
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 98, No. 11

March 20, 2013

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	289
CALENDAR of April 9, 2013	
Morning	290
Afternoon	291

CONTENTS

**MINUTES of Regular Meetings,
Tuesday, March 12, 2013**

Morning Calendar292

Affecting Calendar Numbers:

68-91-BZ	223-15 Union Turnpike, Queens
141-06-BZ	2084 60 th Street, Brooklyn
982-83-BZ	191-20 Northern Boulevard, Queens
18-02-BZ	8610 Flatlands Avenue, Brooklyn
189-03-BZ	836 East 233 rd Street, Bronx
310-12-A	141 East 88 th Street, Manhattan
15-13-A thru 49-13-A	Berkshire Lane and Wiltshire Lane, Staten Island
1-12-BZ	434 6 th Avenue, Manhattan
55-12-BZ	762 Wythe Avenue, Brooklyn
82-12-BZ	2011 East 22 nd Street, Brooklyn
106-12-BZ	2102 Jerome Avenue, Bronx
149-12-BZ	154 Girard Street, Brooklyn
285-12-BZ	54 West 39 th Street, Manhattan
16-12-BZ	184 Nostrand Avenue, Brooklyn
195-12-BZ	108-15 Crossbay Boulevard, Queens
238-12-BZ	1713 East 23 rd Street, Brooklyn
312-12-BZ	29-37 Beekman Street, aka 165-169 William Street, Manhattan
316-12-BZ	37-20 Prince Street, Manhattan
323-12-BZ	25 Broadway, Manhattan
324-12-BZ	45 76 th Street, Brooklyn

DOCKETS

New Case Filed Up to March 12, 2013

86-13-BZ

65-43 171st Street, between 65th Avenue and 67th Avenue, Block 6912, Lot(s) 14, Borough of **Queens, Community Board: 8**. Special Permit (§73-621) to permit, in an R2 zoning district, the enlargement of an existing one-family dwelling which will not provide the required open space ratio, and which exceeds the maximum permitted floor area. R-2 district.

87-13-A

174 Canal Street, Canal Street between Elizabeth and Mott Streets., Block 201, Lot(s) 13, Borough of **Manhattan, Community Board: 3**. Appeal of revocation of sign permit. C6-1G 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

April 9, 2013, 10:00 A.M.

APPEALS CALENDAR

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 9, 2013, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

1073-62-BZ

APPLICANT – Peter Hirshman, for 305 East 40th Owner's Corporation, owner; Innovative Parking LLC, lessee.
SUBJECT – Application January 15, 2013 – Extension of Term of a previously approved variance pursuant MDL Section 60 (1d)), permitting no more than 108 unused and surplus tenant parking spaces for transient use within an accessory garage which expires on March 5, 2013, C1-9/R10 zoning district.
PREMISES AFFECTED – 305 East 40th Street, northeast corner of East 40 Street and Second Avenue, Block 1333, Lot 1, Borough of Manhattan.
COMMUNITY BOARD #6M

1111-62-BZ

APPLICANT – Peter Hirshman, for 200 East Tenants Corporation, owner; MP 56 LLC, lessee.
SUBJECT – Application January 15, 2013 – Extension of Term permitting the use of unused and surplus tenant parking spaces, within an accessory garage, for transient parking granted by the Board pursuant to §60 (3) of the Multiple Dwelling Law (MDL) which is set to expire on March 26, 2013. C6-6, C5-2 and C1-9 zoning district.
PREMISES AFFECTED – 201 East 56 Street, northeast corner of East 56 Street and Third Avenue, Block 1330, Lot 4, Borough of Manhattan.
COMMUNITY BOARD #6M

8-98-BZ

APPLICANT – Sheldon Lobel, P.C., for 106 Associates, LLC, owner.
SUBJECT – Application December 27, 2012 – Amendment of a previously granted Variance (§72-21), which permitted limited commercial uses in the cellar of a building located in a residential zoning district. The amendment seeks to permit additional Use Group 6 uses, excluding restaurant uses, expand the limited operation hours and remove the term restriction. R6 zoning district.
PREMISES AFFECTED – 106-108 West 13th Street, West 13th Street, 120' from the intersection formed by West 13th Street and 6th Avenue, Block 608, Lot 35, Borough of Manhattan.
COMMUNITY BOARD #2M

256-12-A

APPLICANT – Davidoff Hutcher & Citron LLP, City Outdoor.
OWNER OF PREMISES: 195 Havemeyer Corporation.
SUBJECT – Application August 28, 2012 – Appeal from Department of Buildings' determination that sign is not entitled to continued non-conforming use status as an advertising sign. C4-3 zoning district.
PREMISES AFFECTED – 195 Havemeyer Street, southeast corner of Havemeyer and South 4th Street, Block 2447, Lot 3, Borough of Brooklyn.
COMMUNITY BOARD #1BK

ZONING CALENDAR

138-12-BZ

APPLICANT – Harold Weinberg, for Israel Cohen, owner.
SUBJECT – Application April 27, 2012 – Special Permit (§73-622) for the legalization of an enlargement to a single family residence contrary to side yard requirement (23-461). R-5 zoning district.
PREMISES AFFECTED – 2051 East 19th Street, between Avenue U and Avenue T, Block 7324, Lot 64, Borough of Brooklyn.
COMMUNITY BOARD #15BK

139-12-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, PC, for Alvan Bisnoff/Georgetown Realty Corp., owner.
SUBJECT – Application April 30, 2012 – Special Permit (§73-53) to permit the enlargement of an existing non-conforming manufacturing building (warehouse (use group 16) and factory (use group 17)) contrary to §22-00. R5 zoning district.
PREMISES AFFECTED – 34-10 12th Street, southwest corner of 34th Avenue and 12th Street, Block 326, Lot 29, Borough of Queens.
COMMUNITY BOARD #1Q

293-12-BZ

APPLICANT – Eric Palatnik, P.C., for Mr. and Mrs. Angelo Colantuono, owners.
SUBJECT – Application October 11, 2012 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area (§23-141(b)) and less than the required side yard (§23-461(a)). R3X zoning district.
PREMISES AFFECTED – 1245 83rd Street, north side of 83rd Street, between 12th Avenue and 13th Avenue, Block 6302, Lot 60, Borough of Brooklyn.
COMMUNITY BOARD #10BK

CALENDAR

3-13-BZ

APPLICANT – Ellen Hay/Wachtel Masyr Missry LLP, for Greenridge 674 Inc., owner; Fitness International LLC DBA LA Fitness, lessees.

SUBJECT – Application January 11, 2013 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*LA Fitness*). C4-1 (SRD) zoning district.

PREMISES AFFECTED – 3231-3251 Richmond Avenue, aka 806 Arthur Kill Road, east side Richmond Avenue between Arthur Kill Road, Getz and Gurley Avenues, Block 5533, Lots 47, 58, 62, 123, Borough of Staten Island.

COMMUNITY BOARD #3SI

4-13-BZ

APPLICANT – Francis R. Angelino, Esq., for 1625 Flatbush, LLC, owner; Global Health Clubs, LLC, owner.

SUBJECT – Application January 11, 2013 – Special Permit (§73-36) to permit a physical culture establishment (*Retro Fitness*) on ground and cellar floors. C8-2 zoning district.

PREMISES AFFECTED – 1623 Flatbush Avenue, East 32nd Street and New York Avenue, Block 7578, Lot 49, Borough of Brooklyn.

COMMUNITY BOARD #17BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 12, 2013
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

68-91-BZ

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

SUBJECT – Application August 24, 2012 – Extension of Term (§11-411) of an approved variance which permitted the operation of an automotive service station (UG 16B) with accessory uses, which expired on May 19, 2012; Amendment §11-412) to permit the legalization of certain minor interior partition changes and a request to permit automotive repair services on Sundays; Waiver of the Rules.

R5D/C1-2 & R2A zoning district.

PREMISES AFFECTED – 223-15 Union Turnpike, northwest corner of Springfield Boulevard and Union Turnpike, Block 7780, Lot 1, Borough of Queens.

COMMUNITY BOARD #11Q

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 term, and an extension of time to obtain a certificate of occupancy for an automotive service station (UG 16B); and

WHEREAS, a public hearing was held on this application on October 30, 2012, after due notice by publication in *The City Record*, with continued hearings on January 8, 2013 and February 12, 2013, and then to decision on March 12, 2013; and

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

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

WHEREAS, the site is on the northwest corner of Springfield Boulevard and Union Turnpike, partially within a C1-2 (R5D) zoning district and partially within an R2A zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 13, 1942 when, under BSA Cal. No. 150-41-BZ, the Board granted a variance to permit the

construction of a gasoline service station (and a single-family residence), for a term of ten years; and

WHEREAS, subsequently, the grant was amended and the term extended at various times, until its expiration on November 5, 1985; and

WHEREAS, on May 19, 1992, under the subject calendar number, the Board granted an application under ZR § 11-411 to re-establish the expired variance for a gasoline service station, for a term of ten years, which was renewed for another ten-year term that expired on May 19, 2012; and

WHEREAS, the applicant now seeks an additional extension of the term, an approval of certain changes to the site, and authorization to open on Sundays; and

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

WHEREAS, pursuant to ZR § 11-412, the Board may permit amendments to the prior approval; and

WHEREAS, the applicant states that it has made certain minor changes to the site, including partition and layout changes to the interior of the accessory convenience store and relocation of the exterior door; and

WHEREAS, at hearing, the Board raised concerns about excessive signage at the site, which was not reflected on the previously-approved plans, and questioned whether the signage on the site was in compliance with C1 district regulations; and

WHEREAS, additionally, the Board directed the applicant to improve the appearance of the garbage enclosure; and

WHEREAS, the applicant submitted photographs reflecting that the signage that exceeded the C1 surface area regulations has been removed, and states that the site will comply with C1 district signage regulations; and

WHEREAS, the applicant also submitted photographs which reflect that the appearance of the garbage enclosure and the rear of the site have been improved; and

WHEREAS, the applicant also seeks to legalize the addition of Sunday hours of operation, from 8:00 a.m. to 4:00 p.m. prior to issuing its recommendation to approve the hours; and

WHEREAS, the applicant asserts that its facility services a religious community that does not drive on Saturday, but seek its services on Sundays; 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, dated May 19, 1992, so that as amended this portion of the resolution shall read: “to extend the term for a period of ten years from May 19, 2012, to expire on May 19, 2022; *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 26, 2013’- (5) sheets; and *on further condition*:

MINUTES

THAT the term of this grant will expire on May 19, 2022;

THAT the signage on the site will comply with C1 district regulations;

THAT the hours of operation will be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m. and Sunday, 8:00 a.m. to 4:00 p.m.;

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

THAT a new certificate of occupancy will be obtained by March 12, 2014;

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 App. Nos. 401393835 & 401393648)

Adopted by the Board of Standards and Appeals, March 12, 2013.

141-06-BZ

APPLICANT – Eric Palatnik, P.C., for Congregation Tefiloh Ledovid, owner.

SUBJECT – Application August 7, 2012 – Extension of Time to complete construction of a previously approved variance (§72-21) permitting the construction of a three-story synagogue (*Congregation Tefiloh Ledovid*) which expired on June 19, 2011; Waiver of the Rules. R5 zoning district.

PREMISES AFFECTED – 2084 60th Street, corner of 21st Avenue and 60th Street, Block 5521, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #12BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an extension of time to complete construction of a previously granted variance to permit the construction of a synagogue; and

WHEREAS, a public hearing was held on this application on October 16, 2012, after due notice by publication in *The City Record*, with continued hearings on November 20, 2012, January 15, 2013 and February 12, 2013, and then to decision on March 12, 2013; and

WHEREAS, the premises and surrounding area had site

and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Hinkson, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, certain neighbors provided testimony in opposition to the proposal, citing concerns about the poor maintenance of the site, delay in construction, and damage to adjacent properties; and

WHEREAS, the Board has exercised jurisdiction over the subject site since June 19, 2007, when, under the subject calendar number, the Board granted a variance authorizing the proposed three-story Use Group 4 synagogue, which does not comply with floor area, FAR, lot coverage, front yards, side yards, and parking requirements for community facilities, contrary to ZR §§ 24-11, 24-34, 24-35, and 24-31; and

WHEREAS, substantial construction was to be completed by June 19, 2011, in accordance with ZR § 72-23; and

WHEREAS, on October 3, 2008, the Board approved certain minor amendments to the plans, by letter; and

WHEREAS, the subject premises is located on the southwest corner of 21st Avenue and 60th Street, within an R5 zoning district within the Special Borough Park District; and

WHEREAS, during the hearing process, based on its own observations and the concerns raised by the neighbors, the Board directed the applicant to (1) remove debris from the site, (2) ensure the safety of the site including the sidewalk and fencing, and (3) resolve all outstanding DOB violations; and

WHEREAS, in response, the applicant (1) removed debris and other unsightly conditions at the site, (2) secured the site, and (3) provided a response regarding the violations, which reflects that there are four outstanding violations including two related to the plans, one related to monitoring adjacent buildings, and one related to inspections; and

WHEREAS, as to the violations, the applicant represents that two can only be resolved after the Board grants the requested extension and the other two are being resolved expeditiously; and

WHEREAS, due to the nature of the violations, the Board determined that the applicant must resolve all violations before resuming construction at the site; and

WHEREAS, as to the neighbors’ concerns about property damage, the Board notes that any agreement between the parties related to damage is beyond the purview of the Board and is more appropriate for another forum; and

WHEREAS, however, the Board urges the applicant to communicate with the neighbors and adequately respond to their concerns; and

WHEREAS, the Board finds it appropriate for the applicant to provide a contact person to the neighbors so that they may reach them if issues arise; and

WHEREAS, the Board also urges the applicant to expeditiously resume and complete construction and to complete construction within the new four-year term; and

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

MINUTES

WHEREAS, the applicant represents that the owner is now prepared to proceed with 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 June 19, 2007, 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 March 12, 2017; *on condition:*

THAT construction will be completed by March 12, 2017;

THAT the property owner provides a contact number and contact person to the neighbors;

THAT all DOB violations must be resolved prior to the reissuance of the permit and resumption of construction;

THAT the site be maintained free of debris;

THAT the security of the site be maintained;

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. 302159571)

Adopted by the Board of Standards and Appeals, March 12, 2013.

982-83-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for Barone Properties, Inc., owner.

SUBJECT – Application August 17, 2012 – Extension of Time to obtain a Certificate of Occupancy of a previously granted variance for the continued operation of retail and office use (UG 6) which expired on July 19, 2012. R3-2 zoning district.

PREMISES AFFECTED – 191-20 Northern Boulevard, southwest corner of intersection of Northern Boulevard and 192nd Street, Block 5513, Lot 27, Borough of Queens.

COMMUNITY BOARD #11Q

ACTION OF THE BOARD – Laid over to April 9, 2013, at 10 A.M., for adjourned hearing.

18-02-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 8610 Flatlands Realty, LLC, owner.

SUBJECT – Application August 17, 2012 – Extension of Term (§11-411) of an approved variance for the continued

operation of an automotive laundry (UG 16B) which expired on August 13, 2012. C2-3/R5D zoning district.

PREMISES AFFECTED – 8610 Flatlands Avenue, southwest corner of intersection of Flatlands Avenue and 87th Street, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

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 April 16, 2013, at 10 A.M., for decision, hearing closed.

189-03-BZ

APPLICANT – Eric Palatnik, P.C., for 830 East 233rd Street Corp., owner.

SUBJECT – Application November 21, 2011 – Extension of Term of a previously granted special permit (§73-211) for the continued operation of an automotive service station (*Shell*) with an accessory convenience store (UG 16B) which expires on October 21, 2013; Extension of Time to obtain a Certificate of Occupancy which expired on October 21, 2008; Waiver of the Rules. C2-2/R-5 zoning district.

PREMISES AFFECTED – 836 East 233rd Street, southeast corner of East 233rd Street and Bussing Avenue, Block 4857, Lot 44, 41, Borough of Bronx.

COMMUNITY BOARD #12BX

ACTION OF THE BOARD – Laid over to April 9, 2013, at 10 A.M., for deferred decision.

APPEALS CALENDAR

310-12-A

APPLICANT – Mitchell A. Korbey, Esq./Herrick, Feinstein, for 141 East 88th Street LLC, owners.

SUBJECT – Application December 12, 2012 – Appeal to the Multiple Dwelling Law section 310(2)(a) to permit the reclassification of a partially occupied residential building, a rehabilitation and a rooftop addition. C1-8X zoning district.

PREMISES AFFECTED – 141 East 88th Street, south-east corner of East 88th Street and Lexington Avenue, Block 1517, Lot 20, 50, Borough of Manhattan.

COMMUNITY BOARD #8M

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 April 16, 2013, at 10 A.M., for decision, hearing closed.

MINUTES

15-13-A thru 49-13-A

APPLICANT – Eric Palatnik, P.C., for Block 7094 Associates, LLC, owners.

SUBJECT – Application January 25, 2013 – Proposed construction of thirty-five (35) one and two-family dwellings that do not front on a legally mapped street, contrary to General City Law Section 36. R3-1(SRD) zoning district.

PREMISES AFFECTED –

16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 78, 84, 90, 96, 102, 108, 75, 79, 85, 89, 93, 99, 105, 109, 115, 119 Berkshire Lane. Block 7094, Lot 70, 69, 68, 67, 66, 65, 62, 61, 60, 59, 54, 53, 52, 51, 43, 44, 45, 46, 47, 48, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32.

19, 23, 27, 31, 35, Wiltshire Lane. Block 7094, Lot 57, 56, 55, 50, 49. Borough of Staten Island.

COMMUNITY BOARD #3SI

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 April 9, 2013, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.

ZONING CALENDAR

1-12-BZ

CEQR #12-BSA-057M

APPLICANT – Law Office of Fredrick A. Becker, for Harran Holding Corp., owner; Moksha Yoga NYC LLC, lessee.

SUBJECT – Application January 3, 2012 – Special Permit (§73-36) for the operation of a physical culture establishment (*Moksha Yoga*) on the second floor of a six-story commercial building. C4-5 zoning district.

PREMISES AFFECTED – 434 6th Avenue, southeast corner of 6th Avenue and West 10th Street, Block 573, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #2M

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 December 9, 2011, acting on Department of Buildings Application No. 121181130, reads in pertinent part:

The proposed “Physical Culture or Health Establishment” (PCE) on the second floor of the subject building, is contrary to ZR 32-31, is contrary to ZR 32-31 and requires a BSA special permit pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within a C4-5 (Special Limited Commercial District (LC)) zoning district and the Greenwich Village Historic District, the operation of a physical culture establishment (PCE) on the second floor of a six-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 8, 2013, after due notice by publication in *The City Record*, with a continued hearing on February 12, 2013, and then to decision on March 12, 2013; and

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

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

WHEREAS, the subject site is located on the southeast corner of Avenue of the Americas and West 10th Street, within a C4-5 (LC) zoning district and the Greenwich Village Historic District; and

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

WHEREAS, the site has 65.12 feet of frontage on

MINUTES

Avenue of the Americas, 78.08 feet of frontage on West 10th Street, and a total lot area of 5,102 sq. ft.; and

WHEREAS, the PCE occupies 4,725 sq. ft. of floor area on the second floor; and

WHEREAS, the PCE is operated as Moksha Yoga; and

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

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

WHEREAS, the applicant submitted a Certificate of No Effect (CNE No. 12- 2522) from the Landmarks Preservation Commission (LPC) dated July 13, 2011, approving the interior alterations in the subject PCE space; and

WHEREAS, the applicant submitted a Certificate of No Effect (CNE No. 12-7056) from LPC dated November 30, 2011, approving the exterior alterations in the subject building; and

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

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

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

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

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

WHEREAS, the Board notes that the PCE has been in operation since approximately January 15, 2012, without a special permit; and

WHEREAS, accordingly, the Board has determined that the term of the grant will be reduced for the period of time between January 15, 2012 and the date of this grant; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR Part 617.4; 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.12BSA057M, dated December 16, 2011; 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 Type I 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 located within a C4-5 (LC) zoning district and the Greenwich Village Historic District, the operation of a physical culture establishment on the second floor of a six-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received March 6, 2013" - Two (2) sheets and *on further condition*:

THAT the term of this grant will expire on January 15, 2022;

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

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

THAT the hours of operation will be limited to Monday through Friday, from 7:00 a.m. to 10:00 p.m. and Saturday and Sunday, from 10:00 a.m. to 8:00 p.m.;

THAT all modifications to the interior and the exterior will be in accordance with the Landmarks Preservation Commission's Certificates of No Effect;

THAT any modifications will be subject to Landmarks Preservation Commission approval;

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

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

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

MINUTES

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, March 12, 2013.

55-12-BZ

APPLICANT – Eric Palatnik, P.C., for Kollel L’Horoah, owner.

SUBJECT – Application March 13, 2012 – Special Permit (§73-19) to permit the legalization of an existing Use Group 3 religious-based, non-profit school (*Kollel L’Horoah*), contrary to use regulations (§42-00). M1-2 zoning district.

PREMISES AFFECTED – 762 Wythe Avenue, corner of Penn Street, Wythe Avenue and Rutledge Street, Block 2216, Lot 19, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated February 29, 2012, acting on Department of Buildings Application No. 310126155 reads in pertinent part:

Proposed Use Group 3 use is not permitted as of right within manufacturing zoning districts, and is contrary to ZR Section 42-00 and therefore requires a special permit from the NYC BSA pursuant to ZR Section 73-19; and

WHEREAS, this is an application under ZR §§ 73-19 and 73-03 to permit, on a site within an M1-2 zoning district, the legalization of a six-story yeshiva (Use Group 3), contrary to ZR § 42-00; and

WHEREAS, a public hearing was held on this application on November 15, 2012, after due notice by publication in the *City Record*, with continued hearings on January 8, 2013 and February 12, 2013, and then to decision on March 12, 2013; 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 1, Brooklyn, recommends approval of this application; and

WHEREAS, the application is brought on behalf of the Central United Talmudical Association (the “Yeshiva”); and

WHEREAS, the site is located on the west side of Wythe Avenue, between Penn Street and Rutledge Street, within an M1-2 zoning district; and

WHEREAS, the site has 200 feet of frontage on Wythe Avenue, 125 feet of frontage on Penn Street, 125 feet of frontage on Rutledge Street, and a lot area of 25,000 sq. ft.; and

WHEREAS, the subject building is six stories with a floor area of approximately 119,997.4 sq. ft. (4.80 FAR), and was formerly occupied by a factory; and

WHEREAS, the applicant represents that the Yeshiva meets the requirements of the special permit authorized by ZR § 73-19 for permitting a school in an M1 zoning district; and

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

WHEREAS, the applicant states that the school serves an estimated 1,920 students from pre-nursery through ninth grade; and

WHEREAS, the Yeshiva’s program includes 86 classrooms, 142 teachers, and 26 support staff positions; and

WHEREAS, the applicant states that the Yeshiva’s program requires a minimum lot area of 20,000-25,000 sq. ft. and a building with a floor area of approximately 120,000 sq. ft. with an additional 20,000 sq. ft. of space in the cellar; and

WHEREAS, accordingly, the applicant searched for two years in South Williamsburg in R6 or equivalent zoning districts, which would allow for an FAR of 4.80 and accommodate the programmatic needs; and

WHEREAS, the applicant represents that it specifically evaluated the feasibility of 11 sites that were either vacant or under-developed within the catchment area of the school, and which could potentially be redeveloped for a school that could accommodate the projected enrollment; and

WHEREAS, the applicant submitted a chart identifying the sites (on Bedford Avenue, Flushing Avenue, Myrtle Avenue, Park Avenue, Willoughby Avenue, and Skillman Street) and summarizing the insufficiencies; and

WHEREAS, the applicant states that, of the 11 sites it evaluated, only two had lot area greater than 20,000 sq. ft. (one was a vacant lot which has since been developed by HPD and one is a banquet hall parking lot not available for sale); six of the smaller sites are in the process or have recently been developed for residential use; and the remaining three are used as parking and a gas station and are not available for sale; and

WHEREAS, the applicant submitted a letter from a real estate broker stating that the Yeshiva sought an existing building for immediate occupancy, but also considered vacant lots, which were not available due to an active residential market that resulted in residential development on the vacant lots; and

WHEREAS, further, the applicant submitted communication between its representation, City Councilperson Letitia James, and the Department of Education (DOE), seeking space to lease in DOE buildings;

MINUTES

the applicant represents that no available DOE space was identified; and

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

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

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

WHEREAS, the applicant submitted a radius diagram which reflects that directly across Wythe Avenue there is an R6 zoning district and directly across Rutledge Street there is an R7-1 zoning district, and therefore the site is within 400 feet of at least two zoning districts where the proposed use would be permitted as-of-right; and

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

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

WHEREAS, the applicant states that adequate separation from noise, traffic and other adverse effects of the surrounding M1-2 zoning district will be provided through the building's 12-inch thick exterior masonry with four-inch wood stud interior walls and double-paned glass windows; and

WHEREAS, the noise analysis submitted by the applicant indicates that the existing windows comply with the required noise attenuation and no additional mitigation measures are recommended; and

WHEREAS, the Board finds that the exterior wall and window construction of the building and the adjacency of residential zoning districts with residential uses directly across Wythe Avenue and Rutledge Street will adequately separate the Yeshiva from noise, traffic and other adverse effects of any of the uses within the surrounding M1-2 zoning district; thus, the Board finds that the requirements of ZR § 73-19 (c) are met; and

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

WHEREAS, the applicant states that approximately 1,800 students arrive by bus, and that the school operates approximately 15 buses; and

WHEREAS, the applicant further states that the buses arrive between 7:40 a.m. and 10:00 a.m., and that their arrival is spread out so that the buses arrive at the school in a staggered manner with a maximum of six buses parked in front of the school at one time; and

WHEREAS, the applicant further states that there are two teachers/monitors on each bus with young children and constant radio contact between the bus and a monitor at the

school who is solely responsible for buses and stands in front of the school; there are also two monitors on the street in front of the school at the time of arrival and departure; and

WHEREAS, the applicant states that the students are also dismissed in a staggered manner from 2:30 p.m. for the youngest to 6:00 p.m. for the oldest; and

WHEREAS, the Yeshiva confirms that its 15 buses make a total of 35 runs each day at designated times; and

WHEREAS, the applicant states that when buses are not in use, they are parked nearby at 671 Myrtle Avenue and 41 South 11th Street, off street; and

WHEREAS, the applicant states that the street system has significant capacity to enable the buses to access the school without disruption; and

WHEREAS, the Department of Transportation submitted a letter stating that it does not object to the proposed legalization of the school from a traffic safety perspective; and

WHEREAS, the Board finds that the above-mentioned measures maintain safe conditions for children going to and from the School; and

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

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

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

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

WHEREAS, the Board notes that the Fire Department has inspected the site on numerous occasions and that its only violation is that the operating Interior Fire Alarm and full Sprinkler Systems require application and approval by DOB; and

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) 12BSA088K, dated March 2012; 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

MINUTES

Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

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

WHEREAS, DEP reviewed and accepted the October 2012 Construction Health and Safety Plan; and

WHEREAS, DEP requested that a Remedial Closure Report be submitted to DEP for review and approval upon completion of the proposed project; and

WHEREAS, DEP reviewed the applicant's May 15, 2012 stationary source air quality screening analysis and determined that the proposed project is not anticipated to result in significant stationary source air quality impacts; and

WHEREAS, DEP reviewed the applicant's October 2012 noise analysis and concurs with the conclusions regarding the required sound attenuation levels and measures; and

WHEREAS, DEP determined that, with these noise measures, the proposed project is not anticipated to result in significant noise impacts; 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, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-19 and 73-03 and grants a special permit, to allow the legalization of a six-story yeshiva (Use Group 3), on a site within an M1-2 zoning district; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 7, 2013" - Eleven (11) sheets; and *on further condition*:

THAT a certificate of occupancy will be obtained by March 12, 2015;

THAT DOB will not issue a Certificate of Occupancy until the applicant has provided it with DEP's approval of the Remedial Closure Report;

THAT the sound attenuation measures in the proposed building will be maintained as reflected on the BSA-approved plans;

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

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

Adopted by the Board of Standards and Appeals, March 12, 2013.

82-12-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Miriam Benabu, owner.

SUBJECT – Application April 5, 2012 – Special Permit (§73-622) for the enlargement of an existing single family semi-detached home, contrary to floor area, open space and lot coverage (§23-141); side yards (§23-461); perimeter wall height (§23-631) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 2011 East 22nd Street, between Avenue S and Avenue T, Block 7301, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated March 7, 2012, acting on Department of Buildings Application No. 320431387, reads in pertinent part:

1. Proposed plans are contrary to ZR 23-141 in that the proposed floor area ratio exceeds the maximum permitted.
2. Proposed plans are contrary to ZR 23-141 in that the proposed open space is less than the minimum required.
3. Proposed plans are contrary to ZR 23-141 in that the proposed lot coverage exceeds the maximum permitted.
4. Proposed plans are contrary to ZR 23-631 in that the proposed perimeter wall height exceeds the maximum permitted.
5. Proposed plans are contrary to ZR 23-461 in that the proposed side yard is less than the minimum required.
6. Proposed plans are contrary to ZR 23-47 in that the proposed rear yard is less than the minimum required; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-2 zoning district, the proposed enlargement of a semi-detached single-family home, which does not comply with the zoning requirements for floor area ratio ("FAR"), open space, lot coverage, perimeter wall height, rear yard, and side yard contrary to ZR §§ 23-141, 23-461, 23-47, and 23-631; and

MINUTES

WHEREAS, a public hearing was held on this application on September 11, 2012, after due notice by publication in *The City Record*, with continued hearings on October 23, 2012, November 20, 2013, January 8, 2013, and February 12, 2013, and then to decision on March 12, 2013; and

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

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

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

WHEREAS, the subject site is located on the east side of East 22nd Street, between Avenue S and Avenue T, within an R3-2 zoning district; and

WHEREAS, the subject site has a total lot area of 2,000 sq. ft., and is occupied by a semi-detached single-family home with a floor area of 1,584.24 sq. ft. (0.79 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 1,584.24 sq. ft. (0.79 FAR) to 2,125.32 sq. ft. (1.07 FAR); the maximum permitted floor area is 1,200 sq. ft. (0.60 FAR); and

WHEREAS, the applicant proposes an open space ratio of 53 percent; the minimum required open space ratio is 65 percent; and

WHEREAS, the applicant proposes a lot coverage of 47 percent; a maximum lot coverage of 35 percent is permitted; and

WHEREAS, the applicant proposes to maintain the existing non-complying perimeter wall height of 21'-7 9/16"; the maximum permitted perimeter wall height is 21'-0"; and

WHEREAS, the applicant proposes a rear yard with a depth of 20 feet; the minimum required rear yard depth is 30 feet; and

WHEREAS, the applicant proposes to maintain the pre-existing non-complying side yard with a width of 6'-9 1/2"; a side yard with a minimum width of 8'-0" is required; 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 Board notes that the applicant initially proposed an FAR of 1.13, which it directed the applicant to reduce to be more compatible with the neighborhood context; and

WHEREAS, in response, the applicant reduced the amount of floor area and the FAR to the current proposal of 1.07; and

WHEREAS, the Board notes that ZR § 73-622(3)

allows the Board to waive the perimeter wall height only in instances where the proposed perimeter wall height is equal to or less than the height of the adjacent building's noncomplying perimeter wall facing the street; and

WHEREAS, the applicant represents that the proposed perimeter wall height is equal to the pre-existing perimeter wall height and lower than the perimeter wall of the adjacent semi-detached home to the north; and

WHEREAS, the applicant submitted a survey to establish the perimeter wall heights, which reflects that the building and the adjacent semi-detached home, constructed as one building have a consistent perimeter wall height; and

WHEREAS, as to the FAR, at the Board's request, the applicant provided an analysis indicating that several homes in the surrounding area have higher FAR's than what is permitted; specifically, six homes range from 1.01 to 1.2 FAR, and thus 1.07 is compatible with the surrounding character; and

WHEREAS, further, the Board notes that the enlargement is completely at the rear of the home and that the front profile mirrors the adjacent semi-detached home; and

WHEREAS, at the Board's direction, the applicant revised the massing at the rear of the home to be more compatible with the adjacent home; 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 R3-2 zoning district, the proposed enlargement of a semi-detached single-family home, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, perimeter wall height, rear yard, and side yard contrary to ZR §§ 23-141, 23-461, 23-47, and 23-631; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received January 31, 2013"-(6) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the building: a maximum floor area of 2,125.32 sq. ft. (1.07

MINUTES

FAR), a minimum open space ratio of 53 percent, a maximum lot coverage of 47 percent; a maximum perimeter wall height of 21'-7 9/16"; a rear yard with a minimum depth of 20 feet; and a side yard with a minimum width of 6'-9 1/2", as illustrated on the BSA-approved plans;

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

THAT the approved plans will 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 12, 2013.

106-12-BZ

APPLICANT – Eric Palatnik, P.C., for Edgar Soto, owner; Autozone, Inc., lessee.

SUBJECT – Application April 17, 2012 – Special Permit (§73-50) to permit the development of a new one-story retail store (UG 6), contrary to rear yard regulations (§33-292). C8-3 zoning district.

PREMISES AFFECTED – 2102 Jerome Avenue between East Burnside Avenue and East 181st Street, Block 3179, Lot 20, Borough of Bronx.

COMMUNITY BOARD #5BX

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 Bronx Borough Superintendent, dated March 20, 2012, acting on Department of Buildings Application No. 220174004, reads in pertinent part:

Rear yard in conjunction with one story new building is contrary to ZR 33-292 and therefore must be referred to the Board of Standards and Appeals; and

WHEREAS, this is an application under ZR §§ 73-50 and 73-03, to permit, on a site in a C8-3 zoning district abutting an R8 zoning district, the construction of a one-story commercial building which encroaches on a required 30-foot open area, contrary to ZR § 33-292; and

WHEREAS a public hearing was held on this application on November 27, 2012 after due notice by

publication in *The City Record*, with continued hearings on January 29, 2013 and February 26, 2013, and then to decision on March 12, 2013; 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 5, Bronx, recommends approval of this application; and

WHEREAS, the site is an interior lot located on the east side of Jerome Avenue with 150 feet of frontage on Jerome Avenue and a depth of 100 feet, and a total lot area of 15,000 sq. ft.; and

WHEREAS, the subject site is vacant and currently used for off-street parking; and

WHEREAS, the subject site is located within a C8-3 zoning district that abuts an R8 zoning district to its rear; and

WHEREAS, pursuant to ZR § 33-292, an open area at curb level with a minimum depth of 30 feet is required on a zoning lot within a C8 district with a rear lot line that abuts the rear lot line of a zoning lot in a residential district; and

WHEREAS, the applicant proposes to construct a new one-story, 7,622 sq. ft. commercial building which will contain automobile parts and accessories (Autozone) that sets back 9'-3" from the rear lot line for a width of 63'-3", and a 17 space open parking lot; and

WHEREAS, the first floor encroaches within 20'-9" of the required 30 foot open area up to a height of 18'-8" to the roof and 24'-10" to the parapet wall, contrary to ZR § 33-292; and

WHEREAS, under ZR § 73-50, the Board may grant a waiver of the open area requirements set forth in ZR § 33-29 in appropriate cases; and

WHEREAS, the uses adjacent to the property's rear lot line are an outdoor basketball court and a six-story apartment building; and

WHEREAS, the proposed commercial building will be adjacent to the open basketball court, while the proposed 17 space parking lot will be adjacent to the six-story residential building; and

WHEREAS, the applicant submitted a letter from the NYC Department of Parks and Recreation stating that the adjacent basketball court will remain as dedicated parkland for the foreseeable future; and

WHEREAS, the original proposal was for a building that encroached within the full depth of the open area to a height of 32'-8"; and

WHEREAS, the Board raised concerns regarding the proposed 32'-8" total height of the rear portion of the building and questioned whether the height of the parapet wall could be reduced; and

WHEREAS, in response, the applicant reduced the height of the parapet wall, thereby reducing the total height of the building to 24'-10"; and

WHEREAS, the applicant represents that the proposed height of 24'-10" is within what is typically seen for a one-

MINUTES

story rear yard encroachment, which allows a building height of 23'-0" and a 3'-6" to 4'-0" parapet wall for a total height of up to 27'-0"; and

WHEREAS, the Board raised concerns regarding the location of the building on the zoning lot in regards to the amount of open space at the rear property line; and

WHEREAS, in response, the applicant shifted the building closer to the front lot line thereby providing a 9'-3" open area at the rear lot line; and

WHEREAS, the Board raised concerns regarding lack of any landscaping on the site; and

WHEREAS, in response, the applicant provided revised plans showing ground cover and trees along the perimeter of the site; and

WHEREAS, the Board finds that the proposed development is appropriate because: (1) the building provides a 9'-3" open area at the rear lot line; (2) the height is limited to 24'-10" including the parapet wall; (3) the portion of the building that encroaches into the open area is adjacent primarily to the park and does not face the residential buildings to the rear; and (4) the use is fully enclosed and the site is buffered by landscaping; and

WHEREAS, therefore, the Board finds that the waiver to the required open area will not have an adverse affect on the surrounding area; and

WHEREAS, therefore the Board has determined that the application meets the requirements of ZR §73-03(a) in that the disadvantages to the community at large are outweighed by the advantages derived from such special permit; and that the adverse effect, if any, will be minimized by appropriate conditions; and

WHEREAS, the proposed project will not interfere with any pending public improvement project and therefore satisfies the requirements of ZR §73-03(b); and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§73-50 and 73-03.

Therefore it is Resolved that the Board of Standards and Appeals issues a Type II Declaration under 6 NYCRR Part 617.5 and 617.13, §§ 5-02(a), 5-02(b)(2), and 6-15 of the Rules of Procedure for City Environmental Quality Review, and makes the required findings under ZR §§ 73-50 and 73-03, to permit, on a lot within a C8-3 zoning district abutting an R8 zoning district, the construction of a one-story commercial building which encroaches on a required 30-foot open area required by ZR § 33-292, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received March 6, 2013" – seven (7) sheets; and *on further condition*;

THAT the height of the building within the required open area will be limited to a height of 18'-8" to the roof and 24'-10" to the parapet wall;

THAT the building will encroach 20'-9" within the 30 foot open area and the remaining 9'-3" will be landscaped;

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 all landscaping will be maintained and replaced if necessary;

THAT the approved plans will 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 plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 12, 2013.

149-12-BZ

APPLICANT – Alexander Levkovich, for Arkadiv Khavkovich, owner.

SUBJECT – Application May 9, 2012 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and lot coverage (§23-141(b)) and less than the required rear yard (§23-47). R3-1 zoning district.

PREMISES AFFECTED – 154 Girard Street, between Hampton Avenue and Oriental Boulevard, Block 8749, Lot 265, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

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

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated June 8, 2012, acting on Department of Buildings Application No. 320443748, reads in pertinent part:

1. Objection #3 ZR 23-141b – Proposed lot coverage is contrary to Max LC of 35 for this zoning distr.
2. Objection #4 ZR 23-46 – Proposed rear yard is contrary to min 30 ft required.
3. Objection #4 ZR 23-141b – Proposed FAR is contrary to max of .5 for this zoning district; and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio ("FAR"), rear yard, and lot coverage contrary to ZR §§ 23-141 and 23-46; and

WHEREAS, a public hearing was held on this application on February 12, 2013, after due notice by publication in *The City Record*, and then to decision on

MINUTES

March 12, 2013; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Montanez; and

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

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

WHEREAS, the subject site has a total lot area of 3,120 sq. ft., and is occupied by a single-family home with a floor area of 1,311 sq. ft. (0.42 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 1,311 sq. ft. (0.42 FAR) to 2,319 sq. ft. (1.74 FAR); the maximum permitted floor area is 1,560 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes a lot coverage of 44 percent; the maximum permitted lot coverage is 35 percent; and

WHEREAS, the applicant proposes a rear yard with a depth of 28'-2"; the minimum required rear yard depth is 30 feet; 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, 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 R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area ratio, rear yard, and lot coverage contrary to ZR §§ 23-141 and 23-46; 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 14, 2012"-(12) sheets; and on further condition:

THAT the following will be the bulk parameters of the building: a maximum floor area of 2,319 sq. ft. (0.74 FAR), a maximum lot coverage of 44 percent, and a rear yard with a minimum depth of 28'-2", as illustrated on the BSA-approved plans;

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

THAT the approved plans will 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 12, 2013.

285-12-BZ

CEQR #13-BSA-040M

APPLICANT – Sheldon Lobel, P.C., for Pigranel Management Corp., owner; Narita Bodywork, Inc., lessee. SUBJECT – Application October 3, 2012 – Special Permit (§73-36) to allow a physical culture establishment (*Narita Bodyworks*) on the 4th floor of existing building. M1-6 zoning district.

PREMISES AFFECTED – 54 West 39th Street, south side of West 39th Street, between Fifth Avenue and Avenue of the Americas, Block 840, Lot 78, Borough of Manhattan.

COMMUNITY BOARD #5M

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 September 5, 2012, acting on Department of Buildings Application No. 121142655, reads in pertinent part:

Physical Culture Establishment is not permitted as of right in zoning M1-6 district and is contrary to ZR 42-10. Approval from BSA and must be referred to the Board of Standards and Appeals for approval pursuant to ZR 73-36; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located within an M1-6 zoning district, the operation of a physical culture

MINUTES

establishment (PCE) on the fourth floor in a sixteen-story commercial building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on January 29, 2013, after due notice by publication in *The City Record*, and then to decision on March 5, 2013; 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 5, Manhattan, recommends disapproval of this application; and

WHEREAS, the subject site is located on the south of West 39th Street between Fifth Avenue and Avenue of the Americas, within an M1-6 zoning district; and

WHEREAS, the site has 35feet of frontage on West 39th Street, a maximum lot depth of 98.75 feet, and a total lot area of 3,456 sq. ft.; and

WHEREAS, the site is occupied by a 16-story commercial building; and

WHEREAS, the proposed PCE will occupy 3,080 sq. ft. of floor area on the fourth floor and will provide various therapeutic and relaxation services such as massages, facials, waxing, and body treatments; it will include eight massage therapy treatment rooms, four rooms for skin care treatments, a reception area, laundry room, and showers within certain treatment rooms; and

WHEREAS, the PCE will be operated as Narita Bodywork; and

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

WHEREAS, the hours of operation for the proposed PCE will be: 24 hours a day, 7 days a week; and

WHEREAS, in response to concerns raised by the Community Board regarding the proposed 24-hour operation, the applicant asserts that the Board has granted several PCE special permits in the surrounding manufacturing area with 24-hour operation; and

WHEREAS, further, the applicant notes that the surrounding area is a high-density commercial district bordering the Special Midtown District and is characterized predominantly by commercial uses, and that the subject building only contains commercial uses; and

WHEREAS, the applicant also represents that the proposed operation is intended to open 10:00 am to 2:00 am daily, however they would prefer the flexibility to increase the hours, should there be demand for 24-hour service; and

WHEREAS, the applicant states and the Board agrees that if the applicant elects to extend the PCE's hours to a 24-hours/day, it will not adversely affect the surrounding uses; and

WHEREAS, accordingly, 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 a Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No.13BSA040M, dated October 1, 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 located within a M1-6 zoning district, the operation of a physical culture establishment on the fourth floor in a sixteen-story commercial building, contrary to ZR § 42-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received March 5, 2013" - Three (3) sheets and *on further condition*:

THAT the term of this grant will expire on February 26, 2023;

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

MINUTES

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

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

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

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 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 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, March 12, 2013.

16-12-BZ

APPLICANT – Eric Palatnik, P.C., for Congregation Adas Yereim, owner.

SUBJECT – Application January 23, 2012 – Special Permit (§73-19) to allow for a school (*Congregation Adas Yereim*) contrary to use regulations (§42-00). M1-2 zoning district. PREMISES AFFECTED – 184 Nostrand Avenue, northwest corner of Nostrand Avenue and Willoughby Avenue, Block 1753, Lot 42, 43, Borough of Brooklyn.

COMMUNITY BOARD #4BK

ACTION OF THE BOARD – Laid over to April 23, 2013, at 10 A.M., for adjourned hearing.

195-12-BZ

APPLICANT – The Law Offices of Eduardo J. Diaz, for Garmac Properties LLC, owner.

SUBJECT – Application June 15, 2012 – Re-instatement (§11-411) of a previously approved variance which allowed a two-story office building (UG6) and four parking spaces, which expired on May 13, 2000. Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 108-15 Crossbay Boulevard, between 108th and 109th Avenues. Block 9165, Lot 291. Borough of Queens.

COMMUNITY BOARD #10Q

ACTION OF THE BOARD – Laid over to April 16, 2013, at 10 A.M., for continued hearing.

238-12-BZ

APPLICANT – Harold Weinberg, for Stuart Ditchek, owner.

SUBJECT – Application August 1, 2012 – Special Permit (§73-622) for the enlargement of single family home contrary floor area and lot coverage (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district.

PREMISES AFFECTED – 1713 East 23rd Street, between Quentin Road and Avenue R, Block 6806, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to April 9, 2013, at 10 A.M., for continued hearing.

312-12-BZ

APPLICANT – Jay A. Segal, Esq./Greenberg Traurig LLP, for 33 Beekman Owner LLC c/o Naftali Group, owners; Pace University, lessee.

SUBJECT – Application November 19, 2012 – Variance (§72-21) to facilitate the construction of a new 34-story, 760-bed dormitory (*Pace University*), contrary to maximum permitted floor area. C6-4 district/Special Lower Manhattan District.

PREMISES AFFECTED – 29-37 Beekman Street aka 165-169 William Street, northeast corner of block bound by Beekman, William, Nassau and Ann Streets, Block 92, Lot 1,3,37,38, Borough of Manhattan.

COMMUNITY BOARD #1M

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 April 9, 2013, at 10 A.M., for decision, hearing closed.

316-12-BZ

APPLICANT – Eric Palatnik, P.C. for Prince Plaza LLC, owner; L'Essence de Vie LLC d/b/a Orient Retreat, lessee.

SUBJECT – Application November 21, 2012 – Special Permit (§73-36) to allow a proposed physical culture establishment (*Orient Retreat*). C4-2 zoning district.

PREMISES AFFECTED – 37-20 Prince Street, west side of Prince Street between 37th Avenue and 39th Avenue, Block 4972, Lot 43, Borough of Queens.

COMMUNITY BOARD #7Q

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 April 16, 2013, at 10 A.M., for decision, hearing closed.

MINUTES

323-12-BZ

APPLICANT – Sheldon Lobel, P.C., for 25 Broadway Office Properties, LLC, owner; 25 Broadway Fitness Group LLC, lessees.

SUBJECT – Application December 7, 2012 – Special Permit (§73-36) to allow a proposed physical culture establishment (*Planet Fitness*). C5-5LM zoning district.

PREMISES AFFECTED – 25 Broadway, southwest corner of the intersection formed by Broadway and Morris Street, Block 13, Lot 27, Borough of Manhattan.

COMMUNITY BOARD #1M

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 April 23, 2013, at 10 A.M., for decision, hearing closed.

324-12-BZ

APPLICANT – Sheldon Lobel, P.C., for Taxiarnis Davanelos, Georgia Davanelos, Andy Mastoros, owners.

SUBJECT – Application December 7, 2012 – Special permit (§73-622) for the enlargement of an existing single family home, contrary to floor area regulations (23-141(b)). R3-1 zoning district.

PREMISES AFFECTED – 45 76th Street, north side of 76th Street between Narrows Avenue and Colonial Road, Block 5937, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Laid over to April 16, 2013, at 10 A.M., for continued hearing.

Jeff Mulligan, Executive Director

Adjourned: P.M.