
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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November 18, 2010

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DOCKET

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200-10-A

1359 Davies Road, Southeast corner of Davies Road and Caffrey Avenue., Block 15622, Lot(s) 15, Borough of **Queens, Community Board: 14**. Appeal seeking a common law vested right to continue construction commenced under the prior R5 zoning district . R4-1 zoning district. R4-1 district.

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202-10-BZY

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203-10-A

1361 Davies Road, Southeast corner of Davies Road and Caffrey Avenue., Block 15622, Lot(s) 14, Borough of **Queens, Community Board: 14**. Appeal seeking a common law vested right to continue construction commenced under the prior R5 zoning district . R4-1 zoning district. R4-1 district.

204-10-A

1365 Davies Road, southeast corner of Davies Road and Caffrey Avenue., Block 15622, Lot(s) 13, Borough of **Queens, Community Board: 14**. Appeal seeking a common law vested right to continue construction commenced under the prior R5 zoning district . R4-1 zoning district. R4-1 district.

205-10-A

1367 Davies Road, Southeast corner of Davies Road and Gaffrey Avenue., Block 15622, Lot(s) 12, Borough of **Queens, Community Board: 14**. Appeal seeking a common law vested right to continue construction commenced under the prior R5 zoning district . R4-1 zoning district. R4-1 district.

206-10-A

3399 Richmond Road, North side of Richmond Road West 490.32' of Hitchcock Avenue and Richmond Road., Block 2260, Lot(s) 24, Borough of **Staten Island, Community Board: 2**. Proposed construction of a single family home located within the bed of a mapped street contrary to General City Law Section 35 . R1-2 zoning district. Series - 206-10-A thru 210-10-A R1-2 district.

207-10-A

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208-10-A

14 Tupelo Court, North side of Richmond Road West 490.32' of Hitchcock Avenue and Richmond Road., Block 2260, Lot(s) 64, Borough of **Staten Island, Community Board: 2**. Proposed construction of a single family home located within the bed of a mapped street contrary to General City Law Section 35 . R1-2 zoning district. Series - 206-10-A thru 210-10-A R1-2 district.

209-10-A

15 Tupelo Court, North side of Richmond Road West 490.32' of Hitchcock Avenue and Richmond Road., Block 2260, Lot(s) 66, Borough of **Staten Island, Community Board: 2**. Proposed construction of a single family home located within the bed of a mapped street contrary to General City Law Section 35 . R1-2 zoning district. Series - 206-10-A thru 210-10-A R1-2 district.

210-10-A

17 Tupelo Court, North side of Richmond Road West 490.32' of Hitchcock Avenue and Richmond Road., Block 2260, Lot(s) 68, Borough of **Staten Island, Community Board: 2**. Proposed construction of a single family home located within the bed of a mapped street contrary to General City Law Section 35 . R1-2 zoning district. Series - 206-10-A thru 210-10-A R1-2 district.

DOCKET

212-10-A

96 Greenwich Street, West side of Greenwich Street between Rector Street and Carlisle Street., Block 53, Lot(s) 39, Borough of **Manhattan, Community Board: 1**. An appeal to the Department of Buildings Determination that the Applicant Engineer's report violated Building Code Section 28.211.1. (False Statements) . C6-9M Zoning District . C6-9 (LM) district.

213-10-BZ

2071 Clove Road, Clove Road (Grasmere Commons Shopping Center) between Mosel Avenue and Hillcrest Terrace., Block 2921, Lot(s) 6, Borough of **Staten Island, Community Board: 2**. Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment. C8-1 zoning district. C8-1 district.

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

NOVEMBER 23, 2010, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, November 23, 2010, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

132-58-BZ

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

SUBJECT – Application July 9, 2010 – Extension of Term (§11-411) of a previously approved Automotive Service Station (UG 16B) (Gulf) with accessory uses which expired on June 18, 2010. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 17-45 Francis Lewis Boulevard, aka 17-55 Francis Lewis Boulevard, east side of Francis Lewis Boulevard, between 17th Road and 18th Avenue, Block 4747, Lot 31, Borough of Queens.

COMMUNITY BOARD #7Q

156-73-BZ

APPLICANT – Gary Maranga, R.A., for The Design Alliance, owner.

SUBJECT – Application October 12, 2010 – Extension of Term for surplus transient parking in a multiple dwelling which is accessory to Albert Einstein College of Medicine which expired on June 26, 2008; Waiver of the Rules. R6 zoning district.

PREMISES AFFECTED – 1975 Eastchester Road, west side of Eastchester Road at the intersection of Eastchester Road and Morris Park Avenue, Block 4205, Lot 2, Borough of Bronx.

COMMUNITY BOARD #11BX

66-90-BZ

APPLICANT – Eric Palatnik, P.C., for A.H.G. Realty Corporation, owner.

SUBJECT – Application October 5, 2010 – Extension of Term for a UG16 Gasoline Service Station (*Mobil*) which expired on October 1, 2010. R-5 zoning district.

PREMISES AFFECTED – 43-03 Astoria Boulevard, northeast corner of 43rd Street, Block 780, Lot 18, Borough of Queens.

COMMUNITY BOARD #1Q

APPEALS CALENDAR

114-10-BZY and 115-10-BZY

APPLICANT – Nikolaos Sellas, for HX Holdings LLC, owner.

SUBJECT – Application June 24, 2010 – Extension of time (§11-331) to complete construction of a major development commenced under the prior R6 zoning district. R6B zoning district.

PREMISES AFFECTED – 26-58 & 26-60 30th Street, north side of 30th Street, 540.78' and 565.80' west of corner formed by Astoria Boulevard and 30th Street, Block 597, Lots 223 and 124, Borough of Queens.

COMMUNITY BOARD #1Q

NOVEMBER 23, 2010, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, November 23, 2010, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

122-10-BZ

APPLICANT – Bryan Cave LLP., for Congregation Rodeph Sholom, owner.

SUBJECT – Application July 1, 2010 – Variance (§72-21) to permit the rooftop addition. The proposal is contrary to §23-692. R8B zoning district.

PREMISES AFFECTED – 163 West 78th Street, Between Amsterdam and Columbus Avenues, 134 feet east of Amsterdam Avenue. Block 1150, Lot 6. Borough of Manhattan.

COMMUNITY BOARD #7M

149-10-BZ

APPLICANT – Eric Palatnik, P.C., for Chaya Singer, owner.

SUBJECT – Application August 13, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and lot coverage ZR §23-141; side yard ZR §23-461 and less than the minimum rear yard ZR §23-47. R-2 zoning district.

PREMISES AFFECTED – 1415 East 29th Street, between Avenue N and Kings Highway, Block 7683, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #14BK

CALENDAR

150-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Lyle Broochian, owner.

SUBJECT – Application August 16, 2010 –Legalization of a Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area §23-141a; side yard requirements §23-461a and less than the required rear yard §23-47. R2 zoning district.

PREMISES AFFECTED –1124 East 26th Street, west side of East 26th Street, between Avenue K and Avenue L, Block 7625, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #14BK

190-10-BZ

APPLICANT –Sheldon Lobel, P.C., for Yeshiva Har Torah, owner.

SUBJECT – Application October 12, 2010 – Variance (§72-21) to permit the addition of a third floor to an existing two-story school building contrary to §24-36 (rear yard) & §24-551 (setback). R3-2 zoning district.

PREMISES AFFECTED – 250-10 Grand Central Parkway, south side of Grand Parkway service road, between Little Neck Parkway and Commonwealth Boulevard, Block 8401, Lot 7501, Borough of Queens.

COMMUNITY BOARD #13Q

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, NOVEMBER 9, 2010
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

395-60-BZ

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

SUBJECT – Application June 17, 2010 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Automotive Repair Shop and Convenience Store use which expired on May 17, 2010. R-5 zoning district.

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

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Carly Bradley.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to obtain a certificate of occupancy, which expired on May 17, 2010; and

WHEREAS, a public hearing was held on this application on July 27, 2010 after due notice by publication in *The City Record*, with continued hearings on August 24, 2010, September 14, 2010, and October 26, 2010, and then to decision on November 9, 2010; and

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

WHEREAS, the subject site is located on the northwest corner of Linden Boulevard and Euclid Avenue, within an R5 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since November 1, 1960 when, under the subject calendar number, the Board granted a variance to permit the construction of a gasoline service station with accessory uses, 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, on January 19, 1999, the Board granted an extension of term and an amendment to allow for the

legalization of an enlargement of the accessory building for use as a convenience store; and

WHEREAS, most recently, on November 17, 2009, the Board granted an extension of term, to expire December 9, 2015, an extension of time to obtain a certificate of occupancy, which expired on May 17, 2010, and an amendment to allow the change in use of portions of the site from Use Group 16 to Use Group 6; and

WHEREAS, the applicant now requests an additional extension of time to obtain a new certificate of occupancy; and

WHEREAS, the applicant states that a new certificate of occupancy was not obtained within the allotted time period because the Department of Environmental Conservation (“DEC”) required the applicant to conduct soil testing at the site, which showed that the soil and groundwater are contaminated and must be remediated; and

WHEREAS, the applicant states that DEC has directed the owner to excavate the existing blacktop to remove the contaminated soil and install observation wells to monitor ground water contamination, which must be performed prior to obtaining a new certificate of occupancy; and

WHEREAS, the applicant states that in order to remediate the contaminated soil the owner has hired an environmental consultant to perform the work and will also apply for a city grant under the Brownfield Incentive Grant Program; and

WHEREAS, at hearing, the Board questioned whether the applicant had implemented the site improvement conditions from the prior grant, including the removal of a one-story frame enlargement from the existing building which is not reflected on the BSA-approved plans, the removal of graffiti, and the repaving of the parking lot; and

WHEREAS, in response, the applicant submitted photographs reflecting that the graffiti has been removed from the site, and states that, due to the need to excavate the site in connection with the soil remediation, the demolition of the enlargement of the building and the repaving of the parking lot will take place after the remediation work required by DEC is complete; and

WHEREAS, based upon the above, the Board finds that the requested extension of time 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 November 1, 1960, so that as amended this portion of the resolution shall read: “to permit an extension of time to obtain a certificate of occupancy, to expire on November 9, 2012; *on condition* that the use and operation of the site shall substantially conform to the previously approved plans; and *on further condition*:

THAT a new certificate of occupancy shall be obtained by November 9, 2012;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning

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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. 320008120)

Adopted by the Board of Standards and Appeals, November 9, 2010.

855-87-BZ

APPLICANT – Glen V. Cutrona, AIA, for Michael Beck, owner; Mueller Distributing, lessee.

SUBJECT – Application June 15, 2010 – Amendment to a previously granted Variance (§72-21) to remove the term for a (UG16) warehouse with (UG6) offices on the mezzanine level. R3A zoning district.

PREMISES AFFECTED – 15 Irving Place, bound by Van Duzer Street and Delford Street, Block 639, Lot 10, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Glen V. Cutrona.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to eliminate the term of a previously granted variance for the operation of a warehouse (UG 16) with offices (UG 6), which expires November 24, 2013; and

WHEREAS, a public hearing was held on this application on September 21, 2010, after due notice by publication in *The City Record*, with a continued hearing on October 26, 2010, and then to decision on November 9, 2010; and

WHEREAS, Community Board 1, Staten Island, recommends that the term of the variance be extended for a term of 20 years; and

WHEREAS, Council Member Debi Rose recommends approval of this application; and

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

WHEREAS, the subject site is located on the north side of Irving Place, between Van Duzer Street and Delford Street, within an R3A zoning district; and

WHEREAS, the site is occupied by a warehouse (UG 16), with offices (UG 6) at the mezzanine level; and

WHEREAS, the Board has exercised jurisdiction over the site since November 24, 1988 when, under the subject calendar number, the Board granted a variance to permit, in an R4 zoning district, the construction of a one-story warehouse, for a term of five years; and

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

WHEREAS, most recently, on February 14, 2006, the Board granted a ten-year extension of term, to expire on November 24, 2013; and

WHEREAS, the applicant now seeks to eliminate the term of the grant; and

WHEREAS, the applicant represents that the elimination of the term is appropriate because the owner has maintained the warehouse use at the site continuously since the time of the original grant; and

WHEREAS, additionally, the applicant represents that the elimination of the term is necessary in order to refinance the property, as the owner has been unable to find a bank willing to approve a mortgage on the property due to the term associated with the subject variance and the concern that the approved use of the building could expire; and

WHEREAS, in support of this representation, the applicant submitted a letter from a mortgage broker; and

WHEREAS, the applicant states that the warehouse use is consistent with the uses in the immediately surrounding area, which is characterized by a mix of residential, commercial and community facility uses, and includes warehouses adjacent to the east and west of the subject site; and

WHEREAS, at the Board’s direction, the applicant notified all residents within a 200-ft. radius of the site of the subject application; and

WHEREAS, in response to the notification, the applicant received four responses in support of the application and no responses in opposition to the application; and

WHEREAS, at hearing, the Board directed the applicant to plant a street tree in front of the building; and

WHEREAS, in response, the applicant submitted a revised site plan reflecting the addition of a street tree in front of the building; and

WHEREAS, based upon its review of the record, the Board finds that the requested amendment to eliminate the 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 November 24, 1988, so that as amended this portion of the resolution shall read: “to eliminate the term of the variance; *on condition* that all use and operations shall substantially conform to plans filed with this application marked ‘Received June 15, 2010’- (4) sheets and ‘November 3, 2010’-(1) sheet; and *on further condition*:

THAT the hours of operation shall be Monday through Friday, from 8:00 a.m. to 5:00 p.m.;

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

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

THAT all conditions from 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)

MINUTES

and/or configuration(s) not related to the relief granted.”
(DOB Application Nos. 520036611)

Adopted by the Board of Standards and Appeals
November 9, 2010.

26-94-BZ

APPLICANT – Rampulla Associates Architects, for Joseph D'Alessio, owner.

SUBJECT – Application July 29, 2010 – Extension of Term of a Special Permit (§73-242) for a (UG6) eating and drinking establishment which expires on June 6, 2011. C3A (SSRD) zoning district.

PREMISES AFFECTED –141 Mansion Avenue, west of McKee Avenue, Block 5201, Lot 33, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Philip Rampulla.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a re-opening and an extension of term of a previously granted special permit for an eating and drinking establishment (UG 6), which expires on June 6, 2011; and

WHEREAS, a public hearing was held on this application on October 5, 2010, after due notice by publication in *The City Record*, with a continued hearing on October 26, 2010, and then to decision on November 9, 2010; and

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

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

WHEREAS, the subject site is located on the southeast corner of Mansion Avenue and McKee Avenue, with 10,400 sq. ft. of lot area located in a C3A zoning district, within the Special South Richmond Development District (SSRD); and

WHEREAS, the site consists of a two-story building occupied by an eating and drinking establishment, operated as Marina Grande; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 4, 1984 when, under BSA Cal. No. 826-84-BZ, the Board granted a special permit under ZR § 73-242 for an eating and drinking establishment for a term of five years; this term expired on April 2, 1990; and

WHEREAS, on March 5, 1996, under the subject calendar number, the Board granted a reinstatement of the lapsed special permit, and extended the term for an additional five years to expire on March 5, 2001; and

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

WHEREAS, most recently, on June 6, 2006, the Board granted an extension of term for five years, to expire on March 5, 2011; and

WHEREAS, the applicant now requests an additional extension of term; and

WHEREAS, at hearing, the Board directed the applicant to remove a storage container located on the site; and

WHEREAS, in response, the applicant submitted photographs reflecting the removal of the storage container; and

WHEREAS, based upon the above, the Board finds the requested extension and amendment appropriate, with certain conditions as set forth below.

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on March 5, 1996, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for a period of five years from March 5, 2011, to expire on March 5, 2016, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received October 18, 2010’–(4) sheets; and *on further condition*:

THAT the term of this grant shall expire on March 5, 2016;

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

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect and shall be listed on the certificate of occupancy;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.”
(DOB Application No. 500824236)

Adopted by the Board of Standards and Appeals,
November 9, 2010.

575-37-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Duffton Realty, Inc., owner; C & D Service Center, Inc., lessee.

SUBJECT – Application July 16, 2010 – Extension of Term (§11-411) for the continued operation of a gasoline service station (*Gulf*) which expired on February 14, 2008; waiver of the Rules. C1-3/R5B zoning district.

PREMISES AFFECTED – 60-93 Flushing Avenue, northwest corner of 61st Street, Block 2697, Lot 51, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 10 A.M., for continued hearing.

MINUTES

15-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker for Columbus Properties, Incorporated, owner; TSI 217 Broadway LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application August 18, 2010 – Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (*New York Sports Club*) which expired on June 15, 2009; waiver of the rules. C5-3 (LM) zoning district.

PREMISES AFFECTED – 217 Broadway, Northwest corner of Broadway and Vesey Streets. Block 88, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 10 A.M., for continued hearing.

43-99-BZ

APPLICANT – Carl A. Sulfaro, Esq., for White Castle System Inc., owner.

SUBJECT – Application February 25, 2010 – Extension of Term of a Special Permit (§73-243) for the continued operation of a drive-thru accessory to an eating and drinking establishment (*White Castle*) which expired on December 7, 2009; Waiver of the Rules. C1-2/R4 zoning district.

PREMISES AFFECTED – 88-02 Northern Boulevard, southwest corner of 88th Street, Block 1436, Lot 001, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 10 A.M., for continued hearing.

180-99-BZ

APPLICANT – Michael T. Cetera, AIA, for Geulah, LLC, owner.

SUBJECT – Application June 4, 2010 – Extension of Term of a previously granted Variance (§72-21) for a non-conforming (UG9A) catering establishment which expired on April 4, 2010; waiver of the rules. R6 zoning district.

PREMISES AFFECTED – 564/66 East New York Avenue, south side, 329'-7" east of Brooklyn Avenue, Block 4793, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES –

For Applicant: Michael T. Cetera.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 7, 2010, at 10 A.M., for decision, hearing closed.

APPEALS CALENDAR

366-05-A

APPLICANT – Deirdre A. Carson, for Greenberg Traurig, LLP, for Prospect Terrace, LLC, owner.

SUBJECT – Application August 20, 2010 – Extension of time to complete construction and obtain a Certificate of Occupancy for a previously-granted vesting application under the Common Law which expired on August 22, 2010.

R5 previous zoning districts; R5-B current zoning district. PREMISES AFFECTED – 1638 8th Avenue, east side of Eighth Avenue, between Windsor Place and Prospect Avenue, Block 1112, Lots 52 & 54, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES –

For Applicant: Randell Minor.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previous grant to permit an extension of time to complete construction and obtain a certificate of occupancy for a prior Board determination that the owner of the premises obtained the right to complete construction of a two- and three-story residential building under the common law doctrine of vested rights; and

WHEREAS, a public hearing was held on this appeal on October 10, 2010, after due notice by publication in *The City Record*, and then to decision on November 9, 2010; and

WHEREAS, the site was inspected by Chair Srinivasan; and

WHEREAS, the applicant states that the subject site consists of an 18,422 sq. ft. lot on the east side of Eighth Avenue between Windsor Place and Prospect Avenue; and

WHEREAS, the owner proposes to construct a two- and three-story residential building with a floor area ratio ("FAR") of 1.65; and

WHEREAS, the subject site was formerly located within an R5 zoning district; and

WHEREAS, the proposed building complies with the former zoning district parameters; and

WHEREAS, however, on November 16, 2005 (hereinafter, the "Rezoning Date"), the City Council voted to adopt the "Park Slope South Rezoning," which rezoned the site to R5B; and

WHEREAS, the building does not comply with the R5B district parameters as to the maximum permitted FAR; and

WHEREAS, because DOB did not find that work was completed as of the Rezoning Date, the applicant filed a request to continue construction pursuant to the common law doctrine of vested rights; and

WHEREAS, on August 22, 2006, the Board determined that, as of the Rezoning Date, the owner had undertaken

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substantial construction and made substantial expenditures on the project, and that serious loss would result if the owner was denied the right to proceed under the prior zoning, such that the right to continue construction was vested under the common law doctrine of vested rights; and

WHEREAS, the Board granted the applicant four years to complete construction and obtain a certificate of occupancy, which expired on August 22, 2010; and

WHEREAS, accordingly, the applicant is now seeking an extension of time to complete construction and obtain a certificate of occupancy; and

WHEREAS, the applicant states that the building was not completed by the stipulated date due to financing delays; and

WHEREAS, however, the applicant states that the building is substantially complete and that an extension of time is only necessary in order to complete minor finishing work and obtain a certificate of occupancy; and

WHEREAS, the applicant further states the owner has expended \$7,257,416, or 99.5 percent, out of the \$7,674,610 budgeted for the entire project; and

WHEREAS, in support of this assertion, the applicant submitted the following evidence: photographs of the site evidencing the amount of work completed, an Application and Certification for Payment sheet, and a DOB construction sign-off related to the applicant's pending application for a temporary certificate of occupancy; and

WHEREAS, accordingly, the Board, through this resolution, grants the owner of the site a four-year extension of time to complete construction; and

Therefore it is Resolved that this application to renew DOB Permit No. 301172184, 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 development and obtain a certificate of occupancy for four years from the date of this resolution, to expire on November 9, 2014.

Adopted by the Board of Standards and Appeals, November 9, 2010.

184-10-A

APPLICANT – Deidre Duffy, PE, for Breezy Point Cooperative, Incorporated, owner; Mary James Chimenti, lessee.

SUBJECT – Application September 21, 2010 – Proposed construction not fronting a mapped street, contrary to General City Law Section 36. R4 zoning district.

PREMISES AFFECTED – 20 Olive Walk, West side of Olive Walk, 230.0 feet north of Breezy Point Boulevard. Block 16350, Lot 400. Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Deidre Duffy.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner dated August 3, 2010 acting on Department of Buildings Application No. 420199109, reads in pertinent part:

“A1 – The street giving access to the existing building to be altered and enlarged 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 Art. 3, Sect. 36 of the General City Law;

B) The existing building to be reconstructed and enlarged does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street frontage space contrary to Section 27-291 of the Administrative Code of the City of New York;” and

WHEREAS, a public hearing was held on this application on November 9, 2010 after due notice by publication in the *City Record*, and then to closure and decision on the same date; and

WHEREAS, by letter dated September 29, 2010, the Fire Department states that it has no objection to the subject proposal; and

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

Therefore it is Resolved that the decision of the Queens Borough Commissioner, dated August 3, 2010, acting on Department of Buildings Application No. 420199109, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received September 21, 2010”-one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

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

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

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

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

Adopted by the Board of Standards and Appeals, November 9, 2010.

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43-08-A

APPLICANT – Akerman Senterfitt, for Bell Realty, owner.
SUBJECT – Application February 28, 2008 – Proposed construction in the bed of mapped street contrary to the General City Law Section 35. R2A zoning district.

PREMISES AFFECTED – 144-25 Bayside Avenue, between 29th Road and Bayside Avenue, Block 4786, Lot 41 (tent) 43, 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 December 7, 2010, at 10 A.M., for decision, hearing closed.

3-10-A & 4-10-A

APPLICANT – Akerman Senterfitt, for Bell Realty, owner.
SUBJECT – Application January 5, 2010 – Proposed construction in the bed of mapped street contrary to the General City Law Section 35. R2A zoning district.

PREMISES AFFECTED – 144-25 Bayside Avenue and 29-46 145th Street, between 29th Road and Bayside Avenue, Block 4786, Lot 41 (tent) 48, 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 December 7, 2010, at 10 A.M., for decision, hearing closed.

137-08-A thru 139-08-A

APPLICANT – Philip L. Rampulla, for Joseph Noce, owner.
SUBJECT – Application May 5, 2008 – Proposed construction of a one-family residence within the bed of a legally mapped street, contrary to General City Law Section 35. R1-2 zoning district.

PREMISES AFFECTED – 50, 55, 60 Blackhorse Court, south side of Richmond Road, 176.26’ south of Blackhorse Court, Block 4332, Lots 34, 28, 30, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip L. Rampulla.

For Opposition: Anthony Scaduto, Fire Department.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to December 7, 2010, at 10 A.M., for decision, hearing closed.

121-10-A

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for 25-50 FLB LLC, owner.

SUBJECT – Application July 1, 2010 – An appeal challenging the Department of Buildings determination that a demolition permit signoff was required before issuance of an alteration permit, as per BC 28-105.3 of the NYC Building Code. R2A zoning district.

PREMISES AFFECTED – 25-50 Francis Lewis Boulevard aka 166-43 168th Street, southwest corner of Francis Lewis Boulevard and 168th Street, Block 4910, Lot 16, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Adam Rothkrug.

For Opposition: Amanda Derr of DOB, Marc Bresky, Peter Brancazio.

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 January 11, 2010, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

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**REGULAR MEETING
TUESDAY AFTERNOON, NOVEMBER 9, 2010
1:30 P.M.**

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

ZONING CALENDAR

210-07-BZ

CEQR #08-BSA-016K

APPLICANT – Eric Palatnik, P.C., for Gasper Nogara,
owner.

SUBJECT – Application August 30, 2007 – Variance (§72-
21) to allow for a residential use in a manufacturing district,
contrary to §42-00. M1-1 zoning district.

PREMISES AFFECTED – 15 Luquer Street, Northern side
of Luquer Street between Columbia and Hicks Streets,
Block 513, Lot 44, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough
Commissioner, dated January 10, 2008, acting on Department
of Buildings Application No. 302220111, reads:

“Proposed residential building in M1-1 district
zoning is contrary to ZR 42-00 and requires Board of
Standards and Appeals Approval”; and

WHEREAS, this is an application under ZR § 72-21, to
permit, within an M1-1 zoning district, the proposed
construction of a three-family, four-story residential building
on a vacant lot, contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this
application on May 8, 2010, after due notice by publication in
the *City Record*, with continued hearings on July 13, 2010 and
October 5, 2010, and then to decision on November 9, 2010;
and

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

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

WHEREAS, the subject site is located on the north side
of Luquer Street, between Columbia Street and Hicks Street,
within an M1-1 zoning district; and

WHEREAS, the subject premises has 16'-9" of frontage

along Luquer Street, a depth ranging between 97'-7" and 93'-
10", and a lot area of 1,547 sq. ft.; and

WHEREAS, the site is currently vacant; and

WHEREAS, the applicant proposes to construct a four-
story residential building with ground floor parking and three
dwelling units above, a floor area of 3,896 sq. ft. (2.51 FAR), a
total building height of 43'-0", and a rear yard with first floor
depth of 30'-0" along the western lot line and 26'-2 1/2" along
the eastern lot line, and a rear yard depth greater than 30'-0"
above the first floor; and

WHEREAS, because residential use is not permitted in
the subject M1-1 zoning district, the applicant seeks a use
variance to permit construction of the proposed building; and

WHEREAS, the applicant originally proposed a building
with a floor area of 3,969 sq. ft. (2.57 FAR), a total height of
48 feet, a rear yard with a first floor depth of 25'-7 1/2" along
the western lot line and 21'-10" along the eastern lot line; and

WHEREAS, the applicant represents that the following
are unique physical conditions, which create practical
difficulties and unnecessary hardship in developing the subject
lot in conformance with underlying district regulations: (1) the
lot's narrow width and irregular shape; (2) the location on a
narrow street with on-street parking on both sides; and (3) the
history of development of the site; and

WHEREAS, as to the lot width, the applicant states that
the narrow 16'-9" lot does not allow for floor plates of a
sufficient size to support a conforming manufacturing or
commercial use; and

WHEREAS, additionally, the applicant states that any
manufacturing or contractor's establishment requires loading
areas as well as suitable ground level storage, which cannot be
accommodated on the subject site due to the narrow lot width;
and

WHEREAS, as to the uniqueness of this condition, the
applicant submitted a radius diagram which reflects that the
subject lot is the narrowest lot within a 400-ft. radius of the
site; and

WHEREAS, as to the irregular shape of the lot, the
applicant states that the rear portion of the lot has an inverse
triangular shape which further inhibits the as-of-right floor
plates on the site; and

WHEREAS, as to the location of the site on a narrow
street, the applicant states that while Luquer Street is mapped
to a width of 50 feet, it is only built out to a width of 30 feet;
and

WHEREAS, the applicant states that the width of Luquer
Street is further reduced by the provision for on-street parking
on both sides of the street; and

WHEREAS, the applicant represents that the narrowness
of Luquer Street prevents the type of truck access to the site
that is necessary for a conforming manufacturing or
commercial use; and

WHEREAS, the applicant also submitted photographs
reflecting that there are Department of Transportation signs
posted on Luquer Street which prohibit truck traffic on the
street; thus, the applicant states that the inability to bring trucks
onto this portion of Luquer Street impedes the as-of-right use
of the site; and

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WHEREAS, as to the history of development of the lot, the applicant represents that the site was developed with residential uses from 1904 until 1969, and that the lot has remained vacant since that time; and

WHEREAS, in support of this representation, the applicant submitted Sanborn Maps dating back to 1904; and

WHEREAS, the Board agrees that the unique physical conditions cited above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict conformance with the applicable zoning regulations; and

WHEREAS, the applicant provided a financial analysis for (1) an as-of-right one-story commercial building without parking; (2) an as-of-right two-story office building with four parking spaces at the first floor; (3) an as-of-right three-story office building with four parking spaces at the first floor; (4) a lesser variance scenario depicting a three-story residential building without parking; and (5) the proposed four-story residential building with three parking spaces at the first floor; and

WHEREAS, the study concluded that the as-of-right and lesser variance scenarios would not result in a reasonable return, but that the proposal would realize a reasonable return; and

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

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

WHEREAS, the applicant represents that the character of the surrounding area is a mix of residential, manufacturing, and community facility uses; and

WHEREAS, the applicant submitted a 400-ft. radius diagram reflecting that the subject block consists predominantly of residential uses; and

WHEREAS, the applicant represents that the residential character of the neighborhood is supported by the location of a public school two blocks south of the site, and will be enhanced by a proposed park to be located one block to the east of the site; and

WHEREAS, the applicant notes that the site's history supports the residential use of the site, as it was developed residentially between 1904 and 1969 and has remained vacant since; and

WHEREAS, as to bulk, the 400-ft. radius diagram submitted by the applicant reflects that there is a four-story residential building located directly across Luquer Street from the subject site, and another four-story building located immediately adjacent to the east of the site; and

WHEREAS, the applicant submitted a streetscape which reflects that the proposed building, with a total height of 43'-0", will be lower than the adjacent building, which has a total height of 45'-0"; and

WHEREAS, the applicant notes that the accessory ground floor parking can be exempted from floor area calculations pursuant to ZR § 12-10, which would reduce the FAR from 2.51 to approximately 1.78, making it more consistent with the R5 and R6 districts in the surrounding area; and

WHEREAS, the applicant further notes that the rear of the site will be set back 12'-7 1/2" above the first floor, which will provide additional light and air for the surrounding uses; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is the result of the site's unique physical conditions; and

WHEREAS, as noted above, the applicant originally proposed a building with a floor area of 3,969 sq. ft. (2.57 FAR), a total height of 48 feet, and a rear yard with a depth of 25'-7 1/2" along the western lot line and 21'-10" along the eastern lot line; and

WHEREAS, at the Board's direction, the applicant reduced the building to its current size, with a floor area of 3,896 sq. ft. (2.51 FAR), a total building height of 43'-0", a rear yard with a depth of 30'-0" along the western lot line and 26'-2 1/2" along the eastern lot line, and a rear yard depth greater than 30'-0" above the first floor; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08-BSA-016K dated November 3, 2010; and

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

WHEREAS, the New York City Department of Environmental Protection's ("DEP") Bureau of Environmental Planning and Analysis has reviewed the project for potential hazardous materials and air quality impacts; and

WHEREAS, DEP accepts the May 2009 Remedial Action Plan and the Construction Health & Safety Plan; and

WHEREAS, DEP requested that a Remedial Closure

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Report be submitted to DEP for review and approval upon completion of the proposed project; and

WHEREAS, a site survey and air permits search was conducted for the active industrial/manufacturing facilities for the area within a 400-ft. radius of the proposed project; and

WHEREAS, DEP reviewed the applicant's air quality screening analysis and determined that significant impacts from industrial/manufacturing uses on the proposed project are not anticipated; and

WHEREAS, based on the results of noise monitoring, a minimum of 25 dBA window-wall noise attenuation shall be maintained in order to achieve an interior noise level of 45 dBA; and

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

WHEREAS, accordingly, 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, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings under ZR § 72-21, to permit, within an M1-1 zoning district, the proposed construction of a four-story residential building, contrary to ZR § 42-00; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received October 18, 2010"-(1) sheet and "September 21, 2010" -(12) sheets; and *on further condition*:

THAT the bulk parameters of the proposed buildings shall be as follows: maximum floor area of 3,896 sq. ft. (2.51 FAR); and maximum total height of 43'-0", as illustrated on the BSA-approved plans;

THAT prior to the issuance by DOB of a temporary or permanent Certificate of Occupancy, the applicant or successor shall obtain from DEP a Notice of Satisfaction;

THAT a minimum of 25 dBA of window-wall noise attenuation shall be provided in the subject building; and

THAT substantial construction shall be completed pursuant to ZR § 72-23;

THAT all interior layouts and exits shall be as approved by the Department of Buildings;

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

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

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

Adopted by the Board of Standards and Appeals, November 9, 2010.

6-09-BZ

CEQR #09-BSA-061R

APPLICANT – Rampulla Associate Architects, for Joseph Romano, owner.

SUBJECT – Application January 2, 2009 – Variance (§72-21) to permit the legalization of an existing Automotive Repair Facility (UG 16B), contrary to ZR §32-10. C4-1 (Special South Richmond Development District & Special Growth Management District) zoning district.

PREMISES AFFECTED – 24 Nelson Avenue, south side from the corner of Nelson Avenue & Giffords Glenn, Block 5429, Lot 29 & 31, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES –

For Applicant: Phillip Rampulla.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and

Commissioner Montanez4

Negative: Vice Chair Collins.....1

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated December 23, 2008, acting on Department of Buildings Application No. 510050837, reads in pertinent part:

“The proposed continued use of an automobile repair establishment (Use Group 16) located within a C4-1 zoning district is contrary to Section 32-10 of the Zoning Resolution;” and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site located in a C4-1 zoning district within the Special South Richmond Development District and the Special Growth Management District, the legalization of an existing automobile repair establishment (Use Group 16), which does not conform to district use regulations, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on May 11, 2010, after due notice by publication in *The City Record*, with continued hearings on June 22, 2010, August 3, 2010 and September 14, 2010, and then to decision on November 9, 2010; and

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

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

WHEREAS, Council Member Vincent M. Ignizio recommends approval of this application; and

WHEREAS, State Senator Andrew J. Lanza provided written testimony in support of this application; and

WHEREAS, State Assembly Member Louis R. Tobacco provided written testimony in support of this application; and

WHEREAS, the subject site is located at the southeast

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corner of Giffords Glen and Nelson Avenue, in a C4-1 zoning district within the Special South Richmond Development District and the Special Growth Management District; and

WHEREAS, the site has approximately 105 feet of frontage along Nelson Avenue, 115 feet of frontage along Giffords Glen, and a lot area of 11,064 sq. ft.; and

WHEREAS, the site is currently occupied by a one-story automotive repair establishment, which the applicant proposes to legalize; and

WHEREAS, on June 7, 1955, under BSA Cal. No. 997-54-BZ, the Board granted a variance to permit the construction of a gasoline service station for a term of 15 years; and

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

WHEREAS, on September 22, 1980, the Board extended the term for ten years from February 2, 1981; and

WHEREAS, on October 28, 1986, under BSA Cal. No. 512-83-BZ, the Board dismissed an application pursuant ZR § 73-211 for the legalization of an enlargement to the existing automotive service station, due to lack of prosecution; and

WHEREAS, subsequently, the Board rescinded the variance granted under BSA Cal. No. 997-54-BZ, and on June 23, 1987 the Board approved an application from the Department of Buildings ("DOB"), under BSA Cal. No. 136-87-A, to revoke the certificate of occupancy for the subject site; and

WHEREAS, because the prior variance has expired and Use Group 16 use is not permitted in the subject C4-1 zoning district, the applicant seeks a use variance to legalize the automobile repair establishment; and

WHEREAS, the applicant states that the following are unique physical conditions which create unnecessary hardship and practical difficulties in developing the site with a complying development: (1) the history of use of the site; and (2) the subsurface conditions at the site; and

WHEREAS, as to the history of development at the site, the applicant represents that the subject site has operated as an automotive service establishment since approximately 1955; and

WHEREAS, as noted above, the site was the subject of a Board variance permitting an automotive service station on June 7, 1955, until the variance was rescinded and the certificate of occupancy was revoked on June 23, 1987; and

WHEREAS, the applicant states that after the expiration of the variance, the site continued to operate as an automotive service establishment; and

WHEREAS, the applicant represents that, due to the historic use of the premises as an automotive service establishment, the site has a distinct automotive character and the existing building on the site, which was designed for use as an automotive service establishment, does not lend itself to efficient re-use for an as-of-right commercial use; and

WHEREAS, as to the subsurface conditions at the site, the applicant states that there are 12 550 gallon underground storage tanks located in the middle of the site near the front of the existing building; and

WHEREAS, the applicant states that the underground storage tanks were used to store petroleum products during the

site's previous use as a gasoline service station, but that use of the underground storage tanks was lawfully discontinued in 1982 when all gasoline was removed from the tanks and they were filled with concrete and sealed in compliance with 1982 law; and

WHEREAS, the applicant has submitted evidence reflecting that the underground storage tanks were properly sealed in 1982; and

WHEREAS, the applicant represents that the underground storage tanks may lawfully remain in place if the owner is permitted to maintain the existing automotive service establishment use, but that any new development would necessitate the testing and removal of the underground storage tanks; and

WHEREAS, in support of this representation, the applicant submitted a letter from its environmental consultant stating that a bank loan for new development would require extensive hazardous materials testing of the site and a condition of any loan approval would most likely require the removal of the underground storage tanks; and

WHEREAS, the applicant submitted a financial analysis reflecting that the additional labor and expense associated with the testing and removal of the underground storage tanks is approximately \$215,656; and

WHEREAS, the applicant states that as a result of these additional costs, a conforming development would not be feasible; and

WHEREAS, the Board agrees that the unique physical conditions cited above, when considered in the aggregate, create practical difficulties and unnecessary hardship in developing the site in strict conformance with the applicable zoning regulations; and

WHEREAS, the applicant provided a financial analysis for (1) an as-of-right four-story mixed-use residential/commercial building with five dwelling units; (2) the conversion of the existing building to as-of-right retail use; and (3) the existing and proposed automotive service establishment; and

WHEREAS, the study concluded that the as-of-right scenarios would not result in a reasonable return, but that the proposal would realize a reasonable return; and

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

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

WHEREAS, the applicant represents that the surrounding area consists predominantly of commercial uses; and

WHEREAS, the applicant submitted a 400-ft. radius diagram reflecting that the other uses on the subject block consist of parking facilities and commercial buildings; and

WHEREAS, the applicant notes that the subject site has existed as an automotive service establishment since

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approximately 1955; and

WHEREAS, the applicant states that the subject site is also located directly across the street from the Great Kills train station, and that the subject site has historically provided a convenient location for commuters to drop off their cars for repair in the morning before boarding the train to work; and

WHEREAS, at hearing, the Board directed the applicant to remove the two curb cuts closest to the intersection of Giffords Glen and Nelson Avenue, to extend the planting area along the perimeter of the site, and to re-configure the parking layout on the site to improve vehicle circulation; and

WHEREAS, in response, the applicant submitted a revised site plan reflecting the removal of the two curb cuts closest to the intersection, an extended planting along the northern, eastern and southern boundaries of the site, and a revised parking layout; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title, but is the result of the site's unique physical conditions; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 09-BSA-061R, dated December 10, 2008; and

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

WHEREAS, 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 under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site located in a C4-1 zoning district

within the Special South Richmond Development District and the Special Growth Management District, the legalization of an existing automobile repair establishment (Use Group 16), which does not conform to district use regulations, contrary to ZR § 32-10; *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 April 21, 2010' –(2) sheets and 'October 22, 2010' – (1) sheet; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: a total floor area of 2,643 sq. ft. (0.23 FAR); a total height of 15'-6"; and six parking spaces, as illustrated on the BSA-approved plans;

THAT the term of this grant shall expire on November 9, 2020;

THAT landscaping shall be provided as per the BSA-approved plans;

THAT the two curb cuts closest to the intersection of Giffords Glen and Nelson Avenue shall be removed, as per the BSA-approved plans;

THAT no sale of cars shall take place on the site;

THAT the signage on the site shall comply with C4 district regulations;

THAT there shall be no public parking on the site;

THAT the hours of operation shall be: Monday through Friday, from 7:00 a.m. to 6:00 p.m.; Saturday, from 7:00 a.m. to 4:00 p.m.; and closed on Sunday;

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

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

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

THAT 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, November 9, 2010.

39-10-BZ

APPLICANT – Eric Palatnik, P.C., for Shiranian Nizi, owner.

SUBJECT – Application March 22, 2010 – Variance (§72-21) for the legalization of a single-family home, contrary to side yards (§23-461). R-5 zoning district.

PREMISES AFFECTED – 2032 East 17th Street, East 17th Street and Avenue T, Block 7321, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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Affirmative: Chair Srinivasan, Vice Chair Collins,
Commissioner Ottley-Brown, Commissioner Hinkson and
Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough
Commissioner, dated August 16, 2010, acting on Department
of Buildings Application No. 302156299, reads in pertinent
part:

“Proposed partial legalization of existing structure is
contrary to ZR Section 23-461 and therefore a
variance is required as per ZR 72-21;” and

WHEREAS, this is an application under ZR § 72-21, to
permit, in an R5 zoning district, the proposed construction and
partial legalization of a two-story single-family home that does
not provide the required side yards, contrary to ZR § 23-461;
and

WHEREAS, a public hearing was held on this
application on July 13, 2010, after due notice by publication in
The City Record, with continued hearings on August 24, 2010,
September 21, 2010 and October 19, 2010, and then to decision
on November 9, 2010; and

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

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

WHEREAS, an adjacent neighbor provided oral
testimony in opposition to the application; and

WHEREAS, the site is located on the west side of East
17th Street between Avenue T and Avenue U, within an R5
zoning district; and

WHEREAS, the site has a width of 20 feet, a depth of
100 feet, and a total lot area of approximately 2,000 sq. ft.; and

WHEREAS, the site is currently occupied by a partially
constructed two-story single-family home; and

WHEREAS, the applicant proposes to legalize and
complete construction of the two-story single-family home; and

WHEREAS, the proposed home will have the
following complying parameters: 2,259 sq. ft. of floor area
(1.02 FAR); an open space of 60 percent; a lot coverage of
40 percent; a front yard with a depth of 18’-0’’; a rear yard
with a depth of 30’-0’’; a wall height of 23’-1’’; and a total
height of 34’-0’’; and

WHEREAS, however, the applicant proposes to provide
a side yard with a width of 2’-0’’ along the southern lot line,
and a side yard with a width of 1’-6 ½’’ along the northern lot
line, (side yards with minimum widths of 5’-0’’ each are
required); and

WHEREAS, the applicant has provided documentation
establishing that the subject lot is an undersized lot pursuant to
ZR § 23-32; and

WHEREAS, the Board notes that ZR § 23-33 eliminates
lot area and width requirements for single family homes in an
R5 zoning district where the zoning lot was owned separately
and individually from all adjoining tracts of land both on
December 15, 1961 and on the date of the application for a

building permit; and

WHEREAS, the applicant submitted documentation from
a title agency reflecting that the site has existed in its current
configuration since before December 15, 1961 and its
ownership has been independent of the ownership of the two
adjoining lots; and

WHEREAS, the Board notes that ZR § 23-33 would
eliminate a lot area and width requirement for a single-family
home, but not the side yard objection; and

WHEREAS, the applicant states that side yard relief is
necessary, for reasons stated below; thus, the instant
application was filed; and

WHEREAS, the applicant states that the following are
unique physical conditions which create practical difficulties
and unnecessary hardship in developing the subject site in
compliance with underlying district regulations: the narrowness
of the subject site and its history of development; and

WHEREAS, the applicant represents that the requested
side yard waiver is necessary to develop the site with a
habitable home; and

WHEREAS, specifically, the applicant represents that the
pre-existing lot width of 20’-0’’ cannot feasibly accommodate a
complying development; and

WHEREAS, the applicant states that if both required side
yards were provided, the building would have an exterior width
of only 10’-0’’, which would result in narrow and inefficient
floor plates; and

WHEREAS, accordingly, the applicant represents that
the side yard waiver is necessary to create a home of a
reasonable width; and

WHEREAS, the applicant submitted a study of the
surrounding lots reflecting that of the 116 lots in the study area,
35 have lot widths of 20’-0’’ or less, but only five such lots do
not have an adjacent zero lot line building, such that they
would have to be developed with a detached home comparable
to the subject site; and

WHEREAS, the lot study submitted by the applicant
further reflects that the subject site is the only vacant property
with a lot width of 20’-0’’ or less within the study area, as the
five comparable lots in the study area are all improved upon
with existing buildings that are non-compliant with respect to
side yards; thus, the subject site is the only undersized lot in the
study area that is subject to the full extent of the R5 district
yard regulations; and

WHEREAS, the applicant states that the requested side
yard relief would provide the subject site with side yards
comparable in width to the other detached homes on the subject
block; and

WHEREAS, as to the history of development, the
applicant states that the owner began the proposed construction
at the site pursuant to an Alteration permit issued on May 16,
2006, which involved an as-of-right enlargement to the existing
home on the site, including the maintenance of the pre-existing
side yards of 2’-0’’ and 1’-6 ½’’, respectively; and

WHEREAS, the applicant states that during construction
it was determined that the exterior walls of the home were in
poor condition and had to be removed; as a result, the side
yards were no longer considered to be pre-existing, and became

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a non-complying condition; and

WHEREAS, the applicant further states that, despite the need to remove the exterior walls of the home, the existing partially-completed home shares the same foundation system as the previously existing home, and therefore has maintained the previously existing side yards of 2'-0" and 1'-6 1/2", respectively; and

WHEREAS, the Board notes that the applicant originally sought relief from the Board by means of a special permit pursuant to ZR § 73-622, but that the applicant determined that it was unable to satisfy the special permit findings and subsequently withdrew that application and filed the subject application under ZR § 72-21; 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 side yard regulations; and

WHEREAS, the Board has determined that because of the subject site's unique physical condition, 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 submitted a radius diagram reflecting that the surrounding neighborhood is characterized by single-family homes; and

WHEREAS, the applicant notes that the proposed bulk is compatible with nearby residential development and that that it complies with all relevant bulk regulations other than side yards; and

WHEREAS, specifically, the applicant notes that the proposed home complies with the R5 zoning district regulations for FAR, open space, lot coverage, front and rear yards, and height; and

WHEREAS, the lot study submitted by the applicant reflects that the other sites in the study area occupied by detached single-family homes with a lot width of 20'-0" or less have comparable side yard widths; 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, the applicant states that the unnecessary hardship encountered by compliance with the zoning regulations is inherent to the site's narrow width; 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, at hearing, the Board directed the applicant to explore a lesser variance scenario which did not utilize the pre-existing foundation on the site and provided greater side yard relief; and

WHEREAS, in response, the applicant submitted an analysis of a home which does not utilize the pre-existing foundation and provides side yards of 3'-0" each; and

WHEREAS, the applicant states that the resulting home would not be feasible because it would have an exterior width

of only 14'-0" and an even more narrow interior width with inefficient floor plates and an inefficient layout; further, such a proposal would result in the need to remove the existing foundation at a cost of approximately \$78,500; and

WHEREAS, the Board finds that this proposal, which complies with all zoning regulations except for side yards 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, in an R5 zoning district, the proposed construction and partial legalization of a two-story single-family home that does not provide the required side yards, contrary to ZR § 23-461; *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 5, 2010"– (15) sheets; and *on further condition*:

THAT the parameters of the proposed building shall be as follows: a maximum of 2,259 sq. ft. of floor area (1.02 FAR), a side yard with a width of 2'-0" along the southern lot line; a side yard with a minimum width of 1'6 1/2" along the northern lot line; a front yard with a depth of 18'-0"; a rear yard with a depth of 30'-0"; a wall height of 23'-1"; a total height of 34'-0"; and parking for one car, as per the BSA-approved plans;

THAT the internal floor layouts on each floor of the proposed building shall be subject to DOB review and approval;

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 substantial construction shall be completed pursuant to 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, November 9, 2010.

91-10-BZ

APPLICANT – Eric Palatnik, P.C., for Lawrence Kimel, owner.

SUBJECT – Application May 17, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to open space, lot coverage and floor area (§23-141); side yard (§23-461); rear yard (§23-47) and perimeter wall height (§23-631). R3-1 zoning district.

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PREMISES AFFECTED –123 Coleridge Street, south of Hampton Street, Block 8735, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated April 16, 2010, acting on Department of Buildings Application No. 310126510, reads in pertinent part:

- “1. Proposed floor area is contrary to ZR 23-141.
2. Proposed open space ratio is contrary to ZR 23-141.
3. Proposed lot coverage is contrary to ZR 23-141.
4. Proposed side yard is contrary to ZR 23-461.
5. Proposed rear yard is contrary to ZR 23-47.
6. Proposed perimeter wall height is contrary to ZR 23-631;” and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, in an R3-1 zoning district, the proposed legalization and enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, rear yard and perimeter wall height contrary to ZR §§ 23-141, 23-461, 23-47 and 23-631; and

WHEREAS, a public hearing was held on this application on August 3, 2010, after due notice by publication in *The City Record*, with continued hearings on September 14, 2010 and October 19, 2010, and then to decision on November 9, 2010; and

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

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

WHEREAS, representatives of the Manhattan Beach Community Group provided written and oral testimony in opposition to this application (hereinafter, the “Opposition”); and

WHEREAS, the subject site is located on the east side of Coleridge Street between Hampton Avenue and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the subject site has a total lot area of 6,000 sq. ft., and is occupied by a single-family home with a floor area of 3,665 sq. ft. (0.61 FAR); and

WHEREAS, the applicant states that the subject home was enlarged to its current floor area in 2009; the applicant now proposes to legalize the previous enlargement and construct an additional enlargement of the subject home; and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant seeks an increase in the floor area from 3,665 sq. ft. (0.61 FAR) to 5,049 sq. ft. (0.84 FAR); the maximum permitted floor area is 3,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space of 63 percent (65 percent is the minimum required); and

WHEREAS, the applicant proposes to provide a lot coverage of 37 percent (35 percent is the maximum permitted); and

WHEREAS, the applicant proposes to maintain the existing non-complying side yard with a width of approximately 4’-9” along the southern lot line (two side yards with a minimum width of 5’-0” each are required); and

WHEREAS, the proposed enlargement will maintain the existing rear yard with a depth of approximately 21’-3” (a minimum rear yard depth of 30’-0” is required); and

WHEREAS, the applicant proposes to maintain the existing non-complying perimeter wall height of approximately 23’-9” (a maximum perimeter wall height of 21’-0” is permitted); and

WHEREAS, at hearing, the Board directed the applicant to provide evidence that the current perimeter wall height was existing prior to the owner’s previous enlargement of the home; and

WHEREAS, in response, the applicant provided photographs of the home prior to the construction of the previous enlargement, which reflect that the previously existing perimeter wall height has been maintained; and

WHEREAS, the Opposition contends that the Board should deny the application because the prior enlargement of the home was performed illegally; and

WHEREAS, the Board notes that when an applicant satisfies the findings pursuant to ZR § 73-622, there is no legal basis to deny the special permit merely because it is a partial legalization rather than entirely new construction; and

WHEREAS, the Opposition further contends that the applicant failed to address an objection issued by DOB regarding the proposed attic at the site; and

WHEREAS, in response, the applicant notes that it submitted a reconsideration issued by DOB on March 17, 2010, resolving the attic issue; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

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

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outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-622 and 73-03.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622 and 73-03, to permit, within an R3-1 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, rear yard and perimeter wall height, contrary to ZR §§ 23-141, 23-461, 23-47 and 23-631; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received August 24, 2010"-(12) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of approximately 5,049 sq. ft. (0.84 FAR); a minimum open space of 63 percent; a maximum lot coverage of 37 percent; a side yard with a minimum width of approximately 4'-9" along the southern lot line; a side yard with a width of 8'-6" along the northern lot line; a rear yard with a minimum depth of approximately 21'-3"; and a maximum perimeter wall height of approximately 23'-9", as illustrated on the BSA-approved plans;

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

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

THAT substantial construction be completed in accordance with ZR § 73-70; and

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

Adopted by the Board of Standards and Appeals, November 9, 2010.

129-10-BZ

CEQR #11-BSA-005Q

APPLICANT – Andrea M. Harris, for Paul Trinchese, owner; Gustavo Larrea, lessee.

SUBJECT – Application July 16, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Traditional Karate America*). M1-2 zoning district.

PREMISES AFFECTED – 98-18 103rd Avenue, cross street of 103rd Avenue and 99th Street, Block 9121, Lot 9, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Andrea M. Harris.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Superintendent, dated July 15, 2010, acting on Department of Buildings Application No. 420006567, reads in pertinent part:

"Proposed change of use to physical culture establishment is contrary to ZR 42-10 and not permitted as of right in M1-2 zoning district and must be referred to the BSA for approval pursuant to ZR 73-36;" and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within an M1-2 zoning district, the legalization of a physical culture establishment (PCE) at the first floor of a one-story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on October 19, 2010, after due notice by publication in *The City Record*, and then to decision on November 9, 2010; and

WHEREAS, Community Board 9, Queens, recommends approval of this application, with the condition that the term be limited to five years and the use of the site be restricted to activities associated with the karate school; and

WHEREAS, the subject site is located on the southwest corner of 99th Street and 103rd Avenue, within an M1-2 zoning district; and

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

WHEREAS, the PCE will occupy the entire first floor of the subject building, with a total floor area of 3,504 sq. ft.; and

WHEREAS, the PCE will be operated as Traditional Karate America; and

WHEREAS, the proposed hours of operation are: Monday through Friday, from 9:00 a.m. to 9:00 p.m.; and Saturday and Sunday, from 8:00 a.m. to 3:00 p.m.; and

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

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

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and

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operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

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

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

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

WHEREAS, the Board notes that the PCE has been in operation since January 2, 2009, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between January 2, 2009 and the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 11BSA005Q, dated June 25, 2010; and

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-2 zoning district, the operation of a physical culture establishment at the first floor of a one-story commercial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 22, 2010"- (2) sheets; "Received September 20, 2010"- (1) sheet and *on further condition*:

THAT the term of this grant shall expire on January 2, 2019;

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, November 9, 2010.

131-10-BZ
CEQR #11-BSA-007M

APPLICANT – The Law Office of Fredrick A. Becker, for 841-853 Broadway Associates, owner; Jivamukti Yoga Center, lessee.

SUBJECT – Application July 21, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture establishment (*Jivamukti Yoga Studio*). C6-4 (US)/C6-1 zoning districts.

PREMISES AFFECTED – 841 Broadway, northwest corner of Broadway and East 13th Street, Block 565, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Fredrick A. Becker.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Superintendent, dated September 24, 2010, acting on Department of Buildings Application No. 120372596, reads in pertinent part:

“Proposed ‘physical culture establishment’ is not a permitted use in a C6-1/C6-4 zone and requires a special permit from the Board of Standards and Appeals;” and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located partially within a C6-1 zoning district and partially in a C6-4 zoning district

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within the Special Union Square District, the legalization of a physical culture establishment (PCE) at the second floor of an eight-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on October 19, 2010 after due notice by publication in *The City Record*, and then to decision on November 9, 2010; and

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

WHEREAS, the subject site is located on the northwest corner of Broadway and East 13th Street, partially within a C6-1 zoning district and partially in a C6-4 zoning district within the Special Union Square District; and

WHEREAS, the site is occupied by an eight-story commercial building; and

WHEREAS, the PCE will occupy 9,822 sq. ft. of floor area on the second floor of the subject building; and

WHEREAS, the PCE will be operated as Jivamukti Yoga Center; and

WHEREAS, the proposed hours of operation are: Monday through Friday, from 7:00 a.m. to 11:00 p.m.; and Saturday and Sunday, from 9:00 a.m. to 8:00 p.m.; and

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

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

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

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

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

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

WHEREAS, the Board notes that the PCE has been in operation since June 1, 2006, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant shall be reduced for the period of time between June 1, 2006 and the date of this grant; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 11BSA007M, dated July 21, 2010; and

WHEREAS, the EAS documents that the operation of

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

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

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

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site partially within a C6-1 zoning district and partially in a C6-4 zoning district within the Special Union Square District, the operation of a physical culture establishment at the second floor of an eight-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received October 14, 2010"- (3) sheets; and *on further condition*:

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

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

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, November 9, 2010.

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152-10-BZ

APPLICANT – Peter Poruczynski, RA, for Jeannie Kontopirakis, owner.

SUBJECT – Application August 17, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage §23-141. R2 zoning district.

PREMISES AFFECTED – 158 85th Street, 85th Street frontage. Block 6032, Lot 31. Borough of Brooklyn.

COMMUNITY BOARD #10BK

APPEARANCES –

For Applicant: Peter Zaharatos.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 23, 2010, acting on Department of Buildings Application No. 320168475, reads in pertinent part:

“Proposed plans are contrary to ZR 23-141 in that proposed building exceeds maximum permitted floor area ratio.

Proposed plans are contrary to ZR 23-141 in that the proposed open space is less than the minimum required open space.

Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceeds the maximum permitted lot coverage;” and

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

WHEREAS, a public hearing was held on this application on October 19, 2010, after due notice by publication in *The City Record*, and then to decision on November 9, 2010; and

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

WHEREAS, Community Board 10, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of 85th Street between Colonial Road and Ridge Boulevard, within an R2 zoning district; and

WHEREAS, the subject site has a total lot area of 5,000 sq. ft., and is occupied by a single-family home with a floor area of 2,332 sq. ft. (0.46 FAR); and

WHEREAS, the premises is within the boundaries of a designated area in which the subject special permit is available; and

WHEREAS, the applicant seeks an increase in the

floor area from 2,332 sq. ft. (0.46 FAR) to 2,592 sq. ft. (0.52 FAR); the maximum permitted floor area is 2,500 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space of 72 percent (75 percent is the minimum required); and

WHEREAS, the applicant proposes to provide a lot coverage of 28 percent (25 percent is the maximum permitted); and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-622 and 73-03.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR §§ 73-622 and 73-03, to permit, within an R2 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for FAR, open space and lot coverage, contrary to ZR § 23-141; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received September 29, 2010”-(7) sheets and “October 26, 2010”-(1) sheet; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 2,592 sq. ft. (0.52 FAR); an open space of 72 percent; a lot coverage of 28 percent; a total height of 33’-8”; a front yard with a depth of 22’-2”; a side yard with a width of 5’-11” along the eastern lot line; a side yard with a width of 6’-4” along the western lot line; and a rear yard with a depth of 33’-6”, 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 objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

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

THAT substantial construction be completed in accordance with ZR § 73-70; and

THAT the Department of Buildings must ensure

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

Adopted by the Board of Standards and Appeals, November 9, 2010.

277-07-BZ

APPLICANT – Miele Associates, LLP, for Barnik Associates LLC & Lama Holdings, LLC, owner.

SUBJECT – Application December 3, 2007 – Variance (§72-21) for the development of a one-story automotive service station with accessory convenience store, contrary to §22-10. R3-1 zoning district.

PREMISES AFFECTED – 165-35 North Conduit Avenue, North west corner of North Conduit Avenue & Guy R, Brewer Boulevard. Block 12318, Lot 10, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Joel Miele, Hiram Rothkrug, Robert Pauls, Adam DeGerling and Walter Beringer.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for continued hearing.

31-09-BZ

APPLICANT – Eric Palatnik, PC, for R & R Auto Repair & Collision, owner.

SUBJECT – Application February 27, 2009 – Special Permit (§11-411, §11-412, §11-413) for re-instatement of previous variance, which expired on November 12, 1990; amendment for a change of use from a gasoline service station (UG16b) to automotive repair establishment and automotive sales (UG16b); enlargement of existing one story structure; and Waiver of the Rules. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 117-04 Sutphin Boulevard, southwest corner of Foch Boulevard, Block 1203, Lot 13, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Eric Palatnik and Angelo Graci.

ACTION OF THE BOARD – Laid over to December 14, 2010 at 1:30 P.M., for continued hearing.

194-09-BZ

APPLICANT – Sheldon Lobel, P.C., for Dabes Realty Company, Incorporated, owner.

SUBJECT – Application June 17, 2009 – Variance to allow the construction of a four story mixed use building contrary to floor area (§23-141), open space (§23-141), lot coverage (§23-141), front yard (§23-45), height (§23-631), open space used for parking (§25-64) and parking requirements (§25-23); and to allow for the enlargement of an existing commercial use contrary to §22-10. R3-2 zoning district.

PREMISES AFFECTED – 2113 Utica Avenue, 2095-211 Utica Avenue, East side of Utica Avenue between Avenue M and N, Block 7875, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD # 18BK

APPEARANCES –

For Applicant: Josh Rhinesmith.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for adjourned hearing.

35-10-BZ

APPLICATION – Sheldon Lobel, PC for Yuriy Pirov, owner.

SUBJECT – Application March 22, 2010 – Variance (§72-21) to permit the legalization of an existing synagogue (*Congregation Torath Haim Ohel Sara*), contrary to front yard (§24-34), side yard (§24-35) and rear yard (§24-36). R4 zoning district.

PREMISES AFFECTED – 144-11 77th Avenue, approximately 65 feet east of the northeast corner of Main Street and 77th Avenue. Block 6667, Lot 45, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for continued hearing.

60-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Soho Thompson Realty, LLC, owner.

SUBJECT – Application April 26, 2010 – Variance (§72-21) to allow a commercial use below the floor level of the second story, contrary to §42-14(D)(2)(b). M1-5B zoning district.

PREMISES AFFECTED – 54 Thompson Street, northeast corner of Thompson Street and Broome Street, Block 488, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Richard Lobel and Robert Pauls.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for decision, hearing closed.

66-10-BZ

APPLICANT – Eric Palatnik, P.C., for Yury, Aleksandr, Tatyana Dreysler

SUBJECT – Application May 3, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (23-141) and side yards (23-461). R3-1 zoning district.

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PREMISES AFFECTED – 1618 Shore Boulevard, South side of Shore Boulevard between Oxford and Norfolk Streets. Block 8757, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for deferred decision.

92-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Lancaster Incorporated, owners.

SUBJECT – Application May 20, 2010 – Variance (§72-21) to allow for the construction of an elevator in an existing residential building, contrary to floor area, open space (§23-142) and court regulations (§§23-85, 23-87). R7-2 zoning district.

PREMISES AFFECTED – 39 East 10th Street, north side of 10th Street, between University Place and Broadway, Block 562, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

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

ACTION OF THE BOARD – Laid over to December 14, 2010, at 1:30 P.M., for decision, hearing closed.

140-10-BZ thru 147-10-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Edward Lauria, owner.

SUBJECT – Application August 9, 2010 – Variance (§72-21) to allow four single-family homes on a zoning lot that does not meet the minimum lot width requirements (§23-32), and waiver to the General City Law, Section 36, for development not fronting a mapped street. R1-2 (NA-1) zoning district.

PREMISES AFFECTED – 160, 170, 181, 191, Edinboro Road, south of Meisner Avenue, east of intersection Lighthouse Avenue and Edinboro Road, Block 2267, Lot 55(tent), 50, 197, 168, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Todd Dale and Edward Lauria.

ACTION OF THE BOARD – Laid over to December 14, 2010, at 1:30 P.M., for continued hearing.

151-10-BZ

APPLICANT – Sheldon Lobel, P.C. for Profile Enterprises, LP, owner; Bamboo Garden Spa, Incorporated, lessee.

SUBJECT – Application August 16, 2010 – Special Permit (§73-36) to legalize the operation of a physical culture

establishment (*Bamboo Garden Spa*). M1-6 zoning district.
PREMISES AFFECTED – 224 West 35th Street, South side of West 35th Street, 225 feet west of Seventh Avenue. Block 784, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Josh Rinesmith.

For Opposition: Layla Law-Gisiko of CB 5M.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for continued hearing.

175-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Leemilt's Petroleum, Inc., owner.

SUBJECT – Application September 1, 2010 – Special Permit (§11-411) for an Extension of Term of a previously approved Automotive Service Station (UG 16B) which expired on December 18, 2001; Extension of Time to obtain a certificate of occupancy which expired on September 21, 1994; Waiver of the Rules of Practice and Procedures. R4 zoning district.

PREMISES AFFECTED – 3400 Baychester Avenue, Norhteast corner of Baychester and Tillotson Avenue, Block 5257, Lot 47, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to December 7, 2010, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.