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# BULLETIN

## OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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November 5, 2009

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### DIRECTORY

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247-09-BZ	123 East 55 <sup>th</sup> Street, Manhattan

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# DOCKET

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New Case Filed Up to October 27, 2009  
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**298-09-A**

436 Beach 129th Street, East side of Beach 217 Street 160', south of Breezy Point Boulevard., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14.** Construction not fronting a mapped street, contrary to Section 36, Article 3 of the General City Law. R4 district.  
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**299-09-A**

4 Lincoln Walk, East side of Beach 217 Street 160', south of Breezy Point Boulevard., Block 16350, Lot(s) 400, Borough of **Queens, Community Board: 14.** Construction not fronting a mapped street, contrary to Section 36, Article 3 of the General City Law. R4 district.  
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**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

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# CALENDAR

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**NOVEMBER 17, 2009, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, November 17, 2009, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**240-55-BZ**

APPLICANT – Joseph P. Morsellino, Esq., for DLC Properties LLC, owner; Helms Brother's, lessee.  
SUBJECT – Application March 11, 2009 – Extension of Time to complete construction of a second story addition (5,000sf) to an existing commercial building in a C2-2(R6B) & R4 zoning district which expired on February 13, 2009.  
PREMISES AFFECTED – 207-22 Northern Boulevard, Northern Boulevard and 208<sup>th</sup> Street, Block 7305, Lot 19, Borough of Queens.  
**COMMUNITY BOARD #11Q**

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**217-96-BZ**

APPLICANT – Joseph P. Morsellino, for Silverbell Investments, owner; Enterprise Rent a Car, lessee.  
SUBJECT – Application September 15, 2009 – Extension of Term of a previously granted Variance (§72-21) for the continued use of an existing car rental facility (Enterprise) with accessory outdoor storage of rental cars (UG 8) which expired on October 7, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on October 7, 1998; and Waiver of the Rules. C1-2/R-2 zoning district.  
PREMISES AFFECTED – 165-01 Northern Boulevard, northeast corner 165<sup>th</sup> Street and Northern Boulevard, Block 53340, Lot 8, Borough of Queens.  
**COMMUNITY BOARD #7Q**

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**195-99-BZ**

APPLICANT – Eric Palatnik, P.C., for Theodore Zorbas, owner.  
SUBJECT – Application September 18, 2009 – Extension of Term (§11-411) for the continued use of a Gasoline Service Station (Shell) which expires on November 10, 2009. R-6 zoning district.  
PREMISES AFFECTED – 112 Atlantic Avenue, south east corner of Atlantic Avenue and Henry Street, Block 285, Lot 6, Borough of Brooklyn.  
**COMMUNITY BOARD #6BK**

**APPEALS CALENDAR**

**315-08-A**

APPLICANT – Stuart A. Klein, Esq., for Bayrock/Sapir Organization, LLC., owner.  
SUBJECT – Application December 23, 2008 – An appeal seeking the revocation of permits for the construction of a condominium hotel on the basis that the approved plans allow for a Floor area far exceeding the permitted applicable zoning regulations. M1-6 zoning.  
PREMISES AFFECTED – 246 Spring Street, between Varick Street and Hudson Street, block 491, Lot 36, Borough of Manhattan.  
**COMMUNITY BOARD #2M**

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**243-09-BZY**

APPLICANT – Gouranga C. Kundu, for Azharul Islam, owner.  
SUBJECT – Application August 19, 2009 – Application to complete construction of a minor development §11-332 commenced under the prior R6 zoning district. R4-1 zoning district.  
PREMISES AFFECTED – 87-12 175<sup>th</sup> Street, corner of 175<sup>th</sup> Street and Warwick, Block 9830, Lot 32, Borough of Queens.  
**COMMUNITY BOARD #12Q**

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**NOVEMBER 17, 2009, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, November 17, 2009, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**239-09-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for New York University, owner.  
SUBJECT – Application August 5, 2009 – Variance (§72-21) to allow for the development of a 6 story community facility building (NYU Center for Academic and Spiritual Life) contrary to lot coverage (ZR §24-11) and height and setback regulations (ZR §24-522, §33-431). R7-2/C1-5 and R7-2 Districts.  
PREMISES AFFECTED – 238 Thompson Street, aka 56 Washington Square South, block bounded by Thompson and West 3rd Streets, Laguardia Place, Washington Square South Block 538, Lot 27, Borough of Manhattan.  
**COMMUNITY BOARD #2M**

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# CALENDAR

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**269-09-BZ**

APPLICANT – Dennis D. Dell'angelo, R.A., for Jehoshua Cohen, owner.

SUBJECT – Application September 21, 2009 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to lot coverage (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R-5 zoning district.

PREMISES AFFECTED – 1938 East 12<sup>th</sup> Street, west side of East 12<sup>th</sup> Street, between Avenue S and Avenue T, Block 7290, Lot 21, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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**279-09-BZ**

APPLICANT – Lewis E. Garfinkel, R.A., for Rifki Zoneshayn, owner.

SUBJECT – Application October 1, 2009 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to open space and floor area (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED –2709 Avenue M, between East 27<sup>th</sup> and East 28<sup>th</sup> Street, Block 7645, Lot 7, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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*Jeff Mulligan, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, OCTOBER 27, 2009  
10:00 A.M.**

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

**SPECIAL ORDER CALENDAR**

**321-63-BZ**

APPLICANT – Slater & Beckerman, LLP, for Verizon New York, owner.

SUBJECT – Application September 15, 2009 – Amendment of Special Permit (§73-65) which allowed the enlargement of a telephone exchange facility (UG 6D). The amendment would allow change of use from telephone exchange to UG 6 on the first floor, from UG 4A to a school (UG 3) on the fourth floor, from telephone exchange to a school (UG 3) on the fifth and sixth floors, from offices (UG 6B) to school accessory offices (UG 6B) on the seventh and eighth floors, and the creation of rooftop recreation space for the school (UG 3). R8/Special Grand Concourse Preservation District. PREMISES AFFECTED – 1775 Grand Concourse, 100 East 175th Street and 1730 Walton Avenue, Corner lot with frontages on the south side of East 175th Street, east side of Walton Avenue and west side of Grand Concourse, Block 2822, Lot 27, Borough of Bronx.

**COMMUNITY BOARD #5BX**

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, October 27, 2009.

**684-64-BZ**

APPLICANT – George E. Berger, for 360 East 72<sup>nd</sup> Street Owners Corporation owner.

SUBJECT – Application July 30, 2009 – Extension of Term permitting the use of no more than 45 unused and surplus tenant parking spaces, within an accessory garage, for transient parking granted by the Board pursuant to §60 (3) of the Multiple Dwelling Law (MDL) which is set to expire on October 23, 2009. C1-5 in a R10A & R8B zoning district. PREMISES AFFECTED – 360 East 72<sup>nd</sup> Street, East side of 1<sup>st</sup> Avenue between East 71<sup>st</sup> Street and East 72<sup>nd</sup> Street, Block 1446, Lot 23, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES –

For Applicant: George E. Berger.

**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 transient parking garage, which expired on October 23, 2009; and

WHEREAS, a public hearing was held on this application on October 6, 2009, after due notice by publication in *The City Record*, and then to decision on October 27, 2009; and

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

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

WHEREAS, the subject premises is located on a through block bounded by East 71<sup>st</sup> Street to the south, First Avenue to the east, and East 72<sup>nd</sup> Street to the north; and

WHEREAS, the site is located within R8B, R10A and C1-5(R10A) zoning districts, and is occupied by a 34-story residential building; and

WHEREAS, the cellar and sub-cellar are occupied by a 268-space accessory garage, with 89 spaces in the cellar and 179 spaces in the sub-cellar; and

WHEREAS, on October 20, 1964, under the subject calendar number, the Board granted a variance pursuant to Section 60(3) of the Multiple Dwelling Law (“MDL”) to permit a maximum of 45 surplus parking spaces to be used for transient parking for a term of 15 years; and

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

WHEREAS, most recently, on December 7, 1999, the Board granted a ten-year extension of term, which expired on October 23, 2009; and

WHEREAS, the applicant submitted a photograph of the sign posted onsite, which states building residents’ right to recapture the surplus 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 October 20, 1964, 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 October 23, 2009, to expire on October 23, 2019; *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received July 30, 2009’-(2) sheets; and ‘October 8, 2009’ -(1) sheet; and *on further condition*:

THAT this term shall expire on October 23, 2019;

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

# MINUTES

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.”

(DOB Application No. 120059989)

Adopted by the Board of Standards and Appeals, October 27, 2009.

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## 1259-79-BZ

APPLICANT – Sheldon Lobel, P.C., for Arabara, LLC, owner.

SUBJECT – Application August 13, 2009 – Extension of Time to complete construction and obtain a certificate of occupancy and Waiver of the Rules of a previously granted Variance (§72-21) for the conversion of all floors above the first floor from manufacturing lofts into residential dwellings which expired on October 6, 1984. M1-6 zoning district.

PREMISES AFFECTED – 29 West 26<sup>th</sup> Street, north side of West 26<sup>th</sup> Street, 350’ east of Sixth Avenue, Block 826, Lot 16, Borough of Manhattan.

## COMMUNITY BOARD #5M

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, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of time to complete the conversion of a portion of a seven-story building from manufacturing use to residential use, and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on September 15, 2009 after due notice by publication in *The City Record*, with a continued hearing on October 6, 2009, and then to decision on October 27, 2009; and

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

Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, the subject site is located on the north side of West 26<sup>th</sup> Street, between Broadway and the Avenue of the Americas, within an M1-6 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 8, 1980 when, under the subject calendar number, the Board granted a variance pursuant to ZR § 72-21, to permit the conversion of all floors above the first floor from manufacturing lofts into a multiple dwelling; and

WHEREAS, subsequently, the time to complete construction was extended at various times; and

WHEREAS, most recently, on January 24, 1984, the Board granted a one-year extension of time to complete construction, to expire on October 6, 1984; and

WHEREAS, the applicant states that the second, third, fifth, and seventh floors of the subject building have been converted to residential use pursuant to the Board’s grant, and that the fourth and sixth floors are in the process of being converted to residential use; and

WHEREAS, the applicant represents that construction has not been completed due to financing issues and a change in ownership of the building and because the Department of Buildings (“DOB”) has issued a stop work order preventing the owner from continuing construction pursuant to the prior Board grant; and

WHEREAS, the applicant states that all violations will be resolved when construction re-commences; and

WHEREAS, thus, the applicant now requests a two-year extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, at hearing, the Board questioned whether the applicant has complied with the fire safety conditions in the original grant; and

WHEREAS, in response, the applicant submitted photographs and a letter from the architect reflecting that smoke detectors, fire alarms, and fire escapes have been installed in the subject building, as required by the Board’s original grant; and

WHEREAS, at hearing, the Board raised concerns regarding the substandard condition of the door buzzers for the individual tenants of the building; and

WHEREAS, in response, the applicant stated that an integrated buzzer system will be installed in the building which will comply with any Building Code requirements; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated July 8, 1980, so that as amended this portion of the resolution shall read: “to grant a two-year extension of time to complete construction and obtain a certificate of occupancy, to expire on October 27, 2011; *on condition*:

THAT construction shall be substantially complete by April 27, 2011;

# MINUTES

THAT a certificate of occupancy shall be obtained by October 27, 2011;

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

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

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

(DOB Application No. 100561429)

Adopted by the Board of Standards and Appeals, October 27, 2009.

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## 193-97-BZ

APPLICANT – Fredrick A. Becker, for 29 Great Jones Corporation owner.

SUBJECT – Application July 22, 2009 – Extension of Term for a special permit (§73-36) which expired on April 1, 2008 for the operation of a Physical Culture Establishment (Great Jones Spa); Waiver of the Rules. M1-5B zoning.

PREMISES AFFECTED – 27-29 Great Jones Street, Southerly side of Great Jones Street 69' easterly of the corner of Great Jones Street and Lafayette Street, Block 530, Lot 20, Borough of Manhattan.

## COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Fredrick A. Becker.

**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 waiver of the Rules of Practice and Procedure, a reopening, and an extension of term of a previously granted special permit for a physical culture establishment (PCE), which expired on April 21, 2008; and

WHEREAS, a public hearing was held on this application on October 6, 2009, after due notice by publication in *The City Record*, and then to decision on October 27, 2009; and

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

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the PCE is located on the south side of Great Jones Street, between Lafayette Street and The Bowery, within an M1-5B zoning district; and

WHEREAS, the site is occupied by adjacent five-story

and six-story mixed-use buildings; and

WHEREAS, the PCE use is located in the cellar, sub-cellar, cellar mezzanine, first floor and first floor mezzanine, and occupies a total floor area of 2,906 sq. ft. with an additional 9,035 sq. ft. of floor space in the cellar, sub-cellar and cellar mezzanine; and

WHEREAS, the Board has exercised jurisdiction over the subject site since April 21, 1998 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on April 21, 2008; and

WHEREAS, subsequently, the Board approved by letter minor adjustments of the interior layout and floor area of the PCE; and

WHEREAS, most recently, on April 29, 2003, the Board approved by letter the creation of an upper mezzanine in the rear of the structure, resulting in an increase in the total floor space of the PCE from 11,182 sq. ft. to 11,941 sq. ft., and a decrease in occupancy from 213 persons to 180 persons; and

WHEREAS, the applicant now seeks to extend the term of the special permit for ten years; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, as adopted on April 21, 1998, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from April 21, 2008, to expire on April 21, 2018, *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; *on condition* that all work shall substantially conform to drawings filed with this application and marked ‘Received July 22, 2009’-(7) sheets; and *on further condition*:

THAT the term of this grant shall expire on April 21, 2018;

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;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (DOB Application No. 101276799)

Adopted by the Board of Standards and Appeals, October 27, 2009.

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# MINUTES

## 826-86-BZ, 827-86-BZ and 828-86-BZ

APPLICANT – Eric Palatnik, P.C. for North Shore Tower Apartments, Incorporated, owner; Continental Communications, lessee.

SUBJECT – Application April 3, 2009 – Extension of Term for a Special Permit (§73-11) to allow non-accessory radio towers and transmitting equipment on the roof of a 33-story multiple dwelling (*North Shore Towers*) which expired on March 28, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on March 6, 2003; an Amendment to eliminate the condition that a new Certificate of Occupancy be obtained; and Waiver of the Rules. R3-2 zoning district.

PREMISES AFFECTED – 269-10, 270-10, 271-10 Grand Central Parkway, Northeast corner of 26th Street. Block 8489, Lot 1, Borough of Queens.

### COMMUNITY BOARD #13Q

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Barbara Leonardi and Dianne Stromfeld.

**ACTION OF THE BOARD** – Laid over to December 8, 2009, at 10 A.M., for continued hearing.

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## 60-82-BZ

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

SUBJECT – Application September 22, 2009 – Extension of Time to obtain a Certificate of Occupancy for a gasoline service station (*BP North America*) which expired on December 13, 2007; Waiver of the Rules. C2-3/R7X zoning district.

PREMISES AFFECTED – 60-11 Queens Boulevard, between 60<sup>th</sup> Street and 61<sup>st</sup> Street, Block 1338, Lot 1, Borough of Queens.

### COMMUNITY BOARD #2Q

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

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## 140-92-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for Evangel Church, owner.

SUBJECT – Application December 19, 2008 – Amendment of variance (§72-21) which allowed an enlargement of an existing school (UG 3). The amendment would further enlarge the school, contrary to height and setback (§43-43). M1-2/R5D & M1-2/R5B (Special Long Island City Mixed Use District).

PREMISES AFFECTED – 39-21 Crescent Street, southerly

side of Crescent Street between 39th Avenue and 40th Avenue, Block 396, Lot 10 & 36, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES –

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** – Laid over to November 24, 2009, at 10 A.M., for continued hearing.

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## 16-95-BZ

APPLICANT – Akerman Senterfitt, LLP, for STA Parking Group, owner.

SUBJECT – Application July 24, 2009 – Extension of Term and Waiver of the Rules of a previously granted Variance (§72-21) for a UG8 parking garage with accessory auto repairs which expired on March 23, 2009. R-8B zoning district.

PREMISES AFFECTED – 434 East 77<sup>th</sup> Street, between 76<sup>th</sup> and 77<sup>th</sup> Street, Block 1471, Lot 31, Borough of Manhattan.

### COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Calvin Wong.

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

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## 172-96-BZ

APPLICANT – Law Office of Mitchell Ross, Esquire, for Don Mitchell owner.

SUBJECT – Application April 17, 2009 – Extension of Term for a variance (§72-21) which expired on May 11, 2009 allowing the operation of a welding shop (UG 16A) contrary to §32-00; Waiver of the Rules. C6-6 zoning district.

PREMISES AFFECTED – 597/99 Marcy Avenue, Southeast corner of Marcy and Vernon Avenues., Block 1759, Lot 7, Borough of Brooklyn.

### COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Mitchell Ross.

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

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# MINUTES

## 3-04-BZ

APPLICANT – Eric Palatnik, P.C., for Rushikesh Trivedi, owner.

SUBJECT – Application September 22, 2009 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) for a two story, two family dwelling which expires on November 29, 2009; Waiver of the Rules. R-2 zoning district.

PREMISES AFFECTED – 147-08 46<sup>th</sup> Avenue, between Parsons Boulevard and 149<sup>th</sup> Street, Block 5452, Lot 3, Borough of Queens.

### COMMUNITY BOARD #7Q

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 November 10, 2009, at 10 A.M., for decision, hearing closed.

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## 19-05-BZ

APPLICANT – Slater & Beckerman, LLP, for Groff Studios Corporation, owner.

SUBJECT – Application September 18, 2009 – Extension of Time to complete construction of a previously granted Variance (§72-21) for the change in use of portions of an existing nine-story, mixed-use building to residential use which expires on October 18, 2009. M1-6 zoning district.

PREMISES AFFECTED – 151 West 28<sup>th</sup> Street, north side of West 28<sup>th</sup> Street, 101’ east of Seventh Avenue, Block 804, Lot 8, Borough of Manhattan.

### COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Neil Weisbard.

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 November 10, 2009, at 10 A.M., for decision, hearing closed.

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## APPEALS CALENDAR

### 197-09-A

APPLICANT – Paul Russo, Breezy Point Cooperative Inc., owner; Paul Armour, lessee.

SUBJECT – Application June 26, 2009 – Proposed reconstruction and enlargement of an existing building located within the bed of a mapped street, contrary to General City Law Section 35, and the upgrade of the private disposal system located within the bed of a mapped street, contrary to Section 35 General City Law and the Department of Buildings Policy. R4 zoning district.

PREMISES AFFECTED – 518 Browns Boulevard, southwest side of Browns Boulevard, 366.43’ east of Bayside Drive, Block 16340, Lot 50, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Michael Harley.

**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 June 18, 2009, acting on Department of Buildings Application No. 420016627, reads in pertinent part:

- “A1- The proposed reconstruction of the existing building located on a site where the building and lot are located partially in the bed of a mapped street therefore no permit or certificate of Occupancy can be issued as per Article 3, Section 35 of the General City Law.
- A2- The proposed upgraded private disposal system is in the bed of the mapped street and is contrary to Department of Buildings’ policy;”  
and

WHEREAS, a public hearing was held on this application on October 27, 2009, after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated August 5, 2009, the Fire Department states that it has reviewed the subject proposal and has no objections; and

WHEREAS, by letter dated July 22, 2009, the Department of Environmental Protection (“DEP”) states that it has reviewed the subject proposal and has no objections; and

WHEREAS, by letter dated September 15, 2009, the Department of Transportation (“DOT”) states that it has reviewed the subject proposal and has no objections; and

WHEREAS, DOT states that the applicant’s property is not included in the agency’s ten-year capital plan; and

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

*Therefore it is Resolved* that the decision of the Queens

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Borough Commissioner, dated June 18, 2009, acting on Department of Buildings Application No. 420016627, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received June 26, 2009" – one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT 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 DOB shall review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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

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

Adopted by the Board of Standards and Appeals, October 27, 2009.

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### 313-08-A

APPLICANT – Howard Goldman , LLC & Berger & Kramer , LLP for Chuck Close, for Proprietary Lessee of Studio and Basement Cooperative at 20 Bond Street , lessee. SUBJECT – Application December 22, 2008 – Appeal to Department of Building’s refusal to revoke permits and approvals for a six-story commercial building. 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

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to December 15, 2009, at 10 A.M., for an adjourned hearing.

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### 159-09-A

APPLICANT – Rothkrug Rothkrug & Spector, LLC, for 2<sup>nd</sup> Street Development Corp., owner.

SUBJECT – Application April 16, 2009 – Proposed construction of a single family home located within the bed of a mapped street (Doane Avenue), contrary to General City Law §35. R2 zoning district.

PREMISES AFFECTED – 85 Woodland Avenue, 175’ east of the intersection of Colon Avenue and Woodland Avenue, Block 5442, Lot 44, Borough of Staten Island.

#### COMMUNITY BOARD #3SI

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 November 10, 2009, at 10 A.M., for decision, hearing closed.

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### 232-09-A

APPLICANT – New York City Fire Department.

OWNER OF PREMISES: Martin Goldstein.

LESSEE: Romar Check Cashing.

SUBJECT – Application July 23, 2009 – Appeal seeking a modification of the Certificate of Occupancy to require an approved automatic wet sprinkler system installed throughout the entire building. R5 zoning district.

PREMISES AFFECTED – 1775 Flatbush Avenue, Brooklyn Avenue and East 36<sup>th</sup> Street, Block 7618, Lot 39, Borough of Brooklyn.

#### COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Anthony Scaduto, Fire Department and Oliver Spector.

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 November 10, 2009, at 10 A.M., for decision, hearing closed.

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*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*

# MINUTES

**REGULAR MEETING  
TUESDAY AFTERNOON, OCTOBER 27, 2009  
1:30 P.M.**

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

**ZONING CALENDAR**

**73-06-BZ**

**CEQR #07-BSA-077K**

APPLICANT – Eric Palatnik, P.C., for John J. Freeda, owner; Elite Fitness, lessee.

SUBJECT – Application April 21, 2006 – Special Permit (§73-36) to allow the legalization of a physical culture establishment (*Elite Fitness*) in a portion of cellar and first floor in a three-story building. C2-3 zoning district.

PREMISES AFFECTED – 111 Union Street, northwest corner of Union Street and Columbia Street, Block 335, Lot 7501, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

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

Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated April 11, 2006, acting on Department of Buildings Application No. 301131521, reads in pertinent part:

“Legalization of physical culture establishment within C2-3 zoning district requires a special permit from the NYC BSA pursuant to ZR Section 73-36;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C2-3(R6) zoning district, the legalization of a physical culture establishment (PCE) on the cellar level and first floor of a three-story mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 13, 2007 after due notice by publication in *The City Record*, with continued hearings on March 13, 2007, April 24, 2007, June 12, 2007 and October 6, 2009, and then to decision on October 27, 2009; and

WHEREAS, at the time the application was initially filed, a portion of the subject premises along the western lot line was located in an R6 zoning district; and

WHEREAS, the Board noted that the special permit is not available in R6 zoning districts and directed the

applicant to revise the plans to comply with the requirements of ZR § 73-36; and

WHEREAS, in response, the applicant stated that it would seek to have the zoning district boundary line for the commercial overlay extended to the entire depth of the site; and

WHEREAS, thus, the applicant pursued a revision to the zoning map to rezone the R6 portion of the site such that the entire site is now located in a C2-3(R6) zoning district, where the special permit is available; and

WHEREAS, the City Council passed Resolution No. 2025, approving the decision of the City Planning Commission on ULURP No. C 070504 ZMK to rezone the portion of the premises within an R6 district; the Resolution became effective on June 10, 2009; and

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

WHEREAS, Community Board 6, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the northwest corner of the intersection at Union Street and Columbia Street, entirely within a C2-3(R6) zoning district; and

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

WHEREAS, the PCE has a total floor area of 2,631 sq. ft. on the first floor, with an additional 4,682 sq. ft. of floor space in the cellar; and

WHEREAS, the PCE is operated as Elite Fitness; and

WHEREAS, the hours of operation are: Monday through Thursday, 5:30 a.m. to 10:00 p.m.; Friday, 5:30 a.m. to 8:30 p.m.; and Saturday and Sunday, 8:00 a.m. to 7:00 p.m.; and

WHEREAS, the applicant represents that the services at the PCE include facilities for instruction and programs for physical improvement; and

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

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

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

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

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

WHEREAS, the Board notes that the PCE has been in

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operation since May 15, 2004, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between May 15, 2004 and the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; 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. 06BSA077K, dated December 3, 2006; 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, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

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

*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 C2-3(R6) zoning district, the legalization of a physical culture establishment on the cellar level and first floor of an existing three-story mixed-use commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 27, 2009"- Six (6) sheets and *on further condition*:

THAT the term of this grant shall expire on May 15, 2014;

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 by April 27, 2010;

THAT sound attenuation measures shall be installed and maintained as reflected on the BSA-approved plans;

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, October 27, 2009.

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## 226-09-BZ CEQR #09-BSA-129M

APPLICANT – Mitchell S. Ross, Esq., for Fraydun Enterprises, LLC, owner; New York Health and Racquet Club, lessee.

SUBJECT – Application June 19, 2009 – Special Permit (§73-36) to allow the legalization of a physical culture establishment (*New York Health & Racquet Club*) on the cellar through second floors of a six-story mixed-use building. C6-1 zoning district.

PREMISES AFFECTED – 24 East 13<sup>th</sup> Street, south side of East 13<sup>th</sup> Street, 142'-2 & 3/4" west of University Place, Block 570, Lot 17, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Mitchell S. Ross.

**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 Manhattan Borough Superintendent, dated May 20, 2009, acting on Department of Buildings Application No. 120023385, reads in pertinent part:

"ZR 73-36. Commercial physical culture or health establishment is allowed only by special permit issued by the Board of Standards and Appeals;" and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within a C6-1 zoning district, the legalization of a physical culture establishment (PCE) on the third floor of a six-story mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on September 15, 2009, after due notice by publication in the *City Record*, with a continued hearing on October 6, 2009, and then to decision on October 27, 2009; and

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

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Chair Collins, Commissioner Hinkson, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 2, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of East 13<sup>th</sup> Street between Fifth Avenue and University Place, in a C6-1 zoning district; and

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

WHEREAS, the PCE has a total floor area of 11,701 sq. ft. on the first floor, first floor mezzanine, second floor, and third floor of the building, with an additional 3,425 sq. ft. of space located in the cellar; and

WHEREAS, the applicant submitted evidence that the PCE use on the cellar level through second floor pre-dated the adoption of ZR § 73-36, and that the Department of Buildings (“DOB”) accepted the pre-existing Use Group 9 uses on those floors; therefore a special permit is not required for the continued operation of the PCE at the cellar through second floor; and

WHEREAS, however, the applicant states that the PCE use was extended onto the third floor in 1996, and therefore a special permit pursuant to ZR § 73-36 is required for the continued operation of the PCE on the third floor; and

WHEREAS, the PCE has a floor area of 3,204 sq. ft. on the third floor; and

WHEREAS, the PCE is operated as New York Health and Racquet Club; and

WHEREAS, the proposed hours of operation are: Monday through Friday, from 6:00 a.m. to 11:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; and

WHEREAS, the applicant represents that the services at the PCE include facilities for instruction and programs for physical improvement; and

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

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

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

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

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

WHEREAS, at hearing, the Board questioned whether the large sign located on the east side of the subject building was in compliance with zoning requirements; and

WHEREAS, in response, the applicant submitted photographs reflecting that the sign has been removed and

states that the remaining signage complies with the zoning requirements; and

WHEREAS, the Board notes that the PCE has been in operation since 1996, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be limited to two years from the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; 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. 09BSA129M, dated June 26, 2009; 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, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

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

*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 C6-1 zoning district, the legalization of a physical culture establishment on the third floor of an existing six-story mixed-use commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received June 19, 2009”- Six (6) sheets and “Received September 11, 2009”- One (1) sheet and *on further condition*:

THAT the term of this grant shall expire on October 27, 2011;

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 one-inch thick rubber flooring shall be installed throughout the third floor, in accordance with the BSA-approved plans;

THAT a suspended ceiling shall be installed on the third floor, in accordance with the BSA-approved plans;

THAT the above conditions shall appear on the

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Certificate of Occupancy;

THAT a certificate of occupancy shall be obtained by April 27, 2010;

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, October 27, 2009.

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## 195-07-BZ

APPLICANT – Greenberg Traurig by Deirdre A. Carson, for Bond Street Partners LLC (as to lot 64) c/o Convermat, owner.

SUBJECT – Application August 9, 2007 – Variance (§72-21) to allow hotel and retail uses below the floor level of the second story, contrary to use regulations (§42-14(d)(2)). M1-5B zoning district.

PREMISES AFFECTED – 8-12 Bond Street, Northwest corner of Bond and Lafayette Streets, Block 530, Lot 62 & 64, Borough of Manhattan.

### COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Diedra Carson.

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 December 15, 2009, at 1:30 P.M., for decision, hearing closed.

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## 256-07-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP for Hayden Rester, owner.

SUBJECT – Application November 5, 2007 – Variance (§72-21) to permit a three-story, five-unit residential building, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 1978 Atlantic Avenue, Southern side of Atlantic Avenue, 180 feet west of the intersection of Atlantic and Ralph. Block 1339, Lot 39, Borough of Brooklyn.

### COMMUNITY BOARD # 8BK

APPEARANCES –

For Applicant: Todd Dale.

**ACTION OF THE BOARD** – Laid over to December 8, 2009, at 1:30 P.M., for adjourned hearing.

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## 100-08-BZ & 101-08-A

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Cee Jay Real Estate Development Company, owner.

SUBJECT – Application April 21, 2008 – Variance (§72-21) for the construction of a two-story with basement single family residence, contrary to front yard regulations (§23-45) and within the bed of a mapped, un-built street, contrary to General City Law Section 35. R2 zoning district.

PREMISES AFFECTED – 205 Wolverine Street, northwest of intersection of Wolverine Street and Thomas Street, Block 4421, Lot 167, Borough of Staten Island.

### COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Todd Dale.

For Opposition: Carol Donovan.

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 December 8, 2009, at 1:30 P.M., for decision, hearing closed.

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## 187-08-BZ

APPLICANT – Sheldon Lobel, P.C., for Congregation and Yeshiva Machzikei Hadas, Inc., owner.

SUBJECT – Application July 11, 2008 – Variance (§72-21) to permit the construction of a six-story community facility building (*Congregation & Yeshiva Machzikei Hadas*), contrary to ZR §42-00. M2-1 zoning district.

PREMISES AFFECTED – 1247 38<sup>th</sup> Street, east side of 38<sup>th</sup> Street, between 13<sup>th</sup> and 12<sup>th</sup> Avenue, Block 5295, Lot 52, Borough of Brooklyn.

### COMMUNITY BOARD #12BK

APPEARANCES – None.

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

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## 220-08-BZ

APPLICANT – Moshe M. Friedman, for Samuel Jacobowitz, owner.

SUBJECT – Application August 28, 2008 – Variance (§72-21) to permit the enlargement of a non-conforming one-family dwelling, contrary to §42-10. M1-1 zoning district.

PREMISES AFFECTED – 95 Taaffe Place, east side, 123'-3.5" south of intersection of Taaffe Place and Park Avenue, Block 1897, Lot 23, Borough of Brooklyn.

### COMMUNITY BOARD #3BK

APPEARANCES – None.

**ACTION OF THE BOARD** – Laid over to December 15, 2009, at 1:30 P.M., for adjourned hearing.

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**249-08-BZ**

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Gee Jay Real Estate Development Company, owner.

SUBJECT – Application October 6, 2008 – Variance (§72-21) for the construction of a single family residence, contrary to floor area and open space (§23-141); required front yard (§23-45), rear yard (§23-47), side yard (§23-46) and off street parking (§25-622) regulations. R2 (LDGM) zoning district.

PREMISES AFFECTED – 130 Adelaide Avenue, west side of Adelaide Avenue, 497' south of intersection with Guyon Avenue, Block 4705, Lot 151, Borough of Staten Island.

**COMMUNITY BOARD #3SI**

APPEARANCES –

For Applicant: Todd Dale.

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 November 10, 2009, at 1:30 P.M., for decision, hearing closed.

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**314-08-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for 437-51 West 13<sup>th</sup> Street, LLC, owner.

SUBJECT – Application December 22, 2008 – Variance (§72-21) to allow for the construction of a 12-story commercial building (office and UG10 retail), contrary to FAR, height and setback and rear yard regulations (§43-12, §43-43, §43-26) and use regulations (§42-12). M1-5 zoning district.

PREMISES AFFECTED – 437-447 West 13<sup>th</sup> Street, 862-868 Washington Street, southeast portion, block bounded by West 13<sup>th</sup>, West 14<sup>th</sup> and Washington Streets, Tenth Avenue, Block 646, Lots 19, 20, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES –

For Applicant: Gary Tarnoff, Jack Freeman and Jeff Rubin.  
For Opposition: Miranda Mancuso on behalf of Christine Gachob.

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

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**14-09-BZ**

APPLICANT – Eric Palatnik, P.C., for Orenstein Brothers, owner; ExxonMobil Corporation, lessee.

SUBJECT – Application January 26, 2009 – Special Permit (§73-211) to allow an automotive service station with an accessory convenience store and automotive laundry (UG 16B). C2-1/R3-2 zoning district.

PREMISES AFFECTED – 2294 Forest Avenue, Southeast intersection of Forest Avenue and South Avenue, Block 1685, Lot 15, 20, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

APPEARANCES –

For Applicant: Eric Palatnik, Hiram Rothkrug and Lawrence O'Brien.

**ACTION OF THE BOARD** – Laid over to January 12, 2010, at 1:30 P.M., for continued hearing.

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**182-09-BZ**

APPLICANT – Eric Palatnik, P.C., for Congregation Mita, Inc., owner.

SUBJECT – Application June 4, 2009 – Variance (§72-21) to legalize the existing UG 3 novitiate and UG 4 house of worship (*Congregation Mita*), contrary to §§ 24-35 (side yard) and 24-36 (rear yard). R7-2 zoning district.

PREMISES AFFECTED – 612 West 180<sup>th</sup> Street, 180<sup>th</sup> Street between Wadsworth and St. Nicholas Avenues, Block 2162, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #12M**

APPEARANCES –

For Applicant: Eric Palatnik, Victor Pagan and Carlo Nuzzi.  
For Administration: Sahne Hoelzel.

**ACTION OF THE BOARD** – Laid over to December 15, 2009, at 1:30 P.M., for continued hearing.

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**215-09-BZ**

APPLICANT – Law Office of Fredrick A. Becker, for 92-16 95<sup>th</sup> Avenue Realty Corporation By: Alfred Smith, owner.

SUBJECT – Application July 6, 2009 – Special Permit (§11-411 & §11-413) for reinstatement and change of use from a wholesale (UG7) to retail (UG6) on the ground floor of a three story building, which expired on March, 2002; Extension of Time to obtain a certificate of occupancy, which expired March 1993; and Waiver of the Rules. R5 zoning district.

PREMISES AFFECTED – 92-16 95<sup>th</sup> Avenue Southwest corner of 93<sup>rd</sup> Street and 95<sup>th</sup> Avenue, Block 9032, Lot 8, Borough of Queens.

**COMMUNITY BOARD #9Q**

APPEARANCES –

For Applicant: Lyra J. Altman.

**ACTION OF THE BOARD** – Laid over to November 17, 2009, at 1:30 P.M., for continued hearing.

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# MINUTES

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## 218-09-BZ

APPLICANT – Jeffrey A. Chester, for Rich Gene Realty Corporation, owner; McDonald's Corporation, lessee.

SUBJECT – Application July 8, 2009 – Special Permit (§73-243) to allow an accessory drive-through facility to an eating and drinking establishment (*McDonald's*). C1-3/C8-2 zoning district.

PREMISES AFFECTED – 57 Empire Boulevard, between Mckeever Place and Bedford Avenue, bounded by Sullivan Place on south, Block 1306, Lot 1, Borough of Brooklyn.

### COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jeffrey A. Chester.

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

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## 247-09-BZ

APPLICANT – Michael T. Sillerman, Esq., c/o Kramer Levin et al, for Central Synagogue, owner.

SUBJECT – Application August 26, 2009 – Variance (§72-21) to allow for expansion of the community house for the Central Synagogue (UG 4), contrary to floor area and height and setback regulations. (§§33-12, 81-211, 33-432). C5-2, C5-2.5 MiD zoning districts.

PREMISES AFFECTED – 123 East 55<sup>th</sup> Street, north side of East 55<sup>th</sup> Street between Park Avenue and Lexington Avenue, 127.5', Block 1310, Lot 10, Borough of Manhattan.

### COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Michael Sillerman and Samuel G. White.

For Opposition: Steven Greystein.

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

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*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*