the subject bus stop; and

WHEREAS, because the proposed new location of the bus stop was not specified and because a timeframe was not stated for the relocation, the Board requested that the middle curb cut be removed; and

WHEREAS, the applicant revised the plans to provide for the removal of the middle curb cut; and

WHEREAS, additionally, the Board directed the applicant to remove any non-complying signage and to ensure that all signage at the site complies with C1 zoning district regulations; and

WHEREAS, the applicant submitted photographs of the site reflecting that all non-complying signage had been removed; and

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

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 under ZR §11-411, for a reinstatement of a prior Board approval of a gasoline service station; *on condition* that any and all use shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 4, 2007"-(5) sheets; and *on further condition*:

THAT this grant shall be for a term of 15 years, to expire on April 10, 2022;

THAT landscaping and fencing shall be installed and maintained as per the BSA-approved plans;

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

THAT a new certificate of occupancy shall be obtained within one year of the date of this grant, on April 10, 2008;

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

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

THAT all signage shall comply with C1 zoning district 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, April 10, 2007.

240-06-BZ thru 251-06-BZ

APPLICANT – Manat, Phelps & Phillips, LLP, for St. John’s University, owner.

SUBJECT – Application September 15, 2006 – Variance (§72-21) to permit a five foot encroachment in the required front setback. The proposal would convert the uses in the twelve subject buildings to community facility (dormitory Use Group 3A), an as-of-right use in the R4 zoning district. The proposal is contrary to the required front yard setback (§24-34).

PREMISES AFFECTED – 147-04 to 147-30 Union Turnpike, Block 6715, Lots 25-37, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Carol Rosenthal.

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 August 18, 2006, acting on Department of Buildings Application Nos. 402429323, 402429797, 402429788, 402429779, 402429760, 402429751, 402429742, 402429733, 402429724, 402429332, 402429341, and 402429350, reads in pertinent part:

“Proposed front yard for Community Facility development is contrary to Section 24-34 of the Zoning Resolution.”; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R4 zoning district, the conversion of 12 existing three-story three-unit residential buildings from residential use (Use Group 2) to community facility use (Use Group 3A), which results in a new non-compliance as to front yard requirements and is contrary to ZR § 24-34; and

WHEREAS, a public hearing was held on this application on March 20, 2007 after due notice by publication in the *City Record*, and then to decision on April 10, 2007; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Commissioner Ottley-Brown; and

WHEREAS, Community Board 8, Queens, recommends disapproval of the application; and

WHEREAS, Queens Borough President Helen Marshall recommends approval of the application; and

WHEREAS, the Parkway Village Cooperative initially opposed the application, but the Cooperative’s Board has withdrawn its objections; and

WHEREAS, the Parkway Village Preservation Society provided testimony in opposition to the application, citing concerns that the site would be redeveloped with a building that would not be compatible with historic preservation goals; and

WHEREAS, the Parkway Village Tenants’ Association

MINUTES

provided testimony in opposition to the application, citing concerns about not being represented by the Cooperative Board's decision to support the application; and

WHEREAS, the application is brought on behalf of St. John's University (the "University"); and

WHEREAS, the site is located on a superblock which was created in 1983 and measures approximately 1,606,574 sq. ft. (36.88 acres) and is within an R4 zoning district; and

WHEREAS, the subject zoning lot includes the 12 referenced tax lots (the "University Site") and is located at the north side of the block with frontage on Union Turnpike, between Main Street and 150th Street; and

WHEREAS, the majority of the zoning lot is occupied by the 34-acre Parkway Village housing cooperative of approximately 109 separate buildings; there are 16 additional tax lots (the "Sixteen Lots") located at the intersection of Goethals Avenue and Parsons Boulevard, on the easternmost edge of the zoning lot; and

WHEREAS, as per the Rules of Practice and Procedure, the applicant endeavored to secure consent from all of the individual owners on the common zoning lot prior to submitting the subject application; and

WHEREAS, the applicant received consent from the Park Village Cooperative; and

WHEREAS, however, the applicant was unable to secure consent from the owners of the Sixteen Lots; and

WHEREAS, the applicant provided evidence documenting the efforts to obtain consent from the owners of the Sixteen Lots; the efforts resulted in one response in objection to the application; and

WHEREAS, the applicant represents that a Declaration of Restrictions, dated July 28, 1983, was executed when Parkway Village was completed, which requires that all successors and assigns of the zoning lot shall cooperate in the development of what is now the University Site; and

WHEREAS, accordingly, the applicant requests a waiver of the Rules of Practice and Procedure to permit the application without consent from each owner on the zoning lot; and

WHEREAS, the Board reviewed the evidence detailing the efforts to reach the owners of the Sixteen Lots; and

WHEREAS, the Board notes that the Sixteen Lots are the equivalent distance of four blocks away from the University Site and do not share street frontage with it; the waiver affects only the Union Turnpike frontage; and

WHEREAS, based upon the evidence submitted, the Board finds a waiver of the Rules of Practice and Procedure is appropriate and accepts the application on behalf of the University, with the consent of Parkway Village but not the owners of the Sixteen Lots; and

WHEREAS, the University Site has a lot area of 25,309.8 sq. ft.; and

WHEREAS, the site is occupied by 12 attached three-story three-family dwellings divided into two groups of six attached buildings; and

WHEREAS, the total floor area for the 12 buildings is 42,596.54 sq. ft., which amounts to approximately 1.7 FAR on the University Site and 0.026 FAR on the zoning lot; the combined FAR of all residential development on the zoning lot

is 0.499 FAR (0.75 FAR is the maximum permitted for residential use); and

WHEREAS, the buildings are currently used by the University for residential use (Use Group 2); and

WHEREAS, the applicant proposes to maintain the existing buildings' envelope, but to convert the buildings to community facility use to be used by the University as a dormitory (Use Group 2A); and

WHEREAS, the applicant proposes to maintain the existing floor area, but to convert all 42,596 sq. ft. from residential to community facility use; and

WHEREAS, the result of this conversion, which will not have any effect on the total amount of floor area on the University Site or the zoning lot, will be a community facility FAR of 0.026 and a residential FAR of 0.47 on the zoning lot; the maximum permitted community facility and total FAR is 2.0; and

WHEREAS, all of the apartments are generous in size, ranging from 1,132.9 sq. ft. to 1,210 sq. ft. for one, two, and three bedrooms; and

WHEREAS, the applicant proposes to increase the occupancy of each apartment in order to accommodate more students; and

WHEREAS, however, under the Housing Maintenance Code, the residential occupancy of the apartments is limited to three un-related occupants per dwelling, but the community facility use regulations permit an increased occupancy of individuals who are not related to each other; and

WHEREAS, accordingly, the applicant proposes to convert the use of all of the buildings to University dormitory use in order to better accommodate its housing demand; and

WHEREAS, although more floor area is permitted for a community facility use than for a residential use within the R4 zoning district, a 15-ft. front yard is required for the community facility use and only a ten ft. front yard, like the existing one which will be maintained, is permitted for residential uses; and

WHEREAS, accordingly, the applicant seeks a variance to permit a community facility use without the required 15-ft. front yard; 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: (1) the shallow depth of the University Site and (2) the existing buildings onsite; and

WHEREAS, as to site's dimensions, the University Site is 71.75 feet deep with a width of 352.75 feet; and

WHEREAS, further, the applicant represents that the shallow depth does not permit much flexibility in where to situate the buildings on the site while still allowing for efficient residential floor plates; and

WHEREAS, the applicant represents that it would be infeasible to set the buildings further back on the site and still provide the required parking (30 spaces and 36 are provided), access to the buildings, and access to the remainder of the zoning lot from Union Turnpike; and

WHEREAS, as to the existing conditions of the superblock, the applicant states that the property is surrounded on three sides by Parkway Village, a large scale development

MINUTES

situated around a central unmapped street; and

WHEREAS, the applicant represents that setting the University buildings back on the site would be less compatible with these adjacent uses; and

WHEREAS, the applicant represents that the proposed use at the site would not be feasible if the existing buildings could not be re-used and the 15-ft. front yard were required; and

WHEREAS, in addition, the applicant represents that the variance request is necessitated by the University's programmatic needs; and

WHEREAS, specifically, the applicant states that the following are the programmatic space needs of the University, which necessitate the requested waivers: (1) a significant increase in attendance; (2) a need to provide student housing for students drawn from outside the immediate area; and (3) a need to remain competitive by providing affordable student housing with easy access to campus facilities; and

WHEREAS, accordingly, based upon the above, the Board finds that the limitations of the site, when considered in conjunction with the programmatic needs of the University, create unnecessary hardship and practical difficulty in using the site in compliance with the applicable zoning regulations; and

WHEREAS, since the University is a non-profit educational institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that the variance, if granted, 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, specifically, the applicant represents that the site fronts on Union Turnpike, a wide six-lane street with a median; and

WHEREAS, the applicant represents that directly across the street is a C1-2 zoning district, which includes a gas station, several restaurants, and other businesses; and

WHEREAS, as noted, the adjacent site at the rear is developed with one and two-story residential buildings comprising the 685-unit cooperative Parkway Village; and

WHEREAS, the applicant represents that the current occupancy of the University buildings is 108 and that the projected occupancy will be approximately 162; and

WHEREAS, the applicant notes that the existing 36 dwelling units could house 36 families with no limitation on the number of occupants; and

WHEREAS, thus, the applicant asserts that the proposed use may actually result in fewer occupants than what is permitted as of right; and

WHEREAS, the applicant represents that the population density of Parkway Village is comparable to what is proposed; and

WHEREAS, the Board notes that the applicant does not propose any new construction and therefore the use change will not alter the appearance of the existing buildings and their compatibility with the surrounding area; and

WHEREAS, additionally, the Board notes that the maintenance of the ten-ft. front yard, which complies with zoning district regulations for one use, but not for the proposed use, will not have a tangible impact on nearby uses; 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

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

WHEREAS, the applicant represents that the requested waiver is the minimum necessary to accommodate the current and projected needs of the University; and

WHEREAS, the applicant represents that although more floor area is available for a community facility use on the University Site, the buildings will be maintained so as to minimize impact on nearby uses; and

WHEREAS, the Board notes that the increased number of occupants is the minimum necessary to accommodate the University's programmatic needs at the site; and

WHEREAS, accordingly, the Board finds that the requested relief is the minimum necessary to allow the University to fulfill its programmatic needs; 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 a Type II action pursuant to Sections 617.6(h) and 617.12 of 6 NYCRR; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II determination, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings application under ZR § 72-21, to permit, within an R4 zoning district, the conversion of 12 existing three-story three-unit residential buildings from residential use (Use Group 2) to community facility use (Use Group 3A), which results in a new non-compliance as to front yard requirements and is contrary to ZR § 24-34, *on condition* that the use and occupancy shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 9, 2007"-(17) sheets and "Received March 8, 2007"-(1) sheet; and *on further condition*:

THAT any change in the use or ownership of the buildings shall be approved by the Board;

THAT the total floor area of the buildings on tax lots 25-37 shall not exceed 42,596 sq. ft. (0.026 FAR on the zoning lot), as illustrated on the BSA-approved plans;

THAT the use and occupancy of the buildings shall be as per Department of Buildings approval;

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

MINUTES

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, April 10, 2007.

260-06-BZ

APPLICANT – J. Owen Zurhellen, III, for Charlton Cooperative Corp., owner; TRI IPPON, LLC, lessee.

SUBJECT – Application September 26, 2006 – Special Permit (§73-36) to allow the proposed PCE on the first floor in a six-story (plus basement) building located in a M1-6 zoning district. The proposal is contrary to §42-00 and §42-31.

PREMISES AFFECTED – 547 Greenwich Street, a/k/a 112 Charlton Street, southeast corner of Greenwich and Charlton Streets, Block 597, Lot 45, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: J. Owen Zurhellen, III and Doris Diether, CB #2.

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 Manhattan Borough Commissioner, dated September 18, 2006, acting on Department of Buildings Application No. 104542853, reads in pertinent part:

“Proposed Physical Culture Establishment located in M1-6 zoning district is contrary to ZR 42-31 and requires special permit of the Board of Standards and Appeals.”; and

WHEREAS, this is an application under ZR §§73-36 and 73-03, to permit, on a site within an M1-6 zoning district, the establishment of a physical culture establishment (PCE) on a portion of the first floor of an existing six-story mixed-use residential/commercial building, contrary to ZR §42-00; and

WHEREAS, a public hearing was held on this application on March 6, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

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

WHEREAS, Community Board 2, Manhattan,

recommends approval of this application; and

WHEREAS, the residential cooperative which occupies the remainder of the subject building provided a letter in support of the proposed use; and

WHEREAS, the operator of the adjacent restaurant provided testimony in support of the application; and

WHEREAS, the subject site is located on the southeast corner of Greenwich Street and Charlton Street; and

WHEREAS, the site is occupied by a six-story mixed-use residential/commercial building; and

WHEREAS, on June 10, 1980, the Board granted a variance pursuant to BSA Cal. No. 1092-79-BZ, to permit the conversion of the building for residential use; and

WHEREAS, the PCE will occupy a total of 1,725 sq. ft. of floor area on a portion of the first floor; and

WHEREAS, the PCE will be operated as Oishi Judo Club; and

WHEREAS, the applicant represents that the PCE will offer classes and instruction for physical improvement and the martial art of Judo; and

WHEREAS, the proposed hours of operation are: Monday through Friday, 9:00 a.m. to 9:00 p.m.; and Saturday 9:00 a.m. to 3:00 p.m.; and

WHEREAS, the applicant represents that an acoustic analysis was performed and that special sound attenuation measures will be provided, as indicated on the plans; and

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

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

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 07BSA019M dated September 25, 2006; and

WHEREAS, the EAS documents show that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous

MINUTES

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-6 zoning district, the establishment of a physical culture establishment on a portion of the first floor of an existing six-story mixed-use residential/commercial building, contrary to ZR § 42-00; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received December 18, 2006”-(3) sheets and “Received March 16, 2007”-(1) sheet and *on further condition*:

THAT the term of this grant shall expire on April 10, 2017;

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

THAT the hours of operation shall be limited to: Monday through Friday, 9:00 a.m. to 9:00 p.m.; and Saturday 9:00 a.m. to 3:00 p.m.;

THAT sound attenuation measures shall be installed and maintained as per the approved plans;

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

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

THAT fire safety measures shall be installed and/or maintained as shown on the Board-approved plans;

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

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, April 10, 2007.

294-06-BZ

APPLICANT– Law Offices of Howard Goldman, LLC, for John and Steven, Inc., owner; Club Fitness NY, lessee.

SUBJECT – Application November 8, 2006 – Special Permit (§73-36) to allow the proposed PCE on the second

and third floors in a three-story building. The Premises is located in a C2-2 zoning district. The proposal is contrary to Section 32-31.

PREMISES AFFECTED – 31-11 Broadway, between 31st and 32nd Street, Block 613, Lots 1 and 4, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Christopher Wright.

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 October 17, 2006, acting on Department of Buildings Application No. 402278600, reads in pertinent part:

“Per ZR Section 32-31, proposed Physical Culture Establishment is not permitted as-of-right in a C2-2 Commercial District.”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C2-2 (R6) zoning district and partially within a C2-2 (R6B) zoning district, the establishment of a physical culture establishment (PCE) on portions of the cellar level, and first, second, and third floors of adjoining two- and three-story commercial buildings, contrary to ZR § 32-00; and

WHEREAS, a public hearing was held on this application on March 13, 2007 after due notice by publication in *The City Record*, and then to decision on April 10, 2007; and

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

WHEREAS, the subject site is located on the north side of Broadway, between 31st Street and 32nd Street; and

WHEREAS, the site comprises two lots; Lot 1 is occupied by a three-story commercial building and the adjacent Lot 4 is occupied by a two-story commercial building; and

WHEREAS, the applicant represents that the two buildings and two lots will be combined to provide for the PCE entrance and several physical therapy rooms on the first floor, several physical therapy rooms, locker rooms, a boxing ring, a yoga center, exercise equipment and the connection between the two buildings on the second floor, and exercise equipment on the third floor; and

WHEREAS, the PCE will occupy a total floor area of 27,271 sq. ft. in the two buildings; and

WHEREAS, the premises is the subject of two prior Board grants; and

WHEREAS, on December 20, 1921, under BSA Cal. No. 628-21-BZ, the Board granted a variance to permit the construction of a movie theater in what was formerly a residential district; the theater has since been demolished; and

WHEREAS, on October 17, 1967, under BSA Cal. No.

MINUTES

97-67-BZ, the Board granted a variance to permit the use of the cellar to include an eating and drinking establishment with cabaret; this establishment is still operating at the site; and

WHEREAS, the PCE will be operated as Club Fitness; and

WHEREAS, the applicant represents that the PCE will offer classes and instruction for physical improvement including yoga, weight-lifting, dance, and martial arts, and facilities for massage therapy; and

WHEREAS, the proposed hours of operation are: Monday through Sunday, 5:00 a.m. to midnight; and

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

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

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

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 07BSA036Q dated November 4, 2006; and

WHEREAS, the EAS documents show that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C2-2 (R6)

zoning district and partially within a C2-2 (R6B) zoning district, the establishment of a physical culture establishment on portions of the cellar level, and first, second, and third floors of adjoining two- and three-story commercial buildings, contrary to ZR § 32-00; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received February 4, 2007"- (7) sheets and *on further condition*:

THAT the term of this grant shall expire on April 10, 2017;

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

THAT the hours of operation shall be limited to: Monday through Sunday, 5:00 a.m. to midnight;

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

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

THAT fire safety measures shall be installed and/or maintained as shown on the Board-approved plans;

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

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, April 10, 2007.

316-06-BZ

APPLICANT– Jesse Masyr, Esq., Wachtel & Masyr, LLP, for Blaseboro Realty, LLC, owner; New York Botanical Garden, lessee.

SUBJECT – Application December 7, 2006 – Variance (§72-21) to permit the construction of the proposed accessory parking garage (UG4) with 825 parking spaces on six stories, in one cellar level and on the roof. The Premises is located in a C8-2 zoning district. The proposal is requesting waivers with respect to setback (§33-432) and parking (§36-11 and §36-12).

PREMISES AFFECTED – 2960 Webster Avenue, between Bedford Park Boulevard and Botanical Square South, Block 3274, Lots 1 & 4, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES –

For Applicant: Ethan Goodman and Rosemary Gines.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

MINUTES

Commissioner Ottley-Brown and Commissioner Hinkson...4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Bronx Borough Commissioner, dated November 13, 2006, acting on Department of Buildings Application No. 201088492, reads in pertinent part:

“The proposed accessory group parking facility (Use Group 4) to be located within a C8-2 zoning district is contrary to the provisions of zoning resolution Sections 33-43 pertaining to height and setback, 36-11 pertaining to roof parking and 36-12 pertaining to the maximum size of an accessory group parking facility, and requires a variance from the NYC Board of Standards and Appeals.”;

WHEREAS, this is an application under ZR § 72-21, to permit an accessory parking facility to an existing community facility in excess of 150 spaces with rooftop parking, contrary to ZR §§ 36-11 and 36-12, in a structure which does not comply with the zoning requirements for height and setback, contrary to ZR § 33-43; and

WHEREAS, the application is brought on behalf of the New York Botanical Garden (the “Garden”), a non-profit institution; and

WHEREAS, a public hearing was held on this application on March 20, 2007, after due notice by publication in the *City Record*, and then to decision on April 10, 2007; and

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

WHEREAS, Community Board 7, Bronx, recommends approval of this application; and

WHEREAS, Bronx Borough President Adolfo Carrion, Jr., recommends approval of this application; and

WHEREAS, certain neighbors provided testimony in support of the proposed facility; and

WHEREAS, the site is located on the south side of Webster Avenue, between Bedford Park Boulevard and Botanical Square South; and

WHEREAS, the site is located within a C8-2 zoning district; and

WHEREAS, the site comprises two tax lots with a total lot area of 42,251 sq. ft. and is bounded by Webster Avenue, Bedford Park Boulevard, Botanical Square, and the Metro-North Botanical Garden station and railroad tracks; and

WHEREAS, the site has 193 feet of frontage on Bedford Park Boulevard, 200 feet of frontage on Webster Avenue, and 206 feet of frontage on Botanical Square South; and

WHEREAS, the site is occupied by an abandoned gasoline station and a one-story warehouse for a welding and boiler repair business (Use Group 16); the business is relocating and all structures will be demolished; and

WHEREAS, the former gasoline station was the subject of a variance, under BSA Cal. No. 108-32-BZ, to permit its construction; and

WHEREAS, the Garden, which was created by an Act of

the New York State legislature in 1891, occupies a 250-acre campus and contains more than 10,000 trees and more than one million plants; and

WHEREAS, the Garden offers programs and facilities for education, horticulture, and science on its grounds and within its historic buildings; it was designated a National Historic Landmark in 1967; and

WHEREAS, the site is located approximately 400 feet across the street from the Garden’s western boundary; and

WHEREAS, the applicant proposes to construct a six-story with cellar and rooftop parking garage accessory to the Garden, with a height of 85 feet (60 feet is the maximum permitted before a setback), without a setback (setbacks of 15 feet on wide streets and 20 feet on narrow streets are required); and

WHEREAS, the applicant proposes to construct the 123,600 sq. ft. garage to accommodate 825 parking spaces; and

WHEREAS, the applicant states that the variance is necessitated both by the programmatic needs of the Garden and by the inherent irregularities of the site; and

WHEREAS, the applicant states that the following are the programmatic space needs of the Garden: (1) a need to consolidate and centralize accessory parking; and (2) a need to satisfy visitor parking demand while alleviating the parking burden on Garden roadways, nearby institutions’ parking garages, and neighborhood streets; and

WHEREAS, the applicant states that to adequately address these two needs, a single parking garage with a significant number of spaces is required; and

WHEREAS, however, in order to accommodate the requisite number of spaces with the allowable FAR on the site, the applicant requires a variance pursuant to ZR § 72-21 for height and setback, to allow the floorplates of the garage to most efficiently accommodate the needed parking; and

WHEREAS, additional waivers are required to permit accessory group parking of this size and rooftop parking; these waivers are available through special permits, but are also justifiable as part of the instant variance application; and

WHEREAS, even though the waivers are part of the variance, the applicant nonetheless addresses the special permit findings, pursuant to ZR § 73-482, for an accessory group parking facility of more than 150 spaces, and ZR § 73-49, to permit roof parking, as discussed below; and

WHEREAS, the applicant states that the following are unique physical conditions which, when considered in light of the established program needs, create an unnecessary hardship in developing the site in compliance with applicable regulations: (1) a substantial change in grade between Bedford Park Boulevard and the bridge over the Metro-North railroad tracks and the corner of Webster Avenue and Botanical Square South, (2) the adjacency of the Metro-North railroad tracks, and (3) the presence of soil contamination; and

WHEREAS, as to the grade change between Bedford Park Boulevard and Botanical Square South, the applicant represents that there is a difference of 17 feet between the two locations; and

WHEREAS, the applicant represents that this condition, coupled with the requirement for setbacks above the fourth

MINUTES

floor on three sides (15 feet along Webster Avenue and Bedford Park Boulevard, and 20 feet along Botanical Square South), would result in a complying building with inefficient and constrained floor plates at the higher floors; and

WHEREAS, further, the applicant represents that due to the slope, the setbacks would be on different levels at different sides of the building, further constraining the floor plates; and

WHEREAS, as to the specific effect that this would have, the applicant represents that the resulting garage would not operate efficiently due to the high ratio of space allocated to ramps versus space allocated to parking; the applicant also notes that this condition would complicate and impinge upon circulation patterns; and

WHEREAS, by way of comparison, the applicant notes that in the proposed garage, the area of each parking level constitutes approximately 57 percent parking spaces and 43 percent circulation ramps and aisles; in the as of right scenario, the allocation would be approximately 38 percent parking spaces and 62 percent circulation ramps and aisles; and

WHEREAS, the applicant represents that the loss of efficiency is due to one full aisle of parking being lost on two of the four outer walls; and

WHEREAS, in the complying garage scenario, each full level would be able to accommodate a maximum of approximately 73 spaces, with the ground floor accommodating even fewer; and

WHEREAS, the applicant concedes that a parking facility is an of right use in the subject zoning district and that special permits are available to address the number of parking spaces and rooftop parking; in other words, the special permits could permit the required parking on the site; and

WHEREAS, however, the applicant contends that to achieve the desired 825 spaces within the height and setback requirements, the garage would have to either (1) rise to at least 12 levels, which is not compatible with the neighborhood character or (2) provide four levels below grade, which is not feasible for reasons discussed below; and

WHEREAS, thus, the slope condition prevents a complying garage from fulfilling the programmatic need of providing a viable parking structure with sufficient parking spaces; and

WHEREAS, as to the adjacency of the railroad tracks, the entire 224.95-ft. southeast boundary of the site abuts the Metro-North Botanical Gardens train station and is within 25 feet of the railroad tracks and the passenger platform; and

WHEREAS, the applicant has identified additional costs related to construction precautions that arise from this condition; and

WHEREAS, these costs further detract from the viability of a complying garage; and

WHEREAS, as to the soil issues, the applicant represents that a Phase I environmental assessment indicated that the site has been historically used for concrete block manufacturing, pipe fabrication, warehousing, welding, auto repair, and a gasoline station; and

WHEREAS, further, the applicant represents that subsurface investigation reports identified petroleum contamination in the soil and groundwater; and

WHEREAS, while one sub-grade level is proposed, the applicant claims that remediation of the soil and groundwater to the extent required for the installation of three more sub-grade levels is cost-prohibitive; and

WHEREAS, as with the costs related to protecting the train station and railroad tracks, such increased remediation costs would further diminish the viability of a complying garage; and

WHEREAS, accordingly, based upon the above, the Board finds that the site's unique physical conditions, when considered in conjunction with the programmatic needs of the Garden, create unnecessary hardship and practical difficulty in developing the site in compliance with the applicable zoning regulations; and

WHEREAS, since the Garden is a non-profit institution and the variance is needed to further its non-profit mission, the finding set forth at ZR § 72-21(b) does not have to be made in order to grant the variance requested in this application; and

WHEREAS, the applicant represents that the variance, if granted, 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, specifically, the applicant represents that the site is located in a C8-2 zoning district and such districts are characterized by heavy commercial and manufacturing uses such as automobile showrooms, repair shops, warehouses, gasoline stations, and car washes; and

WHEREAS, the applicant represents that the historic use of the site was as a gasoline station and welding and boiler repair warehouse; and

WHEREAS, further, the applicant represents that the uses in the surrounding area include a mix of commercial, industrial, auto-related, railroad, and residential uses; and

WHEREAS, adjacent uses include the railroad tracks and station to the east, two-story commercial and industrial buildings to the west, additional commercial and auto-related uses to the south, and a six-story residential building to the north; and

WHEREAS, the applicant has designed the garage to be compatible with the neighborhood and to reflect the mission of the Garden; the innovative design will accommodate the growth of vegetation on three of its facades and wire trellises on the fourth; and

WHEREAS, the north façade, which is across the street from a six-story residential building, will contain a louvered screen set behind a vegetative wall intended to block headlights from shining into residential windows; and

WHEREAS, the roof will be buffered on all frontages by opaque planters; and

WHEREAS, the circulation of the garage is designed to minimize impact on the surrounding streets and includes queuing space for 20 cars, with a total of four ticket-dispensing lanes to speed the flow of cars into the garage; and

WHEREAS, additionally, all cars will be directed to exit the garage by making right turns onto either Webster

MINUTES

Avenue or Botanical Square South; the applicant will provide signage to direct traffic circulation; and

WHEREAS, the applicant represents that the hours of operation of the facility will be limited to correspond to the hours of operation of the Garden; and

WHEREAS, the Board notes that the applicant undertook extensive studies to try to identify space within the Garden's campus to accommodate the parking demand, but was unable to create a plan that would satisfy the parking demand without interfering with the programmatic needs; and

WHEREAS, the applicant conducted an analysis of traffic circulation around the site and concluded that the proposed entrance and exit plan and the maintenance of Botanical Square South as a one-way street would be most compatible; and

WHEREAS, the Board notes that, by letter dated March 13, 2007, the Department of Transportation (DOT) states that it has reviewed the proposed traffic circulation plan, including the maintenance of Botanical Square South as a one-way street, and does not have any objections; and

WHEREAS, the Board notes that the proposed project would help relieve the impact the Garden's insufficient parking has on the surrounding neighborhood streets; 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 Garden could occur on the existing site given its unique conditions; and

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

WHEREAS, the applicant represents that the requested height and setback waiver and the inclusion of 825 parking spaces, and rooftop parking are the minimum waivers necessary to accommodate the current and projected needs while alleviating the parking problems; and

WHEREAS, the applicant represents that an as of right community facility building could rise to a height of more than 115 feet by providing merely a ten-ft. setback from Webster Avenue and Bedford Park Boulevard, and a 15-ft. setback from Botanical Square South; and

WHEREAS, the applicant states that the proposed garage, at a height of 85 feet, is considerably shorter and requires setbacks at only the top two stories; and

WHEREAS, additionally, the proposed garage does not use all of the floor area available to a community facility in the zoning district; an additional 87,000 sq. ft. are available; and

WHEREAS, the applicant performed an analysis that demonstrated that, due to the lot's slope, the garage would have to be altered substantially, and the parking reduced considerably, without the requested waiver; and

WHEREAS, accordingly, the Board finds that the requested relief is the minimum necessary to allow the Garden

to fulfill its programmatic needs; and

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

WHEREAS, as per the standards set by the special permit, pursuant to ZR § 73-482, the Board may permit accessory group parking facilities in excess of 150 spaces in commercial or manufacturing districts, provided the following findings are made: (1) that there is adequate reservoir space to accommodate the vehicular entrance of either ten automobiles or five percent to of the total parking spaces provided, whichever is greater; and (2) the streets providing access to such use are adequate to accommodate the traffic generated; and

WHEREAS, the applicant represents that the proposed 825-parking space facility is not required to provide the specified number of reservoir spaces because automatic ticket machines will be provided at the entrances; the applicant will provide 20 queuing spaces within the garage; and

WHEREAS, the Board notes that this satisfies the requirement; and

WHEREAS, the applicant represents the streets providing access to the proposed accessory garage are adequate to handle traffic generated by the garage; and

WHEREAS, the applicant represents that the proposed garage will have three points of access, including (1) an entrance only on Bedford Park Boulevard, (2) an entrance and exit on Webster Avenue, with exits limited to right turns, and (3) an exit only on Botanical Square South, with a right turn only onto the one-way circle; and

WHEREAS, pedestrian access will be available at the four corners of the building; and

WHEREAS, upon reviewing the traffic analysis and site access plan, the Board agrees that the street network can accommodate the traffic generated by the proposed garage; and

WHEREAS, further, the Board notes that DOT does not object to the proposed traffic circulation plan; and

WHEREAS, based upon the above, the Board agrees that the findings required under § 73-482 have been met; and

WHEREAS, pursuant to ZR § 73-49, the Board may permit accessory off-site parking spaces to be located on the roof of a building if the Board finds that the roof parking is located so as not to impair the essential character or the future use or development of the adjacent areas; and

WHEREAS, the applicant represents that the proposed garage is designed and located so as not to impair the essential character or future use or development of adjacent areas and will not adversely affect the character of the surrounding area; and

WHEREAS, as noted above, the applicant proposes to install opaque planters and a trellis along the roof line in order to screen the rooftop parking from adjacent uses; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 07BSA043X dated

MINUTES

December 6, 2006; and

WHEREAS, the EAS documents indicate 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 Office of Environmental Planning and Assessment of the New York City Department of Environmental Protection (DEP) has reviewed the following submissions from the applicant: December 6, 2006 EAS, the June 2006 Phase I Environmental Site Assessment Report; and the March 2007 Air Quality response submission; and

WHEREAS, these submissions specifically examined the proposed action for Hazardous Materials and Air Quality; and

WHEREAS, a DEP Restrictive Declaration (the "DEP RD") was executed on March 29, 2007 and submitted for proof of recording on April 3, 2007 and requires that hazardous materials concerns be addressed; and

WHEREAS, DEP has determined that there would not be any impacts from the subject proposal, based on the implementation of the measures cited in the DEP RD and the applicant's agreement to the conditions noted below; and

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

WHEREAS, based upon the above, the Board agrees that the findings required under ZR § 73-49 have been met; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings application under ZR §72-21, to permit an accessory parking facility to an existing community facility in excess of 150 spaces with rooftop parking, contrary to ZR §§ 36-11 and 36-12, in a structure which does not comply with the zoning requirements for height and setback, contrary to ZR § 33-43, *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 February 4, 2007"-six (6) sheets and "Received March 29, 2007"-one (1) sheet; and *on further condition*:

THAT prior to the issuance of any DOB permit for any work on the site that would result in soil disturbance (such as site preparation, grading or excavation), the applicant or any successor will perform all of the hazardous materials remedial measures and the construction health and safety measures as delineated in the Remedial Action Plan and the Construction Health and Safety Plan to the satisfaction of DEP and submit a written report that must be approved by DEP;

THAT no temporary or permanent Certificate of

Occupancy shall be issued by DOB or accepted by the applicant or successor until DEP shall have issued a Final Notice of Satisfaction or a Notice of No Objection indicating that the Remedial Action Plan and Health and Safety Plan has been completed to the satisfaction of DEP;

THAT the total floor area of the garage shall not exceed 123,600 sq. ft. and the total height shall not exceed 85 feet, as illustrated on the BSA-approved plans;

THAT the total number of parking spaces shall not exceed 825;

THAT all lighting on the roof shall be directed down and away from adjacent residential use;

THAT, all landscaping and street trees shall be provided and maintained as per the 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, April 10, 2007.

159-05-BZ

APPLICANT – Vito J. Fossella, P.E., for Antonio Ciccotto, owner.

SUBJECT – Application July 7, 2006 – Variance under ZR §72-21 to allow a three (3) story mixed-use building containing residential use on the upper floors and retail use (UG 6) on the ground and cellar levels on a site zoned R3X and R3X/C2-1; contrary to ZR §22-00.

PREMISES AFFECTED – 880 Annadale Road, located on the west of the corner formed by the intersection of Annadale Road and South Railroad Avenue, Block 6249, Lot 436T, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Sameh EI. Meniawy.

ACTION OF THE BOARD – Laid over to May 22, 2007, at 1:30 P.M., for continued hearing.

183-05-BZ

APPLICANT – Joseph Morsellino, Esq., for Dimitrios Spanos.

SUBJECT – Application August 5, 2005 – Variance (§ 72-21) to allow the residential redevelopment and enlargement of an existing two-story commercial building. The proposed multiple dwelling building will be six (6) floors and will contain ground floor commercial space. Twenty (20) dwelling units and ten (10) accessory parking spaces are proposed. The proposal is contrary to use regulations (§42-00). M1-3D district.

MINUTES

PREMISES AFFECTED – 25-09 38th Avenue, north east corner of the intersection of Crescent Street and 38th Avenue, Block 368, Lot 1, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to June 19, 2007, at 1:30 P.M., for adjourned hearing.

318-05-BZ

APPLICANT – Marc A. Chiffert, P.E., for 2040 MLK Realty, LLC, owner.

SUBJECT – Application November 1, 2005 – Zoning variance under §72-21 to allow a proposed horizontal enlargement of an existing one-story non-conforming commercial building in an R7-1 district. The proposal calls for Use Group 6 retail use and is contrary to §52-22.

PREMISES AFFECTED – 2040 Dr. MLK JR. Boulevard f/k/a 2040 University Avenue, northeast corner of intersection of West Burnside Avenue and Dr. MLK Jr. Boulevard, Block 3210, Lot 2, Borough of Bronx.

COMMUNITY BOARD #5BX

APPEARANCES –

For Applicant: Marc A. Chiffert.

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 May 15, 2007, at 1:30 P.M., for decision, hearing closed.

425-05-BZ

APPLICANT– Steven Sinacori of Stadtmauer & Bailkin, for Essol Realty, LLC, owner.

SUBJECT – Application December 28, 2005 – Variance (§72-21) to allow a proposed three-story residential building with ground floor community facility use to violate applicable requirements for floor area and FAR (§23-141c and §24-162), front yard (§24-34), side yards (§24-35), lot coverage (§23-141 and §24-111) and minimum distance between legally required windows and lot lines (§23-86(a)). Proposed development will contain five (5) dwelling units and three (3) parking spaces and is located within an R4 zoning district.

PREMISES AFFECTED – 2409 Avenue Z, north side of Avenue Z, Bedford Avenue to the east, East 24th to the west, Block 7441, Lots 1 and 104, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to April 24, 2007, at 1:30 P.M., for adjourned hearing.

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 and Mark London.

ACTION OF THE BOARD – Laid over to May 22, 2007, at 1:30 P.M., for continued hearing.

49-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Brigitte Zabbatino, owner.

SUBJECT – Application March 17, 2006 – Variance under §72-21. In the Flatlands section of Brooklyn, and in a C1-2/R3-2 district on a lot consisting of 5,181 SF, permission sought to permit the construction of a three-story commercial building, with ground floor retail and office space on the second and third floors. The development is contrary to FAR, height and setback, and minimum parking. Parking for 12 vehicles in the cellar is proposed. The existing one-story structure consisting of approximately 2,600 SF will be demolished.

PREMISES AFFECTED – 2041 Flatbush Avenue, at the intersection of Flatbush Avenue and the eastern side of Baughman Place. Block 7868, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

79-06-BZ

APPLICANT – Patrick W. Jones, P.C., for Bergen R.E. Corp., owner.

SUBJECT – Application April 28, 2006 – Variance (§72-21) to permit the construction of a five-story residential building on a vacant site located in an M1-1 zoning district. The proposal is contrary to §42-00.

PREMISES AFFECTED – 887 Bergen Street, north side of Bergen Street, 246’ east of the intersection of Bergen Street and Classon Avenue, Block 1142, Lot 85, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Patrick W. Jones.

MINUTES

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

83-06-BZ

APPLICANT– Eric Palatnik, P.C., for Simon Blitz, owner.
SUBJECT – Application May 2, 2006 – Variance (§72-21) to allow the conversion and two (2) story enlargement of an existing four story industrial building. The proposed multi-family building will contain six (6) floors, ground floor retail use, and fourteen (14) dwelling units. No parking spaces are proposed. The proposal would exceed the maximum floor area ratio (§123-64 (a)) and applicable height and setback requirements (§123-662). The project site is located within the Hunters Point Subdistrict of the Special Long Island City Mixed Use District and is zoned M1-4/R6A (LIC).

PREMISES AFFECTED – 47-33 Fifth Street, north side of 5th Street, between 48th Avenue and 47th Road, Block 30, Lot 26, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to June 19, 2007, at 1:30 P.M., for adjourned hearing.

100-06-BZ

APPLICANT– Francis R. Angelino, for Old Gowanus Road, LLC, owner.

SUBJECT – Application May 23, 2006 – Variance (§72-21) to allow a proposed residential building to violate regulations for maximum height (§23-633), minimum dimensions of inner court (§23-851) and permitted obstructions in courts (§ 23-87). The proposed building will contain five (5) dwelling units and three (3) parking spaces. Site is located in an R6B district.

PREMISES AFFECTED – 638-640 President Street, between 4th and 5th Avenues, Block 958, Lots 35 and 36, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Francis R. Angelino, Jack Freeman and Shael Shapiro.

For Opposition: Sheila O’Hara and Mira Jones.

For Administration: Anthony Scaduto, Fire Department.

ACTION OF THE BOARD – Laid over to May 15, 2007, at 1:30 P.M., for continued hearing.

278-06-BZ

APPLICANT– Law Offices of Howard Goldman, LLC, for 871 Bergen Street, LLC, owner.

SUBJECT – Application October 17, 2006 – Variance (§72-

21) to permit a four-story residential building on a vacant lot in an M1-1/R6 zoning district. The proposal is contrary to §42-00.

PREMISES AFFECTED – 871 Bergen Street, between Classon and Franklin Avenues, Block 1142, Lot 92, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES –

For Applicant: Christopher Wright.

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

65-06-BZ

APPLICANT – Eric Palatnik, P.C., for Lee Zhen Xiang, owner.

SUBJECT – Application April 11, 2006 – Zoning variance under §72-21 to allow a proposed residential building containing three (3) dwelling units to violate applicable front yard (§23-45(a)) and side yard requirements (§23-462(a)). R5 zoning district.

PREMISES AFFECTED – 72-45 43rd Avenue, corner of 43rd Avenue and 74th Street, Block 1357, Lot 46, Borough of Queens.

COMMUNITY BOARD #4Q

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Mary Varnavas.

ACTION OF THE BOARD – Laid over to May 8, 2007, at 1:30 P.M., for continued hearing.

108-06-BZ

APPLICANT– Eric Palatnik, P.C., for S & L-G Realty Corp., owner.

SUBJECT – Application May 30, 2006 – Zoning variance under §72-21 to allow a proposed 15-story residential building (U.G. 2) containing twenty-six (26) dwelling units and ground floor retail use (U.G. 6) to locate in an M1-6 district; contrary to §42-00 (use regulations).

PREMISES AFFECTED – 143 West 30th Street, between 6th and 7th Avenues, Block 806, Lot 4, Borough of Manhattan

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Eric Palatnik and Robert Pauls.

For Opposition: Justin Deifuer and Alex Bernstein.

ACTION OF THE BOARD – Laid over to June 12, 2007, at 1:30 P.M., for continued hearing.

114-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Aleksandr Levchenko, owner.

MINUTES

SUBJECT – Application June 6, 2006 – Special Permit (§73-622) to allow the legalization of an enlargement to a single family home in an R3-1 zoning district, which exceeds the allowable floor area ratio, open space and lot coverage (§23-141); provides less than the minimum required side yards (§23-48).

PREMISES AFFECTED – 124 Norfolk Street, west side of Norfolk Street between Shore Boulevard and Oriental Boulevard, Block 8756, Lot 10, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

For Opposition: Joan Baron.

ACTION OF THE BOARD – Laid over to June 12, 2007, at 1:30 P.M., for continued hearing.

253-06-BZ

APPLICANT– Law Office of Fredrick A. Becker, for Jamila Maleh and Asian Azrak, owners.

SUBJECT – Application September 15, 2006 – Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary side yard (§23-461) and rear yard (§23-47) in an R4 zoning district.

PREMISES AFFECTED – 2243 Homecrest Avenue, east side of Homecrest Avenue between Avenue V and Gravesend Neck Road, Block 7373, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD – Laid over to May 8, 2007, at 1:30 P.M., for continued hearing.

14-07-BZ

APPLICANT – Ivan Khoury, Esq., for Green Tea Inc., owner; Da Spa, LLC, dba Delluva Day Spa, lessee.

SUBJECT – Application January 11, 2007 – Special Permit (§73-36) to legalize a PCE (spa) located in the Tribeca West Historic District and a M1-5 zoning district. The proposal is contrary to §42-10.

PREMISES AFFECTED – 152 Franklin Street, 150.33' east of the intersection of Franklin and Hudson Streets, Block 189, Lot 7506, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Ivan Khoury.

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

41-07-BZ

APPLICANT – Ellen Hay, Wachtel & Masyr, LLP, for 17th and 10th Associates, LLC, owner; Equinox 17th Street, Inc., lessee.

SUBJECT – Application February 5, 2007 – Special Permit (§73-36) to permit the proposed PCE on the cellar, ground, and mezzanine levels of a 24-story building under construction. The Premises is located in a C6-3 zoning district and Sub Area 1 of the Special West Chelsea District. The proposal is contrary to §22-00.

PREMISES AFFECTED – 450 West 17th Street, a/k/a 100 Tenth Avenue, east side of Tenth Avenue between West 16th and West 17th Streets, Block 714, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Ellen Hay.

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

44-07-BZ

APPLICANT – Francis R. Angelino, Esq., for Lerad Company, owner; Rubin-Lobo LLC d/b/a Bikram Yoga NY, lessee.

SUBJECT – Application February 8, 2007 – Special Permit (§73-36) to legalize a PCE (Yoga Studio) on a portion of the second floor in a six-story mixed-use building. The Premises is located in a C1-9 zoning district. The proposal is contrary to §32-18.

PREMISES AFFECTED – 171-173 East 83rd Street, northwest corner East 83rd Street and Third Avenue, Block 1512, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Francis R. Angelino and Edward Rubin.

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 May 8, 2007, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: 5:00 P.M.