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March 20, 2008

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50-08-BZ

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51-08-BZ

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

CALENDAR

APRIL 1, 2008, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 1, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

34-99-BZ II

APPLICANT – Rothkrug, Rothkrug & Spector, LLP for Ruach Chaim Institute, owner.

SUBJECT – Application March 14, 2008 – Extension of Time to Complete Construction of a (UG4) community use facility (Yeshiva) in an R-2 zoning district which expired on February 27, 2005.

PREMISES AFFECTED – 1189 East 29th Street, a/k/a 2901 Avenue I, North east corner of East 29th Street and Avenue L, Block 7629, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #14BK

85-02-BZII

APPLICANT – Mothiur Rahman, for Alan G. Markopoulos, owner; G H Parking, lessee.

SUBJECT – Application February 20, 2008 – Extension of Term of a previously granted variance (§72-21) for the operation of a (UG8) parking lot in an R-7 zoning district which expired on February 4, 2008.

PREMISES AFFECTED – 850 East 181st Street, south side of East 181st Street and east side of Crotona Parkway, Block 3119, Lot 16, Borough of Bronx.

COMMUNITY BOARD #16BX

306-05-BZY thru 308-06-BZY

APPLICANT – New York City Board of Standards and Appeals

OWNER: Stuart A. Klein, for Manuel Scharf, owner.

SUBJECT – Application October 13, 2005 – Application to consider dismal for lack of prosecution.

PREMISES AFFECTED – 202/204/204A/206/206A Beach 3 Street, Block 15601, Lot 34, Borough of Queens.

COMMUNITY BOARD #14Q

289-06-BZ

APPLICANT – New York City Board of Standards and Appeals.

OWNER – Endy Realty LLC

SUBJECT – Application October 30, 2006 – To consider dismissal for lack of prosecution – variance to allow a two-family home, contrary to bulk regulations.

PREMISES AFFECTED – 4025 Laconia Avenue, between East 228th Street and East 227th Street, Block 4874, Lot 1,

Borough of Bronx.

COMMUNITY BOARD #1SI

APPEALS CALENDAR

15-08-A

APPLICANT – Gerald J. Caliendo, R.A., AIA, for Joseph Cohen, owner.

SUBJECT – Application January 15, 2008 – Proposed construction of a two story- two family dwelling not fronting a legally mapped street contrary to Article 3, General City Law Section 36. R4A zoning district.

PREMISES AFFECTED – 3229 North Chestnut Drive, west side of North Chestnut Drive and North Oak Drive, Block 4604, Lot 40, Borough of Bronx.

COMMUNITY BOARD #12BX

17-08-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative, Inc., owner; Virginia Peterson, lessee.

SUBJECT – Application January 16, 2008 – Proposed reconstruction and enlargement of an existing single family dwelling not fronting on a mapped street contrary to General City Law Section 36 and the upgrade of an existing private disposal system is contrary to the Department of Buildings policy.

PREMISES AFFECTED – 130 Reid Avenue, west side of Reid Avenue, 135' north of Thetford Lane, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

18-08-A

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, owner; Katherine & Brian Roarty, owners.

SUBJECT – Application January 18, 2008 – Proposed reconstruction and enlargement of an existing single family home not fronting a legally mapped street contrary to General City Law Section 36 and the proposed upgrade of the existing disposal system partially in the bed of a service road is contrary to Department of Buildings Policy. R4 Zoning District.

PREMISES AFFECTED – 15 Jamaica Walk, Jamaica Walk, 203.4' south of Oceanside Avenue, Block 16350, Lot 406, Borough of Queens.

COMMUNITY BOARD #14Q

CALENDAR

APRIL 1, 2008, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 1, 2008, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

174-07-BZ

APPLICANT – Carl A. Sulfaro, Esquire, for David Oil Corporation, owner; Exxon Mobil Corporation, lessee.

SUBJECT – Application June 28, 2007 – Special Permit (§73-211) Proposed reconstruction of an existing Auto Service Station with new metal canopy, new fuel tanks, pumps, new accessory convenience store, located in a C2-3/R7-A zoning district.

PREMISES AFFECTED –1925 Coney Island Avenue, a/k/a 1935 Coney Island Avenue, Northeast corner of Avenue P. Block 6758, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

189-07-BZ

APPLICANT – Eric Palatnik, P.C., for Feng Dong, owner.

SUBJECT – Application August 2, 2007 – Variance (§72-21) to allow ground floor retail use (UG 6) within a six (6) story residential building; contrary to use regulations (§ 22-00). R6 district.

PREMISES AFFECTED – 40-55 College Point Boulevard, east side of College Point Boulevard, between the LIRR right-of-way and 41st Avenue, Block 5037, Lot 2, Borough of Queens.

COMMUNITY BOARD #7Q

21-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Pilot Realty Co. c/o Sackman Enterprises, owner; TSI Morris Park LLC dba New York Sports Club, lessee.

SUBJECT – Application January 30, 2008 – Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the first floor of a two-story commercial building. The proposal is contrary to section 42-10. M1-1 district.

PREMISES AFFECTED – 1601 Bronxdale Avenue, westerly side of Bronxdale Avenue, 675' southerly of Van Nest Avenue, Block 4042, Lot 200, Borough of Bronx.

COMMUNITY BOARD #11BX

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 11, 2008
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

824-61-BZ

APPLICANT – Vincent L. Petraro, PLLC, for Thomas E. Quinn, owner.

SUBJECT – Application November 16, 2007 – Extension of Term allowing the use of surplus parking spaces for transient parking within a multiple dwelling presently located in a C1-9/R8B zoning district granted by the Board pursuant to Section 60 (1d) of the Multiple Dwelling Law. PREMISES AFFECTED – 200-266 East 66th Street, block bounded by East 66th, East 65th, 2nd and 3rd Avenues, Block 1420, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Steven Simich.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for an extension of the term for a previously granted variance for a transient parking garage, which expired on March 3, 2008; and

WHEREAS, a public hearing was held on this application on February 12, 2008, after due notice by publication in *The City Record*, and then to decision on March 11, 2008; and

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

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

WHEREAS, the subject site occupies an entire block bounded by East 65th Street, East 66th Street, Second Avenue, and Third Avenue; and

WHEREAS, the site is occupied by a 19-story and penthouse residential building; and

WHEREAS, the site is located partially within an R8B zoning district, partially within a C1-9 zoning district, and partially within a C2-8 zoning district; and

WHEREAS, the cellar is occupied by a 225-space accessory garage; and

WHEREAS, on November 8, 1961, the Board granted a variance, under the subject calendar number, to permit a

maximum of 149 surplus parking spaces to be used for transient parking for a term of 21 years; and

WHEREAS, on March 3, 1998, under the subject calendar number, the Board granted a ten-year extension of term, to expire on March 3, 2008; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents' right to recapture parking spaces; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens*, and *amends* the resolution having been adopted on November 8, 1961, so that, as amended, this portion of the resolution shall read: "to permit the extension of the term of the grant for an additional ten years from March 3, 2008, to expire on March 3, 2018; *on condition* that the use and operation of the site shall conform to the previously approved plans associated with this grant; and *on further condition*:

THAT this term shall expire on March 3, 2018;

THAT all residential leases and offering plans shall indicate that the spaces devoted to transient parking can be recaptured by residential tenants on 30 days notice to the owner;

THAT a sign providing the same information about tenant recapture rights be located in a conspicuous place within the garage, permanently affixed to the wall;

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

THAT the layout of the parking lot shall be as approved by the Department of Buildings;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (Alt. No. 611/65)

Adopted by the Board of Standards and Appeals, March 11, 2008.

50-92-BZ II

APPLICANT – Walter T. Gorman, P.E. for Higinio Caballero, owner.

SUBJECT – Application December 5, 2007 – Extension of Term (§72-01 and §72-22) to reopen the variance for a (UG8) public parking lot for a period of five years.

PREMISES AFFECTED – 1282 Shakespeare Avenue, Bronx, south east corner of west 169th Street, Block 2506, Lot 111, Borough of the Bronx.

COMMUNITY BOARD #4BX

APPEARANCES –

For Applicant: Patrick Gorman.

MINUTES

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of the term for a previously granted variance for a parking lot, which will expire on May 4, 2008; and

WHEREAS, a public hearing was held on this application on February 12, 2008, after due notice by publication in *The City Record*, and then to decision on March 11, 2008; and

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

WHEREAS, Community Board 4, Bronx, recommends approval of this application; and

WHEREAS, the subject premises is located on the southeast corner of Shakespeare Avenue and West 169th Street; and

WHEREAS, the site is located within an R7-1 zoning district and is occupied by a parking lot with a total lot area of approximately 12,770.22 sq. ft.; and

WHEREAS, on May 4, 1993, under the subject calendar number, the Board granted a variance to allow the legalization of parking and storage of more than five motor vehicles at the site for a period of ten years; and

WHEREAS, on June 17, 2003, the grant was extended for a term of five years to expire on May 4, 2008; and

WHEREAS, the instant application seeks to extend the term of the variance for an additional five years; and

WHEREAS, the applicant represents that there have not been any changes to the site; 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 *reopens* and *amends* the resolution, dated May 4, 1993, so that as amended this portion of the resolution shall read: “to grant an extension of the variance for a term of five years from the expiration of the prior grant, to expire on May 4, 2013; *on condition* that the use shall substantially conform to the drawings filed with the application marked “Received December 5, 2007”-(3) sheets; and *on further condition*:

THAT the term of this grant shall expire on May 4, 2013;

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

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

THAT 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 App. No. 210020519)

Adopted by the Board of Standards and Appeals, March 11, 2008.

739-76-BZ, Vol. IX

APPLICANT – Joseph P. Morsellino, Esq., for Cord Meyer Development Company, owner; Peter Pan Games of Bayside, lessees.

SUBJECT – Application January 8, 2008 – Extension of Term of a Special Permit (§73-03) to permit the continued operation of a (UG16) amusement arcade (Peter Pan Games) in a C4-1 zoning district for a term of one year which expired on April 10, 2007 and a waiver of the rules.

PREMISES AFFECTED – 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

APPEARANCES –

For Applicant: Joseph P. Morsellino.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10 A.M., for decision, hearing closed.

265-98-BZ, Vol. II

APPLICANT – Sheldon Lobel, P.C., for Milford Tile, Incorporated, owner.

SUBJECT – Application November 19, 2007 – Extension of Term of a previously granted Variance (§72-21) to permit the operation of an existing contractor's yard for storage, sales and display of tiles with accessory parking (UG17) in an R5 zoning district which expired on November 29, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on June 22, 2000 and a waiver of rules.

PREMISES AFFECTED – 950 Glenmore Avenue, southwest corner of the intersection of Glenmore Avenue and Crystal Avenue, Block 4210, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Laid over to April 8, 2008, at 10 A.M., for continued hearing.

MINUTES

9-00-BZ, Vol. II

APPLICANT – Harold Weinberg, P.E., for Beth Jacob Teachers Seminary, owner.

SUBJECT – Application August 10, 2007 – Extension of Time/Waiver-to complete construction and obtain a certificate of occupancy of a variance permitting the erection of one additional story above an existing four story building for use of a girls Yeshiva (UG 3) and Synagogue (UG 4) located in R6 zoning district.

PREMISES ADDRESS – 4420 15th Avenue, Northwest corner of 45th Street between 44th and 45th Streets, Block 5612, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Harold Weinberg and Frank Selutto.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10 A.M., for decision, hearing closed.

120-01-BZ

APPLICANT – Sheldon Lobel, P.C., for Anthony Ariola, owner.

SUBJECT – Application January 23, 2008 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (§72-21) to permit the commercial use (UG6) in an existing two-story building, which expired on May 14, 2006, located in an R4 zoning district and a Waiver of the rules.

PREMISES AFFECTED – 134-02 Cross Bay Boulevard, western side of Cross Bay Boulevard, between Gold and Silver Roads, Block 11374, Lot 134, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Laid over to April 8, 2008, at 10 A.M., for continued hearing.

APPEALS CALENDAR

2-07-A thru 5-07-A

APPLICANT – Sheldon Lobel, P.C., for Ron Karo, owner.

SUBJECT – Application January 8, 2007 – To allow construction of four-3story 2 family located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district.

PREMISES AFFECTED – 3212, 3214, 3216, 3218, Tiemann Avenue, northeast corner of Tiemann Avenue and unnamed Street, Block 4752, Lots 128, 129, 132, 133, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10 A.M., for decision, hearing closed.

138-07-A

APPLICANT – New York City Department of Buildings.

OWNER: 614 NYC Partners, Incorporated.

SUBJECT – Application May 24, 2007 – Appeal seeking to revoke Certificate of Occupancy No. 104114487 that allowed the conversion of single room occupancy units (SRO) to Class A apartments without obtaining a Certificate of No Harassment from NYC Housing Preservation and Development (HPD). R8 Zoning District.

PREMISES AFFECTED – 614 West 138th Street, West 138th Street, east of Riverside Drive and west of Broadway, Block 2086, Lot 141, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: John Egnatios-Beene, Department of Buildings.

For Opposition: Mark Klein and Lois Penny.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 1, 2008, at 10 A.M., for decision, hearing closed.

267-07-A

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, owner; Deirdre Radtke, lessee.

SUBJECT – Application November 26, 2007 – Reconstruction and enlargement of existing single family dwelling lying in the bed of a mapped street is contrary to General City Law Section 35. The upgrade of an existing private disposal system partially in the bed of a mapped street is contrary to General City Law Section 35 and Buildings Department Policy. R4 Zoning District.

PREMISES AFFECTED – 49 W. Market Street, south side W. Market Street at intersection of mapped Bayside Drive, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 8,

MINUTES

2008, at 10 A.M., for decision, hearing closed.

290-07-A

APPLICANT – Valentino Pompeo, for Breezy Point Cooperative, Inc., owner; Mary Jean Farrell-Halliday, lessee.

SUBJECT – Application December 27, 2007 – Proposed reconstruction and enlargement of an existing single family home located in the bed of a mapped street contrary to Section 35 GCL, not fronting on a legally mapped street, contrary to Section 36 GCL and the proposed upgrade of an existing private disposal system located within the bed of a mapped street contrary to Buildings Department Policy. R4 Zoning district.

PREMISES AFFECTED – 10 Clinton Walk, east of Clinton Walk, north of Rockaway Point Boulevard, Block 16350, Lot 300, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Loretta Papa.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 8, 2008, at 10 A.M., for decision, hearing closed.

Jeffrey Mulligan, Executive Director

Adjourned: A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 11, 2008
1:30 P.M.**

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

ZONING CALENDAR

48-06-BZ

APPLICANT – Jack A. Adesso, PLLC, for 420 Morris Park Avenue, LLC, owner.

SUBJECT – Application March 17, 2006 – Zoning variance under § 72-21 to allow an eight (8) story residential building containing seventy (70) dwelling units and seventeen (17) accessory parking spaces in an M1-1 district. Proposal is contrary to use regulations (§42-00).

PREMISES AFFECTED – 420 Morris Park Avenue, southwest corner of East Tremont Avenue and Morris Park Avenue, Block 3909, Lot 61, Borough of Bronx.

COMMUNITY BOARD #6BX

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, March 11, 2008.

78-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Phyllis Balsam, owner; Shape-N-Up Fitness Club, LLC; lessee.

SUBJECT – Application April 12, 2007 – Special Permit (§73-36) to allow the operation of a PCE on the first floor of a two-story commercial building. The proposal is contrary to §42-00. M1-1 district.

PREMISES AFFECTED – 2515 McDonald Avenue, east side of McDonald Avenue, between Avenues W and X, Block 7173, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, March 11, 2008.

730-72-BZ

MINUTES

APPLICANT – Sheldon Lobel, P.C., for Phyllis Balsam, owner; Shape-N-Up Fitness Club, LLC; lessee.

SUBJECT – Application October 10, 2007 – Amendment to permit the operation of a Physical Culture Establishment on the first floor of the enlarged portion of an existing building.

PREMISES AFFECTED – 2515 McDonald Avenue, east side of McDonald Avenue, between Avenues W and X, Block 7173, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, March 11, 2008.

193-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Alex Gonter and Mark Gonter, owners.

SUBJECT – Application August 7, 2007 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space (§23-141); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 3591 Bedford Avenue, eastern side of Bedford Avenue between Avenue N and O, Block 7679, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated July 13, 2007, acting on Department of Buildings Application No. 310043388, reads in pertinent part:

- “1. Floor area is contrary to ZR 23-141(a).
2. Open space ratio is contrary to ZR 23-141(a).
3. Side yard requirements are contrary to ZR 23-461(a).
4. Rear yard requirement is contrary to ZR 23-47.”; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, contrary to ZR §§ 23-141(a), 23-461(a), and 23-47; and

WHEREAS, a public hearing was held on this

application on December 4, 2007, after due notice by publication in *The City Record*, with continued hearings on January 15, 2008 and February 12, 2008, and then to decision on March 11, 2008; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Montanez and Commissioner Ottley-Brown; and

WHEREAS, Community Board 14, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the east side of Bedford Avenue, between Avenue N and Avenue O; and

WHEREAS, the subject site has a total lot area of 4,000 sq. ft., and is occupied by a single-family home with a floor area of approximately 2,166 sq. ft. (0.54 FAR); 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 2,166 sq. ft. (0.54 FAR), to 3,419 sq. ft. (0.855 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the proposed open space ratio is 75 percent (the minimum required open space ratio is 150 percent); and

WHEREAS, the proposed enlargement will maintain a non-complying side yard of 4’-3” (a minimum width of 5’-0” is required) and a complying side yard of 11’-11”;

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 20’-½” (a minimum rear yard of 30’-0” is required); and

WHEREAS, the enlargement of the building is not located within 20’-0” of the rear lot line; and

WHEREAS, at hearing, the Board directed the applicant to clearly note the amount of attic space that would count as floor area; and

WHEREAS, further, the Board stated that it would request that DOB confirm that the perimeter wall height and setback comply with zoning district requirements; and

WHEREAS, the applicant provided revised drawings, which note the amount of attic space that has been counted as floor area and which reflect that the building does not encroach into the sky exposure plane; 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, the 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.

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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, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space ratio and side and rear yards, contrary to ZR §§ 23-141(a), 23-461(a), and 23-47; on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received February 25, 2008"-(12) sheets; and on further condition:

THAT there shall be no habitable room in the cellar;
THAT the floor area in the attic shall be limited to 686 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 3,419 sq. ft. (0.855 FAR), a minimum open space ratio of 75 percent, side yards with minimum widths of 4'-3" and 11'-11", and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans;

THAT prior to the issuance of any permit, DOB shall confirm that the perimeter wall height and setback comply with zoning district regulations and that there is not any encroachment into the sky exposure plane;

THAT all porches 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, March 11, 2008.

286-07-BZ

CEQR #08-BSA-041Q

APPLICANT – Sheldon Lobel, P.C., for Shauwana Dill-Darby, owner.

SUBJECT – Application December 20, 2007 – Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment in a one-story building. The proposal is contrary to §32-10. C8-1 district.

PREMISES AFFECTED – 129-01 Merrick Boulevard, north side of Merrick Boulevard between Zoller and Eveleth Roads, Block 12490, Lot 11, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated December 12, 2007, acting on Department of Buildings Application No. 402652679, reads in pertinent part:

“Proposed use of the premises as a Physical Culture Establishment is contrary to ZR 32-10.”; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C8-1 zoning district, the legalization of a physical culture establishment (PCE) in a one-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 12, 2008, after due notice by publication in *The City Record*, and then to decision on March 11, 2008; and

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

WHEREAS, Community Board 12, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the north side of Merrick Boulevard, between Zoller Road and Eveleth Road; and

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

WHEREAS, the PCE occupies the entire building, with a floor area of 2,120 sq. ft.; and

WHEREAS, the PCE is operated as a Curves fitness establishment; and

WHEREAS, the applicant represents that the PCE will provide facilities for aerobic exercise and strength-training; and

WHEREAS, the hours of operation are: daily, from 7:00 a.m. to 2:00 p.m. and 3:00 p.m. to 8:30 p.m.; and

WHEREAS, the Board notes that the PCE has operated at the site since October 1, 2006 without a special permit; and

WHEREAS, accordingly, the Board will reduce the term of the special permit for the period of time between the commencement of operations at the site and the date of this grant; 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

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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 617.2(ak); 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. 08BSA041Q, dated January 31, 2008; and

WHEREAS, the EAS documents 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 within a C8-1 zoning district, the legalization of a physical culture establishment in a one-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received March 7, 2008"- (2) sheets; and *on further condition*:

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

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

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

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

THAT a certificate of occupancy shall be obtained within six months of the date of this grant, by September 11,

2008;

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, March 11, 2008.

221-07-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP c/o Elise Wagner, Esq., for Kipper Productions, Inc., owner.

SUBJECT – Application September 27, 2007 – Variance (§72-21) to permit a music rehearsal studio on the first and second floors in a two-story vacant building. The proposal is contrary to 32-10. C1-4/R7-2 zoning districts.

PREMISES AFFECTED – 165 Lenox Avenue, west side of Lenox Avenue between West 118th and West 119th Streets, Block 1903, Lot 32, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES –

For Applicant: Elise Wagner and Jack Freeman.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to April 8, 2008, at 1:30 P.M., for decision, hearing closed.

227-07-BZ

APPLICANT – Snyder & Snyder, LLP/Omnipoint Communications Inc., for Mikhail Arabov, owner.

SUBJECT – Application October 1, 2007 – Special Permit (§73-30) to permit approval for a proposed 52 foot non-accessory radio tower and related equipment at grade.

PREMISES AFFECTED – 1595 Canarsie Road, Block 8277, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Robert Gardioso.

For Opposition: Frank R. Seddio, Bryan A. Lee, Linda Lorenzana, Mercedes Narsuse, Gasder A. Barne and Mary Anne Sallustro.

ACTION OF THE BOARD – Laid over to May 13, 2008, at 1:30 P.M., for continued hearing.

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2008, at 1:30 P.M., for continued hearing.

281-07-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Chaya Falah and Victor Falah, owners.

SUBJECT – Application December 12, 2007 – Special Permit (§73-622) for the enlargement of an existing single family dwelling. This application seeks to vary floor area (§23-141); side yard (§23-461) and rear yard (§23-47) in an R2X (OP) zoning district.

PREMISES AFFECTED – 1960 East 4th Street, west side of East 4th Street, between Kings Highway and Avenue S, Block 6681, Lot 263, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD – Laid over to April 8, 2008, at 1:30 P.M., for continued hearing.

14-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Elie Zeitoune, owner.

SUBJECT – Application January 8, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary side yards (§23-46) and rear yard (§23-47) in an R5 zoning district.

PREMISES AFFECTED – 1958 East 13th Street, west side of East 13th Street, between Avenue S and Avenue T, Block 7291, Lot 108, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to April 8, 2008, at 1:30 P.M., for continued hearing.

9-08-BZ

APPLICANT – Rampulla Associates Architects, for Joseph Vitacco, owner.

SUBJECT – Application January 3, 2008 – Variance (§72-21) to construct a single family detached residence on a vacant, corner lot that has less than the minimum lot area (§107-42); to vary side yards (§23-462) and front yards (§23-45) in an R3-X SRD (Special Richmond District) SGMD (Special Growth Management District) zoning district.

PREMISES AFFECTED – 555 Foster Road, east side from the intersection of Foster Road and Stafford Avenue, Block 6892, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Philip Rampulla.

ACTION OF THE BOARD – Laid over to May 13, 2008, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.

13-08-BZ

APPLICANT – Bryan Cave LLP/Robert Davis, for Little Red School House, Inc., owner.

SUBJECT – Application January 8, 2008 – Variance (§72-21) to permit an addition at the rear of the existing high school and adjacent buildings to meet the school's programmatic needs. The proposal is contrary to §§ 24-11 (lot coverage) and 24-36 (rear yard). R6/M1-6 districts.

PREMISES AFFECTED – 34-42 Charlton Street (a/k/a 34 Charlton, 40 Charlton, 40-42 Charlton Street) bounded by Varick and Charlton Streets, Avenue of the Americas and Vandam Street, Block 506, Lots 11 & 12, Borough of Manhattan.

COMMUNITY BOARD # 2M

APPEARANCES –

For Applicant: Robert Davis, Michael Patrick, Ruth Jurgensen and Andrew Bartle.

ACTION OF THE BOARD – Laid over to April 8,