
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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

Volume 96, Nos. 9-10

March 10, 2011

DIRECTORY

MEENAKSHI SRINIVASAN, *Chair*

CHRISTOPHER COLLINS, *Vice-Chair*

DARA OTTLEY-BROWN

SUSAN M. HINKSON

EILEEN MONTANEZ

Commissioners

Jeffrey Mulligan, *Executive Director*

Becca Kelly, *Counsel*

OFFICE -	40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD -	40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @	http://www.nyc.gov/html/bsa/home.html

TELEPHONE - (212) 788-8500
FAX - (212) 788-8769

CONTENTS

DOCKET	122
CALENDAR of March 15, 2011	
Morning	123
Afternoon	124

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, March 1, 2011**

Morning Calendar125

Affecting Calendar Numbers:

55-45-BZ 51 Kingsland Avenue, Brooklyn
217-96-BZ 165-01 Northern Boulevard, Queens
10-99-BZ 300 West Service Road, Staten Island
93-00-BZ 19 West 44th Street, Manhattan
328-04-BZ 108 Franklin Avenue, aka 108-110 Franklin Avenue, Brooklyn
881-59-BZ 15 Vandam Street, Manhattan
164-60-BZ 100-20 Metropolitan Avenue, Queens
197-00-BZ 420 Lexington Avenue, Manhattan
276-02-BZ 160 Norfolk Street, Brooklyn
215-06-BZ 202-06 Hillside Avenue, Queens
236-07-BZ 53-65 Hope Street, Brooklyn
155-80-A 75-72 185th Street, aka 184-17 Union Turnpike, Queens
116-10-BZY 35-16 Astoria Boulevard, Queens
154-10-A 540 Bedford Avenue, Brooklyn
189-10-A 127-131 West 25th Street, Manhattan
201-10-BZY 180 Orchard Street, Manhattan

Afternoon Calendar132

Affecting Calendar Numbers:

6-10-BZ 2147 Mill Avenue, Brooklyn
182-10-BZ 1082 East 23rd Street, Brooklyn
187-07-BZ 4677 Hylan Boulevard, Staten Island
194-09-BZ 2113 Utica Avenue, 2095-211 Utica Avenue, Brooklyn
304-09-BZ 75-121 Junius Street, Brooklyn
90-10-BZ 58-06 Springfield Boulevard, Queens
156-10-BZ thru
 164-10-BZ 1204/08/14/20/26/32/64/70/76 37th Street, Brooklyn
165-10-BZ thru
 172-10-BZ 1304/10/16/22/28/34/62/68 37th Street, Brooklyn
175-10-BZ 3400 Baychester Avenue, Bronx
183-10-BZ 873 Belmont Avenue, aka 240 Milford Street, Brooklyn
186-10-BZ 400-424 East 34th Street, aka 522-566 & 596-600 First Avenue, Manhattan
197-10-BZ thru
 199-10-BZ 59, 63 & 67 Fillmore Street, Staten Island
227-10-BZ 204-12 Northern Boulevard, Queens

DOCKET

New Case Filed Up to March 1, 2010

17-11-BZ

2255 East 2nd Street, East side of East 2nd Street, approximately 145 feet south of Gravesend Neck Road., Block 7154, Lot(s) 71 & 72, Borough of **Brooklyn, Community Board: 15**. Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area, lot coverage and open space §23-141(b) and less than the required rear yard §23-47. R4/OP zoning district. R4/OP district.

18-11-BZ

1025 East 22nd Street, East side of East 22nd Street between Avenue I and Avenue J., Block 7586, Lot(s) 26, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space §23-141; side yards §23-461 and less than the required rear yard §23-47. R-2 zoning district. R2 district.

19-11-BZ

1271 East 24th Street, East side of East 24th Street between Avenue L and Avenue M., Block 7642, Lot(s) 15, Borough of **Brooklyn, Community Board: 14**. Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space §23-141; side yards §23-461 and less than the required rear yard §23-47. R-2 zoning district. R2 district.

20-11-BZ

30 West 18th Street, Soysterly side of West 18th Street, 435' westerly of 5th Avenue., Block 819, Lot(s) 59, Borough of **Manhattan, Community Board: 5**. Special Permit (73-36) to allow the proposed physical culture establishment. C6-4A district.

21-11-BZ

1810 Voorhies Avenue, South side of Voorhies Avenue, between East 19th Street and Sheepheads Bay Road., Block 8772, Lot(s) 3, Borough of **Brooklyn, Community Board: 15**. Special Permit (73-44) to permit the reduction in required parking for an ambulatory or diagnostic treatment facility. C1-2/R4 zoning district. C1-2/R-4 district.

22-11-BZ

184 North 8th Street, Between Driggs & Bedford Avenues., Block 2320, Lot(s) 16, Borough of **Brooklyn, Community Board: 1**. Variance to permit the conversion of a warehouse, contrary to use regulations. R6B 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

MARCH 15, 2011, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 15, 2011, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

516-75-BZ

APPLICANT – Tarter Krinsky & Drogin, LLP, for Vertical Projects LLC, owner; MP Sports Club Upper Eastside LLC, lessee.

SUBJECT – Application December 17, 2010 – Amendment of a previously approved variance (72-21) which permitted the operation of a Physical Culture Establishment (PCE) (*The Sports Club/LA*) to operate within a building that had received a variance regarding bulk. The amendment seeks to increase the "PCE" space from 100,272 square feet to 101,646 square feet and reflect a change in operator for the PCE; Extension of Term for the "PCE" which expired on October 17, 2010; Extension of Time to obtain a Certificate of Occupancy which expired on October 17, 2002; Waiver of the Rules of Practice and Procedure. C8-4 zoning district.

PREMISES AFFECTED – 330 East 61st Street aka 328 East 61st Street, between First Avenue and ramp of Queensboro Bridge (NYS Route 25), Block 1435, Lots 16 & 37, Borough of Manhattan.

COMMUNITY BOARD #8M

866-85-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for Anne Marie Cicciu Incorporated, owner.

SUBJECT – Application October 19, 2010 – Extension of Term of a previously granted Variance (§72-21) for the continued operation of a UG8 open parking lot and storage of motor vehicle which expired on May 12, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on November 23, 2000; Waiver of the Rules. R7-1 zoning district.

PREMISES AFFECTED – 2338 Cambreleng Avenue, east side of 2338 Cambreleng Avenue, 199.25' south of intersection of Cambreleng Avenue and Crescent Avenue, Block 3089, Lot 22, Borough of Bronx.

COMMUNITY BOARD #6BX

216-97-BZ

APPLICANT – Moshe M. Friedman, for King Carroll LLC, owner; Dr. Rosen M.D., lessee.

SUBJECT – Application December 28, 2010 – Pursuant to ZR §11-412 an Amendment to a previously granted special permit to convert UG2 cellar storage space to additional UG4 medical offices in an existing four story residential

building, R-2 zoning district.

PREMISES AFFECTED – 1384 Carroll Street aka 352 Kingston Avenue, south side of Carroll Street and Kingston Avenue, Block 1292, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #9BK

11-00-BZ

APPLICANT – Rothkrug, Rothkrug & Spector, LLP, for 601 Associates LLC, owner; Harbor Fitness Park Slope Incorporated, lessee.

SUBJECT – Application November 3, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (*Harbor Fitness*) in the cellar and first floor of an existing mixed use (commercial/residential) building which expired on October 3, 2010; Amendment for the increase in hours of operation. C4-3A/R6B zoning district.

PREMISES AFFECTED – 550 5th Avenue, northwest corner of 5th Avenue and 15th Street, Block 1041, Lot 43(1001), Borough of Bronx.

COMMUNITY BOARD #7BX

APPEALS CALENDAR

17-05-A

APPLICANT – Sheldon Lobel, P.C., for GRA V LLC, owner.

SUBJECT – Application February 15, 2011 – Application to reopen pursuant to a court remand for a determination of whether the property owner has established a common law vested right to continue construction under the prior R6 zoning district

PREMISES AFFECTED – 3329 Giles Place, west side of Giles Place between Canon Place and Fort Independence Street, Block 3258, Lots 5 & 7, Borough of Bronx.

COMMUNITY BOARD #8BX

222-10-A

APPLICANT – Laleh Hawa, for Yaelle Yoran –Wastin, owner.

SUBJECT – Application December 6, 2010 – An appeal challenging a determination of Department of Buildings revoking a permit that allowed a curb cut in violation of Section 25 -321 of the Administrative Code which requires Landmark Approval. R6B Zoning district

PREMISES AFFECTED – 97 Saint Marks Avenue, 392' west of Saint Marks Avenue and Carlton Avenue, Block 1143, Lot 80, Borough of Brooklyn.

COMMUNITY BOARD #8BK

CALENDAR

MARCH 15, 2011, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 15, 2011, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

119-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Samson and Rivka Molinsky, owners.

SUBJECT – Application June 28, 2010 – Variance (§72-21) to allow the legalization for the enlargement of a residential building, contrary to front yard (23-45) and height (23-631) regulations. R2X zoning district.

PREMISES AFFECTED – 787 Cornaga Avenue, southwest corner of Cornaga Avenue and Mador Court, Block 15571, Lot 133, Borough of Queens.

COMMUNITY BOARD #14Q

196-10-BZ

APPLICANT – James Chin & Associates, LLC, for Turtle Bay Inn, LLC., owner.

SUBJECT – Application October 25, 2010 – Variance (ZR §72-21) to allow for a commercial use in a residential zone, contrary to ZR §22-00. R8B zoning district.

PREMISES AFFECTED – 234 East 53rd Street, mid-block parcel located on the south side of 53rd Street, between 2nd and 3rd Avenue, Block 1326, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #6M

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 1, 2011
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

55-45-BZ

APPLICANT – Walter C. Maffei, AIA, for Donato Passarella, owner.

SUBJECT – Application August 31, 2010 – Extension of Term (§11-411) for an existing Gasoline Service Station (*Spirit*) which expired on February 27, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on May 2, 2001; waiver of the rules. C2-4/R6B zoning district. PREMISES AFFECTED – 51 Kingsland Avenue, Woodpoint Road, Frost Street, Block 2866, Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Karen Foster.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term for the continued operation of a gasoline service station (Use Group 16), and an extension of time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on December 14, 2010, after due notice by publication in *The City Record*, with a continued hearing on February 1, 2011, and then to decision on March 1, 2011; and

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

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

WHEREAS, the site is located on a corner lot bounded by Kingsland Avenue to the east and Woodpoint Road to the west, within a C2-2 (R6B) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 24, 1945 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 ten years; and

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

WHEREAS, most recently, on May 2, 2000, the Board granted a ten-year extension of term, which expired on February 27, 2009; a condition of the grant was that a certificate of occupancy be obtained by May 2, 2001; and

WHEREAS, the applicant now requests an additional ten-year term and an extension of time to obtain a certificate of occupancy; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term; and

WHEREAS, at hearing, the Board raised concerns about the presence of a U-Haul franchise on the site, and directed the applicant to discontinue the operation of the U-Haul franchise; and

WHEREAS, in response, the applicant agreed to discontinue operation of the U-Haul franchise, and submitted: (1) photographs showing the removal of the U-Haul trucks; (2) an affidavit from the operator of the service station, stating that operation of the U-Haul franchise has been discontinued and will not be resumed; and (3) a copy of a “Closed Dealer Notification” from U-Haul; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated July 24, 1945, so that as amended this portion of the resolution shall read: “to extend the term for ten years from the expiration of the prior grant, to expire on February 27, 2019, and to grant an extension of time to obtain a certificate of occupancy to March 1, 2012; *on condition* that all use and operations shall substantially conform to drawings filed with this application marked ‘Received August 31, 2010’-(3) sheets and ‘January 25, 2011’-(1) sheet; and *on further condition*:

THAT the term of the grant shall expire on February 27, 2019;

THAT a certificate of occupancy shall be obtained by March 1, 2012;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (Alt. No. 4688/53)

Adopted by the Board of Standards and Appeals, March 1, 2011.

217-96-BZ

APPLICANT – Eric Palatnik, P.C., for Silverbell Investment Company, Incorporated, owner; Enterprise Rent-A-Car, lessee.

SUBJECT – Application December 17, 2010 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (§72-21) of a car rental facility

MINUTES

(Enterprise) with accessory outdoor storage of cars which expired on July 12, 2010; Waiver of the Rules. C1-2/R-2 zoning district.

PREMISES AFFECTED – 165-01 Northern Boulevard, northeast corner of 165th Street and Northern Boulevard, Block 53340, Lot 8, Borough of Queens.

COMMUNITY BOARD #

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy, which expired on July 12, 2010; and

WHEREAS, a public hearing was held on this application on February 1, 2011 after due notice by publication in *The City Record*, and then to decision on March 1, 2011; and

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

WHEREAS, the subject site is located on the northeast corner of Northern Boulevard and 165th Street, within a C1-2 (R2) zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 7, 1997 when, under the subject calendar number, the Board granted a variance to permit the legalization and expansion of an existing car rental facility with accessory outdoor storage of rental cars (Use Group 8) located in a portion of a one-story commercial building, for a term of ten years; and

WHEREAS, most recently, on January 12, 2010, the Board granted an extension of the term for an additional ten years, and an extension of time to obtain a certificate of occupancy, which expired on July 25, 2010; and

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

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

WHEREAS, at hearing, the Board directed the applicant to confirm whether it had installed a “No Left Turn” sign on the lot, in accordance with a condition from the previous grant; and

WHEREAS, in response, the applicant submitted a photograph reflecting that the “No Left Turn” sign has been installed on the site; 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 waives the Rules of Practice and Procedure, reopens,

and amends the resolution, dated October 7, 1997, 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 March 1, 2012; on condition that the use and operation of the site shall substantially conform to BSA-approved plans associated with the prior approval; and on further condition:

THAT the term of the grant shall expire on October 7, 2017;

THAT signage shall comply with C1 district regulations;

THAT all landscaping shall be provided and maintained in accordance with the BSA-approved plans;

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

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

THAT a new certificate of occupancy shall be obtained by March 1, 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 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. 420073039)

Adopted by the Board of Standards and Appeals, March 1, 2011.

10-99-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for D & M Richmond Realty LLC, owner; TSI Staten Island LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application October 25, 2010 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a physical culture establishment (*New York Sports Club*) which expired on October 26, 2009; Waiver of the Rules. M2-1 zoning district.

PREMISES AFFECTED – 300 West Service Road, northwesterly corner of West Service Road and Wild Avenue, Block 270, Lot 135, Borough of Staten Island.

COMMUNITY BOARD #3SI

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 and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of term of a previously granted special permit for a physical

MINUTES

culture establishment (“PCE”), which expired on October 26, 2009; and

WHEREAS, a public hearing was held on this application on February 1, 2011, after due notice by publication in *The City Record*, and then to decision on March 1, 2011; and

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

WHEREAS, the PCE is located on the northwest corner of West Service Road and Wild Avenue, within an M2-1 zoning district; and

WHEREAS, the PCE occupies a total of 35,594 sq. ft. of floor area in the basement and first floor of a two-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 26, 1999 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on October 26, 2009; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on October 26, 1999, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from October 26, 2009, to expire on October 26, 2019; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans associated with the prior approval; and *on further condition*:

THAT the term of this grant shall expire on October 26, 2019;

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;

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.” (Alt. No. 287-1983)

Adopted by the Board of Standards and Appeals, March 1, 2011.

93-00-BZ

APPLICANT – The Law Office of Fredrick A. Becker for Green 19 W44 Owner, LLC, owner; TSI West 44 LLC d/b/a New York Sports Club, lessee.

SUBJECT – Application August 25, 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 July 25, 2010. C6-4.5 (MID) zoning district.

PREMISES AFFECTED – 19 West 44th Street, northerly side of West 44th Street, 150’ west of 5th Avenue, Block 1260, Lot 24, Borough of Manhattan.

COMMUNITY BOARD #3M

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 and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of term of a previously granted special permit for a physical culture establishment (“PCE”), which expired on July 25, 2010; and

WHEREAS, a public hearing was held on this application on December 14, 2010, after due notice by publication in *The City Record*, with continued hearings on January 25, 2011 and February 1, 2011, and then to decision on March 1, 2011; and

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

WHEREAS, Community Board 3, Manhattan, states that it has no objection to this application; and

WHEREAS, the PCE is located on a through lot with frontage on West 44th Street and West 45th Street, between Fifth Avenue and Avenue of the Americas, in a C6-4.5 zoning district within the Special Midtown District; and

WHEREAS, the PCE occupies a total of 21,693 sq. ft. of floor area in portions of the basement, first floor and second floor of a 20-story commercial building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since July 25, 2000 when, under the subject calendar number, the Board granted a special permit for a PCE in the subject building for a term of ten years, to expire on July 25, 2010; and

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

WHEREAS, at hearing, the Board questioned whether the signage on the site complies with the underlying zoning district regulations; and

WHEREAS, in response, the applicant submitted a Letter of Completion from the Department of Buildings (“DOB”), reflecting DOB approval of the signage on the site; and

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, as adopted on July 25, 2000, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from July 25, 2010, to expire on July 25, 2020, *on condition* that all work

MINUTES

shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked 'Received August 25, 2010'-(5) sheets and 'January 13, 2011'-(1) sheet; and *on further condition:*

THAT the term of this grant shall expire on July 25, 2020;

THAT signage at the site shall comply with C6 district regulations;

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

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

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

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. 102845735)

Adopted by the Board of Standards and Appeals, March 1, 2011.

328-04-BZ

APPLICANT – Goldman Harris LLC, for Rockaway Improvements, LLC, owner.

SUBJECT – Application December 21, 2010 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) of a UG2 four-story residential building with 12 dwelling units which expired on November 21, 2010. M1-1 zoning district.

PREMISES AFFECTED – 108 Franklin Avenue, aka 108-110 Franklin Avenue between Park and Myrtle Avenues, Block 1898, Lot (tent) 49, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES –

For Applicant: Vivien Krieger.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a previously granted variance to permit, within an M1-1 zoning district, the construction of a four-story and cellar residential building, which expired on November 21, 2010; and

WHEREAS, a public hearing was held on this application on February 1, 2011, after due notice by publication in *The City Record*, and then to decision on March 1, 2011; and

WHEREAS, the premises and surrounding area had site

and neighborhood examinations by Chair Srinivasan and Commissioner Hinkson; and

WHEREAS, the subject site is located on the west side of Franklin Avenue between Park Avenue and Myrtle Avenue, within an M1-1 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since November 21, 2006 when, under the subject calendar number, the Board granted a variance to permit the proposed construction of a four-story and cellar residential building; and

WHEREAS, substantial construction was to be completed by November 21, 2010, in accordance with ZR § 72-23; and

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

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

Therefore it is Resolved that the Board of Standards and Appeals *reopens* and *amends* the resolution, dated November 21, 2006, so that as amended this portion of the resolution shall read: "to grant an extension of the time to complete construction for a term of four years, to expire on November 21, 2014; *on condition:*

THAT substantial construction shall be completed by November 21, 2014;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB Application No. 301792503)

Adopted by the Board of Standards and Appeals, March 1, 2011.

881-59-BZ

APPLICANT – Dorothy Ames, owner.

SUBJECT – Application November 19, 2010 – Extension of Term (§11-411) for the continued use of a theatre (*Soho Playhouse*) which expires on April 11, 2011. R6 zoning district.

PREMISES AFFECTED – 15 Vandam Street, between Avenue of the Americas and Varick Street, Block 506, Lot 47, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to March 15, 2011, at 10 A.M., for postponed hearing.

MINUTES

164-60-BZ

APPLICANT – Carl A. Sulfaro, Esq., for Luciani Enrica Melchiorre, owner; Steven Scott, Inc., lessee.

SUBJECT – Application December 7, 2010 – Extension of Term (§11-411) for an automotive service station (UG 16B) (*Sunoco*) with accessory uses which expired on April 10, 2010; Waiver of the Rules. C1-3/R3-2 zoning district.

PREMISES AFFECTED – 100-20 Metropolitan Avenue, southeast corner of Metropolitan Avenue and 70th Road, Block 3895, Lot 32, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD – Laid over to March 29, 2011, at 10 A.M., for continued hearing.

197-00-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for SLG Graybar Sublease, LLC, owner; Equinox 44th Street, Inc., lessee.

SUBJECT – Application January 4, 2011 – Extension of Term of a special permit (§73-36) for the operation of a physical culture establishment (*Equinox*) which expired on December 4, 2010. C5-3(Mid) zoning district.

PREMISES AFFECTED – 420 Lexington Avenue, west side of Lexington Avenue, 208’-4” north of East 42nd Street, Block 1290, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Trevis Savage.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 29, 2011, at 10 A.M., for decision, hearing closed.

276-02-BZ

APPLICANT – Eric Palatnik, P.C., for Elad Ryba, owner.

SUBJECT – Application September 13, 2010 – Extension of Time to Complete Construction and an Amendment to a previously approved Special Permit (§73-622) to an existing one family dwelling, contrary to lot coverage and floor area (§23-141) and side yard (§23-461). R3-1 zoning district.

PREMISES AFFECTED – 160 Norfolk Street, west side, 300’ north of Oriental Boulevard and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Trevis Savage.

For Opposition: Judith Baron.

ACTION OF THE BOARD – Laid over to March 29, 2011, at 10 A.M., for continued hearing.

215-06-BZ

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

SUBJECT – Application October 20, 2010 – Extension of Term of an existing Gasoline Service Station (*Gulf*) with accessory convenience store which expires on July 24, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on June 17, 2010; Waiver of the Rules. C1-2/R4 zoning district.

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

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 29, 2011, at 10 A.M., for decision, hearing closed.

236-07-BZ

APPLICANT – Jay A. Segal, Esq./Greenberg Traurig, LLP, for Hope Lofts LLC c/o Stein, Simpston & Rosen, PA, owner; 53 Hope Street LLC c/o Gershon & Company, lessee.

SUBJECT – Application December 2, 2010 – Amendment to previously approved Special Permit (§73-46) to allow additional dwelling units and waiver of parking spaces. M1-2/R6A (MX-8) zoning district.

PREMISES AFFECTED – 53-65 Hope Street, north side of Hope Street, between Havemeyer Street and Marcy Avenue, Block 2369, Lots 40 & 47, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES –

For Applicant: Jay Segal.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 29, 2011, at 10 A.M., for decision, hearing closed.

MINUTES

APPEALS CALENDAR

155-80-A

APPLICANT – Raymond J. Irrera, for Dr. Jerold Blatt, owner.

SUBJECT – Application August 11, 2010 – Extension of Term to allow the continued operation of a medical office (UG4) in an existing frame structure which expired on June 10, 2000; Extension of time to obtain a Certificate of Occupancy; Waiver of the Rules. R2A Zoning District.

PREMISES AFFECTED – 75-72 185th Street, aka 184-17 Union Turnpike, northwest corner of 185th Street and Union Turnpike, Block 7201, Lot 42, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES –

For Applicant: Gerald Blatt.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, an extension of term of a previously granted appeal to permit the operation of medical offices (Use Group 4) in an existing frame structure, which expired on June 10, 2000, an extension of time to obtain a certificate of occupancy, and an amendment to permit a 20-year extension of term; and

WHEREAS, a public hearing was held on this application on January 25, 2011 after due notice by publication in *The City Record*, and then to decision on March 1, 2011; and

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

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

WHEREAS, the site is located on the northwest corner of 185th Street and Union Turnpike, within an R2A zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since 1939 when, under BSA Cal. No. 783-39-A, the Board granted an appeal of a decision by the Department of Buildings (“DOB”), to permit the construction of a frame dwelling within the fire limits; and

WHEREAS, on June 10, 1980, under the subject calendar number, the Board granted an appeal of a subsequent DOB determination, to permit medical offices to be located in the subject building for a term of ten years, on condition that the second floor be used as a residence in conjunction with the first floor; and

WHEREAS, most recently, on November 7, 1990, the Board granted a ten-year extension of the term, which expired on June 10, 2000; and

WHEREAS, the applicant now requests an additional

extension of term and an extension of time to obtain a certificate of occupancy; and

WHEREAS, at hearing, the Board questioned whether the applicant is in compliance with the condition from the prior grant that the second floor be occupied by residential use in conjunction with the first floor medical office; and

WHEREAS, in response, the applicant submitted photographs of the site and an affidavit from the owner stating that he uses the second floor as a residence in conjunction with his use of the first floor as a medical office; and

WHEREAS, the applicant also requests an amendment to permit an extension of the term for 20 years from the date of this grant, rather than the ten year terms that were provided in prior grants; and

WHEREAS, the applicant represents that the requested 20 year extension of term is warranted because the configuration and use of the building has not changed in any significant way since the Board’s original approval in 1980, and the longer term will mitigate the financial burden on the owner of returning to the Board periodically to continue his longstanding practice at this site; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, as adopted on June 10, 1980, so that as amended this portion of the resolution shall read: “to extend the term for 20 years from the date of this grant, to expire on March 1, 2031, and to grant an extension of time to obtain a certificate of occupancy to March 1, 2012; *on condition* that the use and operation of the site shall substantially conform to BSA-approved plans associated with the prior approval; and *on further condition*:

THAT the term of this grant shall expire on March 1, 2031;

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

THAT a new certificate of occupancy shall be obtained by March 1, 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 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 App. No. 420199635)

Adopted by the Board of Standards and Appeals, March 1, 2011.

MINUTES

116-10-BZY

APPLICANT – Steven Sinacori, Esq., for Akerman Senterfitt, LLP, for 3516 Development LLC, owner.

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

PREMISES AFFECTED – 35-16 Astoria Boulevard, south side of Astoria Boulevard between 35th and 36th Streets, Block 633, Lots 39 and 140, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES – None.

ACTION OF THE BOARD – Application withdrawn.

APPEARANCES –

For Applicant: Josh Rinesmith.

THE VOTE TO WITHDRAW –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

Adopted by the Board of Standards and Appeals, March 1, 2011.

154-10-A

APPLICANT – Isaac Rosenberg, for Congregation Yetev Lev D'Satmar, owner.

SUBJECT – Application August 25, 2010 – Appeal challenging a determination by Department of Buildings to revoke permits and approvals based on failure to provide owner authorization in accordance with §28-104.8.2 of the Administrative Code. R7-1 Zoning District.

PREMISES AFFECTED – 540 Bedford Avenue, between Ross and Wilson Streets, Block 2181, Lot 35, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to March 29, 2011, at 10 A.M., for deferred decision.

189-10-A

APPLICANT – Bracewell & Giuliani, LLP on behalf of Chelsea Business & Property Owners, for 127 West 25th LLC, owner; Bowery Residents' Committee, Incorporated, lessee.

SUBJECT – Application October 8, 2010 – Appeal challenging the Department of Buildings' interpretation that the proposed use is a transient hotel. M1-6 zoning district.

PREMISES AFFECTED – 127-131 West 25th Street, between 6th and 7th Avenue, Block 801, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES –

For Applicant: Daniel S. Connolly.

For Opposition: Amanda Derr, Randy Mastro and Ronald Livien.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to April 5, 2011, at 10 A.M., for decision, hearing closed.

201-10-BZY

APPLICANT - Law Offices of Marvin B. Mitzner, for LES Realty Group LLC, owner.

SUBJECT – Application October 29, 2010 – Extension of Time (§11-332) to complete construction of a minor development commenced under the prior C6-1 zoning district. C4-4A zoning district.

PREMISES AFFECTED – 180 Orchard Street, through lot extending from Orchard Street to Ludlow Street. Block 412, Lot 5, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES –

For Applicant: Marvin B. Mitzner

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 15, 2011, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 1, 2011
1:30 P.M.**

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

ZONING CALENDAR

6-10-BZ

CEQR #10-BSA-039K

APPLICANT – Sheldon Lobel, P.C. for 2147 Mill Avenue, LLC, owner.

SUBJECT – Application January 8, 2010 – Variance (§72-21) to allow for legalization of an enlargement of a commercial building, contrary to §22-00. R2 zoning district.

PREMISES AFFECTED – 2147 Mill Avenue, Northeast side of Mill Avenue between Avenue U and Strickland Avenue. Block 8463, Lot 65, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Richard Lobel.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated December 9, 2009, acting on Department of Buildings Application No. 320080684, reads in pertinent part:

“Proposed restaurant (UG 6) within R2 zoning district is not permitted pursuant to ZR Section 22-00;” and

WHEREAS, this is an application under ZR § 72-21, to permit, in an R2 zoning district, the legalization of an enlargement to a pre-existing non-conforming one-story restaurant (Use Group 6), contrary to ZR § 22-00; 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 September 21, 2010, October 26, 2010, and January 25, 2011, and then to decision on March 1, 2011; 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 18, Brooklyn, recommends approval of this application; and

WHEREAS, City Council Member Lewis A. Fidler recommends approval of this application; and

WHEREAS, New York State Senator Carl Kruger provided written and oral testimony in support of this application; and

WHEREAS, a representative for New York State Assembly Member Alan Maisel provided oral testimony in support of this application; and

WHEREAS, a representative for the Middle Island Civic Association provided oral testimony in support of this application; and

WHEREAS, certain members of the community provided oral and written testimony in support of this application; and

WHEREAS, the subject premises is located on the east side of Mill Avenue, between Avenue U and Strickland Avenue, within an R2 zoning district, and

WHEREAS, the site has 40 feet of frontage on Mill Avenue, a depth of 100 feet, and a lot area of 4,000 sq. ft.; and

WHEREAS, the site is currently occupied by a one-story restaurant with 3,725 sq. ft. of floor area (0.93 FAR); and

WHEREAS, the applicant states that the site was originally developed by a building with a floor area of approximately 1,400 sq. ft. (0.35 FAR) (the “Original Building”), which abutted the southern lot line adjacent to the residential property on Lot 62; and

WHEREAS, the applicant represents that the site has been continuously occupied by a restaurant use since at least 1951, and therefore the Original Building is a legal pre-existing non-conforming use on the site; and

WHEREAS, in support of the pre-existing use of the site, the applicant submitted a certificate of occupancy dated 1951, which permits a restaurant and bar use on the site; and

WHEREAS, however, the applicant states that, approximately ten years ago, the subject building was expanded in the rear and to the northern lot line, such that it now abuts the adjacent building on Lot 67, provides a rear yard with a minimum depth of 3’-10”, and has a floor area of 3,725 sq. ft.; and

WHEREAS, because the enlarged portion of the subject building is not a legal pre-existing non-conforming use it therefore requires a use waiver; thus, the instant variance application was filed; and

WHEREAS, the applicant initially proposed to legalize the subject building in its current condition, with a rear yard of only 3’-10” and a floor area of 3,725 sq. ft.; and

WHEREAS, at the Board’s direction, the applicant submitted revised plans reflecting the current proposal, which will remove approximately 8’-2” along the rear of the building in order to increase the depth of the rear yard to 12’-0” and to reduce the floor area to 3,425 sq. ft.; and

WHEREAS, the applicant now proposes to demolish a portion of the rear enlargement in order to provide a uniform rear yard depth of 12 feet and a reduced floor area of 3,475 sq. ft. (0.87 FAR), and to legalize the remainder of the enlargement; and

WHEREAS, the applicant states that the following unique physical conditions create unnecessary hardship and practical difficulties in developing the site with a complying development: (1) the underbuilt nature of the pre-existing non-

MINUTES

conforming restaurant; and (2) the site's location adjacent to other non-conforming uses; and

WHEREAS, as noted above, the applicant represents that the site was in continuous use as a restaurant since 1951, and therefore the Original Building was a legal pre-existing non-conforming use; and

WHEREAS, the applicant notes that the Original Building had a floor area of approximately 1,400 sq. ft. (0.35 FAR) and abutted the southern lot line adjacent to the residential property on Lot 62; and

WHEREAS, the applicant states that the Original Building was underbuilt, even based on the 0.50 FAR permitted in the underlying R2 zoning district, and that the proposed enlargement was necessary to provide additional seating and a more complete kitchen area in order to make the site viable for a restaurant use; and

WHEREAS, the applicant represents that the mid-block location of the site results in less pedestrian traffic than would occur on a corner lot location which, in conjunction with the small size and underbuilt nature of the Original Building, made the pre-existing non-conforming use of the site infeasible; and

WHEREAS, the applicant further states that, in order to bring the site into conformance with the underlying R2 district regulations, the existing building would have to be demolished and a detached single-family home constructed in its place; and

WHEREAS, the applicant represents that it is not feasible to demolish the viable building currently located on the site in order to construct a single-family home as per the zoning regulations; and

WHEREAS, the applicant submitted a financial analysis in support of its contention that neither the pre-existing non-conforming use of the site nor the as-of-right residential use are viable; and

WHEREAS, as to the adjacent uses, the applicant states that the adjacent lot to the north of the site is occupied by a dental laboratory (Use Group 9) and dentist's office (Use Group 6); and

WHEREAS, the applicant notes that the dental laboratory and dentist's office are pre-existing non-conforming uses which are not permitted in the subject R2 zoning district, and that the dental laboratory/dentist's office building is fully built out at both the rear yard and the lot line adjacent to the subject building, and therefore does not comply with the underlying R2 zoning district requirements for rear yards and side yards; and

WHEREAS, the applicant states that the existence of the adjacent non-conforming dental laboratory/dentist's office further reduces the feasibility of as-of-right residential use, and that the proposed restaurant use is less intensive than the uses to the north of the site on Mill Avenue, which include an oil company, a wood products manufacturing company, and an automotive service station; and

WHEREAS, the applicant further states that the subject site will provide a larger rear yard than the dental laboratory/dentist's office building, thus serving as a buffer between the more intensive pre-existing non-conforming

uses to the north of the site and the residential uses to the south; and

WHEREAS, based upon the above, the Board finds that the underbuilt nature of the Original Building, when considered in the aggregate with the site's location adjacent to a non-conforming dental laboratory/dentist's office building, creates unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant initially submitted a feasibility study which analyzed three scenarios: (1) a development consisting of an as-of-right detached single-family home; (2) a development consisting of the legal pre-existing non-conforming retail use; and (3) the first iteration of the proposal which sought to legalize the subject building in its current condition; and

WHEREAS, the study concluded that neither the as-of-right residential scenario nor the legal pre-existing non-conforming scenario would realize a reasonable return, but that the original proposal would realize a reasonable return; and

WHEREAS, at the Board's direction, the applicant modified its feasibility study to analyze whether the current proposal, which includes the partial demolition of the enlarged portion of the building, is financially feasible; and

WHEREAS, the study concluded that the proposed project, as modified, would realize a reasonable return; and

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

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

WHEREAS, the applicant states that the surrounding area is characterized by a mix of uses, including many long-standing non-conforming commercial and industrial uses on the subject block; and

WHEREAS, specifically, the applicant states that the adjacent lot to the north is occupied by the aforementioned dental laboratory/dentist's office building, and other uses along the east side of Mill Avenue on the subject block include an oil company, a wood products manufacturing company, and an automotive service station; and

WHEREAS, the applicant further states that the entire block front to the east across Mill Avenue is occupied by commercial and manufacturing uses, some of which are within a residential zoning district; and

WHEREAS, the Board notes that the façade of the building meets and matches that of the adjacent dental laboratory/dentist's office; and

WHEREAS, as to the adjacent residential use to the south of the site, the applicant states that, while the subject building abuts the lot line adjacent to the home, such was the historic location of the Original Building and therefore the non-complying side yard is a pre-existing condition which has existed for the majority of the depth of the subject building

MINUTES

since at least 1951; and

WHEREAS, as to the adjacent residential use to the rear of the site, the applicant states that the proposed building will be partially demolished to provide a rear yard with a depth of 12 feet, and that the existing home to the rear has a rear yard with a depth of 32 feet, thereby providing a buffer of 44 feet between the subject site and the adjacent home to the rear; and

WHEREAS, the applicant further states that the subject site is separated from the adjacent residential uses by a fence; and

WHEREAS, the applicant also submitted letters from the adjacent neighbors, expressing their support for this application and the continued use of the site as a longstanding restaurant; 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 initially proposed to legalize the subject building in its current condition, with a rear yard of only 3'-10" and a floor area of 3,725 sq. ft.; and

WHEREAS, the Board notes that the applicant submitted interim proposals which provided floor areas of 3,550 sq. ft. (0.89 FAR) and 3,690 sq. ft. (0.92 FAR), respectively, and a minimum rear yard depth of 7'-4 1/2"; and

WHEREAS, at the Board's direction, the applicant submitted revised plans reflecting the current proposal, which will remove a portion of the building to a depth of approximately 8'-2" along the rear of the building in order to increase the depth of the rear yard to 12'-0" and to reduce the floor area to 3,425 sq. ft. (0.87 FAR); and

WHEREAS, accordingly, 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 617.2; 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 ("EAS") CEQR No. 10-BSA-039K dated May 24, 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, 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 adopts DCP's Negative Declaration under Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a site within an R2 zoning district, the proposed legalization of an enlargement to a pre-existing non-conforming one-story restaurant building (Use Group 6) which does not conform to use regulations, contrary to ZR § 22-00; *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 February 23, 2011"- (9) sheets; and *on further condition*:

THAT the following are the bulk parameters of the proposed building: a total floor area of 3,475 sq. ft., an FAR of 0.87, and a minimum rear yard depth of 12'-0", as indicated on the BSA-approved plans;

THAT the term of the grant shall expire on March 1, 2021;

THAT signage shall comply with C1 district regulations;

THAT no garbage shall be stored in the rear yard;

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

THAT all construction shall be completed and a new certificate of occupancy shall be obtained by September 1, 2012;

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, March 1, 2011.

182-10-BZ

APPLICANT – Law Office of Fredrick A. Becker, Miriam Kirzner and Martin Kirzner, owners.

SUBJECT – Application September 20, 2010 – Special Permit (§73-622) for the enlargement of a single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R2 zoning district.

PREMISES AFFECTED – 1082 East 23rd Street, west side

MINUTES

of East 23rd Street, between Avenue J and Avenue K, Block 7604, Lot 79, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Lyra J. Altman.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Absent: Commissioner Hinkson.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated August 20, 2010, acting on Department of Buildings Application No. 320205489, reads:

“Proposed plans are contrary to ZR 23-141 in that the proposed building exceeds the maximum permitted floor area ratio of .50.

Proposed plans are contrary to ZR 23-141 in that the proposed open space ratio is less than the minimum required open space ratio of 150.

Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required rear yard of 30 feet.

Proposed plans are contrary to ZR 23-461 in that the proposed side yard straight-line extension is less than the 5 foot minimum side yard permitted;” 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 ratio, side yards and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on November 16, 2010 after due notice by publication in *The City Record*, with continued hearings on December 14, 2010 and January 25, 2011, and then to decision on March 1, 2011; and

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

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

WHEREAS, the subject site is located on the west side of East 23rd Street, between Avenue J and Avenue K, 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 2,534 sq. ft. (0.51 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 2,534 sq. ft. (0.51 FAR) to 5,020 sq. ft. (1.0 FAR); the maximum permitted floor area is 2,500 sq. ft.

(0.50 FAR); and

WHEREAS, the applicant proposes to provide an open space ratio of 82 percent (150 percent is the minimum required); and

WHEREAS, the applicant proposes to maintain the existing side yard with a width of 4’-9½” along the northern lot line (a minimum width of 5’-0” is required for each side yard); and

WHEREAS, the proposed enlargement will provide a rear yard with a depth of 20’-4” (a minimum rear yard depth of 30’-0” is required); and

WHEREAS, at hearing, the Board questioned how much of the existing home is being retained; and

WHEREAS, in response, the applicant submitted revised plans reflecting the portions of the foundation walls, first floor walls, floor joists and ceiling joists that will remain; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, and will not impair the future use or development of the surrounding area; and

WHEREAS, the applicant provided an analysis of the FAR of homes in the surrounding area, which reflects that within one block of the site there are at least ten homes with an FAR of 1.0 or greater; and

WHEREAS, specifically, the evidence submitted by the applicant reflects that the property located to the rear of the subject site, at 1149 East 22nd Street, is occupied by a home with an FAR of 1.0, and the property located two houses to the north of the subject site, at 1070 East 23rd Street, is occupied by a home with an FAR of 1.18; and

WHEREAS, the applicant also submitted evidence reflecting that at least two homes within one block of the site have total heights which exceed the proposed total height of 38’-0”; 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 enlargement of a single-family home, which

MINUTES

does not comply with the zoning requirements for FAR, open space ratio, side yards, and rear yard, contrary to ZR §§ 23-141, 23-461 and 23-47; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received September 20, 2010"-(8) sheets, "December 1, 2010"-(1) sheet and "January 19, 2011"-(3) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 5,020 sq. ft. (1.0 FAR); an open space ratio of 82 percent; a side yard with a minimum width of 8'-6" along the southern lot line; a side yard with a minimum width of 4'-9½" along the northern lot line; and a rear yard with a minimum depth of 20'-4", as illustrated on the BSA-approved plans;

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

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

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

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

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

Adopted by the Board of Standards and Appeals, March 1, 2011.

187-07-BZ

APPLICANT – Dennis D. Dell'Angelo, for Michael Modatsos, owner.

SUBJECT – Application August 1, 2010 – Variance (§72-21) to permit accessory parking for an existing eating and drinking establishment, contrary to use regulations (§22-00). R3X zoning district.

PREMISES AFFECTED – 4677 Hylan Boulevard, North side of Hylan Boulevard 175.03 feet west of Arden Avenue. Block 5408, Lot 43, Borough of Staten Island.

COMMUNITY BOARD #12Q

APPEARANCES –

For Applicant: Dennis D. Dell'Angelo.

For Opposition: Yury Gorokhovskiy.

ACTION OF THE BOARD – Laid over to March 29, 2011, 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: Richard Lobel and Josh Rhinesmith.

ACTION OF THE BOARD – Laid over to April 5, 2011, at 1:30 P.M., for deferred decision.

304-09-BZ

APPLICANT – Stuart A. Klein, Esq. for Junius-Glenmore Development, LLC, owner; Women in Need, Inc., lessee.

SUBJECT – Application November 4, 2009 – Variance (§72-21) to allow the erection of a ten-story, mixed-use community facility (*Women In Need*) and commercial building, contrary to floor area (§42-00, §43-12 and §43-122), height and sky exposure plane (§43-43), and parking (§44-21). M1-4 zoning district.

PREMISES AFFECTED – 75-121 Junius Street, Junius Street, bounded by Glenmore Avenue and Liberty Avenue, Block 3696, Lot 1, 10, Borough of Brooklyn.

COMMUNITY BOARD #16BK

APPEARANCES –

For Applicant: Jay Goldstein, Tony Shitemi and Hiram Rothkrug.

For Opposition: Bill Wilkins.

ACTION OF THE BOARD – Laid over to April 5, 2011, at 1:30 P.M., for continued hearing.

90-10-BZ

APPLICANT – James Chin & Associates, LLC, for Chan Ahn, owner.

SUBJECT – Application August 14, 2010 – Variance (§72-21) to permit a house of worship (*Korean Central Presbyterian Church*), contrary to front yard (§24-34), side yard (§24-35), and rear yard (§24-36). R2A zoning district.

PREMISES AFFECTED – 58-06 Springfield Boulevard, corner of the west side of Springfield Boulevard, west north side of the Horace Harding Expressway, Block 7471, Lots 7 and 48, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: James Chin and Mindy Chin.

For Opposition: Henry Euler

ACTION OF THE BOARD – Laid over to April 12, 2011, at 1:30 P.M., for continued hearing.

MINUTES

156-10-BZ thru 164-10-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for City of New York c/o Housing Preservation Development (HPD), owner.

SUBJECT – Application August 26, 2010 – Variance (§72-21) to allow residential buildings, contrary to rear yard (§23-47) and minimum distance between windows and lot lines (§23-861) regulations. M1-2/R6A zoning district.

PREMISES AFFECTED – 1204, 1208, 1214, 1220, 1226, 1232, 1264, 1270, 1276 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue, Block 5295, Lots 4, 104, 105, 106, 107, 108, 111, 112, 113, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Adam Rothkrug and Fabiola Augustin.

ACTION OF THE BOARD – Laid over to March 29, 2011, at 1:30 P.M., for continued hearing.

165-10-BZ thru 172-10-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for City of New York c/o Housing Preservation Development (HPD), owner.

SUBJECT – Application August 26, 2010 – Variance (§72-21) to allow residential buildings, contrary to rear yard (§23-47) and minimum distance between windows and lot lines (§23-861) regulations. M1-2/R6A zoning district.

PREMISES AFFECTED – 1304, 1310, 1316, 1322, 1328, 1334, 1362, 1368 37th Street, South side of 37th Street between 12th Avenue and 14th Avenue, Block 5300, Lots 9, 109, 110, 111, 112, 113, 115, 116, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Adam Rothkrug and Fabiola Augustin.

ACTION OF THE BOARD – Laid over to March 29, 2011, 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, Northeast corner of Baychester and Tillotson Avenue, Block 5257, Lot 47, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: Richard Lobel and Josh Rinesmith.

THE VOTE TO CLOSE HEARING –

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

Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 29, 2011, at 1:30 P.M., for decision, hearing closed.

183-10-BZ

APPLICANT – Rothkrug, Rothkrug & Spector LLP, for Cornerstone Residence LLC, owner.

SUBJECT – Application September 20, 2010 – Variance (§72-21) for the construction of a detached two-story, two family residence, contrary to front yard (§23-45) and side yard requirements (§23-461). R5 zoning district.

PREMISES AFFECTED – 873 Belmont Avenue, aka 240 Milford Street, northwest corner of Belmont Avenue and Milford Street, Block 4024, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 29, 2011, at 1:30 P.M., for decision, hearing closed.

186-10-BZ

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for NYU Hospital Center, owner; New York University, lessee.

SUBJECT – Application September 28, 2010 – Variance (§72-21) to allow for the construction of two community facility buildings (*NYU Langone Medical Center*), contrary to rear yard (§24-36), rear yard equivalent (§24-382), height and setback (§24-522), rear yard setback (§24-552), tower coverage (§24-54), maximum permitted parking (§13-132), minimum square footage per parking space (§25-62), and curb cut requirements (§13-142). R8 zoning district.

PREMISES AFFECTED – 400-424 East 34th Street, aka 522-566 & 596-600 First Avenue, East 34th Street, Franklin D. Roosevelt Drive, East 30th Street, and First Avenue, Block 962, Lot 80, 108 & 1001-1107, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES – None.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to March 15, 2011, at 1:30 P.M., for decision, hearing closed.

MINUTES

197-10-BZ thru 199-10-BZ

APPLICANT – Antonio S. Valenziano, AIA, for John Merolo, owner.

SUBJECT – Application October 26, 2010 – Variance (§72-21) to allow three residential buildings in a manufacturing district, contrary to use regulations (§42-10). M1-1 zoning district.

PREMISES AFFECTED – 59, 63 & 67 Fillmore Street, 491.88' west of York Avenue, Block 61, Lot 27, 29, 31, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Anthony S. Valenziano.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Montanez.....4

Negative:.....0

Absent: Commissioner Hinkson.....1

ACTION OF THE BOARD – Laid over to April 12, 2011, at 1:30 P.M., for decision, hearing closed.

227-10-BZ

APPLICANT – Eric Palatnik, P.C., for Power Test Realty Company Limited Partnership, owner.

SUBJECT – Application December 14, 2010 – Reinstatement (§11-411) of a previously approved variance permitting the operation of an automotive service station (UG 16B) (*Getty*) which expired on October 11, 2000; Amendment to legalize fuel dispensing islands; Extension of Time to obtain a certificate of occupancy which expired on November 17, 1993; Waiver of the rules. C2-2/R3-2 zoning district.

PREMISES AFFECTED – 204-12 Northern Boulevard, Northern Boulevard and 204th Street. Block 7301, Lot 11, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: Henry Euler and Christina Scherer.

ACTION OF THE BOARD – Laid over to April 12, 2011, at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.