

---

# BULLETIN

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

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

---

Volume 94, Nos. 16-17

May 1, 2009

---

### DIRECTORY

**MEENAKSHI SRINIVASAN, *Chair***

**CHRISTOPHER COLLINS, *Vice-Chair***

**DARA OTTLEY-BROWN**

**SUSAN M. HINKSON**

**EILEEN MONTANEZ**

*Commissioners*

**Jeffrey Mulligan, *Executive Director***

**Roy Starrin, *Deputy Director***

**Margaret P. Stix, *Counsel***

---

**OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006**

**HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006**

**BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>**

**TELEPHONE - (212) 788-8500**

**FAX - (212) 788-8769**

### CONTENTS

DOCKET .....259-265

CALENDAR of May 12, 2009

Morning .....266

Afternoon .....266-267

---

# CONTENTS

---

**MINUTES of Regular Meetings,  
Tuesday, April 21, 2009**

Morning Calendar .....268

**Affecting Calendar Numbers:**

316-73-BZ 31-02 68<sup>th</sup> Street, Queens  
337-90-BZ 1415/17 East 92<sup>nd</sup> Street, Brooklyn  
217-03-BZ 142 Pennsylvania Avenue, Brooklyn  
395-60-BZ 2557-2577 Linden Boulevard, Brooklyn  
7-99-BZ 300 East 34<sup>th</sup> Street, Manhattan  
5-98-BZ 1861 McDonald Avenue, Brooklyn  
209-04-BZ 109-09 15<sup>th</sup> Avenue, Queens  
41-06-BZ 139-24 Booth Memorial Avenue, Queens  
272-08-A 35 Brighton 2<sup>nd</sup> Place, Brooklyn  
307-08-BZY 163 Orchard Street, Manhattan  
27-09-BZY 126 First Place, Brooklyn  
311-08-BZY 77, 79 & 81 Rivington Street, Manhattan  
32-09-BZY/  
34-09-BZY 122, 124, 124 & 126 Treadwell Avenue and Harrison Avenue, Staten Island

Afternoon Calendar .....277

**Affecting Calendar Numbers:**

220-07-BZ 847 Kent Avenue, Brooklyn  
253-08-BZ 2623 East 11<sup>th</sup> Street, Brooklyn  
304-08-BZ 312-318 East 95<sup>th</sup> Street, Manhattan  
306-08-BZ 969 Third Avenue, Manhattan  
310-08-BZ 406 East 91<sup>st</sup> Street, Manhattan  
269-06-BZ 125 Greaves Lane, Staten Island  
201-08-BZ 40-38 216<sup>th</sup> Street, Queens  
247-08-BZ 3454 Nostrand Avenue, Brooklyn  
265-08-BZ 70 Wyckoff Avenue, Brooklyn  
312-08-BZ 1134 East 23<sup>rd</sup> Street, Brooklyn  
260-08-BZ 148 Oxford Street, Brooklyn  
268-08-BZ 314 Seventh Avenue, Brooklyn  
301-08-BZ 2717 Quentin Road, Brooklyn  
16-09-BZ 459 Broadway, Manhattan  
42-09-BZ 441-477 Prospect Avenue, Brooklyn

---

# DOCKETS

---

New Case Filed Up to April 21, 2009

-----

**54-09-BZ**

150 Mercer Street, Mercer Street between Prince and Houston in SoHo., Block 512, Lot(s) 20, Borough of **Manhattan, Community Board: 2**. Special Permit (73-36) to allow the operation of a physical culture establishment. M1-5B district.

-----

**55-09-A**

1 Kildare Walk, Southeast corner of Kildare Walk & Oceanside Avenue., Block 16350, Lot(s) p/o 400, Borough of **Queens, Community Board: 14**. Construction within a bed of a mapped street, contrary to Article 3, Section 35 of the General City Law. R4 district.

-----

**56-09-BZ**

6736 Hylan Boulevard, South side of Hylan Boulevard between Culotta Lane and Page Avenue., Block 7734, Lot(s) 50, Borough of **Staten Island, Community Board: 3**. Special Permit (73-30) to allow a proposed non-accessory radio tower and related equipment.

-----

**57-09-A**

97 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 64, Borough of **Staten Island, Community Board: 3**. An appeal seeking a determination that the owner has aquired a common law vested right to continue development commenced under the prior zoning district regulations .R3-2 (SSRD) zoning district

-----

**58-09-A**

99 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 66, Borough of **Staten Island, Community Board: 3**. An appeal seeking a determination that the owner has aquired a common law vested right to continue development commenced under the prior zoning district regulations .R3-2 (SSRD) zoning district

-----

**59-09-A**

103 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 68, Borough of **Staten Island, Community Board: 3**. An appeal seeking a determination that the owner has aquired a common law vested right to continue development commenced under the prior zoning district regulations .R3-2 (SSRD) zoning district

-----

**60-09-A**

105 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 70, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**61-09-A**

109 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 72, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**62-09-A**

111 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 74, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**63-09-A**

115 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 76, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**64-09-A**

117 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 78, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**65-09-A**

121 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 80, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**66-09-A**

123 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 82, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

**67-09-A**

126 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 84, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continued development under the prior zoning.

-----

---

# DOCKET

---

**68-09-A**

124 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 86, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**69-09-A**

120 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 88, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**70-09-A**

118 Santa Monica Lane, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 90, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**71-09-A**

166 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 92, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**72-09-A**

164 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 94, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**73-09-A**

158 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 96, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**74-09-A**

156 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 98, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**75-09-A**

152 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 100, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**76-09-A**

150 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 102, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continued development under the prior zoning.

-----

**77-09-A**

23 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 104, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

**78-09-A**

25 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 106, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

**79-09-A**

29 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 108, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

**80-09-A**

31 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 110, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

**81-09-A**

34 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 112, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

**82-09-A**

32 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 114, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

**83-09-A**

28 Moreno Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 116, Borough of **Staten Island, Community Board: 3.** Appeal for vested rights to continue development under the prior zoning.

-----

---

# DOCKET

---

**84-09-A**

26 Moreno Court, Maguire Woods in the Wooddraw section of Staten Island., Block 6979, Lot(s) 118, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under the prior zoning.

-----

**85-09-A**

22 Moreno Court, Maguire Woods in the Wooddraw section of Staten Island., Block 6979, Lot(s) 120, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under the prior zoning.

-----

**86-09-A**

20 Moreno Court, Maguire Woods in the Wooddraw section of Staten Island., Block 6979, Lot(s) 122, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under the prior zoning.

-----

**87-09-A**

16 Moreno Court, Maguire Woods in the Wooddraw section of Staten Island., Block 6979, Lot(s) 124, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under the prior zoning.

-----

**88-09-A**

14 Moreno Court, Maguire Woods in the Wooddraw section of Staten Island., Block 6979, Lot(s) 126, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under the prior zoning.

-----

**89-09-A**

140 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 128, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**90-09-A**

138 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 130, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**91-09-A**

134 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 132, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**92-09-A**

132 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 134, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**93-09-A**

128 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 136, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**94-09-A**

126 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 138, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**95-09-A**

118 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 140, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**96-09-A**

116 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 142, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**97-09-A**

112 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 144, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**98-09-A**

110 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 146, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**99-09-A**

106 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 148, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

---

# DOCKET

---

**100-09-A**

104 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 150, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**101-09-A**

100 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 152, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**102-09-A**

98 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 154, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**103-09-A**

94 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 156, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**104-09-A**

92 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 158, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**105-09-A**

88 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 160, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**106-09-A**

86 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 162, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**107-09-A**

82 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 164, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**108-09-A**

80 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 166, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**109-09-A**

76 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 168, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**110-09-A**

74 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 170, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**111-09-A**

70 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 172, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**112-09-A**

68 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 174, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continu development under prior zoning.

-----

**113-09-A**

14 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 176, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**114-09-A**

18 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 178, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**115-09-A**

20 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 180, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

---

# DOCKET

---

**116-09-A**

22 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 182, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**117-09-A**

26 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 184, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**118-09-A**

28 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 186, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**119-09-A**

29 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 188, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**120-09-A**

27 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 190, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**121-09-A**

23 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 192, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**122-09-A**

21 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 194, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**123-09-A**

17 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 196, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**124-09-A**

15 Malibu Court, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 198, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**125-09-A**

46 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 200, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**126-09-A**

42 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 202, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**127-09-A**

40 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 204, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**128-09-A**

36 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 206, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**129-09-A**

167 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 304, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**130-09-A**

165 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 306, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**131-09-A**

161 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 308, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

---

# DOCKET

---

**132-09-A**

159 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 310, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**133-09-A**

155 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 312, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**134-09-A**

153 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 314, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**135-09-A**

141 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 316, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**136-09-A**

139 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 318, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**137-09-A**

135 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 320, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**138-09-A**

133 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 322, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**139-09-A**

129 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 324, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**140-09-A**

127 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 326, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**141-09-A**

93 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 328, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**142-09-A**

91 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 330, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**143-09-A**

87 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 332, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**144-09-A**

85 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 334, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**145-09-A**

81 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 336, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**146-09-A**

79 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 338, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**147-09-A**

75 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 340, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

---

# DOCKET

---

**148-09-A**

73 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 342, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**149-09-A**

69 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 344, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**150-09-A**

67 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 346, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**151-09-A**

63 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 348, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**152-09-A**

61 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 350, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**153-09-A**

55 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 352, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**154-09-A**

53 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 354, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**155-09-A**

49 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 356, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**156-09-A**

47 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 358, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**157-09-A**

43 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 360, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**158-09-A**

41 El Camino Loop, Maguire Woods in the Woodrow section of Staten Island., Block 6979, Lot(s) 362, Borough of **Staten Island, Community Board: 3**. Appeal for vested rights to continue development under prior zoning.

-----

**159-09-A**

85 Woodland Avenue, 175' east of the intersection of Colon Avenue and Woodland Avenue., Block 5442, Lot(s) 44, Borough of **Staten Island, Community Board: 3**. Proposed construction of a single family home located within the bed of a mapped street (Doane Avenue ). R2 zoning district .

-----

**160-09-A**

112-15 Northern Boulevard, Between 112th Street and 112th Place., Block 1706, Lot(s) 25, Borough of **Queens, Community Board: 3**. Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior C2-4/R6 zoning district . C2-4 /R6A

-----

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

---

# CALENDAR

---

**MAY 12, 2009, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, May 12, 2009, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

-----

## **SPECIAL ORDER CALENDAR**

### **951-55-BZ**

APPLICANT – Eric Palatnik, P.C., for Deborah Luciano, owner; Gaseteria Oil Corporation, lessee.  
SUBJECT – Application March 18, 2009 – Amendment (§11-411) to permit the installation of a canopy and minor modifications to the existing pump islands to a previously granted variance for a UG16 gasoline service station in a C2-1/R3-2 zoning district.  
PREMISES AFFECTED – 1098 Richmond Road, Targee Street and Richmond Road, Block 3181, Lot 1, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

-----

### **23-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for Kehilat Sephardim of Ahavat Achim, owners.  
SUBJECT – Application April 7, 2009 – Extension of Time/waiver to Complete Construction (which expired on July 2, 2008) and to obtain a Certificate of Occupancy (which expired on January 2, 2009) of a previously granted Variance (§72-21) for the expansion of an existing three story synagogue with accessory Rabbi's apartment in an R-4 zoning district.  
PREMISES AFFECTED – 150-62 78<sup>th</sup> Road, southeast corner of the intersection formed by 78<sup>th</sup> Road and 153<sup>rd</sup> Street, Block 6711, Lot 84, Borough of Queens.

**COMMUNITY BOARD #8Q**

-----

## **APPEALS CALENDAR**

### **19-09-A**

APPLICANT – Elizabeth Safian of Sheldon Lobel Associates, for 34<sup>th</sup> and 35<sup>th</sup> Avenues Realty, LLC, owners.  
SUBJECT – Application February 10, 2009 – Legalization of an existing building constructed within the bed of a mapped street contrary to General City Law Section 35. M2-1 Zoning District.  
PREMISES AFFECTED – 132-55 34<sup>th</sup> Avenue, north side of 34<sup>th</sup> Avenue, 75' east of the intersection formed by Collins Place and 34<sup>th</sup> Avenue, Block 4946, Lot 126, Borough of Queens.

**COMMUNITY BOARD #7Q**

-----

### **47-09-A**

APPLICANT – Gary D. Lenhart, for The Breezy Point Cooperative, Inc., owner; Maureen & John Tully, lessees.  
SUBJECT – Application March 23, 2009 – Reconstruction and enlargement of an existing single family dwelling not fronting on a legally mapped street contrary to General City Law Section 36. R4 Zoning District.  
PREMISES AFFECTED – 114 Beach 215<sup>th</sup> Street, west side Beach 215<sup>th</sup> Street, 240' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

**COMMUNITY BOARD #14Q**

-----

**MAY 12, 2009, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday afternoon, May 12, 2009, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

-----

## **ZONING CALENDAR**

### **297-08-BZ**

APPLICANT – Lewis E. Garfinkel, for Itzhak Bardror, owner.  
SUBJECT – Application December 4, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space and floor area (§23-141(a)); and less than the required rear yard (§23-47) in an R2 zoning district.  
PREMISES AFFECTED – 3496 Bedford Avenue, between Avenue M and Avenue N, Block 7660, Lot 78, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

-----

### **10-09-BZ**

APPLICANT – Francis R. Angelino, Esq., for Religious Org. Tenseishinbikai USA, Inc., owner.  
SUBJECT – Application January 23, 2009 – Variance pursuant to § 72-21 to allow a community facility use (house of worship), contrary to front yard regulations, §24-34. R3-2 District.  
PREMISES AFFECTED – 2307 Farragut Road/583 East 23<sup>rd</sup> Street, north east corner of Farragut Road and East 23<sup>rd</sup> Street, Block 5223, Lot 2, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

-----

### **17-09-BZ**

APPLICANT – MetroPCS New York, LLC, for Pearl Beverly, LLC, owner; MetroPCS New York, LLC, lessee.  
SUBJECT – Application February 4, 2009 – Special Permit (§73-03 & §73-30) to allow a non-accessory radio facility and all accessory equipment.

---

# CALENDAR

---

PREMISES AFFECTED – 5421 Beverly Road, northside of Beverly Road, between East 54<sup>th</sup> and East 55<sup>th</sup> Street, Block 4739, Lot 33, Borough of Brooklyn.

**COMMUNITY BOARD #17BK**

-----

**21-09-BZ**

APPLICANT – MetroPCS New York, LLC, for Braddock Avenue Owners, Inc., owner; MetroPCS New York, LLC, lessee.

SUBJECT – Application February 10, 2009 – Special Permit (§73-03 & §73-30) to allow a non-accessory radio facility on the rooftop of the existing building.

PREMISES AFFECTED – 222-89 Braddock Avenue, north west corner of Braddock Avenue and Ransom Street, Block 7968, Lot 31, Borough of Queens.

**COMMUNITY BOARD #13Q**

-----

**35-09-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for East 103rd Street Realty LLC c/o Glenwood Management Corporation, owner.

SUBJECT – Application March 2, 2009 – Special Permit filed pursuant to §11-411 & §11-412 of the New York City Zoning Resolution to renew for an additional ten (10) years and to extend a use district exception previously granted pursuant to Section 7(e) of the pre-1961 Zoning Resolution, allowing the use of the ground floor of a two-story building located in an R7A zoning district as a contractors' establishment (Use Group 16).

PREMISES AFFECTED – 345-347 East 103rd Street, for North side of East 103rd Street between First and York Avenues, Block 1675, Lot 21, 22, Borough of Manhattan.

**COMMUNITY BOARD #11M**

-----

*Jeff Mulligan, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, APRIL 21, 2009  
10:00 A.M.**

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

**SPECIAL ORDER CALENDAR**

**316-73-BZ**

APPLICANT – Vassalotti Associates Architects, for 31-02 68th Realty Corporation, owner.

SUBJECT – Application February 9, 2009 – Extension of Term for the continued operation of a (UG16) Gasoline Service Station (Husky) in an R4 zoning district which expired on January 8, 2009.

PREMISES AFFECTED – 31-02 68<sup>th</sup> Street, south west corner of 68<sup>th</sup> Street and 31<sup>st</sup> Avenue, Block 1138, Lot 27, Borough of Queens.

**COMMUNITY BOARD #3BX**

APPEARANCES –

For Applicant: Hiram Rothkrug.

**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 term for the continued use of a gasoline service station; and

WHEREAS, a public hearing was held on this application on March 17, 2009, after due notice by publication in *The City Record*, with a continued hearing on March 31, 2009, and then to decision on April 21, 2009; and

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

WHEREAS, Community Board 3, Queens, recommends approval of this application, with the condition that the applicant install planters along 31<sup>st</sup> Avenue and the south side of the property line; and

WHEREAS, the site is located on the southwest corner of the intersection at 68<sup>th</sup> Street and 31<sup>st</sup> Avenue, within an R4 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 8, 1974 when, under the subject calendar number, the Board granted a variance to permit the reconstruction of an automotive service station with accessory uses for a term of 15 years; and

WHEREAS, on June 27, 1989, under the subject calendar number and in conjunction with a change to a self-service gasoline station under BSA Cal. No. 263-89-A, the

grant was extended for a term of ten years from the expiration of the prior grant, to expire on January 8, 1999, and the Board permitted the erection of a new steel canopy over three new gasoline pump islands with self-serve pumps, and the alteration of the existing accessory building to accommodate an attendant's booth; and

WHEREAS, on June 26, 1990, the Board amended the grant to relocate the existing 30'-0" curb cut on the 68<sup>th</sup> Street side of the station; and

WHEREAS, most recently, the grant was extended on July 27, 1999 for a term of ten years from the expiration of the prior grant, to expire on January 8, 2009; and

WHEREAS, the applicant now seeks to extend the term of the variance for another ten years; and

WHEREAS, in response to the concerns raised by the Community Board, the applicant submitted revised drawings indicating that planters will be installed on the south side of the property line; and

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

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated January 8, 1974, so that as amended this portion of the resolution shall read: "to extend the term for ten years from January 8, 2009, to expire on January 8, 2019; *on condition* that all use and operations shall substantially conform to drawings filed with this application marked "Received February 9, 2009"-(1) sheet and "March 3, 2009"-(1) sheet; and *on further condition*:

THAT the term of the grant shall expire on January 8, 2019;

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

THAT a new certificate of occupancy shall be obtained by October 21, 2009;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; 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." (Alt. 96-89)

Adopted by the Board of Standards and Appeals, April 21, 2009.

**337-90-BZ**

APPLICANT – Sheldon Lobel, P.C., for Giuseppe LaSorsa, owner.

SUBJECT – Application November 10, 2008 – Extension of Term/waiver for the continued operation of a one story (UG16) Automotive Repair Shop and a two story (UG6) business and (UG2) dwelling unit on a portion of the site, which expired on June 2, 2002, in a C1-2/R4 zoning district and an Extension of Time/waiver to obtain a Certificate of Occupancy which expired on March 29, 1987.

# MINUTES

PREMISES AFFECTED – 1415/17 East 92<sup>nd</sup> Street, northeast corner of East 92<sup>nd</sup> Street and Avenue L, Block 8238, Lot 9, Borough of Brooklyn.

## COMMUNITY BOARD #18BK

### APPEARANCES –

For Applicant: Elizabeth Safian.

**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 term for the continued operation of a one-story automotive repair shop (Use Group 16) and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on December 16, 2008, after due notice by publication in *The City Record*, with continued hearings on January 13, 2009, February 10, 2009, March 17, 2009, and March 31, 2009, and then to decision on April 21, 2009; and

WHEREAS, Community Board 18, Brooklyn, recommends approval of this application, with conditions; and

WHEREAS, the site is located on the northeast corner of the intersection at 92<sup>nd</sup> Street and Avenue L, within a C1-2 (R4) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since December 19, 1950 when, under BSA Cal. No. 337-50-BZ, the Board granted a variance to permit the reconstruction of an existing gasoline service station and the construction of a lubritorium for a term of 15 years; and

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

WHEREAS, most recently, on June 2, 1992, under the subject calendar number, the Board granted a special permit to permit the re-establishment of an expired variance for an automotive service station (Use Group 16) and the legalization of a change of use to an automotive repair establishment (Use Group 16) for a term of ten years, to expire on June 2, 2002; and

WHEREAS, the applicant now seeks a ten-year extension of the term of the variance and a six-month extension of time to obtain a certificate of occupancy; and

WHEREAS, the applicant states that a certificate of occupancy was not obtained by the stipulated date due to an administrative oversight by the owner; and

WHEREAS, at hearing, the Board requested that the applicant remove the non-complying signage from the site and establish that cars are not being parked on the sidewalk; and

WHEREAS, in response, the applicant submitted photographs indicating that the non-complying signage has been removed and that cars are no longer being parked on the sidewalk; and

WHEREAS, at hearing, the Board requested that the applicant establish that a Department of Environmental Protection (“DEP”) approved soil and/or groundwater sampling plan was implemented to determine the extent of contamination, if any, from underground storage tanks located on the site, in accordance with the prior BSA resolution; and

WHEREAS, in response, the applicant submitted an invoice from an environmental contractor, dated November 12, 1997, evidencing that the requisite soil testing was conducted at the site; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and extension of time to obtain a certificate of occupancy are appropriate with certain conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated June 2, 1992, so that as amended this portion of the resolution shall read: “to extend the term for ten years from June 2, 2002, to expire on June 2, 2012, and to grant an extension of time to obtain a certificate of occupancy to October 21, 2009; *on condition* that all use and operations shall substantially conform to drawings filed with this application marked “Received December 8, 2009”-(6) sheets; and *on further condition*:

THAT the term of the grant shall expire on June 2, 2012;

THAT there shall be no parking on the sidewalk;

THAT the site shall be maintained free of debris and graffiti;

THAT all automobile repairs shall be conducted inside the building and there shall be no automobile body repairs at the premises;

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

THAT the hours of operation for the automotive repair establishment shall be Monday through Friday from 8:00 a.m. to 6:00 p.m., and Saturday from 8:00 a.m. to 2:00 p.m. to minimize noise and vehicular impacts on the adjacent residential uses;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy shall be obtained by October 21, 2009;

THAT all conditions from the prior resolutions not specifically waived by the Board remain in effect; 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. 1017/49)

Adopted by the Board of Standards and Appeals, April 21, 2009.

-----

# MINUTES

## 217-03-BZ

APPLICANT – Sheldon Lobel, P.C., for 140 Pennsylvania Avenue, LLC, owner.

SUBJECT – Application July 17, 2008 – Extension of Time to Complete Construction of a previously granted variance for the proposed expansion of a one story and cellar building in an R-5 zoning district.

PREMISES AFFECTED – 142 Pennsylvania Avenue, southeast corner of Pennsylvania Avenue and Liberty Avenue, Block 3703, Lot 21, Borough of Brooklyn.

### COMMUNITY BOARD #5BK

#### APPEARANCES –

For Applicant: Elizabeth Safian.

**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 time to complete construction of a previously granted variance for the expansion of a one-story and cellar building; and

WHEREAS, a public hearing was held on this application on August 19, 2008 after due notice by publication in *The City Record*, with continued hearings on September 16, 2008, October 28, 2008, December 9, 2008, January 27, 2009, February 24, 2009, and March 31, 2009, and then to decision on April 21, 2009; and

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

WHEREAS, the subject site is located on the southwest corner of the intersection at Pennsylvania Avenue and Liberty Avenue, within an R5 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 29, 1993 when, under BSA Cal. No. 48-90-BZ, the Board granted a variance to permit the enlargement of an existing non-conforming food store (Use Group 6) which increased the degree of non-conformance; and

WHEREAS, on March 30, 2004, under the subject calendar number, the Board granted a variance to permit the expansion of the one-story and cellar food store; and

WHEREAS, substantial construction was to be completed by March 30, 2008 in accordance with ZR § 72-23; and

WHEREAS, the applicant represents that additional time is necessary to complete the project; thus, the applicant now requests an extension of time to complete construction; and

WHEREAS, at hearing, the Board directed the applicant to remove all graffiti and to improve the façade of the building; and

WHEREAS, in response, the applicant submitted photographs establishing that the graffiti had been removed, and provided a contract between the owner and a construction

contractor indicating that the owner is proceeding with building repairs and improvements; and

WHEREAS, at hearing, the Board requested that the applicant remove the non-complying signage and lighting from the exterior of the building; and

WHEREAS, in response, the applicant submitted photographs establishing that the signage and lighting have been removed; 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 March 30, 2004, so that as amended this portion of the resolution shall read: “to grant an extension of the time to complete construction for a term of four years from the expiration of the previous grant, to expire on March 30, 2012; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans associated with the prior approval; and *on condition*:

THAT construction shall be substantially complete by March 30, 2012;

THAT the site shall be maintained free of debris and graffiti;

THAT all signage shall comply with C1 zoning regulations;

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. 301521333)

Adopted by the Board of Standards and Appeals, April 21, 2009.

-----

## 395-60-BZ

APPLICANT – Sheldon Lobel, P.C., for Ali A. Swati, owner.

SUBJECT – Application December 22, 2006 – Pursuant to ZR §11-411 & §11-413 for an Extension of Term/Amendment/waiver for the change of use from a (UG16) gasoline service station to (UG16) automotive repair establishment; to remove a portion of the subject lot from the scope of the granted variance and to request a UG6 designation for the convenience store, in an R-5 zoning district, which expired on December 9, 2005 and an Extension of Time to obtain a Certificate of Occupancy which expired on January 19, 2000.

PREMISES AFFECTED – 2557-2577 Linden Boulevard, north side of Linden Boulevard between Euclid Avenue and Pine Street, Block 4461, Lot 27, Borough of Brooklyn.

# MINUTES

## COMMUNITY BOARD #5BK

### APPEARANCES –

For Applicant: Elizabeth Safian.

**ACTION OF THE BOARD** – Laid over to June 23, 2009, at 10 A.M., for continued hearing.

## 7-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for HKAL 34<sup>th</sup> 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 34<sup>th</sup> Street, southeast corner of East 34<sup>th</sup> Street, and Second Avenue, Block 939, Lot 1, Borough of Manhattan.

## COMMUNITY BOARD #6M

### APPEARANCES –

For Applicant: Fredrick A. Becker.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 10 A.M., for continued hearing.

## 5-98-BZ

APPLICANT – Maxfield Blaufeux & Heywood Balaufeux, for Priority Landscaping Incorporated, owner.

SUBJECT – Application March 13, 2009 – Extension of Term of a previously granted Variance (§72-21) for a garden supply sales and nursery establishment (UG17) with accessory parking and storage in an R5 zoning district which expired on February 23, 2009.

PREMISES AFFECTED – 1861 McDonald Avenue, east side 200' north of Quentin Road, Block 6633, Lot 55, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

### APPEARANCES –

For Applicant: Heywood Blaufeux.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 10 A.M., for continued hearing.

## 209-04-BZ

APPLICANT – Joseph P. Morsellino, for Waterfront Resort, Incorporated, owner.

SUBJECT – Application March 23, 2009 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) to permit the conversion and enlargement of an existing industrial building to residential use in an M2-1 zoning district which expires on July 19, 2009.

PREMISES AFFECTED – 109-09 15<sup>th</sup> Avenue, northwest corner of 15<sup>th</sup> Avenue and 110<sup>th</sup> Street, Block 4044, Lot 60, Borough of Queens.

## COMMUNITY BOARD #7Q

### APPEARANCES –

For Applicant: Joseph P. Morsellino.

## THE VOTE TO CLOSE HEARING –

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

Negative:.....0

**ACTION OF THE BOARD** – Laid over to April 28, 2009, at 10 A.M., for decision, hearing closed.

## 41-06-BZ

APPLICANT – Akerman Senterfitt Stadtmauer Bailkin, for New York Hospital Queens, owner.

SUBJECT – Application February 9, 2009 – Amendment of a previously approved variance (§72-21) which permitted, on a portion of the campus of New York Hospital, the construction of a underground parking structure with 372 accessory parking spaces. The application did not comply with the front and side yard requirements. (§§24-33 & 24-34). The current application seeks to legalize a 4'-8" open area along the side lot line within the C1-2 overlay which does not comply with §33-25 (Minimum Required Side Yards). The site is located in a R6/C1-2 zoning district.

PREMISES AFFECTED – 139-24 Booth Memorial Avenue, south side of Booth Memorial Avenue and West Side of 141st Street, Block 6401, Lot 19, Borough of Queens.

## COMMUNITY BOARD #7Q

### 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 May 12, 2009, at 10 A.M., for decision, hearing closed.

## APPEALS CALENDAR

## 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 2<sup>nd</sup> Place, premises is located on the west side of Brighton 2<sup>nd</sup> Place approximately 120 feet north of Brighton 2<sup>nd</sup> Lane, Block 8662, Lots 230, 232, 234, Borough of Brooklyn.

## COMMUNITY BOARD #13BK

### APPEARANCES –

For Applicant: Elizabeth Safian.

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

## THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

# MINUTES

Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5  
Negative:.....0

## THE RESOLUTION:

WHEREAS, the decision of the Brooklyn Borough Superintendent, dated October 20, 2008, acting on Department of Buildings Application No. 302368961, reads in pertinent part:

“The street giving access to the proposed new building is not duly placed on the official map of the City of New York, therefore:

A certificate of occupancy may not be issued as per Article 3, Section 36 of the General City Law. The new building does not have at least 8 percent of the total perimeter of the building fronting directly upon a legally mapped street or frontage space contrary to Section 27-291 of the Administrative Code;” and

WHEREAS, a public hearing was held on this application on March 3, 2009, after due notice by publication in the *City Record*, with a continued hearing on March 31, 2009, and then to decision on April 21, 2009; and

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

WHEREAS, this is an application to legalize the construction of a five-story, eight-unit residential building which does not have at least eight percent of the total perimeter of the building fronting directly upon an officially mapped street, contrary to General City Law Section 36; and

WHEREAS, the site is located on the west side of Brighton 2<sup>nd</sup> Place, approximately 120 feet north of Brighton 2<sup>nd</sup> Lane, within an R6 zoning district; and

WHEREAS, by letter dated March 23, 2009, the Fire Department stated that it objects to the proposed development unless the following conditions are met: (1) the building is protected throughout by a sprinkler system complying with the requirements of the New York City Building Code; (2) the New York City Department of Transportation (“DOT”) prohibits parking for a distance of twenty feet on the northwest corner of Brighton 2<sup>nd</sup> Lane at its intersection with Brighton 2<sup>nd</sup> Place; (3) DOT prohibits parking on both sides of Brighton 2<sup>nd</sup> Place, from its intersection with Brighton 2<sup>nd</sup> Lane to the north curve of Brighton 2<sup>nd</sup> Place; (4) the building is equipped with a standpipe system installed in compliance with the requirements of the New York City Building Code, including a riser accessible from all floors of the building (including below-grade floors); (5) the building is equipped with interconnected smoke alarms in compliance with the requirements of the 2008 New York City Building Code; and (6) the building is designed, constructed, operated and maintained in accordance with the Building Code, Fire Code and other applicable laws, rules, and regulations; and

WHEREAS, the applicant submitted revised plans in accordance with the conditions requested by the Fire Department in the March 23, 2009 letter; and

WHEREAS, by letter dated April 21, 2009, the Fire Department states that it has approved the revised plans and

has no further objections; 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 Brooklyn Borough Superintendent, dated October 20, 2008, acting on Department of Buildings Application No. 302368961, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawings filed with the application marked “Received April 13, 2009”–(2) sheets; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

THAT the Bureau of Fire Communications, Outside Plant Operations Engineering Office, shall review the proposed plans for any alarm box requirements;

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 Building Code, Fire Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 21, 2009.

-----

## 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** – Application granted.

### 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 under ZR §11-331 to renew a building permit and extend the time for the completion of the foundation of an 11-story transient hotel (Use Group 5)

---

# MINUTES

---

building; and

WHEREAS, a public hearing was held on this application on March 3, 2009, after due notice by publication in *The City Record*, with continued hearings on March 24, 2009 and March 31, 2009, and then to decision on April 21, 2009; and

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

WHEREAS, the subject site is a through-block site with frontages on Orchard Street and Allen Street between Stanton Street and Rivington Street; and

WHEREAS, the site has a width of 26'-6" and a depth of 87'-6", and a total lot area of approximately 2,319 sq. ft.; and

WHEREAS, the site is proposed to be developed with an 11-story transient hotel (Use Group 5) building (the "Building"); and

WHEREAS, the Building is proposed to have a total floor area of approximately 13,911 sq. ft. (5.99 FAR), a street wall height of 22'-0" and a building height of 132'-0"; and

WHEREAS, the site was formerly located within a C6-1 zoning district; and

WHEREAS, on July 8, 2008, New Building Permit No. 104762570-01-NB (the "Permit") was issued by the Department of Buildings ("DOB") permitting construction of the Building, and work commenced on July 28, 2008; and

WHEREAS, on November 19, 2008 (hereinafter, the "Enactment Date"), the City Council voted to enact the East Village/Lower East Side Rezoning, which changed the zoning district to C4-4A; and

WHEREAS, the applicant represents that the Building complies with the former C6-1 zoning district parameters; specifically, the proposed 5.99 FAR, street wall height of 22'-0" and building height of 132'-0" were permitted; and

WHEREAS, because the site is now within a C4-4A zoning district, the Building would not comply with the maximum FAR of 4.0, the minimum required street wall height of 40'-0", or the maximum total building height of 80'-0"; and

WHEREAS, because the Building violated these provisions of the C4-4A zoning district and work on the foundation was not completed as of the Enactment Date, the Permit lapsed by operation of law; and

WHEREAS, additionally, DOB issued a Stop Work Order on November 24, 2008 halting work on the building; and

WHEREAS, the applicant now applies to the Board to reinstate the Permit pursuant to ZR § 11-331, so that the proposed development may be fully constructed under the prior C6-1 zoning district; and

WHEREAS, ZR § 11-331 reads: "If, before the effective date of an applicable amendment of this Resolution, a building permit has been lawfully issued . . . to a person with a possessory interest in a zoning lot, authorizing a minor development or a major development, such construction, if lawful in other respects, may be continued provided that: (a) in the case of a minor development, all work on foundations had been completed prior to such

effective date; or (b) in the case of a major development, the foundations for at least one building of the development had been completed prior to such effective date. In the event that such required foundations have been commenced but not completed before such effective date, the building permit shall automatically lapse on the effective date and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit. The Board may renew the building permit and authorize an extension of time limited to one term of not more than six months to permit the completion of the required foundations, provided that the Board finds that, on the date the building permit lapsed, excavation had been completed and substantial progress made on foundations"; and

WHEREAS, a threshold requirement in this application is that the Permit is valid; and

WHEREAS, ZR § 11-31(a) provides that "[a] lawfully issued building permit shall be a building permit which is based on an approved application showing complete plans and specifications, authorizes the entire construction and not merely a part thereof, and is issued prior to any applicable amendment to this Resolution;" and

WHEREAS, the record indicates that a permit was issued to the owner by DOB on July 8, 2008 authorizing construction of a ten-story transient hotel (Use Group 5) building; and

WHEREAS, the applicant states that on October 24, 2008, a PAA application to amend the permit an 11-story hotel was approved by DOB; and

WHEREAS, by letter dated February 13, 2009, DOB stated that the Permit was lawfully issued on December 5, 2007; and

WHEREAS, DOB then initiated a special audit review of the Permit on February 20, 2009, and certain zoning and Building Code objections were raised (the "Objections"); and

WHEREAS, by letter dated March 27, 2009, DOB reported that the Objections had been resolved and therefore, the Permit was lawfully issued; and

WHEREAS, thus, the Board finds that the Permit was lawfully issued by DOB on July 8, 2008; and

WHEREAS, accordingly, the Board finds that the record contains sufficient evidence to satisfy the findings set forth in ZR § 11-31(a) and that a decision may be rendered provided the other findings are met; and

WHEREAS, because the proposed development contemplates construction of one building, it meets the definition of minor development; and

WHEREAS, since the proposed development is a minor development, the Board must find that excavation was completed and substantial progress was made as to the required foundation; and

WHEREAS, the applicant states that excavation began on July 28, 2008 and was completed on November 15, 2008, and that substantial progress was made on the foundation as of the Enactment Date; and

WHEREAS, further, an affidavit of the contractor states that the entire site was excavated as of the Enactment Date; and

---

# MINUTES

---

WHEREAS, the Board finds that the excavation performed at the site for the foundation of the Building is complete for vesting purposes under ZR § 11-331; and

WHEREAS, as to substantial progress on the foundation, the applicant represents that approximately 80 percent of the foundation was complete as of the Enactment Date; and

WHEREAS, specifically, the applicant states that as of the Enactment Date, all shoring and underpinning was complete, all of the required 26 H-piles and foundation rebar was installed and 246 of the 450 cubic yards of concrete for the foundation was poured; and

WHEREAS, a Stop Work Order was issued by DOB on September 3, 2008 which was not fully rescinded until November 10, 2008, at hearing the Board asked why any work performed during that period should be considered; and

WHEREAS, in response, the applicant states that, to ensure the stability of the neighboring building, part of the eastern portion of the site was backfilled and temporary bracing was installed immediately after the issuance of the September 3, 2008 Stop Work Order, under the supervision of DOB, and should therefore be considered as progress on the foundations; and

WHEREAS, the applicant further states that after the backfilling and bracing were performed, DOB issued a second Stop Work Order on September 10, 2008 which was partially lifted on September 15, 2008 to install rakers and shoring, and partially lifted on September 30, 2008 to permit installation of mat slab and foundation walls; and

WHEREAS, the applicant states that concrete pouring for additional underpinning resumed on October 3, 2008 after the stop work order was partially lifted, and concrete pouring for the mat slab began on October 22, 2008, when the pour was permitted; and

WHEREAS, the applicant states that all work performed between the issuance of the stop work order on September 3, 2008 and its full lift on November 10, 2008 was authorized by DOB; and

WHEREAS, the DOB Building Information System indicates that the stop work order was partially lifted on September 15, 2008 and September 30, 2008 to perform the aforementioned work; and

WHEREAS, the applicant states that the subject application considers only work performed before the Enactment Date which was authorized by DOB; and

WHEREAS, the Board notes that the Stop Work Order issued by DOB on November 24, 2008 indicated that the foundation was approximately 70 percent complete as of the Enactment Date; and

WHEREAS, the applicant states that other essential work required to complete the foundation includes preparation, mobilization and excavation and that the total completed work comprises approximately 80 percent to 85 percent of the work required to complete the foundation

WHEREAS, the applicant states that if underpinning work were not considered, 164 of the 268 cubic yards of concrete required for the foundation was poured as of the Enactment Date, which is 61 percent of the concrete

required to be poured to complete the foundation; and

WHEREAS, an affidavit by the project manager states that three additional days would be necessary to pour the remaining 204 cubic yards of concrete to complete the foundation; and

WHEREAS, the applicant has also submitted financial documents, including invoices, cancelled checks, contracts, concrete pour tickets, a foundation survey, and dated photographs which reflect significant expenditure associated with the excavation and foundation work incurred as of the Enactment Date; and

WHEREAS, specifically, the applicant states \$404,844, or approximately 49 percent, of the total estimated foundation cost of approximately \$816,000 was spent as of the Enactment Date; and

WHEREAS, the Board finds all of the above-mentioned submitted evidence sufficient and credible; and

WHEREAS, the Board has reviewed all of the applicant's representations and the submitted evidence and agrees that it establishes that substantial progress was made on the required foundation as of the Enactment Date; and

WHEREAS, accordingly, based upon its consideration of the arguments made by the applicant as outlined above, as well as its consideration of the entire record, the Board finds that the owner has met the standard for vested rights under ZR § 11-331 and is entitled to the requested reinstatement of the Permit, and all other related permits necessary to complete construction.

WHEREAS, because the Board finds that excavation was complete and that substantial progress had been made on the foundation, it concludes that the applicant has adequately satisfied all the requirements of ZR § 11-331.

*Therefore it is Resolved* that this application to renew New Building Permit No. 104762570-01-NB pursuant to ZR § 11-331 is granted, and the Board hereby extends the time to complete the required foundations for one term of six months from the date of this resolution, to expire on October 21, 2009.

Adopted by the Board of Standards and Appeals, April 21, 2009.

-----  
**27-09-BZY**

APPLICANT – Bryan Cave, LLP, for 126 First Place, LLC, owner.

SUBJECT – Application February 17, 2009 – Extension of time to complete construction §11-332(b) and obtain a Certificate of Occupancy for a development commenced under the prior zoning district regulations. R6 Zoning district.

PREMISES AFFECTED – 126 First Place, south side of First Place, 300' east of intersection of First Place and Court Street, Block 459, Lot 17, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES –

For Applicant: Frank Chaney.

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

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Collins,

---

# MINUTES

---

Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

## THE RESOLUTION:

WHEREAS, this is an application under ZR § 11-332(b) to renew a building permit and extend the time to complete construction and obtain a certificate of occupancy for a two-story enlargement to an existing three-story residential building; and

WHEREAS, a public hearing was held on this application on March 31, 2009, after due notice by publication in *The City Record*, and then to decision on April 21, 2009; and

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

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

WHEREAS, the subject site is located on the south side of First Place, between Clinton Street and Court Street; and

WHEREAS, the subject site has a total lot area of approximately 2,495 sq. ft. and is currently occupied by a three-story residential building; and

WHEREAS, the applicant proposes a two-story enlargement, with an increase in floor area from 5,035 sq. ft. (2.0 FAR) to approximately 7,467 sq. ft. (3.0 FAR); and

WHEREAS, the subject site is located on a "Place Street" which is the subject of a recently adopted zoning text amendment, described below, within an R6 zoning district;

WHEREAS, on August 16, 2007, Alteration Permit No. 302334365-01-AL (the "A1 Permit") was issued by the Department of Buildings ("DOB") for the proposed enlargement; and

WHEREAS, when the A1 Permit was issued, First Place was a "wide street" under the Zoning Resolution because it is flanked by 30-foot deep gardens on land claimed to be City-owned, which are mapped as part of the City street on the official City Map and which must be maintained as courtyards pursuant to a 19<sup>th</sup> century statute; and

WHEREAS, on July 23, 2008 (hereinafter, the "Enactment Date"), the City Council voted to adopt the Carroll Gardens Narrow Street/Wide Street Zoning Text Amendment (the "Amendment"), which redefined First Place as a "narrow street;" and

WHEREAS, the applicant represents that the proposed enlargement complies with the Quality Housing Program requirements applying to a wide street in an R6 zoning district; specifically, a proposed FAR of 3.0 (a maximum FAR of 3.0 is permitted) and a proposed lot coverage of 63 percent (a maximum lot coverage of 65 percent is permitted); and

WHEREAS, because, as a result of the Amendment, the site now fronts a narrow street within an R6 zoning district, the Building would not comply with the requirements providing for a maximum FAR of 2.2 and a maximum lot coverage of 60 percent; and

WHEREAS, because the proposed enlargement violates these limitations on development fronting on a narrow street and construction was not completed as of the Enactment Date, the A1 Permit lapsed by operation of law; and

WHEREAS, additionally, DOB issued a Stop Work

Order on July 24, 2008 for the permit; and

WHEREAS, ZR § 11-30 et seq. sets forth the regulations that apply to the subject application for a reinstatement of a permit that lapses due to a zoning change; and

WHEREAS, ZR § 11-31(c)(3) defines construction such as the proposed enlargement as "other construction"; and

WHEREAS, for "other construction," an extension of time to complete construction may be granted by the Board pursuant to ZR § 11-332(a) for one term of not more than three months; and

WHEREAS, on November 25, 2008, under BSA Cal. No. 217-08-BZY, the Board granted an application under ZR § 11-332(a) to reinstate the permit for "other construction" and to extend the time to complete the proposed enlargement and obtain a certificate of occupancy for one term of three months, to expire on February 25, 2009; and

WHEREAS, the applicant now applies to the Board to renew the A1 Permit pursuant to ZR § 11-332(b) and to extend the time to complete the proposed enlargement and obtain a certificate of occupancy for a one-year term, so that the proposed enlargement may be fully constructed under the prior R6 zoning as applied to a wide street; and

WHEREAS, ZR § 11-332(b) reads, in pertinent part: "[I]n the event that construction has not been completed at the expiration of the extended terms specified in paragraph (a) of this Section...such building permit may be renewed by the Board for terms of one year each upon the following findings: (1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control; (2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and (3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable amendment to this Resolution;" and

WHEREAS, as a threshold issue, under ZR § 11-31(a) the Board must determine that the permits were lawfully issued; and

WHEREAS, as discussed in BSA Cal. No. 217-08-BZY, the Board reviewed the record and agreed that the A1 Permit was lawfully issued to the owner of the subject premises prior to the Enactment Date; accordingly, the Board finds that the record contains sufficient evidence to satisfy the findings set forth in ZR § 11-31(a) and that a decision may be rendered provided the other findings are met; and

WHEREAS, the applicant notes that as reflected in BSA Cal. No. 217-08-BZY, the following remained to be completed as of the issuance of the July 24, 2008 Stop Work Order: 15 percent of the mechanical work; 20 percent of the work on interior partitions; 25 percent of the elevator and sprinkler work; 50 percent of the electrical work; and 70 percent of the plumbing work; and

WHEREAS, the applicant represents that it has been prevented from completing the proposed construction by

---

# MINUTES

---

hardship or circumstances beyond its control; and

WHEREAS, the applicant states that the three-month extension was granted by the Board on November 25, 2008, but that the Stop Work Order was not lifted until December 5, 2008 due to delays in transmitting and processing the approval at DOB; and

WHEREAS, the applicant represents that, because December 5, 2008 fell on a Friday, work could not resume at the site until Monday, December 8, 2008, approximately two weeks into the allotted 12-week extension to complete construction; and

WHEREAS, the applicant represents that the proposed construction was further delayed because the owner's subcontractors had been assigned to other projects during the four months that work at the site was stopped, and were unavailable to resume work until January 2009; and

WHEREAS, the applicant further represents that nearly all work was halted between December 24, 2008 and January 5, 2009 due to the Christmas and New Year holidays and the fact that many workers were on previously scheduled holiday vacations; and

WHEREAS, the applicant states that when work resumed on January 5, 2009, the plumbing subcontractor was only available part-time and the elevator contractor was unavailable; and

WHEREAS, the applicant further states that the elevator subcontractor did not resume work until January 15, 2009, and had only two workers available three days per week; and

WHEREAS, the applicant represents that, due to the unusually cold and inclement weather during January 2009, no outside work, including masonry and window installation, could be performed, and certain interior work, such as laying sub-flooring, taping sheetrock, and installing cabinetry could not be performed because the cold weather inhibited glue from properly adhering; and

WHEREAS, based upon the above, the Board finds that the applicant has been prevented from completing the proposed construction by hardship or circumstances beyond its control; and

WHEREAS, the applicant states that it has not recovered all or substantially all of the financial expenditures incurred in construction, nor would it be able to recover substantially all the incurred financial expenditures through a complying development; and

WHEREAS, as discussed in BSA Cal. No. 217-08-BZY, from the date of the issuance of the A1 Permit to the date of the zoning amendment, the total expenditures for the enlargement were approximately \$1,011,292, or 64 percent of the total cost to complete; and

WHEREAS, the applicant states that, between November 25, 2008 and the February 17, 2009 filing of the instant application, the owner expended an additional \$139,200 on the enlargement, for a total of \$1,150,492, or 72 percent of the cost to complete construction; and

WHEREAS, the applicant notes that because the project is incomplete it cannot be occupied, and therefore the owner has not recovered any of the expenditures it

incurred in construction; and

WHEREAS, the applicant represents that recovery of its financial expenditures is entirely dependent on completing construction; and

WHEREAS, the applicant states that, in order to comply with the new zoning regulations, it would have to remove more than 2,000 sq. ft. of floor area, including the entire rear yard extension of the basement through the third floor and the rooftop addition of the fourth and fifth floors; and

WHEREAS, the applicant represents that it would not be able to recover the financial expenditures of constructing the approximately 2,000 sq. ft. enlargement, the expenditures incurred in demolishing the enlargement, nor the expenditures incurred in redesigning the building and reconstructing the entire rear wall and roof of the building in compliance with the new zoning regulations; and

WHEREAS, the Board agrees that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor would it be able to recover such expenditures through development that complies with the new zoning regulations; and

WHEREAS, the Board finds that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the applicable zoning amendment; and

WHEREAS, therefore, the Board finds that the applicant has adequately satisfied all the requirements of ZR § 11-332(b), and that the owner is entitled to the requested renewal of the permit, and all other permits necessary to complete the proposed enlargement; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a one-year extension of time to complete construction, pursuant to ZR § 11-332(b).

*Therefore it is Resolved* that this application made pursuant to ZR § 11-332(b) to renew Permit No. 302334365-01-AL, as well as all related permits for various work types, either already issued or necessary to complete construction, is granted, and the Board hereby extends the time to complete the proposed enlargement and obtain a certificate of occupancy for one year from the date of this resolution, to expire on April 21, 2010.

Adopted by the Board of Standards and Appeals, April 21, 2009.

-----

## **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**

# MINUTES

## APPEARANCES –

For Applicant: Neil Weisbard, Daniel Bossa, Edward Mills and Stuart Beckerman.

For Opposition: Sheila Saks.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 10 A.M., for continued hearing.

-----

## 32-09-BZY thru 34-09-BZY

APPLICANT – William Alicea for Treadwell LLC, owner.  
SUBJECT – Application February 27, 2009 – Extension of time to complete construction (§11-332) and obtain a Certificate of Occupancy of a major development commenced prior to the text amendment of the zoning district regulations. R3A.

PREMISES AFFECTED – 122, 124 & 126 Treadwell Avenue, southwest corner of Treadwell Avenue and Harrison Avenue, Block 1088, Lot 49, Borough of Staten Island.

## COMMUNITY BOARD #1SI

### APPEARANCES –

For Applicant: William Alicea and Joan Humphreys.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 10 A.M., for continued hearing.

-----

*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*

## REGULAR MEETING

**TUESDAY AFTERNOON, APRIL 21, 2009**

**1:30 P.M.**

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

-----

## ZONING CALENDAR

### 253-08-BZ

APPLICANT – Law Office of Fredrick A. Becker for Paula Digrazia and Lisa Tapani, owner.

SUBJECT – Application October 15, 2008 – Variance (§72-21) to legalize a prior enlargement at the rear of the home and to allow for a new enlargement to an existing single family home on a narrow zoning lot. This variance seeks to vary floor area ratio, open space lot coverage (§23-141(b)); side yards (§23-461(a) & (§23-48) and less than the required rear yard (§23-47) in an R-4 zoning district.

PREMISES AFFECTED – 2623 East 11<sup>th</sup> Street, East side of East 11th Street between Avenue Z and William Court, Block 7455, Lot 31, Borough of Brooklyn.

### COMMUNITY BOARD #15BK

#### APPEARANCES –

For Applicant: Lyra Altman.

**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 Brooklyn Borough Commissioner, on September 16, 2008, acting on Department of Buildings Application No. 310147374, stated, in pertinent part:

1. proposed legalization and enlargement increases the degree of non-compliance of an existing building with respect to floor area ratio, which is contrary to ZR 23-141(b);
2. proposed legalization and enlargement increases the degree of non-compliance of an existing building with respect to open space and lot coverage, which are contrary to ZR 23-141(b);
3. proposed legalization and enlargement results in two side yards less than 5'-0" and the total of both yards less than 10 feet, which is contrary to ZR Section 23-461(a) and 23-48;
4. proposed legalization and enlargement results in a rear yard of less than 30 feet, which is contrary to ZR 23-47;" and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R4 zoning district, a legalization of an enlargement and an additional enlargement to an existing

---

# MINUTES

---

single-family home that exceeds the permitted floor area ratio and does not provide the required open space, lot coverage, side yards and rear yard, contrary to ZR §§ 23-141(b), 23-461, 23-48 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*, with continued hearings on February 24, 2009 and March 24, 2009, and then to decision on April 21, 2009; and

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

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

WHEREAS, the site is located on the east side of East 11<sup>th</sup> Street, between Avenue Z and William Court, in an R4 zoning district; and

WHEREAS, the site has a width of approximately 21 feet, a maximum depth of approximately 47 feet, and a total lot area of approximately 979 sq. ft.; and

WHEREAS, the site is currently occupied by a one-story single-family home which is believed to have been constructed in 1920; and

WHEREAS, the applicant proposes to legalize a one-story rear enlargement and to add a second story to the existing home; and

WHEREAS, the applicant seeks a legalization of a one-story rear enlargement, necessitating waivers to permit lot coverage of 82 percent (45 percent is the maximum permitted), open space of 18 percent (55 percent is the minimum required), and a rear yard of 0'-11" (10'-0" is the minimum required for a shallow lot); and which increase pre-existing non-compliances to a side yard with a width of 1'-1 3/4" and a side yard with a width of 0'-2 1/2" (two side yards with minimum widths of 5'-0" are required); and

WHEREAS, the applicant additionally proposes to add a second story to the existing home requiring a waiver of the floor area ratio for a total floor area of 1,365 sq. ft. of floor area (881 sq. ft. is the maximum permitted) and an FAR of 1.39 (0.90 FAR with an attic bonus is the maximum permitted); and

WHEREAS, the applicant states that FAR, open space, lot coverage, side yard and rear yard relief is necessary, for reasons stated below; thus, the instant application was filed; and

WHEREAS, the applicant states that the following is a unique physical condition, which creates practical difficulties and unnecessary hardship in developing the subject site in compliance with underlying zoning regulations: the site is an undersized lot with a narrow width and shallow depth; and the existing building, prior to its enlargement (the original home) is obsolete for living purposes; and

WHEREAS, the applicant states that the site has an existing lot size of approximately 979 sq. ft, a width of approximately 21'-0" feet and depth of approximately 47'-0" feet which cannot accommodate a complying building or home that is habitable; and

WHEREAS, specifically, a complying building results in a home with a maximum of 881 sq. ft of floor area, an interior width of approximately 9'-0" and depth of approximately 25'-0", and a floor plate size of no more than approximately 225 sq. ft.; and

WHEREAS, further the applicant states that the original home is obsolete for living purposes -- the original home had a floor area of 633 sq. ft. and lacked sufficient floor area and floor plate size to accommodate any bedrooms; and

WHEREAS, the applicant states that, neither the original home, nor a new building that complies with the zoning regulations, are habitable as compared to other homes in the area; and

WHEREAS, as to the small lot size and configuration, the applicant has provided documentation including copies of recorded deeds that reflect that the site has existed in its current configuration prior to December 15, 1961 and its ownership has been independent of the ownership of the adjoining lots; and

WHEREAS, further, as to the uniqueness of such condition, the applicant provided a 400-foot radius diagram and analysis that indicates that the subject site is one of six lots (out of a total of 113 lots) that are less than 1,500 sq. ft. in lot area; and that it is the only site that is less than 1,000 sq. ft in lot area; and

WHEREAS, the applicant represents that the other five lots are developed with homes which exceed the permitted FAR; and

WHEREAS, the applicant further states that the original home is one of seven homes (out of 107 buildings or 6.5 percent) within the 400-foot radius that has less than 1,100 square feet in floor area -- and that it is the smallest home in the surrounding area with no ability to enlarge without a variance; and

WHEREAS, the applicant states that any horizontal enlargement of the original home would trigger waivers of lot coverage, open space and side yard requirements, as the original home was non-complying under the R4 zoning district requirements; and

WHEREAS, specifically, the maximum permitted lot coverage is 45 percent and the minimum open space requirement is 55 percent and the applicant states that the existing home occupies 81 percent of the lot and provides 19 percent open space; and

WHEREAS, the original home had two non-complying side yards of 1'-1 3/4" and 0'-2 1/2", respectively; and

WHEREAS, the applicant represents, therefore, that in order to be habitable and provide a reasonable floor plate at the first floor, a horizontal enlargement would necessarily increase the degree of non-compliance with R4 zoning district requirements for side yards and rear yard; and

WHEREAS, the applicant states that a vertical enlargement (an addition of a second floor) is necessary in order for the proposed home to be habitable with regards to its size and floor area and comparable to other homes in the surrounding area; and

WHEREAS, specifically, the proposed enlargement results in a home containing 1,365 square feet (1.39 FAR) and

---

# MINUTES

---

exceeds the permitted floor area of 881 sq. ft (0.9 FAR); and therefore triggers a floor area waiver; and

WHEREAS, as evidence, the applicant points to the 400-radius diagram and associated analysis that indicates that 74 percent of the lots within a 400-foot radius are developed with buildings that are larger than the proposed home; and that buildings larger than that proposed would be permitted as-of-right on 92 percent of the lots within the surrounding area; and

WHEREAS, the applicant concludes that the requested waivers of FAR, lot coverage, open space, and rear and side yard requirements are necessary to develop the site with a habitable home; and

WHEREAS, based upon the above, the Board finds that the cited unique physical conditions create practical difficulties in developing the site in strict compliance with the applicable zoning regulations; and

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

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

WHEREAS, the applicant notes that the proposed bulk is compatible with nearby residential development and that the height complies with zoning regulations; and

WHEREAS, the Board notes that the second floor enlargement complies with the zoning district requirements for the front yard; and

WHEREAS, the applicant submitted a streetscape showing that the height and bulk of the proposed home is consistent with that of the adjoining homes; and

WHEREAS, further, as discussed above, the area surrounding the subject site is characterized by homes with floor areas in excess of that proposed; and

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

WHEREAS, as pertains to the (d) finding under ZR § 72-21, the Board is required to find that the practical difficulties or unnecessary hardship burdening the site have not been created by the owner or by a predecessor in title; the purchase of a zoning lot subject to the cited hardship shall not constitute a self-created hardship; and

WHEREAS, the applicant states that the unnecessary hardship encountered by compliance with the zoning regulations is inherent to the site's size, narrow width and shallow depth, and existing home; and

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

WHEREAS, the applicant complies with the R4 zoning district regulations for use and height; and

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

and

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

*Therefore it is Resolved* that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR § 72-21 to permit, within an R4 zoning district, a legalization of a horizontal enlargement and an additional one-story vertical enlargement to an existing single-family home that exceeds the permitted floor area ratio and does not provide the required open space, lot coverage, side yards and rear yard, contrary to ZR §§ 23-141(b), 23-461, 23-48 and 23-47; *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 October 15, 2008"– (11) sheets; and *on further condition*:

THAT the parameters of the proposed building shall be as follows: two stories, 1,365 sq. ft. of floor area (1.39 FAR), lot coverage of 82 percent, open space of 18 percent, a rear yard of 0'-11"; a side yard with a width of 1'-1 ¾" and a side yard with a width of 0'-2 ½", as per the BSA-approved plans;

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

THAT there shall be no habitable room in the cellar;

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

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

THAT significant 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, April 21, 2009.

-----

## **310-08-BZ**

### **CEQR #09-BSA-053M**

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 91<sup>st</sup> Street, south side of East 91<sup>st</sup> Street, 94' west of First Avenue, Block 1570, Lot 41, Borough of Manhattan.

### **COMMUNITY BOARD #8M**

APPEARANCES –

For Applicant: Elena Aristova.

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

---

# MINUTES

---

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 Commissioner, dated November 19, 2008, acting on Department of Buildings Application No. 110369958, reads in pertinent part:

“ZR 32-12. Use Group 3 (educational facility and accessory uses to schools) are not permitted as-of-right in a C8 zoning district;” and

WHEREAS, this is an application under ZR §§ 73-19 and 73-03 to permit, on a site partially within a C8-4 zoning district and partially within a C2-8 zoning district, the proposed conversion and enlargement of an existing building from a Use Group 6 parking garage and Use Group 16 automotive repair shop to a Use Group 3 school, contrary to ZR § 32-12; and

WHEREAS, a public hearing was held on this application on March 3, 2009, after due notice by publication in the *City Record*, and then to decision on April 21, 2009; and

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

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

WHEREAS, certain residents of the community testified in support of the application; and

WHEREAS, the application is brought on behalf of the Trustees of Convent of the Sacred Heart (“Sacred Heart”), a not-for-profit private educational institution for girls; and

WHEREAS, the site is located on the south side of East 91st Street between 1st Avenue and York Avenue, partially within a C8-4 zoning district and partially within a C2-8 zoning district; and

WHEREAS, the site has a lot area of 12,589 sq. ft.; and

WHEREAS, the applicant represents that because the formation of the Zoning Lot predates the December 15, 1961 enactment of the Zoning Resolution, pursuant to ZR § 77-211, the bulk regulations applicable to a district in which more than fifty percent of the zoning lot’s lot area is located may be applied to the entire zoning lot, provided that the greatest distance from the mapped boundary to any lot line of the zoning lot in the district in which less than fifty percent of its area is located does not exceed 25 feet; and

WHEREAS, the applicant states that approximately 95 percent of the site is located within a C8-4 zoning district while approximately five percent of the site is located within a C2-8 zoning district; and

WHEREAS, the portion of the site located within a C2-8 zoning district amounts to a narrow strip of land measuring 6’-0” wide by 100’-8 ½” deep, and is therefore less than 25 feet from the mapped C8-4 district boundary; and

WHEREAS, thus, the Board finds that the C8-4 bulk

regulations, which allow for an FAR of 6.5, may be applied to the entire Zoning Lot; and

WHEREAS, the site is currently occupied by a three-story parking garage and automotive repair shop with accessory office space on the second and third floors; and

WHEREAS, the applicant proposes to renovate the existing building and to construct a fourth floor for use as a Use Group 3 school, specifically for Sacred Heart’s athletic and physical education program, with a floor area of 41,453 sq. ft. (the “proposed school”); and

WHEREAS, the applicant states that Sacred Heart is composed of 670 students from pre-kindergarten through twelfth grade, in addition to faculty and support staff; and

WHEREAS, the applicant further states that Sacred Heart currently occupies two buildings located at 1 East 91<sup>st</sup> Street between Fifth Avenue and Madison Avenue (the “Main Campus”); and

WHEREAS, the applicant further states that Sacred Heart’s current 1,524 sq. ft. gymnasium located at the Main Campus has the following deficiencies: (1) it does not meet high school size regulations for basketball or volleyball courts; (2) there is no space for bleacher seating, which prevents Sacred Heart from hosting competitive sporting events; (3) locker capacity for Sacred Heart students is limited, and lockers are unavailable for visitors; and (4) storage space for gymnasium equipment is insufficient; and

WHEREAS, based upon the above, the applicant represents that Sacred Heart’s athletic program is currently hindered by the lack of a sufficiently sized gymnasium; and

WHEREAS, the applicant further represents that potential classroom and study time for Sacred Heart students is routinely compromised because practice sessions for all sports require travel to a distant armory, park, or to another school’s athletic facility; and

WHEREAS, the applicant states that the proposed school would allow complementary programs to be housed under one roof, such that early morning or late afternoon practice sessions could then be followed or preceded by appropriate classroom instruction; and

WHEREAS, the applicant represents that the instant applicant meets the requirements of the special permit under ZR § 73-19 to permit a school in a C-8 zoning district; and

WHEREAS, ZR § 73-19 (a) requires an applicant to demonstrate the inability to obtain a site for the development of a school within the neighborhood to be served and with a size sufficient to meet the programmatic needs of the school within a district where the school is permitted as-of-right; and

WHEREAS, Sacred Heart’s program for the proposed building includes eight classrooms, a gymnasium, a natatorium with a six-lane pool, locker rooms, a homework lounge, and an open air rooftop practice field; and

WHEREAS, the applicant states that Sacred Heart’s program requires a building with a footprint between 7,500 sq. ft. and 10,500 sq. ft.; and

WHEREAS, the applicant represents that Sacred Heart has an additional programmatic need for the proposed school to be located proximate to the Main Campus, to

---

# MINUTES

---

facilitate the transportation of students between the Main Campus and the proposed building; and

WHEREAS, the applicant further represents that it conducted an evaluation of approximately 152 properties located on the blocks bounded by 84<sup>th</sup> Street on the south, 104<sup>th</sup> Street on the north, 5<sup>th</sup> Avenue to the west, and 1<sup>st</sup> Avenue to the east, with footprints between 7,500 sq. ft. and 10,500 sq. ft.; and

WHEREAS, the applicant states that all but three of the 152 properties evaluated were found to be occupied by residential buildings, schools, religious institutions, or ongoing businesses; and

WHEREAS, the applicant states that the three sites, located respectively at 1381 Park Avenue, 1988 Second Avenue, and 1635 Lexington Avenue, were each found to be geographically remote and not readily accessible to the Main Campus; and

WHEREAS, thus, the applicant states that no site within the study area is able to accommodate the proposed school as-of-right; and

WHEREAS, the applicant maintains that the site search establishes that there is no practical possibility of obtaining a site of adequate size in a nearby zoning district where a school would be permitted as-of-right; and

WHEREAS, therefore, the Board finds that the requirements of ZR §73-19 (a) are met; and

WHEREAS, ZR §73-19 (b) requires an applicant to demonstrate that the proposed school is located no more than 400 feet from the boundary of a district in which such a school is permitted as of right; and

WHEREAS, the applicant submitted a radius diagram which reflects that the subject site is located approximately 357 feet west of a C8-4 (R10) district boundary line, approximately 319 feet north of a C8-4 (R8B) district boundary line, and approximately 350 feet south of a C8-4 (R8) district boundary line; the proposed use would be permitted as-of-right in all of these zoning districts; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (b) are met; and

WHEREAS, ZR § 73-19 (c) requires an applicant to demonstrate how it will achieve adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district; and

WHEREAS, the applicant states that adequate separation from noise, traffic and other adverse effects of the surrounding C8-4 zoning district will be provided through the building's existing solid masonry exterior walls, the use of the same heavy masonry for the enlargement of the building, and the use of double-glazed insulating glass on all windows of the northern façade fronting East 91<sup>st</sup> Street and on the southern façade at the fourth floor level where classrooms will be located; and

WHEREAS, the applicant represents that adequate separation from noise is further maintained by the location of the rear yards of eight residential buildings adjacent to the subject site; and

WHEREAS, the Board finds that the conditions surrounding the site, the construction of the building, and

the installation of double-glazed windows will adequately separate the proposed school from noise, traffic and other adverse effects of any of the uses within the surrounding C8-4 zoning district; thus, the Board finds that the requirements of ZR § 73-19 (c) are met; and

WHEREAS, ZR § 73-19 (d) requires an applicant to demonstrate how the movement of traffic through the street on which the school will be located can be controlled so as to protect children traveling to and from the school; and

WHEREAS, the applicant states that Sacred Heart's hours are from 8:00 a.m. to 2:45 p.m. on Mondays through Fridays; and

WHEREAS, the applicant states that approximately 50 students and five faculty and staff are projected to be using the proposed school at any given time during school hours; and

WHEREAS, the applicant further states that an existing curb cut on the south side of East 91<sup>st</sup> Street will be retained for use by a small school van which will shuttle students and faculty between the Main Campus and the proposed school; and

WHEREAS, the applicant represents that approximately 25 percent of the students are expected to walk from the Main Campus to the proposed school and 75 percent are expected to take the shuttle van; and

WHEREAS, the applicant further represents that up to 150 students, faculty, and staff would use the proposed school after school hours, and an additional 60 spectators would travel to and from the facility for sporting events one to two times per week; and

WHEREAS, the applicant further represents that spectators for sporting events would travel to the proposed school by foot, public transportation, private vehicles, and taxis; and

WHEREAS, the Board referred the application to the School Safety Engineering Office of the Department of Transportation ("DOT"); and

WHEREAS, by letter dated February 13, 2009, DOT states that it has no objection to the proposed school; and

WHEREAS, the Board finds that the above-mentioned measures can control traffic so as to protect children going to and from the proposed school; and

WHEREAS, therefore, the Board finds that the requirements of ZR § 73-19 (d) are met; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-19; and

WHEREAS, the applicant represents that, although the site is within a C8-4 zoning district, the surrounding area is largely developed with residential uses which are compatible with the proposed school; and

WHEREAS, the applicant states that a community facility abuts the site's western lot line, five residential buildings are located along the southern lot line, and that six of the remaining 12 zoning lots on the subject block are residential; and

WHEREAS, the applicant states a five-story residential building is located directly north of the site on East 91<sup>st</sup>

---

# MINUTES

---

Street; and

WHEREAS, the applicant represents that the proposed school use will result in less traffic congestion than the site's current use, which includes a truck parking garage, automobile repair shop, and accessory office space; and

WHEREAS, the applicant states that there are currently four curb cuts at the subject site by which 21 trucks enter and exit the garage during the peak morning hour of 8:15 a.m. to 9:15 a.m.; and

WHEREAS, the applicant further states that additional trucks park in front of the subject site and further east and west along East 91<sup>st</sup> Street; and

WHEREAS, therefore, the applicant represents that the proposed school use, which will eliminate three of the existing curb cuts and replace the existing truck traffic at the site with a single shuttle van, will reduce overall vehicular activity along East 91<sup>st</sup> Street and improve overall traffic safety on the subject block; 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, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-03; 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. 09BSA053M, dated December 17, 2008; and

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

WHEREAS, the New York City Department of Environmental Protection ("DEP") Office of Environmental Planning and Assessment has evaluated the following submissions from the Applicant: (1) a December 2008 Environmental Assessment Statement ("EAS"); (2) a June 2008 Phase I Environmental Site Assessment; and (3) a March 2009 Phase II Sampling Protocol and Health and Safety Plan; and

WHEREAS, the applicant has agreed to implement hazardous materials measures pursuant to a Restrictive Declaration executed on April 7, 2009 and submitted to be recorded against the subject property on April 13, 2009; and

WHEREAS, after its approval of the Phase II Sampling

Protocol and Health and Safety Plan, Phase II testing or Investigation report and possible Remedial Action Plan ("RAP") and a Construction Health & Safety Plan, DEP will remit a Notice to Proceed to the Department of Buildings ("DOB"); and

WHEREAS, if a RAP is warranted, after its implementation, one or more Remedial Closure Report(s) certified by a professional engineer must be submitted to DEP; subsequent to its approval, DEP will forward Notice(s) of Satisfaction to DOB; and

WHEREAS, DEP has reviewed the applicant's Noise Chapter in the December 2008 EAS and has determined that sound-attenuating double-glazed windows achieving a composite window/wall noise attenuation of approximately 30 to 35 dBA will be sufficient; 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.

*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 §§ 73-19 and 73-03 and grants a special permit, to allow the proposed operation of a Use Group 3 school, on a site partially within a C8-4 zoning district and partially within a C2-8 zoning district; *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 December 18, 2008"- (10) sheets, and *on further condition*:

THAT any change in the use, occupancy, or operator of the school requires review and approval by the Board;

THAT the issuance of building permits shall be conditioned on the submission of a DEP Notice to Proceed;

THAT issuance of a permanent certificate of occupancy shall be conditioned on the issuance by DEP of a Notice of Satisfaction;

THAT sound-attenuating double-glazed windows achieving a composite window/wall noise attenuation of approximately 30 to 35 dBA shall be installed;

THAT the premises shall comply with all applicable fire safety measures, as required and as illustrated on the BSA approved plans;

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

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

---

# MINUTES

---

laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, April 21, 2009.

-----

## **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 – None.

**ACTION OF THE BOARD** – Laid over to June 9, 2009 at 1:30 P.M., for deferred decision.

-----

## **304-08-BZ**

APPLICANT – Bryan Cave LLP, for TDS Acquisition LLC d/b/a Trevor Day School, owner.

SUBJECT – Application December 11, 2008 – Variance (§72-21) and Special Permit (§73-19) to allow a school in a C8-4 district contrary to bulk regulations (33-123, 33-451, 33-453, 33-454, 33-26). C8-4 District.

PREMISES AFFECTED – 312-318 East 95<sup>th</sup> Street, south side of 95<sup>th</sup> Street, 215 east of Second Avenue, 350' feet west of First Avenue, Block 1557, Lot 41, Borough of Manhattan.

### **COMMUNITY BOARD #8M**

APPEARANCES –

For Applicant: Judy Gallent.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for deferred decision.

-----

## **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 58<sup>th</sup> Street, Block 1331, Lot 7501, Borough of Manhattan.

### **COMMUNITY BOARD #6M**

APPEARANCES –

For Applicant: Elizabeth Safian.

**ACTION OF THE BOARD** – Laid over to May 12, 2009, at 1:30 P.M., for deferred decision.

-----

## **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, Ivan Khoury, Gaetano Donatantonio, Evan Lemonides and Rebecca Pytosh.

**ACTION OF THE BOARD** – Laid over to June 9, 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, Ivan Khoury, Gaetano Donatantonio, Evan Lemonides and Rebecca Pytosh.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for continued hearing.

-----

## **287-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for BK Corporation, owner.

SUBJECT – Application October 27, 2006 – Variance (§72-21) to allow a residential/community facility building contrary to yard regulations. R5 zoning district.

PREMISES AFFECTED – 32-12 23<sup>rd</sup> Street, 33rd Avenue and Broadway, Block 555, Lot 36, Borough of Queens.

### **COMMUNITY BOARD #1Q**

APPEARANCES –

For Applicant: Richard Lobel.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for continued hearing.

-----

## **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

# MINUTES

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: Richard Lobel.

**ACTION OF THE BOARD** – Laid over to June 9, 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: Richard Lobel.

For Opposition: Lisa Gomes

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 June 9, 2009, at 1:30 P.M., for decision, hearing closed.

## 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

APPEARANCES –

For Applicant: Eric Palatnik, Hiram Rothkrug and Rabbi Glanz.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for continued hearing.

## 99-08-BZ

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

SUBJECT – Application April 21, 2008 – Variance (§72-21) to construct a three story with cellar single family home on an irregular triangular lot what does not meet the rear yard requirement (§23-47) in an R3-2 (SRD) zoning district.  
PREMISES AFFECTED – 102 Drumgoole Road, South

side of Drumgoole Road, 144.62 ft. west of the intersection of Drumgoole Road and Wainwright Avenue, Block 5613, Lot 221, Borough of Staten Island.

## COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Todd Dole.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.

## 173-08-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Royal One Real Estate, LLC, owner.

SUBJECT – Application July 1, 2008 – Variance (§72-21) to allow a new twelve (12) story hotel building containing ninety nine (99) hotel rooms; contrary to bulk regulations (§117-522). M1-5/R7-3 Special Long Island City Mixed Use District, Queens Plaza Subdistrict Area C.

PREMISES AFFECTED – 42-59 Crescent Street, northeast corner of the intersection of Crescent Street and 43<sup>rd</sup> Avenue, Block 430, Lots 37, 38, Borough of Queens.

## COMMUNITY BOARD #2Q

APPEARANCES –

For Applicant: Todd Dale.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for an adjourned hearing.

## 201-08-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for For Our Children, Inc., owner.

SUBJECT – Application August 1, 2008 – Variance (§72-21) to allow a one story warehouse/ commercial vehicle storage building (UG 16); contrary to use regulations (§22-00). R3X district.

PREMISES AFFECTED – 40-38 216<sup>th</sup> Street, between 215<sup>th</sup> Place and 216<sup>th</sup> Street, 200' south of 40<sup>th</sup> Avenue, Block 6290, Lot 70, Borough of Queens.

## COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Todd Dale.

For Opposition: Jerry Iannece., Tom Basher, Kathleen Cronin, Gerda Soria, Judith O'Connor and Nancy Adams.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for continued hearing.

## 247-08-BZ

APPLICANT – Howard S. Weiss, Esq., for Davidoff Malito, for 3454 Star Nostrand LLC, owner.

SUBJECT – Application October 6, 2008 – Special Permit filed pursuant to §73-243 to allow the operation of an accessory drive-through facility in connection with a planned as-of-right eating and drinking establishment (Starbucks Coffeehouse) (Use Group 6) located in a C1-2/R4 zoning district.

PREMISES AFFECTED – 3454 Nostrand Avenue and approx. 49' along Gravesend Neck Road, Block 7362, Lot

# MINUTES

10, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Howard Weiss and Ron Mandel.

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 May 12, 2009, at 1:30 P.M., for decision, hearing closed.

-----

## 265-08-BZ

APPLICANT – Mark A. Levine for 70 Wyckoff Avenue LLC, owner.

SUBJECT – Application October 28, 2008 – Variance pursuant to §72-21 to allow for the legalization of residential units located in a manufacturing building, contrary to §42-00; M1-1 District.

PREMISES AFFECTED – 70 Wyckoff Avenue, South east corner of Wyckoff Avenue and Suydam Street, Block 3221, Lot 31, Borough of Brooklyn.

## COMMUNITY BOARD # 4BK

APPEARANCES –

For Applicant: Richard Bass and Jack Freedman.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.

-----

## 312-08-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Leah Friedman and Michael Friedman, owners.

SUBJECT – Application December 18, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area and open space (§23-141), side yard (§23-461) and less than the minimum required rear yard (§23-47) in an R2 zoning district.

PREMISES AFFECTED – 1134 East 23<sup>rd</sup> Street, west side of East 23<sup>rd</sup> between Avenue K and Avenue L, Block 7622, Lot 60, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

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 May 12, 2009, at 1:30 P.M., for decision, hearing closed.

-----

## 260-08-BZ

APPLICANT – Eric Palatnik, for Moisei Tomshinsky, owner.

SUBJECT – Application October 21, 2008 – Special Permit

(§73-622) for the In-Part Legalization and enlargement of a single family home. This application seeks to vary floor area (23-141) in an R3-1 zoning district.

PREMISES AFFECTED – 148 Oxford Street, between Shore Boulevard and Oriental Boulevard, Block 8757, Lot 3, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Laid over to June 9, 2009, at 1:30 P.M., for continued hearing.

-----

## 268-08-BZ

APPLICANT – Sheldon Lobel, P.C., for 314 7th Avenue, LLC, owner.

SUBJECT – Application October 30, 2008 – Special Permit filed, pursuant to §73-621 of the New York City Zoning Resolution, to permit the enlargement of an as-of-right eating and drinking establishment (Use Group 6) into the footprint of an existing accessory parking garage of a mixed-use residential and commercial building. The subject site is located in a R6A/C1-4 zoning district.

PREMISES AFFECTED – 314 Seventh Avenue, southwest corner of the intersection formed by Eight Street and Seventh Avenue, Block 1006, Lot 37, Borough of Brooklyn.

## COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Elizabeth Safian.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.

-----

## 301-08-BZ

APPLICANT – Fridman Saks LLP, for 2717 Quentin Realty LLC, owner.

SUBJECT – Application December 10, 2008 – Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area and lot coverage (§23-141), side yard (§23-461), perimeter wall height (23-631(b)) and less than the minimum rear yard (§23-47) in an R3-2 zoning district.

PREMISES AFFECTED – 2717 Quentin Road, between East 27<sup>th</sup> and East 28<sup>th</sup> Streets, Block 6790, Lot 32, Borough of Brooklyn.

## COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Borris Saks.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.

-----

## 16-09-BZ

APPLICANT – Slater & Beckerman, LLP, for The Devlin Building LLC, owner; Yoga Works, Inc., lessee.

SUBJECT – Application February 4, 2009 – Special Permit (§73-36) to allow a physical culture establishment on the second and third floors of an existing five-story building.

---

# MINUTES

---

The proposal is contrary to ZR §42-10. M1-5B district.  
PREMISES AFFECTED – 459 Broadway, south west corner of Broadway and Grand Street, Block 231, Lot 30, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES –

For Applicant: Joshua Trauner.

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 May 19, 2009, at 1:30 P.M., for decision, hearing closed.

-----

**42-09-BZ**

APPLICANT – Francis R. Angelino, Esq., for Arrow Linen Supply Company, Inc., owner.

SUBJECT – Application March 6, 2009 – Special Permit filed pursuant to §§11-411 & 11-412 to permit a reinstatement of a variance which expired on July 12, 1992 which allowed the extension of a legal non conforming use within a residential zoning district. The application seeks an amendment to allow for a one-story enlargement of approximately 770 sq. ft. in the rear of the lot for additional storage for the commercial laundry. The subject site is located in a R5B zoning district.

PREMISES AFFECTED – 441-477 Prospect Avenue, between Eight Avenue and Prospect Park West, Block 1113, Lot 73, Borough of Brooklyn.

**COMMUNITY BOARD #7BK**

APPEARANCES –

For Applicant: Francis R. Angelino, Vincent Trocchia, John Magliocco, Sr. and John Magliocco, Jr., Frank Park and Joseph Isidore.

**ACTION OF THE BOARD** – Laid over to May 19, 2009, at 1:30 P.M., for continued hearing.

-----

*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*