
BULLETIN

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DOCKET

New Case Filed Up to May 8, 2012

141-12-BZ

65-02/10 164th Street, Southwest corner of 65th Street, Block 6762, Lot(s) 53, Borough of **Queens, Community Board: 8**. Special Permit pursuant to §§11-411 and 11-413 to re-instate and extend the term of the previous BSA resolution las acted upon the Board on November 25, 1986 and an amendment to permit the installation of three (3) new awnings with signage; and changes to the interior layout. R-4 district.

142-12-A

24-02 89th Street, West side of 89th Street, between Astoria Boulevard and 23rd Avenue., Block 1100, Lot(s) 101, Borough of **Queens, Community Board: 3**. This application seeks a waiver of Section 35 of the General City Law ("CL") to permit the construction of a community facility building within the bed of a mapped street. R3-2 district.

143-12-BZ

2615-2621 East 17th Street, between Avenue Z and Jerome Avenue, Block 7462, Lot(s) 7501, Borough of **Brooklyn, Community Board: 15**. This application is filed for a special permit to Z.R.§73-44, as amended to permit in a C8-1 zoning district, the reduction of the required parking, which is contrary to ZR§36-231. C8-1 district.

144-12-A

339 West 29th Street, north side of West 29th Street, between Eighth and Ninth Avenues., Block 753, Lot(s) 16, Borough of **Manhattan, Community Board: 04**. The application is filed pursuant to MDL§310 to vary MDL§171(2)(f), to allow for the addition of a fifth floor to the existing building on the site. R8B district.

145-12-A

339 West 29th Street, north side of West 29th Street, between Eighth and Ninth Avenues, Block 753, Lot(s) 16, Borough of **Manhattan, Community Board: 04**. The application is filed pursuant to Charter §666, challenging the decision of the Department of Buildings requiring retroactive approval of work by the Landmarks Preservation Commission ("LPC"), despite the issuance of permits and commencement of construction on the site years in advance of LPC designation. R8B district.

146-12-A

15 Beach 220th Street, east side of Beach 220th Street, 168.5' north of 4th Avenue., Block 16350, Lot(s) p/o400, Borough of **Queens, Community Board: 14**. The proposed alteration and enlargement of an existing single family dwelling not fronting a mapped street is contrary to Article 3, Section 36 of the General City Law. The proposed upgrade of the existing non-conforming private disposal system partially in the bed of the service road is contrary to Building Department policy. R4 district.

147-12-A

2368 12th Avenue, bounded by Henry Hudson Parkway, Wst 134th Street, 12th Avenue, 135th Street., Block 2005, Lot(s) 32, Borough of **Manhattan, Community Board: 9**. Appeal from two determinations of the Manhattan Borough Commissioner of the Department of Buildings regarding the establishment of non-conforming accessory sign as before February 27, 2001 and proof that discontinuance of accessory use in connection with a sign at the subject property did not occur for a period of two or more years. M1-2/Special Ma district.

148-12-BZ

981 East 29th Street, between Avenue I and Avenue J, Block 7593, Lot(s) 12, Borough of **Brooklyn, Community Board: 14**. This application is filed pursuant to Z.R.§73-621, to request a Special Permit to enlarge a detached, single family residence in a residential zoning district (R4). R4 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

JUNE 5, 2012, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, June 5, 2012, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

635-57-BZ

APPLICANT – Francis R. Angelino, Esq., for Landmark 115 East 69th Street, L.P, owner.

SUBJECT – Application March 1, 2012 – Extension of Term (§11-411) of a previously approved variance permitting the continued use of the cellar, first and second floors of five story building for general office use (UG6) which expired on January 26, 2012; waiver of the rules. R8B zoning district.

PREMISES AFFECTED – 115 East 69th Street, north side, 185' east of Park Avenue, Block 1404, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #8M

678-74-BZ

APPLICANT – Tyree Service Corp., for Capitol Petroleum Group, owners.

SUBJECT – Application March 30, 2012 – Application filed pursuant to §§ 72-01 and 72-22 of the Zoning Resolution, of the City of New York, seeking a minor amendment to BSA resolution 678-74-BZ, approved on April 8, 1975. The variance (§72-21) permitted in a C1-6 district, the enlargement in lot area and reconstruction of an automotive service station (UG 16B) with accessory uses. The amendment seeks to legalize the fueling islands location along with its number of dispensers. This amendment will also permit the installation of replacement of underground storage tanks and fueling equipment. C1-6 zoning district. PREMISES AFFECTED – 63 8th Avenue, southwest corner of West 13th Street and 8th Avenue, Block 616, Lot 46, Borough of Manhattan.

COMMUNITY BOARD #2M

37-93-BZ

APPLICANT – Sheldon Lobel, P.C., for Vornado Forest Plaza, LLC, owner; 2040 Forest Avenue Fitness Group LLC, lessee.

SUBJECT – Application February 14, 2012 – Extension of Term of a previously granted Special Permit (§73-36) for the operation of a Physical Culture Establishment (*Planet Fitness*) which expired on November 9, 2003; Waiver of the Rules. C8-1 zoning district.

PREMISES AFFECTED – 2040 Forest Avenue, south side of Forest Avenue between Heaney Avenue and Van Name Avenue, Block 1696, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #1SI

112-07-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Congregation Bnai Shloima Zalman by Eugene Langsam, owners.

SUBJECT – Application October 12, 2011 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the construction of a two story and cellar (UG4) synagogue (Bnai Shloima Zalman) which expired on September 11, 2011. R-2 zoning district.

PREMISES AFFECTED – 1089-1093 East 21st Street, between Avenue I and Avenue J, Block 7585, Lot 21 & 22, Borough of Brooklyn.

COMMUNITY BOARD #14BK

175-10-BZ

APPLICANT – Sheldon Lobel, P.C., for Zacker Oil Corp., owner; Leemits Petroleum, Inc., lessee.

SUBJECT – Application April 30, 2012 – Extension of Time to obtain a Certificate of Occupancy for a previously approved gasoline service station (*Getty*) which expired on March 29, 2012. R4 zoning district.

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

COMMUNITY BOARD #12BX

APPEALS CALENDAR

80-11-A, 84-11-A, 85-11-A & 103-11-A

APPLICANT – Marvin B. Mitzner, Esq., for 327-335 East 9th Realty, LLC, owner.

SUBJECT – Application June 10, 2011 – Appeals pursuant to §310 of the Multiple Dwelling Law requesting variance to allow for enlargement to the 5 story building, MDL Sections 51, 143, 146, 148 and 149. R8B zoning district.

PREMISES AFFECTED – 331, 333, 335, 329 East 9th Street, between 1st and 2nd Avenue, Block 451, Lot 46, 45, 44, 47, Borough of Manhattan.

COMMUNITY BOARD #3M

83-11-A

APPLICANT – Marvin B. Mitzner, Esq., for 159 West 78th Street, Corp., for Felix and Lisa Oberholzer-Gee, owners.

SUBJECT – Application June 9, 2011 – An appeal seeking to vary the applicable provisions under the Multiple Dwelling Law as it applies to the enlargement of non-fireproof tenement buildings. R8B zoning district.

PREMISES AFFECTED – 159 West 78th Street, north side of West 78th Street, between Columbus and Amsterdam Avenues, Block 1150, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #7M

CALENDAR

38-12-A & 39-12-A

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Birb Realty, owner.

SUBJECT – Application February 10, 2012 – Proposed construction of a single family home that does not front on a legally mapped street contrary to General City Law Section 36. R3-1 Zoning District.

PREMISES AFFECTED – 131 & 133 Aviston Street, 80' northwest corner of intersection of Aviston Street and Riga Street, Block 4683, Lot 22, 23, Borough of Staten Island.

COMMUNITY BOARD #3SI

JUNE 5, 2012, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, June 5, 2012, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

97-11-BZ

APPLICANT – Eric Palatnik, P.C., for Cross Bronx Food Center, Inc., owner.

SUBJECT – Application July 1, 2011 – Variance (§72-21) to permit the enlargement of a zoning lot of a previously approved variance which permitted an Automotive Service Station (UG 16B) with accessory uses in a residential zoning district. The application also seeks to permit a 364 Square foot enlargement to the existing accessory convenience store. R5 zoning district.

PREMISES AFFECTED – 1730 Cross Bronx Expressway, northwest corner of Rosedale Avenue and Cross Bronx Expressway, Block 3894, Lot 28 (28,29), Borough of Bronx.

COMMUNITY BOARD #9BX

23-12-BZ

APPLICANT – Simons & Wright LLC, for 949-951 Grand Street, LLC, owner.

SUBJECT – Application February 2, 2012 – Variance (§72-21) to allow for the development of a residential building contrary to use regulations §42-00. M1-1 zoning district.

PREMISES AFFECTED – 951 Grand Street, between Morgan and Catherine Streets, Block 2924, Lot 48, Borough of Brooklyn.

COMMUNITY BOARD #1BK

30-12-BZ

APPLICANT – Eric Palatnik, P.C., for Don Ricks Associates, owner; New York Mart Group, Inc., lessee.

SUBJECT – Application February 8, 2012 – Special Permit (§73-49) to permit accessory parking on the roof of an existing one-story supermarket, contrary to ZR §36-11. R6/C2-2 zoning district

PREMISES AFFECTED – 142-41 Roosevelt Avenue, northwest corner of Roosevelt Avenue and Avenue B, Block 5020, Lot 34, Borough of Queens.

COMMUNITY BOARD #7Q

64-12-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 16302 Jamaica LLC, owner; Blink Jamaica Avenue, Inc., lessee.

SUBJECT – Application March 20, 2012 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Blink*) within portion of an existing building. C6-3(DP) zoning district.

PREMISES AFFECTED – 163-02 Jamaica Avenue, southeast corner of intersection of Jamaica and Guy R. Brewer Boulevard, block 10151, Lot 1, Borough of Queens.

COMMUNITY BOARD #12Q

68-12-BZ

APPLICANT – Vassalotti Associates Architects, LLP, for Rockaway Boulevard Associates, LLC, owner.

SUBJECT – Application March 21, 2012 – Re-instatement (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on December 22, 1999; Waiver of the Rules. R5 zoning district.

PREMISES AFFECTED – 89-15 Rockaway Boulevard, northwest corner of the intersection of Rockaway Boulevard and 90th Street, Block 9093, Lot 13, Borough of Queens.

COMMUNITY BOARD #9Q

Jeff Mulligan, Executive Director

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**REGULAR MEETING
TUESDAY MORNING, MAY 8, 2012
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

442-42-BZ

APPLICANT – Eric Palatnik, P.C., for Cropsey-20th Avenue Corp, owner.

SUBJECT – Application November 17, 2011 – Amendment (§11-412) to enlarge an existing gasoline service station (*Shell*) and legalize the conversion of repair bays to an accessory convenience store. R-5 zoning district.

PREMISES AFFECTED – 2001/2011 Cropsey Avenue, northeast corner of 20th Avenue and Cropsey Avenue, Block 6442, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #11BK

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, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to permit certain modifications to the site; and

WHEREAS, a public hearing was held on this application on March 20, 2012 after due notice by publication in *The City Record*, with a continued hearing on April 24, 2012, and then to decision on May 8, 2012; and

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

WHEREAS, Community Board 11, Brooklyn, recommends approval of this application; and

WHEREAS, the site is located on the northeast corner of 20th Avenue and Cropsey Avenue, within an R5 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 29, 1942 when, under the subject calendar number, the Board granted a variance to permit the extension and reconstruction of an existing gasoline service station; and

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

WHEREAS, most recently, on March 1, 2005, the Board granted an amendment pursuant to ZR § 11-412 to permit an extension of the canopy to connect to the existing building and an alteration of the signage at the site; and

WHEREAS, the applicant now seeks an amendment to (1) legalize the conversion of the accessory automotive repair bays to an accessory convenience store, (2) permit the enlargement of the convenience store building from 1,816 sq. ft. to approximately 2,396 sq. ft., (3) relocate the dumpster enclosure to the rear of the site, (4) remove the existing clothing bins from southeast corner of the site, and (5) reduce the number of parking spaces at the site; and

WHEREAS, the Board notes that Technical Policy and Procedure Notice (TPPN) # 10/99, provides that a retail convenience store located on the same zoning lot as a gasoline service station will be deemed accessory if: (i) the accessory convenience store is contained within a completely enclosed building; and (ii) the accessory convenience store has a maximum retail selling space of 2,500 sq. ft. or 25 percent of the zoning lot area, whichever is less; and

WHEREAS, the applicant represents that the proposed convenience store is located within an enclosed building and has a retail selling space of less than 2,500 sq. ft. or 25 percent of the zoning lot area; and

WHEREAS, at hearing, the Board questioned whether the proposal, which reduced the total number of parking spaces on the site from 11 to seven, provides sufficient parking for the convenient store use; and

WHEREAS, in response, the applicant submitted revised plans reflecting an increase in the total number of parking spaces on the site from seven to nine, and submitted a letter from a parking consultant stating that the proposal provides a sufficient number of parking spaces to accommodate the demand generated by the convenience store; and

WHEREAS, the applicant states that the coin-operated car wash and vacuum will be removed from the site, in accordance with the Board's previous grant; and

WHEREAS, pursuant to ZR § 11-412, the Board may grant a request for changes to the site; and

WHEREAS, at hearing, the Board directed the applicant to confirm that the signage on the site complied with C1 district regulations; and

WHEREAS, in response, the applicant submitted a signage analysis reflecting that the signage on the site complies with C1 district regulations; and

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

Therefore it is Resolved that the Board of Standards and Appeals *amends* the resolution, dated September 29, 1942, so that as amended this portion of the resolution shall read: "to permit the noted site modifications; *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 April 10, 2012' –(7) sheets; and *on further condition*:

THAT all signage will comply with C1 zoning district

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regulations;

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

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

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

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

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

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. 320350810)

Adopted by the Board of Standards and Appeals May 8, 2012.

1259-79-BZ

APPLICANT – Sheldon Lobel, P.C., for 29 West 26th Street, LLC c/o Madison Realty Capital, L.P., owner.

SUBJECT – Application December 15, 2011 – Extension of Time to Complete Construction of a Variance (§72-21) to convert the fourth and sixth floors of an existing building from manufacturing lofts to residential use which expired on April 27, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on October 27, 2011; waiver of the Rules. M1-6 zoning district.

PREMISES AFFECTED – 29 West 26th Street, north side of West 26th Street, 350’ east of 6th Avenue, Block 828, Lot 16, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Nora Martins.

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

WHEREAS, a public hearing was held on this application on March 20, 2012 after due notice by publication in *The City Record*, with a continued hearing on April 24, 2012, and then to decision on May 8, 2012; and

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

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

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

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

WHEREAS, most recently, on October 27, 2009, the Board granted a two-year extension of time to complete construction and obtain a certificate of occupancy, which expired on October 27, 2011; and

WHEREAS, the applicant states that the second, third, fifth, and seventh floors of the subject building have been converted to residential use pursuant to the Board’s grant, but that the fourth and sixth floors are still in the process of being converted to residential use, and a certificate of occupancy for the building has yet to be obtained; and

WHEREAS, the applicant represents that construction has not been completed due to change in ownership of the building, which was not completed until June 2011, and delays encountered at the Department of Buildings (“DOB”) regarding sprinkler system requirements; and

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

WHEREAS, at hearing, the Board raised concerns about the outstanding violations at the site and directed the applicant to provide justification for its request for a four-year extension of time; and

WHEREAS, in response, the applicant submitted a letter from the contract vendee explaining the steps they will take after closing title to address the outstanding Environmental Control Board and DOB violations at the site; and

WHEREAS, the applicant also submitted a timeline which notes the estimated date for the completion of construction and obtaining a certificate of occupancy and details the various approvals to be obtained, work to be done, and violations to be resolved; and

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

Therefore it is Resolved that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens*, and *amends* the resolution, dated July 8, 1980, so that as amended this portion of the resolution shall read: “to grant a four-year extension of time to complete construction and obtain a certificate of occupancy, to expire on May 8, 2016; *on condition*:

THAT construction will be completed and a certificate of occupancy obtained by May 8, 2016;

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

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

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

(DOB Application No. 100561429)

Adopted by the Board of Standards and Appeals, May 8, 2012.

997-84-BZ

APPLICANT – Akerman Senterfitt, for 222 Union Associates, owner; Central Parking System of New York, Inc., lessee.

SUBJECT – Application February 6, 2012 – Extension of Time to obtain a Certificate of Occupancy for an existing six story public parking garage with an automobile rental establishment which expired on June 4, 2008; waiver of the rules. R6A zoning district.

PREMISES AFFECTED – 800 Union Street, southside of Union Street between 6th and 7th Avenues, Block 957, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Jessica A. Loeser.

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, a waiver of the Rules of Practice and Procedure, and an extension of time to obtain a certificate of occupancy, which expired on June 4, 2008; and

WHEREAS, a public hearing was held on this application on Mach 6, 2012 after due notice by publication in *The City Record*, with a continued hearing on April 3, 2012, and then to decision on May 8, 2012; and

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

WHEREAS, the site is located on the south side of Union Street between Sixth Avenue and Seventh Avenue, within an R6A zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since 1929 when, under BSA Cal. No. 271-29-BZ, the Board granted a variance to permit the construction of a six-story building to be occupied by a parking garage and gasoline station; and

WHEREAS, in 1959, under BSA Cal. No. 490-59-BZ, the Board granted a variance to permit the change of use of the building to manufacturing and storage of incombustibles; and

WHEREAS, on September 10, 1985, under the subject calendar number, the Board permitted the change of use of the building to a public parking garage and automobile rental establishment, pursuant to ZR § 11-413, for a term of ten years; and

WHEREAS, subsequently, on May 14, 1996, the grant was extended for an additional ten-year term; and

WHEREAS, most recently, on December 4, 2007, the Board granted an amendment, pursuant to ZR § 11-412, to legalize an increase in the number of parking spaces from 149 to 237, including 20 parking spaces for rental cars on the second floor, and granted an additional ten-year extension of term; and

WHEREAS, a condition of the grant was that a new certificate of occupancy be obtained by June 4, 2008; and

WHEREAS, the applicant states that a certificate of occupancy has not been obtained due to miscommunication between the owner and operator of the site; and

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

WHEREAS, at hearing, the Board directed the applicant to confirm that the site is in compliance with the previous grant, and questioned whether the signage at the site complied with C1 district regulations; and

WHEREAS, in response, the applicant submitted photographs reflecting that the stackers have been relocated to the cellar level and that the capacity of the garage has been reduced in accordance with the previous grant; and

WHEREAS, as to the signage on the site, the applicant submitted a revised sign elevation drawing which reflects the removal of certain non-complying signs and the relocation of certain signs to complying heights; and

WHEREAS, the applicant states that scaffolding which has recently been installed at the site currently blocks access to the signage, and therefore requests that it be permitted to bring the signage into compliance after the scaffolding is removed, in approximately six months; 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 September 10, 1985, so that as amended this portion of the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy for one year from the date of this resolution, to expire on May 8, 2013; *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 May 3, 2012’-(1) sheet; and *on further condition*:

THAT this grant will expire on September 10, 2015;

THAT all signage on the site will be as indicated on the BSA-approved plans;

THAT the above conditions will be listed on the

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certificate of occupancy;

THAT a new certificate of occupancy will be obtained by May 8, 2013;

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

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

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.” (Alt. 863/84)

Adopted by the Board of Standards and Appeals May 8, 2012.

203-07-BZ

APPLICANT – Sheldon Lobel, P.C., for Gastar Inc., owner.
SUBJECT – Application December 30, 2011 – Amendment to a previous variance (§72-21) which allowed for the construction of a mixed use building, contrary to floor area and open space regulations. The amendment requests changes to the interior layout which would decrease medical office space, increase the number of dwelling units from 28 to 36, and increase parking from 58 to 61 spaces. R6/C2-2 zoning district.

PREMISES AFFECTED – 137-35 Elder Avenue, northwest corner of Main Street and Elder Avenue. Block 5140, Lot 40. Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Nora Martins.

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 previously granted variance for a 12-story mixed-use commercial/community facility/residential building; and

WHEREAS, a public hearing was held on this application on March 20, 2012 after due notice by publication in *The City Record*, with a continued hearing on April 24, 2012, and then to decision on May 8, 2012; and

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

WHEREAS, Community Board 7, Queens, recommends approval of this application, with the following conditions: (1)

the owner ensures that the existing underground oil/gas tanks are legally removed and the soil is remediated; and (2) the parking plan be reviewed for compliance with zoning, height, and width; and

WHEREAS, the site is located on the northeast corner of Main Street and Elder Avenue; and

WHEREAS, the site is partially within an R6 zoning district and partially within an R6/C2-2 zoning district and has a total lot area of 9,632 sq. ft.; and

WHEREAS, the site has 348 feet of frontage on 31st Avenue, a depth of 600 feet, and a total lot area of 208,803 sq. ft.; and

WHEREAS, on August 25, 2009, under the subject calendar number, the Board granted a variance to permit the construction of a 12-story mixed-use commercial/community facility/residential building which did not comply with the underlying zoning regulations for floor area ratio (“FAR”) and open space, contrary to ZR § 23-142; and

WHEREAS, the applicant now requests an amendment to permit changes to the interior layout of the proposed building, including an increase in the number of dwelling units and parking spaces, an increase in the commercial floor area, a decrease in the community facility floor area, and modifications to the floor-to-ceiling heights that result in a slight increase in the building height; and

WHEREAS, specifically, the applicant seeks to increase the number of dwelling units from 26 units to 36 units and to provide a corresponding increase in the number of accessory parking spaces, from 58 spaces to 61 spaces; and

WHEREAS, the applicant states that the additional ten dwelling units are created by rearranging the interior layout on the fourth through tenth floors to create four dwelling units on each floor instead of three, and converting the two approved 11th and 12th floor duplexes into four single-floor units; the proposed residential floor area remains the same as the floor area approved by the Board pursuant to the original variance (33,292 sq. ft.); and

WHEREAS, the applicant further states that the additional number of parking spaces required by the proposed increase in dwelling units will be accommodated by installing stackers in the cellar and second floor parking garages; and

WHEREAS, the applicant notes that the proposed 61 parking spaces includes the required 55 parking spaces and six required queuing spaces; and

WHEREAS, the applicant states that the floor-to-ceiling heights of the cellar, first, and second floors have been adjusted to accommodate the stackers (which require overhead clearance of 10’-0”), resulting in a 1’-0” increase in the total building height, from 137’-11” to 138’-11”;

WHEREAS, the applicant notes that the proposed height remains within the building envelope that is permitted as-of-right; and

WHEREAS, the applicant also seeks a slight increase in the commercial floor area on the ground floor from 6,820 sq. ft. to 7,040 sq. ft., due to a redesigned elevator core

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which was relocated to reduce the distance from the street entrance to the elevators, and a slight decrease in the community facility floor area from 4,850 sq. ft. to 4,149 sq. ft., due to the enlargement of the second floor parking garage to accommodate the additional parking spaces; and

WHEREAS, the applicant states that the proposed amendments will not adversely affect the surrounding neighborhood, as only ten additional dwelling units are proposed and required parking will be provided within the building; and

WHEREAS, the applicant further states that no increase in the approved residential floor area or decrease in the approved residential open space is requested; and

WHEREAS, in response to the Community Board's concerns regarding environmental remediation, the applicant states that its environmental consultant is working with the New York State Department of Environmental Conservation ("DEC") to determine the extent and scope of work necessary to remediate the soil at the site, that DEC requested the submission of a Remedial Action Work Plan ("RAWP"), and that upon approval of the RAWP it will undertake the necessary soil remediation measures simultaneously with the commencement of construction at the site; and

WHEREAS, as to the Community Board's concerns regarding the proposed parking plan, the applicant submitted revised plans which reflect the proposed parking stackers at the second and cellar floors, and the adjusted floor-to-ceiling heights of the cellar, first, and second floors to accommodate the stackers; and

WHEREAS, the Board notes that the proposed parking plan is subject to DOB review and approval for compliance with the Zoning Resolution and Building Code, and any other applicable requirements; and

WHEREAS, based upon its review of the record, the Board finds the requested amendment to the approved plans 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 August 25, 2009, so that as amended this portion of the resolution shall read: "to permit the noted modifications to the previously-approved plans; *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 April 26, 2012"-- eleven (11) sheets; and *on further condition*:

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

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

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. 402635403)

Adopted by the Board of Standards and Appeals May 8, 2012.

319-53-BZ

APPLICANT – Ficara & Associates, P.C., by Majed El Jamal, for 22nd Street Realty LLC, owner.

SUBJECT – Application August 16, 2011 – Extension of Term (§11-411) for the continued operation of an automotive repair shop with no body work which expired on January 31, 2011; Waiver of the Rules. R5 zoning district. PREMISES AFFECTED – 1135 East 222nd Street, northwest corner of Eastchester Road, Block 4900, Lot 12, Borough of Bronx.

COMMUNITY BOARD #12BX

APPEARANCES –

For Applicant: John Anzalone.

ACTION OF THE BOARD – Laid over to June 19, 2012, at 10 A.M., for continued hearing.

433-61-BZ

APPLICANT – Harold Weinberg, for Shin J. Yoo, owner.

SUBJECT – Application November 28, 2012 – Extension of Term (§11-411) of a variance which permitted a one story and mezzanine retail building, contrary to use regulations; Waiver of the Rules. R7A zoning district.

PREMISES AFFECTED – 1702-12 East 16th Street, between Quentin Road and Avenue R. Block 6798, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Harold Weinberg and Frank Sellitto.

ACTION OF THE BOARD – Laid over to June 5, 2012, at 10 A.M., for continued hearing.

534-65-BZ

APPLICATION – Alfonso Duarte for Parker Yellowstone, owner.

SUBJECT – Application March 9, 2012 – Extension of Term permitting surplus tenant parking spaces, within an accessory garage, for transient parking pursuant to §60 (3) of the Multiple Dwelling Law, which expired on July 13, 2010; waiver of the Rules. R7-1 zoning district.

PREMISES AFFECTED – 104-40 Queens Boulevard, northeast corner Yellowstone Boulevard. Block 3175, Lot 1. Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Alfonso Duarte.

ACTION OF THE BOARD – Laid over to June 12, 2012, at 10 A.M., for continued hearing.

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749-65-BZ

APPLICANT – Sheldon Lobel, P.C., for Henry Koch, owner.

SUBJECT – Application April 9, 2012 – Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (§72-21) for the continued operation of a UG16 Gasoline Service Station (*Getty*) which expired on March 8, 2012.

PREMISES AFFECTED – 1820 Richmond Road, southeast corner of Richmond Road and Stobe Avenue, Block 3552, Lot 39, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Nora Martins.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to June 12, 2012, at 10 A.M., for decision, hearing closed.

339-04-BZ

APPLICATION – Eric Palatnik, P.C., for Kramer and Wurtz, Inc., owner.

SUBJECT – Application January 17, 2012 – Extension of Term (§11-411) of a previously granted variance which permits an automotive service station (UG 16B) which expires on June 4, 2012. R3-1 zoning district.

PREMISES AFFECTED – 157-30 Willets Point Boulevard, south side of the intersection formed by Willets Point Boulevard and Clintonville Street. Block 4860, Lot 15. Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES –

For Applicant: Trevis Savage.

ACTION OF THE BOARD – Laid over to June 12, 2012, at 10 A.M., for continued hearing.

APPEALS CALENDAR

32-12-A

APPLICANT – Gary Lenhart, for The Breezy Point Cooperative Inc., owner; Noreen & William Goodwin, lessees.

SUBJECT – Application February 8, 2012 – Proposed reconstruction and enlargement of the existing single family dwelling not fronting a mapped street, contrary to Article 3, Section 36 of the General City Law, and the proposed upgrade to the existing private disposal system located partially in the bed of the service road, contrary to Buildings Department policy.

PREMISES AFFECTED – 110 Beach 220th Street, west side Beach 220th Street, 160’ south of Breezy Point Boulevard, Block 16350, Lot p/o400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

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 February 1, 2012, acting on Department of Buildings Application No. 420515632, reads in pertinent part:

A1- The street giving access to the existing building to be altered is not duly placed on the map of the City of New York. Therefore:

- a) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law; and
- b) Existing dwelling to be altered does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space is contrary to Section 27-291 of the Administrative Code.

A2- The proposed upgrade of the private disposal system is in the bed of the service lane contrary to the Department of Building policy; and

WHEREAS, a public hearing was held on this application on May 8, 2012, after due notice by publication in the *City Record*, and then to decision on the same date; and

WHEREAS, by letter dated May 8, 2012 the Fire Department states that it has no objection to the subject proposal, with the condition that the entire building be fully sprinklered in conformance with the sprinkler provisions of Fire Code § 503.8.2, Local Law 10/99, and Reference Standard 17-2B of the Building Code; and

WHEREAS, the applicant submitted plans reflecting that the building will be fully sprinklered and interconnected smoke alarms will be installed in accordance with the Fire Department’s request; 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 February 1, 2012, acting on Department of Buildings Application No. 420515632, 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 February 9, 2012”-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

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jurisdiction objection(s) only;

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

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

THAT the building will be fully sprinklered and interconnected smoke alarms will be provided in accordance with the BSA-approved plans;

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, May 8, 2012.

51-12-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative Inc., owner; Patricia Davey, lessee.

SUBJECT – Application March 7, 2012 – Proposed reconstruction of an existing building located partially in the bed of a mapped street (Beach 216 Street), contrary to Section 35 of the General City Law and Buildings Department policy. R4 zoning district.

PREMISES AFFECTED – 46 Tioga Walk, east of Beach 216th Street, 45' north of 6th Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

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 Queens Borough Commissioner, dated March 1, 2012, acting on Department of Buildings Application No. 420513171, reads in pertinent part:

- A1- The proposed reconstruction of the existing building located on a site where the building and lot are located partially in the bed of a mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 35 of the General City Law.
- A2-The private upgrade of the private disposal system is not in the bed of a mapped street; and

WHEREAS, a public hearing was held on this application on May 8, 2012, after due notice by publication in the *City Record*, and then to decision on the same date; and

WHEREAS, by letter dated April 26, 2012 the Fire Department states that it has no objection to the subject proposal, with the condition that the entire building be fully sprinklered in conformance with the sprinkler provisions of

Fire Code § 503.8.2, Local Law 10/99, and Reference Standard 17-2B of the Building Code; and

WHEREAS, the applicant submitted plans reflecting that the building will be fully sprinklered and interconnected smoke alarms will be installed in accordance with the Fire Department's request; and

WHEREAS, by letter dated March 21, 2012, the Department of Environmental Protection states that it has no objection to the subject proposal; and

WHEREAS, by letter dated April 25, 2012, the Department of Transportation ("DOT") states that it has no objection to the subject proposal; and

WHEREAS, DOT states that the subject lot is not currently included in the agency's Capital Improvement Program; 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 March 1, 2012, acting on Department of Buildings Application No. 420513171, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received March 7, 2012 - 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 will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the building will be fully sprinklered and interconnected smoke alarms will be provided in accordance with the BSA-approved plans;

THAT the approved plans will 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, May 8, 2012.

119-11-A

APPLICANT – Bryan Cave LLP, for Kimball Group, LLC, owner.

SUBJECT – Application August 17, 2011 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under prior zoning regulations in effect on July 14, 2005. R4 zoning district.

PREMISES AFFECTED – 2230-2234 Kimball Street,

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between Avenue U and Avenue V, Block 8556, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Margery Perlmutter.

ACTION OF THE BOARD – Laid over to July 10, 2012, at 10 A.M., for deferred decision.

155-11-A

APPLICANT – Sheldon Lobel, P.C., for 10 Stratford Associates, owners.

SUBJECT – Application October 3, 2011 – Appeal seeking a common law vested right to continue construction commenced under the prior R6 zoning district regulations. R3X zoning district.

PREMISES AFFECTED – 480 Stratford Road, west side of Stratford Road, through to Coney Island Avenue between Dorchester and Ditmas Avenue, Block 5174, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Nora Martins.

ACTION OF THE BOARD – Laid over to June 5, 2012, at 10 A.M., for deferred decision.

52-12-A

APPLICANT – Zygmunt Staszewski, for Breezy Point Cooperative Inc., owner; Michael Mullaly, lessee.

SUBJECT – Application March 7, 2012 – Proposed reconstruction of an existing building located in the bed of a mapped street, contrary to Section 35 of the General City Law, not fronting a mapped street, contrary to Section 36 of General City Law and contrary to the Department of Buildings policy. R4 zoning district.

PREMISES AFFECTED – 35 Janet Lane, north of Janet Lane, east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Gary Lenhart.

ACTION OF THE BOARD – Laid over to June 12, 2012, at 10 A.M., for continued hearing.

REGULAR MEETING TUESDAY AFTERNOON, MAY 8, 2012 1:30 P.M.

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

ZONING CALENDAR

22-12-BZ

CEQR #12-BSA-072M

APPLICANT – Francis R. Angelino, Esq., for Lerad Company, owner.

SUBJECT – Application February 1, 2012 – Special Permit (§73-36) to allow the enlargement of an existing Physical Culture Establishment (*SoulCycle*).

PREMISES AFFECTED – 1470 Third Avenue, northwest corner of East 83rd Street and Third Avenue, Block 1512, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Francis R. Angelino.

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 Commissioner, dated January 24, 2012, acting on Department of Buildings Application No. 120178253, reads in pertinent part:

Proposed enlargement to existing ‘Physical Culture Establishment’ is not permitted as-of-right in C1-9 zoning district. This use is contrary to Section 32-10 ZR. 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 within a C1-9 zoning district, the extension of an existing physical culture establishment (“PCE”) on a portion of the first floor and cellar of a six-story mixed-use commercial/residential building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on April 3, 2012 after due notice by publication in *The City Record*, and then to decision on May 8, 2012; and

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

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

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WHEREAS, the subject site is located on the northwest corner of East 83rd Street and Third Avenue, within a C1-9 zoning district; and

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

WHEREAS, on May 25, 2010, under BSA Cal. No. 20-10-BZ, the Board granted a special permit pursuant to ZR § 73-36 for the establishment of a PCE to occupy a total of 1,480 sq. ft. of floor area on a portion of the first floor of the subject building; and

WHEREAS, the applicant now seeks to expand the PCE to include an additional 1,945 sq. ft. of floor area on the first floor of the subject building (for a total PCE floor area of 3,425 sq. ft.), with additional floor space located in a portion of the cellar; and

WHEREAS, the applicant states that a new special permit is required because the proposed PCE extension increases the existing PCE floor area by more than 50 percent; and

WHEREAS, the PCE is operated as Soul Cycle; and

WHEREAS, the proposed hours of operation are: Monday through Friday, from 6:00 a.m. to 9:00 p.m.; and Saturday and Sunday, from 7:30 a.m. to 7:30 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 project is classified as an Unlisted action pursuant to 6 NYCRR Part 17.2; 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. 12BSA072M, dated January 28, 2012; 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 a C1-9 zoning district, the extension of a physical culture establishment on a portion of the first floor and cellar of an existing six-story commercial/residential building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received April 11, 2012" - four (4) sheets; and *on further condition*:

THAT the term of this grant shall expire on May 8, 2022;

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 signage shall comply with C1 district regulations;

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, May 8, 2012.

42-10-BZ

APPLICANT – Sheldon Lobel, P.C., for 2170 Mill Avenue LLC, owner.

SUBJECT – Application March 29, 2010 – Variance (§72-21) to allow for a mixed use building, contrary to use (§22-10), floor area, lot coverage, open space (§23-141),

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maximum dwelling units (§23-22), and height (§23-631) regulations. R3-1/C2-2 zoning district.

PREMISES AFFECTED – 2170 Mill Avenue, 116' west of intersection with Strickland Avenue, Block 8470, Lot 1150, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES –

For Applicant: Josh Rinesmith.

For Opposition: Saul Needle.

ACTION OF THE BOARD – Laid over to July 10, 2012 at 1:30 P.M., for continued hearing.

21-11-BZ

APPLICANT – Eric Palatnik, P.C., for 1810-12 Voorhies Avenue, LLC, owner.

SUBJECT – Application February 28, 2011 – Special Permit (§73-44) to permit the reduction in required parking for an ambulatory or diagnostic treatment facility. C1-2/R4 zoning district.

PREMISES AFFECTED – 1810 Voorhies Avenue, south side of Voorhies Avenue, between East 19th Street and Sheepshead Bay Road, Block 8772, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Shayna Estreicher.

ACTION OF THE BOARD – Laid over to June 19, 2012, at 1:30 P.M., for adjourned hearing.

104-11-BZ

APPLICANT – Eric Palatnik, P.C., for Leonard Gamss, owner.

SUBJECT – Application July 25, 2011 – Special Permit (§73-622) for the legalization of an enlargement to an existing single family home, contrary to floor area, lot coverage and open space (§23-141(b)) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 1936 East 26th Street, between Avenues S and T, Block 7304, Lot 21, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Shayna Estreicher.

ACTION OF THE BOARD – Laid over to June 19, 2012, at 1:30 P.M., for adjourned hearing.

117-11-BZ

APPLICANT – Sheldon Lobel, P.C., for Sisters of St. Joseph, owners.

SUBJECT – Application August 15, 2011 – Variance (§72-21) to permit the development of a new athletic center accessory to an existing UG 3 school (*Mary Louis Academy*), contrary to maximum height and sky exposure plane (§24-521), minimum rear yard, (§24-382) minimum front yard (§24-34) and nameplates or identification signs

(§22-321). R1-2 and R5 zoning districts.

PREMISES AFFECTED – 86-50 Edgerton Boulevard, corner through lot bounded by Dalny Road, Wexford Terrace, and Edgerton Boulevard, block 9885, Lot 8, borough of Queens.

COMMUNITY BOARD # 8Q

APPEARANCES –

For Applicant: Richard Lobel, Temaria Younger and Joe Lewinger.

ACTION OF THE BOARD – Laid over to June 12, 2012 at 1:30 P.M., for continued hearing.

129-11-BZ

APPLICANT – Jeffrey Chester, Esq. GSHLLP, for Carroll Street One LLC, owner.

SUBJECT – Application September 2, 2011 – Variance (§72-21) to allow for the construction of a residential building, contrary to use regulations (§42-00). M1-2 zoning district.

PREMISES AFFECTED – 465 Carroll Street, north side of Carroll Street, 100' from the corner of 3rd Avenue. Block 447, Lot 43. Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES – None.

ACTION OF THE BOARD – Laid over to June 19, 2012, at 1:30 P.M., for deferred decision.

142-11-BZ

APPLICANT – Goldman Harris LLC, for The Phillippe at W75st NY, LLC, owner.

SUBJECT – Application September 9, 2011 – Variance (§72-21) to allow a new residential building, contrary to height and setback (§23-692), rear setback (§23-633), and lot coverage (§23-145) regulations. C4-6A zoning district.

PREMISES AFFECTED – 207 West 75th Street, north side of West 75th Street, between Broadway and Amsterdam Avenue, Block 1167, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #7M

For Applicant: Vivien R. Krieger.

ACTION OF THE BOARD – Laid over to July 10, 2012, at 1:30 P.M., for adjourned hearing.

183-11-BZ

APPLICANT – Friedman & Gotbaum, LLP by Shelly S. Friedman, Esq., for S.K.I. Realty, Inc., owner; Memorial Hospital for cancer and Allied Diseases, lessee.

SUBJECT – Application December 5, 2011 – Variance (§72-21) to allow the construction of a new outpatient surgical center (*Memorial Hospital for Cancer and Allied Diseases*), contrary to floor area ratio (§33-123); rear yard (§33-261) height and setback (§33-432); and curb cut (§13-142) regulations. C1-9/C8-4 zoning districts.

PREMISES AFFECTED – 1133 York Avenue, north side of east 61st Street, westerly from the corner formed by the intersection of the northerly side of East 61st Street and the

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westerly side of York Avenue, Block 1456, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Shelly Friedman, Jeff Brand, Elena Aristova, Michelle Burke and Anne Locke.

For Opposition: Chris Wright, Cabot Marks, Nicole Detko, Chris Kossifos, Curtis M. Sawyer, Howard Brumer, Adam Zeliger, R. Evans, Herbert Dorfman, Willem Brans, Jo Brans, Mark Munroe, Edward Hartzig, Molly Blayne and Elizabeth Ashby.

THE VOTE TO CLOSE HEARING –

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

Negative:.....0

ACTION OF THE BOARD – Laid over to June 19, 2012 at 1:30 P.M., for decision, hearing closed.

5-12-BZ

APPLICANT – Moshe M. Friedman, P.E., for Aaron Herzog, owner.

SUBJECT – Application January 12, 2012 – Variance (§72-21) for the addition of a third floor to an existing two family residential building, contrary to front yard requirements (§23-146(c)), front yards and side yard requirement (§23-146(d)). R5 zoning district/Borough Park.

PREMISES AFFECTED – 812 Dahill road, northwest corner of Dahill Road and 19th Avenue, Block 5445, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES –

For Applicant: Moshe M. Friedman.

ACTION OF THE BOARD – Laid over to June 19, 2012 at 1:30 P.M., for continued hearing.

8-12-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Gladys Mandalaoui and Solomon Mandalaoui, owners.

SUBJECT – Application January 17, 2012 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R4 zoning district/Special Ocean Parkway District.

PREMISES AFFECTED – 705 Gravesend Neck Road, north side of Gravesend Neck Road, between East 7th Street and East 8th Street, block 7159, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Lyra J. Altman.

For Opposition: Eugene Cutaneo.

THE VOTE TO CLOSE HEARING –

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

Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to June 12, 2012 at 1:30 P.M., for decision, hearing closed.

44-12-BZ

APPLICANT – Sheldon Lobel, P.C., for 952-1064 Flatbush Avenue ELB LLC, owner; 1024 Flatbush Avenue Fitness Group, LLC, lessee.

SUBJECT – Application February 23, 2012 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Planet Fitness*) within an existing four-story building. C4-4A zoning district.

PREMISES AFFECTED – 1024 Flatbush Avenue, west side of Flatbush Avenue between Regent Place and Beverly Road, Block 5125, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Josh Rinesmith.

ACTION OF THE BOARD – Laid over to June 12, 2012 at 1:30 P.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.

MINUTES

*CORRECTION

This resolution adopted on May 1, 2012, under Calendar No. 256-02-BZ and printed in Volume 97, Bulletin No. 19, is hereby corrected to read as follows:

256-02-BZ

APPLICANT – Goldman Harris LLC, for 160 Imlay Street Real Estate, owner.

SUBJECT – Application February 10, 2012 – Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the re-use of a vacant six story manufacturing building, and the addition of three floors, for residential (UG2) use, which expired on March 18, 2012. M2-1 zoning district.

PREMISES AFFECTED – 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets and Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES –

For Applicant: Eugene Travers.

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 extension of time to complete construction of a previously granted variance to permit the conversion of an existing six-story industrial building to residential use; and

WHEREAS, a public hearing was held on this application on April 3, 2012, after due notice by publication in *The City Record*, and then to decision on May 1, 2012; and

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

WHEREAS, the subject site is located on the west side of Imlay Street between Commerce Street and Verona Street, within an M2-1 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the site since December 23, 2003 when, under the subject calendar number, the Board granted a variance to permit the conversion of an existing vacant six-story industrial building to residential use, contrary to § 42-00; and

WHEREAS, the Board notes that, pursuant to ZR § 72-23, a variance automatically lapses if substantial construction in accordance with the approved plans is not completed within four years from the date of the variance; however, if judicial proceedings have been instituted to review the Board's decision, the four-year lapse period commences upon the date of entry of the final order in such proceedings, including appeals; and

WHEREAS, the applicant notes that judicial proceedings were instituted to review the Board's decision in the subject

case (In the Matter of Red Hook/Gowanus Chamber of Commerce v. New York City Board of Standards and Appeals, et. al., Index No. 2308/04); and

WHEREAS, the applicant submitted a Decision and Order from the Appellate Division dated March 18, 2008, which denied the amended petition and dismissed the proceeding for failure to join a necessary party; and

WHEREAS, the applicant states that the March 18, 2008 Decision and Order has not been appealed and constitutes a final order in the proceeding for the purposes of ZR §72-23; and

WHEREAS, accordingly, the four-year lapse period for the variance commenced on March 18, 2008, and substantial construction was to be completed by March 18, 2012; and

WHEREAS, the applicant states that due to financing delays and additional delays related to the subject litigation, 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 December 23, 2003, 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 May 1, 2016; *on condition:*

THAT substantial construction shall be completed by May 1, 2016;

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. 301396790)

Adopted by the Board of Standards and Appeals, May 1, 2012.

***The resolution has been revised to correct the APPEARANCES – For Applicant which read: “Eugene Travers” now reads: “Eugene Travers”. Corrected in Bulletin No. 20, Vol. 97, dated May 16, 2012.**

MINUTES

*CORRECTION

This resolution adopted on April 24, 2012, under Calendar No. 206-10-A thru 210-10-A and printed in Volume 97, Bulletin Nos. 16-18, is hereby corrected to read as follows:

206-10-A thru 210-10-A

APPLICANT – Philip L. Rampulla, for Island Realty Associate, LLC, owner.

SUBJECT – Application November 1, 2010 – Proposed construction of a single family home located within the bed of a mapped street, contrary to General City Law Section 35 and §72-01-(g). R1-2 zoning district.

PREMISES AFFECTED – 3399, 3403, Richmond Road and 14, 15, 17 Tupelo Court, Block 2260, Lot 24, 26, 64, 66, 68, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Philip L. Rampulla.

ACTION OF THE BOARD – Applications 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 decisions of the Staten Island Borough Commissioner, dated February 13, 2012, acting on Department of Buildings Application Nos. 520048948, 520048957, 520048984, 520048975, and 520048966 read in pertinent part:

Proposed construction of a one family residence building within bed of a mapped street is contrary to General City Law 35 and not permitted; and

WHEREAS, this is an application to permit the proposed construction of five single-family homes located within the bed of a mapped street, contrary to Section 35 of the General City Law; and

WHEREAS, a public hearing was held on this application on January 24, 2012, after due notice by publication in the *City Record*, with continued hearings on February 28, 2012 and March 27, 2012, and then to decision on April 24, 2012; and

WHEREAS, Community Board 2, Staten Island, recommends disapproval of this application; and

WHEREAS, New York State Assembly Member Michael J. Cusick provided written testimony in opposition to this application; and

WHEREAS, New York State Assembly Member Louis R. Tobacco provided written testimony in opposition to this application; and

WHEREAS, New York State Senator Andrew J. Lanza provided written testimony requesting that the Board review the environmental and transportation issues associated with this application; and

WHEREAS, United States Congress Member Michael G. Grimm provided written testimony in opposition to this application; and

WHEREAS, New Yorkers for Parks provided written testimony in opposition to this application; and

WHEREAS, representatives of the Richmondtown and Clarke Avenue Civic Association and the Grasmere Civic Association provided oral and written testimony in opposition to this application (collectively, the “Opposition”); and

WHEREAS, the Opposition raised the following primary concerns: (1) the proposal is in a freshwater wetlands area; (2) an environmental assessment should be performed on the site; (3) the proposal could cause increased flooding in the area; (4) the applicant has not satisfied the findings pursuant to ZR § 72-21; (5) the proposal creates potential zoning non-compliances; (6) the proposal must be reviewed by the Department of City Planning (“DCP”); and (7) there is insufficient parking for the project on the surrounding streets; and

WHEREAS, the subject site consists of 296,208 sq. ft. of lot area bounded by St. Andrews Road to the north and Richmond Road to the south, in an R1-2 zoning district within the Special Natural Area Zoning District; and

WHEREAS, the applicant notes that 59,520 sq. ft. of lot area is Freshwater Wetland, 157,135 sq. ft. of lot area is Freshwater Wetland Adjacent Area, and the remaining 79,533 sq. ft. of lot area is unregulated; and

WHEREAS, the applicant proposes to construct 13 single family homes on the site, with four of the homes fronting on Richmond Road and nine of the homes accessed by Tupelo Court, a newly created private street; and

WHEREAS, the applicant states that three of the homes are proposed to be constructed in the bed of a mapped street known as Mace Street, and two of the homes are proposed to be constructed in the bed of a mapped street known as Ascot Avenue; accordingly, the applicant seeks a waiver of Section 35 of the General City law for the construction of five homes in the bed of a mapped street; and

WHEREAS, the other eight homes in the proposed development do not require a waiver of Section 35 of the General City Law, and therefore are not included in the subject application; and

WHEREAS, by letter dated January 12, 2011, the Department of Transportation (“DOT”) states that it has reviewed the project and has no objections; and

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

WHEREAS, by letter dated September 26, 2011, the Department of Environmental Protection (“DEP”) states that the Amended Drainage Plan No. D-3 (R-2)/D-4 (R-1), dated March 17, 2005, does not show any future sewers in the portions of mapped Mace Street and mapped Ascot Avenue at issue, but does show stabilized outlets at the intersection of Mace Street and mapped Call Street which will discharge storm flow into the referenced property; and

WHEREAS, DEP further states that, based on the June 28, 2011 map submitted by the applicant, which shows the DEP easement area which will be available to accept the storm flow discharge from the above-mentioned stabilized outlets, and based on the easement document submitted by the applicant for the portion of the property not to be developed on lot 36, it has no

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objections to the proposed application; and

WHEREAS, by letter dated December 7, 2010, the Fire Department states that it objects to the construction of any buildings within the bed of a mapped street (including the construction of the proposed homes in the bed of Ascot Avenue and Mace Street) because such streets should be opened in order to improve emergency response in the area; and

WHEREAS, in response, the applicant states that it made a good faith attempt to utilize and open the existing mapped but unbuilt streets on the site, however, the New York State Department of Environmental Conservation (“DEC”) would not allow the existing streets on the site to be opened because they are within Freshwater Wetland and Freshwater Wetland Adjacent Area; and

WHEREAS, the applicant submitted a letter from DEC dated March 20, 2012 which states that it issued a freshwater wetlands permit for the construction of 13 single family homes on the site, which keeps portions of the beds of St. Andrews Road, Mace Street, and Ascot Avenue unbuilt in perpetuity to preserve and protect freshwater wetlands and their benefits, and the street beds will not be opened and developed on the property controlled by the terms of the cited DEC permit; and

WHEREAS, by letter dated March 6, 2012, the Fire Department states that it reviewed the proposed site plan and all conditions relative to building access roads are in compliance with the 2008 Fire Code; and

WHEREAS, accordingly, the Board acknowledges the stated policy of the Fire Department that all mapped streets be opened, but finds that the applicant has submitted sufficient evidence to warrant approval of the proposed construction based on the inability to open the mapped but unbuilt streets on the site due to the requirements of the DEC freshwater wetlands permit, in conjunction with the Fire Department’s acknowledgment that the proposed Tupelo Court will fully comply with the 2008 Fire Code; and

WHEREAS, in response to the concerns raised by the Opposition regarding the construction within the Freshwater Wetlands, flooding, and the need to undergo an environmental assessment of the site, the applicant notes that more than half of the site is being preserved in its natural state, the proposed construction will only take place within the Freshwater Wetlands Adjacent Area and not within the Freshwater Wetlands, and that DEC issued a freshwater wetlands permit for the proposed construction, which incorporated an environmental review that followed SEQR regulations; and

WHEREAS, in response to the Opposition’s claim that the proposal does not satisfy the findings of ZR § 72-21 and that it creates potential zoning non-compliances, the Board notes that the findings under ZR § 72-21 are not applicable to an application under Section 35 of the General City Law, and that all issues related to zoning on the site are subject to review and approval by the Department of Buildings; and

WHEREAS, as to the Opposition’s contention that the proposal must be reviewed by DCP, the applicant submitted a letter from DCP stating that the proposed project will require Special Natural Area District authorizations and review by the City Planning Commission, but that the project requires a

Board determination before an application can be filed with DCP; and

WHEREAS, in response to the Opposition’s concerns regarding a lack of parking, the applicant notes that off-street parking spaces will be provided for the proposed homes, the proposed Tupelo Court will be built out to a width of 38 feet such that parking can be provided on that street, and Richmond Road will be widened so that additional parking can be provided on that street; and

WHEREAS, while the Board recognizes the concerns expressed by the Opposition, such considerations are not part of an application to permit construction within the bed of a mapped street under Section 35 of the General City Law, and therefore are not subject to the Board’s review; and

WHEREAS, the Board notes that the construction must comply with all requirements of the Zoning Resolution; 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 decisions of the Staten Island Borough Commissioner, dated May 10, 2010, acting on Department of Buildings Application Nos. 520048948, 520048957, 520048984, 520048975, and 520048966, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received March 20, 2012” – (2) sheets; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT all necessary DEC and DEP approvals must be obtained prior to the issuance of DOB permits;

THAT the necessary DCP review and authorization must be obtained prior to the issuance of DOB permits;

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, April 24, 2012.

***The resolution has been revised to correct the Plans Dates which read: ... “ Received March 20, 2012” – (3) sheets”... now reads: ... “ Received March 20, 2012” – (2) sheets”. Corrected in Bulletin No. 19, Vol. 97, dated May 9, 2012.**