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AND APPEALS

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31-09-BZ

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32-09-BZY

122 Treadwell Avenue, Southwest corner of Treadwell Avenue and Harrison Avenue., Block 1088, Lot(s) 49, Borough of **Staten Island, Community Board: 1**. Extension of Time (11-332) to complete construction of a major development commenced under the prior zoning district.

33-09-BZY

124 Treadwell Avenue, Southwest corner of Treadwell Avenue and Harrison Avenue., Block 1088, Lot(s) 49, Borough of **Staten Island, Community Board: 1**.

34-09-BZY

126 Treadwell Avenue, Southwest corner of Treadwell Avenue and Harrison Avenue., Block 1088, Lot(s) 49, Borough of **Staten Island, Community Board: 1**. Extension of Time (11-332) to complete construction of a major development commenced under the prior zoning district.

35-09-BZ

345-347 East 103rd Street, North side of East 103rd Street between First and York Avenues., Block 1675, Lot(s) 21,22, Borough of **Manhattan, Community Board: 11**. Special Permit (11-411 & 11-412) to renew and extend the term for 10 years.

36-09-BZ

53-01 32nd Avenue, North side of 32nd Avenue between 51st Street and 54th Street., Block 1131, Lot(s) 1, Borough of **Queens, Community Board: 1**. Special Permit (73-03, 73-30) to allow a non-accessory radio tower on the rooftop of an existing building with all accessory equipment.

37-09-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

MARCH 24, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 24, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

709-55-BZ

APPLICANT – Whitman Breed Abbott & Morgan LLP, for LMT Realty LLC, owner; Mobil Oil Corporation, lessee.
SUBJECT – Application February 23, 2009 – Extension of Time to obtain a Certificate of Occupancy for a Gasoline Service Station (Mobil), in a C1-2/R4 zoning district, which expired on March 24, 2009.

PREMISES AFFECTED – 2000 Rockaway Parkway, north west of Seaview Avenue, Block 8299, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #18BK

7-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for HKAL 34th Street Limited Partnership, owner; TSI East 34 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application February 9, 2009 – Extension of Term of a previously granted Special Permit for the operation of Physical Culture Establishment (New York Sports Club (NYSC)), located in a C1-9 (TA) zoning district, which expired on January 11, 2009.

PREMISES AFFECTED – 300 East 34th Street, southeast corner of East 34th Street, and Second Avenue, Block 939, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEALS CALENDAR

311-08-BZY

APPLICANT – Slater & Beckerman, LLP, for D.A.B. Group LLC, owner.

SUBJECT – Application December 18, 2008 – Extension of time to complete construction (§11-331) of a minor development commenced prior to the amendment of the Zoning district regulations. C4-4A.

PREMISES AFFECTED – 77, 79 & 81 Rivington Street, Block 415, Lots 61, 62, 63, 66, 67, Borough of Manhattan.

COMMUNITY BOARD #3M

313-08-A

APPLICANT – Chuck Close, c/o Offices of Howard Goldman, LLC, for Proprietary Lessee of Studio and Basement Cooperative, lessee.

SUBJECT – Application December 22, 2008 – Appeal seeking to revoke permits and approvals for a six story commercial building that violates the Building Code and Zoning Resolution. M1-5B zoning district.

PREMISES AFFECTED – 363-371 Lafayette Street, east side of Lafayette Street between Great Jones and Bond Streets, Block 530, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #2M

MARCH 24, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 24, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

97-08-BZ

APPLICANT – Eric Palatnik, P.C., for Chesky Berkowitz, owner; Central UTA, lessee.

SUBJECT – Application April 18, 2008 – Special Permit (§73-19) to allow the proposed legalization of the existing yeshiva (Use Group 3 school). M1-1 district.

PREMISES AFFECTED – 84 Sanford Street, between Park Avenue and Myrtle Avenue, Block 1736, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #3BK

235-08-BZ

APPLICANT – Eric Palatnik, P.C., for Agudath Taharath Mishpachan, owners.

SUBJECT – Application September 16, 2008 – Variance (§72-21) to permit the expansion of a Use Group 3 Mikvah. The proposal is contrary to ZR §33-12 (Maximum floor area ratio) and §33-431 (Maximum height of walls and required setbacks). C2-3/R4 district.

PREMISES AFFECTED – 1508 Union Street, located at the southwest corner of Union Street and Albany Avenue, Block 1279, Lot 41, Borough of Brooklyn.

COMMUNITY BOARD #9BK

274-08-BZ

APPLICANT – Jesse Masyr, Esq., Wachtel & Masyr, LLP, for West Broadway 220 LLC (47 Grand Street), owner; West Broadway 330 LLC (431, 43 Grand Street), lessee.

SUBJECT – Application November 10, 2008 – Variance pursuant to §72-21 to allow for an increase in floor area,

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variation in height and setback requirements and retail use below the level of the second story, contrary to §42-14, §43-12 and §43-43. M1-5A & M1-5B Districts.

PREMISES AFFECTED – 41-47 Grand Street (a/k/a 330 West Broadway) southwest corner of Grand Street and West Broadway, Block 227, Lots 19, 20, 22, Borough of Manhattan.

COMMUNITY BOARD #2M

306-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Third and Fifty-Eight. LLC, owner; Evergreen Spa, Inc., lessee.

SUBJECT – Application December 18, 2008 – Special Permit (§73-36) to allow the operation of a physical culture establishment in the cellar of an existing 21-story mixed-use building. The proposal is contrary to ZR §32-10. C5-2 district.

PREMISES AFFECTED – 969 Third Avenue a/k/a 200 East 58th Street, Block 1331, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #6M

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MARCH 3, 2009
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

241-47-BZ

APPLICANT – Sheldon Lobel, P.C., for Marin Vajanc,
owner.

SUBJECT – Application July 24, 2008 – Extension of Term
and Amendment filed pursuant to §§11-411 & 11-413
requesting an extension of the variance previously granted
by the Board of Standards and Appeals which expired on
January 29, 2004. The application seeks a change in use
from knitting mill (Use Group 17) to a contractor's
establishment (Use Group 17). The site is located in an R5B
zoning district.

PREMISES AFFECTED – 16-23/25 Hancock Street, West
side of Hancock Street approximately 245' north of Wycoff
Street, Block 3548, Lot 97, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Elizabeth Safian.

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 March 24,
2009, at 10 A.M., for decision, hearing closed.

66-90-BZ

APPLICANT – Walter T. Gorman, P.E., P.C., for A.H.G.
Realty Corporation, owner.

SUBJECT – Application February 9, 2009 – Extension of
Time/waiver to obtain an Certificate of Occupancy for a
UG16 Gasoline Service Station (Mobil), in an R-5 zoning
district, which expired on December 31, 2008.

PREMISES AFFECTED – 43-07 Astoria Boulevard, north
east corner of 43rd Street, Block 780, Lot 18, Borough of
Queens.

COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Cindy Bachan.

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 March 17,
2009, at 10 A.M., for decision, hearing closed.

332-98-BZ

APPLICANT – Law Office of Howard Goldman, LLC, for
Workmen's Circle Home & Infirmary, owners.

SUBJECT – Application January 30, 2009 – Extension of
Time/waiver to Complete Construction of a previously
approved Variance (§72-21) for the enlargement of a (UG3)
existing nursing home, in an R5 zoning district, which
expired on April 13, 2003.

PREMISES AFFECTED – 3155 Grace Avenue, bounded by
Grace, Hammersley, Ely and Burke Avenues, Block 4777,
Lots 2 & 57, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Chris Wright.

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 March 17,
2009, at 10 A.M., for decision, hearing closed.

215-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Cumberland
Farms, Incorporated, owner.

SUBJECT – Application January 28, 2009 – Extension of
Time/waiver to obtain a Certificate of Occupancy for an
existing gasoline service station (Exxon) with accessory
convenience store, in a C1-2/R4 zoning district, which
expired on January 24, 2008.

PREMISES AFFECTED – 202-06 Hillside Avenue,
southeast corner of Hillside Avenue and 202nd Street, Block
10496, Lot 52, Borough of Queens.

COMMUNITY BOARD #3Q

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 March 17,
2009, at 10 A.M., for decision, hearing closed.

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APPEALS CALENDAR

305-08-A

APPLICANT – NYC Economic Development Corp.

OWNER: Department of Small Business Services

SUBJECT – Application December 12, 2008 – for a variance of flood plain regulations under Sec. G107 of Appendix G. of the NYC Building Code.

PREMISES AFFECTED – East River Waterfront Esplanade, East side of South Street, 24' south of Maiden Lane, Block 36, Lots 25 & 30, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Daniel Mule.

ACTION OF THE BOARD – Appeal granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Department of Small Business Services, dated January 16, 2009, acting on Application No. 20080272, reads, in pertinent part:

“The design of “Pavilion A,” as indicated on the attached drawings (AO-00, A1-01, A2-01 and A4-01), does not comply with Section G304.1.2 . . . of the NYC Building Code because the lowest floor level is below the Base Flood Elevation;” and

WHEREAS, this is an administrative appeal filed pursuant to Section 666(7) of the New York City Charter by the NYC Economic Development Corporation (“EDC”) and Appendix G, Section BC G107 of the New York City Administrative Code (the “Building Code”) to permit a proposed pavilion building in a flood hazard area which does not comply with floodproofing requirements of Appendix G, Section G304.1.2 of the Building Code; and

WHEREAS, Section 666(c) of the New York City Charter authorizes the Board of Standards and Appeals to rule upon any decision regarding the Building Code issued by the Commissioner of the Department of Ports and Trade (now the Department of Small Business Services) in relation to structures on waterfront property; and

WHEREAS, a public hearing was held on this application on February 3, 2009, after due notice by publication in *The City Record*, and then to decision on March 3, 2009; and

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

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

WHEREAS, the subject site is located on the east side of South Street, 24 feet from Maiden Lane along the East River waterfront; and

WHEREAS, the subject site is part of the two-mile East River Waterfront Esplanade proposed by the City of

New York for Manhattan’s East Side from the Battery Maritime Building to Pier 42, which will include seven leasable pavilion buildings, as well as furniture, plantings, lighting, and rehabilitation of two piers; and

WHEREAS, the subject site is proposed to be occupied by a commercial building (“Pavilion A” and the “building”) to be selected pursuant to a Request for Proposals issued by EDC; and

WHEREAS, the building is proposed to have a width of 40’-0” and a length of 142’-0” and a total floor area of 5,680 sq. ft.; and

WHEREAS, the building is proposed to be located beneath the deck of the FDR Drive; and

WHEREAS, EDC states that the subject site is located within a Special Flood Hazard Area as determined by the Federal Emergency Management Agency (“FEMA”), as indicated on the Flood Insurance Rate Maps for the City of New York; and

WHEREAS, Appendix G, Section G304 of the Building Code establishes general limitations on occupancy and construction within Special Flood Hazard Areas; and

WHEREAS, specifically, Section G304.1.2 requires that nonresidential buildings comply with either an “elevation option,” in which the lowest floor is elevated at or above the design flood elevation, or a “dry floodproofing option,” in which the building is made water-tight to a level at or above the design flood elevation; and

WHEREAS, the proposed floor elevation of Pavilion A is below the base flood elevation and does not use dry floodproofed construction; and

WHEREAS, the instant appeal was thus filed seeking relief from Appendix G, Section G304.1.2 of the Building Code; and

WHEREAS, under Building Code Appendix G § G107.2.3, the Board may grant a variance to the provisions of G304 upon finding that: (i) the variance is technically justified; (ii) there is good and sufficient cause for the variance; (iii) a denial of the variance would result in exceptional hardship to the applicant; (iv) the grant of the variance would not burden the public, expose it to harm, or conflict with existing laws or ordinances; and (v) the variance is the minimum necessary to afford relief to the applicant; and

WHEREAS, with respect to the first finding, the applicant states that the variance is technically justified by the impracticability of complying with either the elevation option or the alternate dry floodproofing option required by Appendix G § G104.1.2 of the Building Code; and

WHEREAS, the applicant states that compliance with the elevation option is impracticable because the height of the building is limited by the location of the FDR Drive above it; and

WHEREAS, the applicant represents that its location necessarily limits the floor-to-ceiling height of Pavilion A and makes it infeasible to comply with the elevation option; and

WHEREAS, the applicant states that New York State Department of Transportation (“DOT”) requires five feet of

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clearance between the top of the Pavilion roof and the underside of the longitudinal beams supporting the FDR Drive to inspect and clean the structure and to make necessary repairs to the underside of the FDR Drive deck; and

WHEREAS, the applicant states further that FDR Drive drainpipes will hang between the FDR Drive structure and the Pavilion A roof, further limiting the height of the proposed building; and

WHEREAS, because an interior plenum space of 4'-0" is required between the Pavilion A roof and ceiling to locate the roof structure, recessed lighting fixtures, interior mechanical units and associated ductwork, constructing the building out of the base flood elevation would reduce the floor-to-ceiling height to 8'-8", reducing the leasable value of the space for the intended commercial uses and resulting in an economic hardship; and

WHEREAS, the applicant further states that compliance with the elevation option would additionally necessitate raising the base height of the building by three to four feet through the addition of approximately 725 cubic yards of engineered fill below the floor slab; and

WHEREAS, the applicant represents that the addition of this fill would significantly increase the amount of new loading applied to a pile-supported platform immediately to the east that is already loaded to its limit, requiring strengthening of the existing structures; and

WHEREAS, the applicant further represents that, if the platform is at load capacity, the additional fill might jeopardize the feasibility of the building; and

WHEREAS, the applicant states that access to a building that complies with the elevated option would additionally require a series of ramps and stairs from the adjoining esplanade walkway and that these stairs and ramps would be a major obstacle and intrusion into the primary circulation path, given the limited width of the site and impose a consequential expense; and

WHEREAS, the applicant states that implementation of the dry floodproofing option of Appendix G § G304.1.2 requires that the building's structure and perimeter be designed to prevent water from entering the building and to withstand hydrostatic and hydrodynamic forces imposed by flooding; and

WHEREAS, the applicant represents that constructing the building to comply with the dry floodproofing option, as required, would require that the foundation and structural system be designed to withstand uplift forces during flooding, necessitating an increase in the slab on grade from five inches to 10 inches, with increased reinforcing and waterproofing beneath; and

WHEREAS, the applicant represents that constructing the building with dry floodproofing up to the base flood elevation would further require a redesign of the building to allow emergency access by the Fire Department and emergency services at or above the 100-year flood plain level; and

WHEREAS, the applicant states that the redesign and construction expenses associated with the dry floodproofing

of the building would exacerbate an existing funding shortfall for the overall East River Waterfront Esplanade project; and

WHEREAS, the applicant represents that dry floodproofing is additionally infeasible because it would create storage and operational difficulties for building tenants and force a redesign of the building that would be incompatible with its program objectives; and

WHEREAS, the applicant states that the dry floodproofing would be achieved by either: (i) manually installing temporary flood shields around the building perimeter which act as a dam to prevent water from penetrating the building; or (ii) constructing the building with solid walls to a designated height above the base flood elevation which are designed to resist hydrostatic, hydrodynamic and other flood-related loads; and

WHEREAS, the applicant states that flood shields consist of a series of stainless steel base plates mounted to an enlarged foundation around the entire perimeter of the building which create a water-tight barrier after steel posts are mounted to the base plates and aluminum panels are inserted in advance of a flood; and

WHEREAS, the applicant further states that use of temporary flood shields is undesirable because tenants may have difficulty storing them on site and installing them in time to protect the building from an impending flood; and

WHEREAS, moreover, the applicant states that constructing the building with the solid low-level walls required by the alternative dry floodproofing scheme would be incompatible with the programming objective that Pavilion A be able fully open onto the surrounding esplanade; and

WHEREAS, the Board therefore finds that the proposed variance to Appendix G § G304.1.2 is justified based on the technical infeasibility of compliance with either the elevation option or the dry waterproofing option; and

WHEREAS, with respect to the second variance finding, the applicant states that Pavilion A is a necessary component to the East River Waterfront Esplanade which creates an active destination and generates revenue for its support; and

WHEREAS, the applicant further states that constructing the building without the variance would require the construction of a series of ramps and stairs connected to the adjoining esplanade walkway to make the building accessible; and

WHEREAS, the applicant represents that, given the narrow width of the subject site, these stairs and ramps would be a major obstacle that would intrude into the primary circulation path, as well as being economically infeasible to construct and highly detrimental to the design of the building; and

WHEREAS, the Board finds that the applicant has established good and sufficient cause for the variance to allow construction of the building below the mandated flood elevation; and

WHEREAS, the applicant states that the failure to grant the variance will result in exceptional hardship; and

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WHEREAS, as discussed above, pursuant to Appendix G § G304.1.2, construction of the building must comply with either the elevation option or the dry waterproofing option; and

WHEREAS, the applicant states that compliance with the elevation option would decrease the height of the interior space of the building; and

WHEREAS, the applicant further states that the operation and maintenance of the East River Waterfront Esplanade is dependent on revenue generated from the leasing of Pavilion A, as well as the other structures planned for the overall development; and

WHEREAS, the applicant represents that reducing the interior height of the building significantly reduces its leasable value and would result in an economic hardship; and

WHEREAS, as discussed above, compliance with the dry floodproofing option would require modifications to the building's foundation and structure, the installation of temporary flood shields and the creation of emergency access for fire department and emergency services; and

WHEREAS, the applicant states that dry floodproofing would increase the cost of Pavilion A by approximately 20 percent, creating an additional financial hardship for the overall esplanade project which was earlier reduced in scope due to funding cutbacks; and

WHEREAS, the Board finds that the applicant has established that failure to grant the variance will result in exceptional hardship; and

WHEREAS, with respect to the fourth finding to be made by the Board, the applicant represents that the grant of the variance would not endanger or burden the public, result in any nuisance, fraud on or victimization of the public, or conflict with existing laws or ordinances; and

WHEREAS, the applicant states that the variance will not result in increased flood heights because the 5,600 sq. ft. building floor area is small compared to the immediate esplanade area of 94,000 sq. ft. and the adjoining streets and, therefore, the impact of the variance on a flood height would be insignificant; and

WHEREAS, the applicant further states that the variance will not result in additional threats to public safety or life because the proposed building design complies with wet floodproofing standards promulgated by the American Society of Civil Engineers ("ASCE") in "Flood Resistant Design and Construction, SEI/ASCE 24-05" (2006) ("SEI/ASCE 24-05 (2006)"), setting forth minimum requirements for flood-resistant design and construction in flood hazard areas; and

WHEREAS, at hearing, the applicant stated that, consistent with ASCE wet floodproofing standards, Pavilion A will be designed with a series of louvers that permit flood waters to enter and exit the building without accumulation and enable the equalization of hydrostatic floor forces; and

WHEREAS, the applicant further states that the building design will raise all essential utilities and large objects out of the flood plain and will use materials approved under wet floodproofing standards; and

WHEREAS, the applicant represents that the design of the building will be appropriate to the AE flood hazard zone in which it is located, in an area deemed not subject to high velocity wave action; and

WHEREAS, the applicant further represents that the building will be constructed to a 6.4 foot elevation that is approximately that of a fifty-year storm surge and that is less than two feet below the 8.25 foot elevation/100-year flood plane that would otherwise be required; and

WHEREAS, the applicant states that the variance would result in reduced public expense because costly ramping and sloping of the paved surfaces in the vicinity will be avoided; and

WHEREAS, the applicant states that the variance would not result in any nuisance, fraud on or victimization of the public, and would conflict with no local law or ordinances, other than the Building Code; and

WHEREAS, based on the adherence of the building design to ASCE wet floodproofing standards, the raising of utilities and large objects out of the flood plane, and construction to a fifty-foot storm surge elevation, the Board finds that the proposed variance to Appendix G § G304.1.2 will not result in additional threats to public safety or life; and

WHEREAS, the Board finds that the variance will not result in extraordinary public expense, nuisance, fraud on or victimization of the public, and would conflict with no local law or ordinances, other than the Building Code; and

WHEREAS, the applicant states that the variance is the minimum necessary to afford relief because the base floor elevations of the proposed building comply with the 50-year still-water flood elevation determined by FEMA and the building design will conform to ASCE wet floodproofing standards; and

WHEREAS, the Board finds that, based on the applicant's representations, that the variance is the minimum necessary to afford relief; and

WHEREAS, in addition to the specific findings the Board must make pursuant to Appendix G § G107.2.3, the Board must also evaluate the affect of the proposed variance on nine factors/conditions summarized as follows: (i) potential damage or injury to other property or lives; (ii) potential damage to the subject site; (iii) importance of the proposed development to the community; (iv) availability of alternative location(s) not located in a flood hazard area; (v) its relationship to the comprehensive plan and flood management program; (vi) access by ordinary and emergency vehicles; (vii) effects of wave action and expected heights, velocity, duration, rate of rise and, debris and debris and sediment transport of floodwaters; and (viii) cost of providing governmental services; and

WHEREAS, the applicant represents that the proposed variance would create no danger of damage or injury to other properties due to flooding or from materials or debris swept on to them because the conformance of the building design to the wet floodproofing requirements of the National Flood Insurance Program and/or the ASCE allow the building to withstand flooding, as water is able to enter and exit the

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building without accumulating therein; and

WHEREAS, the applicant further represents that the proposed variance would not increase danger to life or property due to flooding because building electrical and mechanical systems will be designed to adhere to flood-resistant standards and large equipment will either be raised above the maximum flood elevation or secured to prevent it from floating away; and

WHEREAS, the applicant states that flood damage to the proposed development and its contents would be limited because tenant leases will require critical building elements to be raised above the base flood elevation and items that could float and cause damage to be secured, therefore reducing the impact of potential flooding; and

WHEREAS, the applicant further states that systems and finishes will be chosen to adhere to flood resistant standards, and the compliance of the building's design with the ASCE wet floodproofing standards will limit damage to the proposed development; and

WHEREAS, the applicant states that the proposed building is a necessary element of a waterfront plan that will create active destinations along the esplanade and help subsidize the cost of maintaining the park; and

WHEREAS, the applicant further states that any unanticipated disadvantage posed by the waiver would be far outweighed by the importance of the services provided by the proposed development to the community; and

WHEREAS, the applicant represents that any alternate location would require the same variance as the proposed site because the entire tax lot is below the design flood elevation; and

WHEREAS, indeed, the proposed building is one of four pavilion structures proposed to be located beneath the FDR Drive as part of the East River Waterfront Esplanade, all of which are consequently below the base flood elevation; and

WHEREAS, the applicant states that because the floor area of the proposed building is small in relation to the total area of the esplanade and streets around it, the impact of the variance on the comprehensive plan and flood plain management program for that area would be insignificant; and

WHEREAS, the applicant states that the safety of access to the property in times of flood for ordinary and emergency vehicles will not be compromised by the variance because direct access to the site from the adjacent South Street would be unchanged; and .

WHEREAS, the applicant states that wave action is not applicable to the subject site as Pavilion A is within a FEMA AE Zone – a flood hazard area not subject to high velocity wave action; and

WHEREAS, the applicant further states that analysis has not been performed regarding velocity, duration, rate of rise and debris and sediment transport of floodwaters because the consequences of all these factors on the subject site would be unaffected by the variance, as the amount of proposed floor area is small in relation to the total area of esplanade and surrounding streets; and

WHEREAS, the applicant states the cost to provide governmental services during and after flood conditions will be essentially the same as without the variance and that underground public utilities will not be affected by it; and

WHEREAS, the Fire Department has reviewed the plans and associated documents and has no objections to the proposed project; and

WHEREAS, based on the above, the Board has determined that the evidence in the record supports the findings required to be made pursuant to Appendix G § BC G107 of the Building Code and Section 666(7) of the New York City Charter.

Therefore it is Resolved that the application of the Commissioner of the NYC Economic Development Corporation to permit construction of a one-story pavilion building in a flood hazard area contrary to the floodproofing requirements of Appendix G, Section G304.1.2 of the Building Code is granted; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 3, 2009" three (3) sheets; and *on further condition*:

THAT the design provides for entry and exit of flood waters and equalization of hydrostatic flood forces in accordance with Section 2.6.2 of "Flood Resistant Design and Construction, SEI/ASCE 24-05" (2006), published by the American Society of Civil Engineers ("SEI/ASCE 24-05");

THAT heating, ventilation, air conditioning, and plumbing equipment shall be installed above the base flood elevation;

THAT all materials and finishes shall comply with flood resistant standards set forth in Section 5 of SEI/ASCE 24-05;

THAT the foregoing conditions shall be subject to the review and approval of the Department of Small Business Services;

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

THAT the Department of Small Business Services must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 3, 2009.

142-08-A

APPLICANT – Eric Palatnik, P.C., for George Kraff, owner.

SUBJECT – Application May 9, 2008 – Proposed construction of a three story residential building which does not front on an officially mapped street contrary to General City Law Section 36. R6-OP Zoning District.

PREMISES AFFECTED – 225 Brighton 2nd Lane, corner of Brighton 2nd Lane and Brighton 2nd Place, Block 8662, Lots 153, Borough of Brooklyn.

COMMUNITY BOARD #13BK

MINUTES

APPEARANCES –

For Applicant: Eric Palatnik.

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 March 17, 2009, at 10 A.M., for decision, hearing closed.

168-08-A

APPLICANT – Cozen O’Connor Attorneys, for South Brighton Development, LLC, owner.

SUBJECT – Application June 24, 2008 – Legalization of an existing building not fronting on a legally mapped street contrary to General City Law Section 36. R6(OP) zoning district.

PREMISES AFFECTED – 63 Brighton 2nd Place, east side of Brighton 2nd Place, 110’ north of Brighton 2nd Lane, Block 8662, Lot 157, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Peter Geis.

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 March 17, 2009, at 10 A.M., for decision, hearing closed.

272-08-A

APPLICANT – Elizabeth Safian, Sheldon Lobel, P.C., for Brighton 2nd Place, LLC, owner.

SUBJECT – Application November 5, 2008 – Proposed construction of residential building not fronting on a legally mapped street contrary to General City Law Section 36. R6 Zoning District.

PREMISES AFFECTED – 35 Brighton 2nd Place, premises is located on the west side of Brighton 2nd Place approximately 120 feet north of Brighton 2nd Lane, Block 8662, Lots 230, 232, 234, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES –

For Applicant: Elizabeth Safian.

ACTION OF THE BOARD – Laid over to March 31, 2009, at 10 A.M., for continued hearing.

307-08-BZY

APPLICANT – Howard Zipser, Akerman Senterfitt LLP, for 163 Orchard Street LLC, owner.

SUBJECT – Application December 17, 2008 – Extension of time to complete construction (§11-331) of a minor development commenced prior to the amendment of the zoning district regulations. C4-4A Zoning District.

PREMISES AFFECTED – 163 Orchard Street, through lot between Orchard and Houston Street between Stanton and Rivington Street, Block 416, Lot 58, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Calvin Wong.

ACTION OF THE BOARD – Laid over to March 24, 2009, at 10 A.M., for postponed hearing.

REGULAR MEETING

TUESDAY AFTERNOON, MARCH 3, 2009

1:30 P.M.

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

ZONING CALENDAR

223-08-BZ

CEQR #09-BSA-019R

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Joseph Maza, owner.

SUBJECT – Application August 29, 2008 – Variance (§72-21) to permit a commercial development (local retail, use group 6) within an R3-2 (SRD) zoning district.

PREMISES AFFECTED – 4553 Arthur Kill Road, west side of Arthur Kill Road, 142’ south of the intersection with Kreischer Street, Block 7596, Lot 250, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Todd Dale.

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 Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Superintendent, dated July 30, 2008 acting on Department of Buildings Application No. 510049225, reads in pertinent part:

“Proposed construction of the commercial building is contrary to the Zoning Resolution and requires approval of the Board of Standards and Appeals;”
and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site in an R3-2 zoning district within the Special South Richmond Development District, the construction of a one-story commercial building (Use Group 6) with accessory parking which does not conform to district use regulations, contrary to ZR § 22-21; and

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WHEREAS, a public hearing was held on this application on December 9, 2008, after due notice by publication in *The City Record*, with continued hearings on January 27, 2009 and February 10, 2009, and then to decision on March 3, 2009; and

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

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

WHEREAS, the subject premises is located on the northwest corner of Arthur Kill Road and Tiller Court in an R3-2 zoning district within the Special South Richmond Development District (the "SSRDD"); and

WHEREAS, the site has an irregular triangular shape, with 142'-6" of frontage on Arthur Kill Road, a depth of approximately 232'-0" on the southern lot line and a depth of 119'-0" on the northern lot line and has a lot area of 21,372 sq. ft.; and

WHEREAS, the site is occupied by a one-story commercial building which is proposed to be demolished; and

WHEREAS, the applicant proposes a one-story commercial building with a street wall height and total height of 16'-0", a floor area of 6,447 sq. ft. (0.30 FAR), and 21 accessory parking spaces; and

WHEREAS, the applicant states that the proposed building will be occupied by retail stores; and

WHEREAS, as noted above, the proposed building requires a use waiver; thus, the instant variance application was filed; and

WHEREAS, the applicant states that the following unique physical conditions create unnecessary hardship and practical difficulties in developing the site with a complying development: (1) the site's irregular shape and grade differential; (2) the site's location opposite an MTA bus facility; and (3) the site's location on a heavily traveled thoroughfare; and

WHEREAS, the applicant states that the irregular shape and grade of the subject site impede its development for a conforming residential use; and

WHEREAS, the applicant further states that the narrow western portion of the site and its irregular northern border, coupled with the requirements of the SSRDD and the underlying R3-2 zoning district constrain the configuration of a complying residential development; and

WHEREAS, the applicant represents that the site is limited to a single curb cut on Arthur Kill Road, pursuant to ZR § 107-251; and

WHEREAS, the applicant states that a conforming development is further constrained by a 15-foot differential in grade from the front of the site along Arthur Kill Road to its rear; and

WHEREAS, the applicant represents that the site's incline increases the expense of a necessary sewer line that would extend approximately 700 feet from the subject site to the main line south along Arthur Kill Road; and

WHEREAS, the applicant further represents that the proposed commercial development will employ an on-site

septic system and would therefore not require a sewer extension; and

WHEREAS, the applicant also states that the site's location directly north of an 87,000 sq. ft. two-story and mezzanine bus depot currently being constructed makes the site unmarketable for a conforming residential development; and

WHEREAS, the applicant further states that the depot will provide fueling and maintenance services to several hundred buses daily and will operate seven days per week; and

WHEREAS, the applicant represents that the new facility will provide parking for 220 buses and more than 200 employee vehicles, and that bus routes will originate and terminate at new bus stops located in front of the facility; and

WHEREAS, the applicant further represents that the new facility is expected to increase traffic, citing an MTA study that found that the level of service at six nearby intersections exceeded NYC DOT limits and that post-construction signal timing adjustments were needed; and

WHEREAS, the applicant also states that the site is located on a 60-foot wide arterial roadway (mapped to an 80-foot width) which provides access to the Outerbridge Crossing (Route 440); and

WHEREAS, the applicant represents that the heavy incidence of traffic further limits the marketability of a conforming development which would front on Arthur Kill Road; and

WHEREAS, based upon the above, the Board finds that the shape of the subject lot and the premium costs associated with installation of the required sewer, when considered in the aggregate with the site's location on a busy thoroughfare directly across from a large, active bus depot, creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant submitted a feasibility study which analyzed: (i) six as-of-right single-family two-story attached homes with a total floor area of 14,850 sq. ft. with private garages; (ii) an alternative scenario consisting of seven single-family three-story attached homes with 13,356 sq. ft. of floor area and shared parking at the rear; and (iii) the proposed development; and

WHEREAS, the study concluded that neither complying scenario would realize a reasonable return; and

WHEREAS, the proposed project would realize a reasonable return; and

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

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

WHEREAS, as discussed above, a nearly 11-acre bus depot will be located directly across from the subject site; and

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WHEREAS, the applicant states that the subject site is located immediately west of an M1-district in which commercial development is permitted as of right; and

WHEREAS, the applicant further states that the subject site was located within the M1-1 district until 2004, when the site was inadvertently included within an area rezoned from R3-2 (SSRDD) as part of a privately-sponsored rezoning to facilitate construction of a 190-unit residential development (“the Tides at Charleston”); and

WHEREAS, the applicant represents that the plan sheets submitted to the Department of City Planning indicated that the subject site was not intended to be included in the rezoning and the owner had been unaware that his site was nonetheless included; and

WHEREAS, the Board notes that the Tides at Charleston has been completed and is situated directly to the south and north of the proposed development; and

WHEREAS, the applicant states that the bulk and height of the proposed building comply with the R3-2 zoning parameters; and

WHEREAS, at hearing, the Board asked the applicant to explore relocating the commercial building to the northern lot line, to reduce its impact on the adjacent residential development to its south; and

WHEREAS, in response, the applicant submitted a revised site plan indicating that relocating the commercial building to the northern lot line would place it within 39 feet of the residential development to its north, while the proposed development would be situated approximately 100 feet from the residential development to its south and would provide a buffer between the commercial uses and the residential development to its south; and

WHEREAS, at hearing, the Board raised concerns with the compliance of the site plan with the SSRDD buffering, screening and landscaping requirements and requested that the applicant take measures to buffer adjacent residential properties from the proposed retail use of the site; and

WHEREAS, in response, the applicant submitted revised plans relocating the proposed development five feet distant from the southern lot line, and indicating that a planting strip and street trees will be planted in compliance with the requirements of ZR § 107-48 and that all lighting will be directed downwards and away from residential properties; and

WHEREAS, at hearing, the Board also raised concerns with the hours of operation of the proposed commercial development; and

WHEREAS, in response, the applicant agreed to limit the hours of operation to between 6:00 a.m. and midnight; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is the result of the site’s pre-existing irregular shape and grade, its

proximity to a bus depot and its heavily trafficked location; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals adopts DCP’s Negative Declaration under Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site in an R3-2 zoning district within in the Special South Richmond Development District, the construction of a one-story commercial building (Use Group 6) with accessory parking which does not conform to district use regulations, contrary to ZR § 22-21; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received January 13, 2009”- (5) sheets and “March 3, 2009”- (1) sheet; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: a total floor area of approximately 6,447 sq. ft., an FAR of 0.30, a height of 16’-0”, and 21 accessory parking spaces; as indicated on the BSA-approved plans;

THAT the hours of operation of the retail stores shall be limited to: Monday through Sunday, from 6:00 a.m. to midnight p.m.;

THAT all signage shall comply with C1 zoning district regulations as per the BSA-approved plans;

THAT DOB shall review and ensure compliance with the landscaping and screening requirements of ZR § 107-48, as per the BSA-approved plans;

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

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 construction shall proceed in accordance with ZR § 72-23;

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

Adopted by the Board of Standards and Appeals, March 3, 2009.

291-08-BZ

APPLICANT – Moshe M. Friedman, for Eva Hershovic,

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owner.

SUBJECT – Application November 24, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space and floor area ration (§23-141(a)) and less than the required rear yard (§23-47) in an R-2 zoning district.

PREMISES AFFECTED – 3141 Bedford Avenue, West side 140' south of the intersection of Bedford Avenue & Avenue J, Block 7607, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Moshe Friedman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Otley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated November 20, 2008, acting on Department of Buildings Application No. 310225725, reads:

“Proposed extension of existing one family dwelling is contrary to:

ZR § 23-141(a) floor area ratio.

ZR § 23-141(a) open space ratio.

ZR § 23-47 rear yard;” and

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

WHEREAS, a public hearing was held on this application on February 10, 2009, after due notice by publication in *The City Record*, and then to decision on March 3, 2009; and

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

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

WHEREAS, the subject site is located on the east side of Bedford Avenue, between Avenue J and Avenue K, in an R2 zoning district; 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 2,662 sq. ft. (0.66 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 2,662 sq. ft. (0.66 FAR) to 3,688 sq. ft. (0.92 FAR); the maximum floor area permitted is 2,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of approximately 70 percent (150 percent is the

minimum required); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 20'-0" (a minimum rear yard of 30'-0" is required); 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.

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 Z.R. § 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 FAR, open space ratio and rear yards, contrary to Z.R. §§ 23-141 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received November 24, 2008”-(5) sheets and “February 17, 2009”-(5) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a floor area of 3,688 sq. ft. (0.92 FAR); an open space ratio of 70 percent; and a rear yard with a minimum depth of 20'-0", as illustrated on the BSA-approved plans;

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

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;

THAT substantial construction be completed in accordance with ZR § 73-70; 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 3, 2009.

MINUTES

177-07-BZ

APPLICANT – Manish S. Savani, for Maurice Dayan, owner.

SUBJECT – Application July 6, 2007 – Variance (§72-21) to construct a two story, two family residential building on a vacant corner lot. This application seeks to vary the front yard requirement on one street frontage (§23-45) in an R-5 zoning district.

PREMISES AFFECTED – 886 Glenmore Avenue, corner of Glenmore Avenue and Milford Street, Block 4208, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Manish S. Savani.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for continued hearing.

220-07-BZ

APPLICANT – Moshe M. Friedman, P.E., for Relly Bodansky, owner.

SUBJECT – Application September 25, 2007 – Variance (§72-21) to allow the erection of a new 4-story residential building containing 4 dwelling units on a site containing an existing legal, nonconforming 3-story multiple dwelling which is proposed to be razed; contrary to use regulations (§42-10). M1-1 district.

PREMISES AFFECTED – 847 Kent Avenue, east side of Kent Avenue, 300' north of intersection of Kent Avenue and Myrtle Avenue, Block 1898, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD – Laid over to April 21, 2009 at 1:30 P.M., for deferred decision.

40-08-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Laconia Land Corporation, owner.

SUBJECT – Application February 25, 2008 – Special Permit (§§11-411 & 11-413) to allow the re-instatement and extension the term, to amend the previous BSA approval of an Automotive Service Station (UG 16) to a Automotive Repair Facility (UG 16). The application seeks to subdivide the zoning lot and allow a portion to be developed as of right in a C1-2/R5 zoning district.

PREMISES AFFECTED – 3957 Laconia Avenue, Northwest corner of east 224th Street, Block 4871, Lot 1, Borough of Bronx.

COMMUNITY BOARD #1BX

APPEARANCES –

For Applicant: Todd Dale.

ACTION OF THE BOARD – Laid over April 7, 2009, at 1:30 P.M., for continued hearing.

45-08-BZ

APPLICANT – Rampulla Associates Architects, for 65 Androvette Street, LLC, owner.

SUBJECT – Application February 29, 1998 – Variance (§72-21) to construct a four-story, 108 unit age restricted residential building contrary to use regulations (§42-00, §107-49). M1-1 District / Special South Richmond Development District.

PREMISES AFFECTED – 55 Androvette Street, north side Androvette Street, corner of Manley Street, Block 7407, Lots 1, 80, 82, (Tent. 1), Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phil L. Rampulla and Rebecca Pytosh.

For Opposition: Dennis D. Dell'Angelo and Staten Island Taxpayers Association.

ACTION OF THE BOARD – Laid over to April 7, 2009, at 1:30 P.M., for continued hearing.

88-08-BZ

APPLICANT – Alfonso Duarte, for Naresh M. Gehi, owner.

SUBJECT – Application April 11, 2008 – Variance pursuant to §72-21 to allow the commercial office conversion of an existing residential building; contrary to use regulations §22-00. R5 District.

PREMISES AFFECTED – 101-17 Lefferts Boulevard, East side, 150 ft. south of 101st Avenue, Block 9487, Lot 68, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Alfonso Duarte and Richard Lobel.

For Opposition: Sylvia Hack, CB #9

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for continued hearing.

134-08-BZ

APPLICANT – Eric Palatnik, P.C., for Asher Goldstein, owner.

SUBJECT – Application April 30, 2008 – Variance (§72-21) to construct a third floor to an existing two story, two family semi-detached residence partially located in an R-5 and M1-1 zoning district.

PREMISES AFFECTED – 34 Lawrence Avenue, Lawrence Avenue, 80' west of McDonald Avenue, Block 5441, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Eric Palatnik.

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 March 24, 2009, at 1:30 P.M., for decision, hearing closed.

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ACTION OF THE BOARD – Laid over to March 24, 2009, at 1:30 P.M., for continued hearing.

161-08-BZ

APPLICANT – Eric Palatnik, P.C., for Oleg F. Kaplun, owner.

SUBJECT – Application June 10, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, open space and lot coverage (§23-141) and less than the required rear yard (§23-47) in an R3-1 zoning district.

PREMISES AFFECTED – 136 Dover Street, between Hampton Street and Oriental Boulevard, Block 8735, Lot 80, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to April 7, 2009, at 1:30 P.M., for continued hearing.

162-08-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 150 East 93rd Street Corporation, owner.

SUBJECT – Application June 12, 2008 – Special Permit (§73-621) to allow for the enlargement of an existing building contrary to floor area and lot coverage regulations §23-145 and §35-31; C1-8X District.

PREMISES AFFECTED – 150 East 93rd Street, southeast corner of East 93rd Street and Lexington Avenue, Block 1521, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Fredrick A. Becker, Mark Martinez and Ronen Henzig.

For Opposition: Lo Van der Valk, Susan Kathryn Hefti, and James Norden.

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 March 24, 2009, at 1:30 P.M., for decision, hearing closed.

236-08-BZ

APPLICANT – Sheldon Lobel, for Joey Aini, owner.

SUBJECT – Application September 18, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area (§23-141) and the permitted perimeter wall height (§23-631) in an R2X (OPSD) zoning district.

PREMISES AFFECTED – 1986 East 3rd Street, west side of East 3rd Street, 100' south of Avenue S, Block 7105, Lot 152, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Richard Lobel.

250-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Sari Dana and Edward Dana, owners.

SUBJECT – Application October 10, 2008 – Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area (§23-141) and less than the required rear yard (§23-47) in an R2X (OP) Special Ocean Parkway District.

PREMISES AFFECTED – 1925 East 5th Street, east side of East 5th Street between Avenues R and S, Block 6681, Lot 490, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to March 24, 2009, at 1:30 P.M., for continued hearing.

269-06-BZ

APPLICANT – Joseph Margolis, for Bruno Salvo, owner.

SUBJECT – Application October 4, 2006 – Variance (§72-21) to permit the conversion of 11,000 sf of vacant space into retail/commercial space. The proposal is contrary to §22-00. R3-2 district (South Richmond Special District).

PREMISES AFFECTED – 125 Greaves Lane, between Timber Ridge drive on the east and Greaves Lane on the west, Block 4645, Lot 425, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Joseph Margolis, Gaetano Donatantonio, Rebecca Pytosh and E. Lemonides.

For Opposition: Kevin Boshell.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for continued hearing.

193-08-A

APPLICANT – Joseph Margolis, for Bruno Salvo, owner.

SUBJECT – Application July 15, 2008 – Proposed construction of retail/commercial space located in an existing shopping center not fronting on a mapped street contrary to General City Law Section 36. R3-2 Zoning District.

PREMISES AFFECTED – 125 Greaves Lane, between Timber Ridge drive on the east and Greaves Lane on the west, Block 4645, Lot 425, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Joseph Margolis, Gaetano Donatantonio, Rebecca Pytosh and E. Lemonides.

For Opposition: Kevin Boshell.

ACTION OF THE BOARD – Laid over to April 21, 2009, at 1:30 P.M., for continued hearing.

MINUTES

310-08-BZ

APPLICANT – Friedman & Gotbaum, LLP, for Convent of the Sacred Heart, owner.

SUBJECT – Application December 18, 2008 – Special Permit (§73-19) to allow construction of a school building in a C8-4 zone, contrary to use regulations. C8-4 District.

PREMISES AFFECTED – 406 East 91st Street, south side of East 91st Street, 94' west of First Avenue, Block 1570, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Shelly Friedman, Joseph Ciangalini, John Woelfling, Simon Bradley, Veranica LaBeradine and Scott Gilles.

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 21, 2009, at 1:30 P.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.