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OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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March 8, 2015

DIRECTORY

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DOCKETS

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35-15-A

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36-15-BZ

66 Boerum Place, northwest corner of the intersection formed by Atlantic Avenue and Boerum Place, Block 00277, Lot(s) 1 & 10, Borough of **Brooklyn, Community Board: 2**. Special Permit (§73-36) to allow the operation of a physical culture establishment (Fitness Center) on portions of the cellar, first and second floors of a new building. C6-2A (SDBD) zoning district C6-2A (SDBD) district.

37-15-A

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38-15-A

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39-15-BZ

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40-15-BZ

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41-15-BZ

140 East 46th Street, south east corner of East 47th Street and Lexington Avenue, Block 01300, Lot(s) 0050, Borough of **Manhattan, Community Board: 6**. Special Permit (§73-36) to allow the operation of a physical culture establishment within portions of an existing building. C5-3 & C5-2.5 zoning district. Companion case 40-15-BZ C5-3 and C5-2.5 district.

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

CALENDAR

MARCH 24, 2015, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, March 24, 2015, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

26-02-BZ

APPLICANT – Eric Palatnik, P.C., for Bolla EM Realty LLC, owner.

SUBJECT – Application March 14, 2014 – Extension of Term of a previously approved Variance (§72-21) which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses, which expired on December 10, 2012; Amendment to covert the existing bays into accessory convenience store and to enlarge the building; Waiver of the Rules. C1-2/R3-2 zoning district.

PREMISES AFFECTED – 1680 Richmond Avenue aka 3101 Victory Boulevard, northwest corner of Richmond Avenue and Victory Boulevard, Block 2160, Lot 1, Borough Staten Island.

COMMUNITY BOARD #2SI

150-04-BZ

APPLICANT – Sheldon Lobel, P.C., for Shun K. and Oi-Yee Fung, owners.

SUBJECT – Application May 2, 2014 – Amendment of a previously approved variance to permit the construction of a four-story building with retail space and one-car garage. C6-2G zoning district.

PREMISES AFFECTED – 129 Elizabeth Street, west side of Elizabeth Street between Broome and Grand Street, Block 470, Lot 17, Borough of Manhattan.

COMMUNITY BOARD #2M

51-06-BZ

APPLICANT – Sheldon Lobel, P.C., for Rivoli Realty Corp., owner; American Dance & Drama, lessee.

SUBJECT – Application July 10, 2014 – Amendment of a variance (§72-21) which permitted a Physical Culture Establishment and a dance studio (Use Group 9), contrary to use regulations. The amendment seeks to enlarge the floor area utilized by the dance studio on the first floor of the existing one-story and cellar building. C1-2/R2A zoning district.

PREMISES AFFECTED – 188-02 Union Turnpike aka 22 Union Turnpike, south side of Union Turnpike between 188th Street and 189th Street, Block 7266, Lot 1, Borough of Queens.

COMMUNITY BOARD #8Q

APPEALS CALENDAR

167-14-A

APPLICANT – Eric Palatnik, P.C., for 250 Manhattan LLC, owner.

SUBJECT – Application July 11, 2014 – Appeal seeking a determination that the owner has obtained a vested right to complete construction commenced under the prior C4-3(R6) zoning district. R6B zoning district.

PREMISES AFFECTED – 250 Manhattan Avenue, between Powers Avenue and Grand Street, Block 2782, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

MARCH 24, 2015, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, March 24, 2015, 1:00 P.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

ZONING CALENDAR

322-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Gloria B. Silver, owner.

SUBJECT – Application December 18, 2013 – Reinstatement (§11-411) of a previously approved variance which permitted accessory parking on the zoning lot for the use Group 6 commercial building, which expired on September 23, 1990; Waiver of the Rules. R6/C1-2 and R6 zoning district.

PREMISES AFFECTED – 42-01 Main Street, southeast corner of the intersection of Main Street and Maple Avenue, Block 5135, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

51-14-BZ

APPLICANT – Lewis E. Garfinkel, for David Freier, owner.

SUBJECT – Application April 2, 2014 – Special Permit (§73-622) for the enlargement of an existing single family residence contrary to floor area and open space ZR §23-141; side yards ZR §23-461 and rear yard ZR §23-47. R2 zoning district.

PREMISES AFFECTED – 1369 East 28th Street, East side of East 28th Street, 220' north from Avenue N, Block 7664, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

CALENDAR

242-14-BZ

APPLICANT – Jay Goldstein, Esq., for Sutton Realty LLC., owner; Halevy Life, Inc., lessee.

SUBJECT – Application October 8, 2014 – Special Permit (§73-36) to allow for operation of a physical culture establishment (*Halevy Life*) on portions of the cellar and first floor. C1-9 zoning district.

PREMISES AFFECTED – 212 East 57th Street, between 3rd Avenue and 2nd Avenue on the south side of 57th Street, Block 1330, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #6M

Ryan Singer, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, MARCH 3, 2015
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

195-02-BZ

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for
McDonald's Real Estate Company, owner; Lauren
Enterprises, lessee.

SUBJECT – Application December 2, 2013 – Extension of
Term of a previously approved Variance (§72-21)
permitting an eating and drinking establishment with an
accessory drive through facility with a legalization of a small
addition to the establishment, which expired on February 11,
2013; Waiver of the Rules. R4 zoning district.

PREMISES AFFECTED – 2797 Linden Boulevard,
between Drew and Ruby Streets, Block 4471, Lot 21,
Borough of Brooklyn.

COMMUNITY BOARD #5BK

ACTION OF THE BOARD – Laid over to April 14,
2015, at 10 A.M., for adjourned hearing.

APPEALS CALENDAR

245-12-A

APPLICANT – Law Offices of Marvin B. Mitzner LLC, for
515 East 5th Street, LLC, owner.

SUBJECT – Application August 9, 2012 – Appeal pursuant
to Section 310(2) of the Multiple Dwelling Law, requesting
that the Board vary several requirements of the MDL. R7B
Zoning District

PREMISES AFFECTED – 515 East 5th Street, north side of
East 5th Street, between Avenue A and Avenue B, Block
401, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #3M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to May 12,
2015, at 10 A.M., for decision, hearing closed.

126-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for
McAllister Maritime Holdings, LLC, owner.

SUBJECT – Application June 5, 2014 – Proposed
construction of a warehouse building located partially within
the bed of mapped unbuild street, pursuant Article 3 Section

35 of the General City Law. M3-1 zoning district.

PREMISES AFFECTED – 3153 Richmond Terrace, north
side of Richmond Terrace at intersection of Richmond
Terrace and Grandview Avenue, Block 1208, Lot 15,
Borough of Staten Island.

COMMUNITY BOARD #1SI

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 31,
2015, at 10 A.M., for decision, hearing closed.

153-14-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for
Rabbi Jacob Joseph School, owner.

SUBJECT – Application July 1, 2014 – Proposed
construction of a community facility building school located
partially within the bed of a unbuild mapped street pursuant
to Article 3 Section 35 of the General City Law and waive of
bulk regulations under ZR Section 72-01-(g). R3-2 Zoning
district.

PREMISES AFFECTED – 200 Cambridge Avenue, 114.71'
north of intersection on of Auburn Avenue and Cambridge
Avenue, Block 1511, Lot 210, Borough of Staten Island.

COMMUNITY BOARD #

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 24,
2015, at 10 A.M., for decision, hearing closed.

180-14-A

APPLICANT – Fried Frank Harris Shriver and Jacobson
LLP, for EXG 332 W 44 LLC c/o Edison Properties, owner.

SUBJECT – Application August 1, 2014 – Appeal
challenging the Department of Building's determination that
the subject façade treatment located on the north wall is an
impermissible accessory sign as defined under the ZR
Section 12-10. C6-2SCD zoning district.

PREMISES AFFECTED – 332 West 44th Street, south side
West 44th Street, 378 west of the corner formed by the
intersection of West 44th Street and 8th Avenue and 250'
east of the intersection of West 44th Street and 8th Avenue,
Block 1034, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #4M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to April 21,
2015, at 10 A.M., for decision, hearing closed.

MINUTES

ZONING CALENDAR

329-13-BZ

APPLICANT – Alexander Levkovich, for Sam Ravit, owner.

SUBJECT – Application December 31, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141). R3-1 zoning district.

PREMISES AFFECTED – 145 Girard Street, east side of Girard Street, approximately 600’ south of intersection with Hampton Avenue, Block 8750, Lot 386, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez...4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated January 28, 2015, acting on DOB Application No. 320808658, reads in pertinent part:

1. Proposed construction floor area exceeds maximum allowable permitted as per zoning regulation section ZR 23-141...
2. Proposed lot coverage exceeds maximum allowable permitted as per zoning regulation section ZR 23-141(b)...
3. Proposed rear yard exceeds maximum allowable permitted as per zoning regulation section ZR 23-47...

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R3-1 zoning district, the proposed enlargement of a non-complying two-story, two-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), lot coverage and rear yards, contrary to ZR §§ 23-141 and 23-47; and

WHEREAS, a public hearing was held on this application on November 18, 2014, after due notice by publication in *The City Record*, with continued hearings on December 9, 2014 and February 10, 2015, and then to decision on March 3, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site neighborhood; and

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

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

WHEREAS, the site has 60 feet of frontage along Girard Street, and a depth of approximately 100 feet, and 6,000 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, two-family home with 4,444 sq. ft. of floor area (0.74 FAR); and

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

WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 4,444 sq. ft. (0.74 FAR) to 5,052 sq. ft. (.84 FAR); the maximum permitted floor area is 3,744 sq. ft. (0.5 FAR); and

WHEREAS, the applicant seeks to increase the lot coverage of the subject building from 28 percent to 36.3 percent; the maximum lot coverage is 35 percent; and

WHEREAS, the applicant seeks to vertically extend its non-complying rear yard, which has a depth of 27’-1””; the requirement is a minimum depth of 30’-0””; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

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, to permit, on a site within an R3-1 zoning district, the proposed enlargement of a two-story, two-family home, which does not comply with the zoning requirements for FAR, lot coverage and rear yards, contrary to ZR §§ 23-141 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “Received February 23, 2015”– thirteen (13) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 5,052 sq. ft. (.84 FAR), a maximum lot coverage of 36.3 percent, and a rear yard with a minimum depth of 27’-1””, as illustrated on the BSA-approved plans;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by March 3, 2019; and

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THAT DOB 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 3, 2015.

114-14-BZ

APPLICANT – Eric Palatnik, P.C., for Boris Vaysburz, owner.

SUBJECT – Application May 30, 2014 – Special Permit (§73-622) for enlargement of an existing two story single family dwelling contrary to floor area ratio, open space and lot coverage (ZR 23-141); side yard (ZR 23-461) and less than the rear yard requirements (ZR 23-47). R4 zoning district.

PREMISES AFFECTED – 2442 East 14th Street, between Avenue X and Avenue Y, Block 7415, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez..4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the New York City Department of Buildings (“DOB”), dated May 21, 2014, acting on DOB Application No. 320915408, reads in pertinent part:

1. Proposed floor area is more than the 0.75 permitted and contrary to ZR 23-141(b)
2. Proposed open space ratio is less than the 55% required and contrary to ZR 23-141(b)
3. Proposed lot coverage is more than the 45% permitted and contrary to ZR 23-141(b)
4. 2 side yards are required for a total of 13’-0” with any side yard a minimum width of 5’-0”.
Proposed side yards are less than required and contrary to ZR 23-461(a)
5. Proposed rear yard is less than the 30 feet required and contrary to ZR 23-47; and

WHEREAS, this is an application under ZR § 73-622, to permit, on a site within an R4 zoning district, the proposed enlargement of a two-story, single-family home, which does not comply with the zoning requirements for floor area ratio (“FAR”), open space ratio, lot coverage, side yards, and rear yards, contrary to ZR §§ 23-141, 23-461 and 23-47; and

WHEREAS, a public hearing was held on this application on October 28, 2014, after due notice by publication in *The City Record*, with continued hearings on December 9, 2014, January 6, 2015, and February 3, 2015, and then to decision on March 3, 2015; and

WHEREAS, Vice-Chair Hinkson, Commissioner Montanez and Commissioner Ottley-Brown performed inspections of the subject site and neighborhood; and

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

WHEREAS, the subject site is located on the west side of East 14th Street, between Avenue X and Avenue Y, within an R4 zoning district; and

WHEREAS, the site has 25 feet of frontage along East 14th Street, a depth of 100 feet, and 2,500 sq. ft. of lot area; and

WHEREAS, the site is occupied by a two-story, single-family home with 1,458 sq. ft. of floor area (0.58 FAR); and

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

WHEREAS, the applicant now seeks to enlarge the building, resulting in an increase in the floor area from 1,458 sq. ft. (0.58 FAR) to 3,388 sq. ft. (1.35 FAR); the maximum permitted floor area is 2,250 sq. ft. (0.9 FAR); and

WHEREAS, the applicant seeks to decrease the open space ratio from 75 percent to 42 percent; the minimum required open space ratio is 55 percent; and

WHEREAS, the applicant seeks to increase the lot coverage of the subject building from 25 percent to 58 percent; the maximum lot coverage is 45 percent; and

WHEREAS, the applicant seeks to vertically extend its non-complying side yards, which have widths of 2’-2” (to the south) and 1’-7” (to the north); the requirement is a minimum width of 5’-0” at each side yard and a total side yard width of 13’-0”; and

WHEREAS, the applicant seeks to decrease its rear yard from 67’-0” to 27’-0”; the requirement is a minimum depth of 30’-0”; 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 directed the applicant to provide a photographic streetscape diagram of the subject block in order to illustrate the impact of the requested bulk waivers on the character of the subject neighborhood; and

WHEREAS, at hearing, the Board expressed concern that the proposal complied with 1968 Building Code with respect to light and air; and

WHEREAS, in response, the applicant submitted a letter from the project architect confirming that the proposed project meets the requirements of the 1968 Building Code for natural ventilation and natural light; and

WHEREAS, at hearing, the Board expressed concern about the impact of the initially proposed 25’-0” rear yard; and

WHEREAS, the applicant submitted a land use study to support its assertion that the initially proposed 25’-0” rear yard was characteristic of buildings on the block and consistent with neighborhood character; and

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WHEREAS, the Board rejected the findings of the applicant's land use study and directed the applicant to increase the size of the proposed rear yard from 25'-0" to 27'-0"; and

WHEREAS, in response, the applicant submitted amended plans, diagrams and zoning analyses, incorporating the Board's directions and increasing the size of the rear yard; 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, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 73-622.

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, to permit, on a site within an R4 zoning district, the proposed enlargement of a two-story, single-family home, which does not comply with the zoning requirements for FAR, open space ratio, lot coverage, side yards, and rear yards, contrary to ZR §§ 23-141, 23-461 and 23-47; *on condition* that all work will substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "February 29, 2015"– (9) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 3,388 sq. ft. (1.35 FAR), a minimum open space ratio of 42 percent, and a maximum lot coverage of 58 percent, minimum side yard widths of 2'-2" (south) and 1'-7" (north) and a rear yard with a minimum depth of 27'-0", as illustrated on the BSA-approved plans;

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

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by March 3, 2019; and

THAT DOB 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 3, 2015.

118-14-BZ

CEQR #14-BSA-162R

APPLICANT – Rampulla Associates Architects, for Mangone Developers Corporation, owner.

SUBJECT – Application June 3, 2014 – Variance (§72-21) to allow a three-story sixteen unit condominium contrary to use regulations, with accessory parking for thirty six cars. Located within R3X, R1-2 split zoning district and in an NA-1 designated area.

PREMISES AFFECTED – 1891 Richmond Road, northwest side of Richmond 2667.09' southwest of the corner of Four Corners Road and Richmond Road, Block 895, Lot (s) 61, 63, 65, 67 (61 tentative), Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez..4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings ("DOB"), dated May 5, 2014, acting on DOB Application No. 520184390, reads, in pertinent part:

ZR 22-12(A)(1) – The proposed detached three-story multiple dwelling building (16 dwelling units) with 36 accessory parking spaces is not permitted as-of-right in R3X zoning district; contrary to Zoning Resolution Section 22-00; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R1-2 zoning district and partially within an R3X zoning district, within a Special Natural Area District (NA-1), the construction of three-story multiple dwelling for persons 55 years of age or older (Use Group 2) with 16 dwelling units and 36 accessory parking spaces, contrary to ZR § 22-12; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, with a continued hearing on February 3, 2015, and then to decision on March 3, 2015; and

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

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

WHEREAS, the subject site is located on the west side of Richmond Road between Hunter Avenue and Hull Avenue, partially within an R1-2 zoning district and partially within an R3X zoning district, within a Special Natural Area District (NA-1); and

WHEREAS, the site comprises Tax Lots 61, 63, 65, 67, and 70; it has approximately 538 feet of frontage along Richmond Road and 57,862 sq. ft. of lot area (13,500 sq. ft. of lot area in the R1-2 portion of the site and 44,362 sq. ft. of lot area in the R3X portion of the site); and

WHEREAS, the site is vacant, aside from partial retaining walls constructed in connection with a 2004 City

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Planning Commission (“CPC”) approval to construct four detached, two-family dwellings; and

WHEREAS, the applicant notes that the 2004 CPC approval created a 22,987 sq.-ft. Area of No Disturbance in the southwest corner of the site; and

WHEREAS, the applicant acknowledges that because the site is within a Special Natural Area District, CPC approval must be obtained prior to the issuance of a DOB permit; and

WHEREAS, the applicant now seeks to construct, within the R3X portion of the site, a three-story multiple dwelling for persons 55 years of age or older (Use Group 2) with 28,392 sq. ft. of floor area (0.49 FAR), 16 dwelling units, and 36 accessory parking spaces; the proposal reflects that the building will have a front yard depth of 10’-0”, one side yard with a width of 25’-0”, one side yard with a width of 260’-0”, a rear yard depth of 30’-0”, and a building height of 40’-0”; and

WHEREAS, pursuant to ZR § 22-12(A)(1), only single- or two-family detached residences are permitted within an R3X zoning district; and

WHEREAS, accordingly, the proposed multiple dwelling requires a use variance; and

WHEREAS, the applicant asserts that the site qualifies for the requested variance under ZR § 72-21; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardships in developing the site in conformance with underlying district regulations: (1) the site’s changes in elevation; and (2) the site’s soil condition; and

WHEREAS, the applicant states that elevation of the site varies from 57’-5” (southeast corner) to 104’-0” (northwest portion), resulting in slopes that vary from 11 percent to 25 percent, and that this condition is unlike any site within the surrounding area; and

WHEREAS, the applicant states that the varied elevation and slope of the site creates practical difficulties in developing the site because an excessive amount of excavation must be performed and a retaining wall must be constructed, at significant cost; and

WHEREAS, the applicant also notes that due to the site’s changes in elevation, it is classified as a Special Natural Area District; as such, the applicant estimates that CPC will require approximately 40 percent of lot area of the site to remain undeveloped and undisturbed, which further constrains development of the site; and

WHEREAS, the applicant asserts that the site is also burdened by unusual soil conditions that create premium construction costs; specifically, the applicant identifies the presence of hard serpentine rock, which cannot be excavated using conventional means; instead, the applicant states that the rock must be pulverized and removed from the site in stages, at significant cost; and

WHEREAS, the applicant estimates that the total premium construction costs for the excavation, retaining wall, and serpentine rock removal will be \$873,525; and

WHEREAS, the Board agrees that the elevation changes and serpentine rock at the site are unique physical conditions that create practical difficulties and unnecessary hardships in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance and compliance with the Zoning Resolution will realize a reasonable return; and

WHEREAS, the applicant provided a financial analysis for: (1) eight, three-story detached two-family residences (16 total dwelling units); and (2) the proposal; and

WHEREAS, the study concluded that only the proposal would provide a reasonable return; and

WHEREAS, based upon its review of the applicant’s submissions, the Board has determined that because of the site’s unique physical conditions, there is no reasonable possibility that development in strict conformance and compliance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that while detached, single-family homes characterize the areas south and west of the site, the areas north and east of the site (which are at higher elevations) are characterized by their diversity of uses, including semi-attached two-family dwellings, multiple dwellings, and several community facility uses; thus, the proposed residential use is in keeping with the predominantly residential character of the area; and

WHEREAS, as to bulk, the applicant notes that the proposed number of dwelling units (16) is the same number of dwelling units that would be permitted at the site, if such units were provided within eight buildings (two units per building) rather than in a single building; thus, the applicant states that no more families will be residing at the site than would be permitted by the underlying district regulations; further, the applicant notes that the proposed 0.49 FAR is 0.11 FAR less than the 0.60 FAR than is permitted as-of-right; and

WHEREAS, as to height, the applicant states that while the proposed building height of 40’-0” is 5’-0” higher than the maximum height permitted for a conforming use within the subject R3X district (35’-0”), the dramatic slope of the site mitigates the impact of such height upon the neighborhood; further, the applicant contends and the Board agrees that the additional height is essential to providing a building form that is consistent with the prevailing architecture of homes in the vicinity (pitched roofs and gables); and

WHEREAS, turning to traffic, the applicant states that the site’s only frontage is along Richmond Road, which is a heavily-trafficked, four-lane thoroughfare; the applicant notes that the proposal reflects two curb cuts, which is significantly fewer curb cuts than would be constructed in connection with

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an as-of-right development of single- or two-family homes; as such, the applicant contends that the proposal is more consistent with existing traffic conditions than an as-of-right development would be; and

WHEREAS, finally, the applicant notes that 36 parking spaces will be provided, which is eight more spaces than would be required for 16 dwelling units in an R3X zoning district; and

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

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant states that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

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

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

WHEREAS, the project is classified as 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 (EAS) CEQR No. 14-BSA-162R dated February 12, 2014; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, 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 § 72-21 and grants a variance, to permit, on a site partially within an R1-2 zoning district and partially within an R3X zoning district, within a Special Natural Area District (NA-1), the construction of three-story

multiple dwelling for persons 55 years of age or older (Use Group 2) with 16 dwelling units and 36 accessory parking spaces, contrary to ZR § 22-12, *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 12, 2015"- seven (7) sheets; and *on further condition*:

THAT the parameters of the building and site shall be as follows: 28,392 sq. ft. of floor area (0.49 FAR), 16 dwelling units, a minimum front yard depth of 10'-0", one side yard with a width of 25'-0", one side yard with a width of 260'-0", a minimum rear yard depth of 30'-0", a maximum building height of 40'-0", and 36 parking spaces, as illustrated on the BSA-approved plans;

THAT all required CPC approvals shall be obtained prior to the issuance of the DOB permit;

THAT the applicant shall forward BSA a copy of the CPC-approved plans prior to applying for the DOB permit;

THAT the occupancy of the building shall be limited to persons 55 years of age or older;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by March 3, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited 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 DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 3, 2015.

154-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Peter Agrapides, owner.

SUBJECT – Application July 1, 2014 – Special Permit (§73-621) to allow an addition to the existing mixed commercial and residential building. C1-3/R6B zoning district.

PREMISES AFFECTED – 6934 5th Avenue, northwest corner of the intersection of Ovington Avenue and 5th Avenue, Block 5873, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #10BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez..4
Negative:.....0

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THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 2, 2014, acting on DOB Application No. 320825595, reads in pertinent part:

1. ZR 54-30, ZR 35-31, ZR 33-121, and ZR 23-145

The existing building floor area is more than allowable, and by proposing enlargement at first floor as shown, the degree of non-compliance is increasing.

Total floor area provided exceeds as permitted for mixed building and based on zoning sections mentioned... ; and

WHEREAS, this is an application under ZR §§ 73-621 and 73-03, to permit, within an R6B/C1-3 zoning district, within the Special Bay Ridge District, the proposed enlargement of a four-story mixed commercial and residential building, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-145 and 54-30; and

WHEREAS, a public hearing was held on this application on February 3, 2015 after due notice by publication in *The City Record*, and then to decision on March 3, 2015; and

WHEREAS, Commissioners Montanez, and Ottley-Brown performed inspections of the subject site and surrounding neighborhood; and

WHEREAS, Community Board 10, Brooklyn, recommends approval of the application on condition that

... the mechanical equipment and other appurtenances on the roof of the building comply with applicable law with respect to distance from windows in adjacent residential buildings, shall not impede egress and shall not be visible from the streets and sidewalks at intersection and from approaching blocks; and

WHEREAS, the subject site is a corner lot located on the northwest corner of the intersection of 5th Avenue and Ovington Avenue, in Brooklyn, within an R6B/C1-3 zoning district, within the Special Bay Ridge District; and

WHEREAS, the irregularly shaped site has approximately 112.85 ft. of frontage along Ovington Avenue and approximately 37.21 feet of frontage along 5th Avenue, and contains approximately 3,923sq. ft. of lot area; and

WHEREAS, the site is occupied by a non-complying four-story mixed commercial and residential building containing approximately 7,922 sq. ft. of floor area (2.02 FAR); and

WHEREAS, the applicant proposes to add a one-story commercial building adjacent to the existing four-story building, resulting in an increase in floor area of approximately 600 sq. ft., for a total floor area of 8,515.5 sq. ft. (2.17 FAR); the maximum permitted floor area is 7,846 sq. ft. (2.0 FAR) pursuant to ZR §23-145; and

WHEREAS, the special permit authorized by ZR § 73-621 is available to enlarge buildings containing residential uses that existed on December 15, 1961, or, in certain

districts, on June 20, 1989; therefore, as a threshold matter, the applicant must establish that the subject building existed as of that date; and

WHEREAS, the applicant submitted Sanborn maps dated 1926 and 1950 showing the subject premises as a store and residential building with four dwelling units; and

WHEREAS, accordingly, the Board acknowledges that the special permit under ZR § 73-621 is available to enlarge the building; and

WHEREAS, ZR § 73-621 permits the enlargement of a building containing a residential use, including the subject four-story mixed residential and commercial use building, provided that the proposed floor area ratio does not exceed 110 percent of the maximum permitted; and

WHEREAS, as to the floor area ratio, the Board finds that the proposed floor area does not exceed 110 percent of the maximum permitted; and

WHEREAS, accordingly, the Board has reviewed the proposal and determined that the proposed enlargement satisfies all of the relevant requirements of ZR § 73-621; 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 §§ 73-621 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 §§ 73-621 and 73-03, to permit, within an R6B/C1-3 zoning district, within the Special Bay Ridge District, the proposed enlargement of a non-complying four-story mixed use commercial and residential building, which does not comply with the zoning requirements for floor area, contrary to ZR §§ 23-145 and 54-30; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked “February 17, 2015”– (3) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 8,515.5 sq. ft. (2.17 FAR), as illustrated on the BSA-approved plans;

THAT the subject addition shall be constructed with materiality and design equivalent to and consistent with the existing building and shall include a masonry detail band;

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

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

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

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

Adopted by the Board of Standards and Appeals, March 3, 2015.

170-14-BZ

CEQR #15-BSA-029M

APPLICANT – Mango & Lacoviello, LLP, for Mansion Realty LLC, owner; David Barton Gym, lessee.

SUBJECT – Application July 21, 2014 – Special Permit (§73-36) to allow the operation of the proposed physical culture establishment (*David Barton Gym*) on the first floor second & third floors, located within an C6-2-A, C6-4A zoning districts.

PREMISES AFFECTED – 652-662 Avenue of the Americas, northeast corner of West 20th Street and Avenue of the Americas, Block 822, Lot(s) 1 & 2, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez..4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 15, 2014, acting on DOB Application No. 120155624, reads, in pertinent part:

Proposed use as a physical culture establishment, as defined by ZR 12-10, is contrary to ZR32-10 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 legalize, on a site within a C6-2A zoning district, and also within a C6-4A zoning district, within the Ladies’ Mile Historic District a physical culture establishment (“PCE”) on the first, second and third floors of a three story commercial use landmarked building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on February 24, 2015, after due notice by publication in the *City Record*, and then to decision on March

3, 2015; and

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

WHEREAS, Community Board 5, Manhattan, recommends approval of this application; and

WHEREAS, the subject site is comprised of two tax lots located on the northeast corner of the intersection of the Avenue of the Americas and West 20th Street; it is located within a C6-2A zoning district, and also within a C6-4A zoning district, within the Ladies’ Mile Historic District; and

WHEREAS, the site has approximately 84 feet of frontage along the Avenue of the Americas (Lot 1) and a frontage of approximately 193 feet along West 20th Street (Lots 1 and 8), it consists of approximately 17,618 sq. ft. of lot area; and

WHEREAS, the site is occupied by a three-story commercial building which was constructed c. 1846 as the Church of the Holy Communion; and

WHEREAS, the PCE occupies approximately 23,661 sq. ft. of floor area at the first, second, and third floors of the building and operates as David Barton Gym; and

WHEREAS, the PCE’s hours of operation are Monday through Friday, from 5:30 a.m. to 12:00 a.m., and on Saturday and Sunday, from 8:00 a.m. to 9:00 p.m.; 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 Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; 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 Landmarks Preservation Commission has approved the proposed alterations of the building by Certificate of No Effect No. 15-6427, dated April 14, 2014; and

WHEREAS, at hearing, the Board noted that the application, initially brought as an application to operate a PCE, was for the legalization of an existing PCE; and

WHEREAS, in response, the applicant recast the application as a legalization; and

WHEREAS, the Board notes that the term of this grant has been reduced to reflect the period of time that the PCE operated without the special permit; 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

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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 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. 15-BSA-029M, dated December 17, 2014; 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 determination 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 C6-2A zoning district, and also within a C6-4A zoning district, within the Ladies' Mile Historic District, the operation of a PCE on the first, second, and third stories of a three story landmarked commercial building, contrary to ZR § 32-10; *on condition* that all work will substantially conform to drawings filed with this application marked "Received December 17, 2014"-(8) sheets; *on further condition*:

THAT the term of the PCE grant shall expire on November 8, 2024;

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

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

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

THAT accessibility compliance shall be as reviewed and approved by DOB;

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

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by March 3, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

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

THAT DOB 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 3, 2015.

286-12-BZ

APPLICANT – Eric Palatnik, P.C., for People of Destiny Ministries International, Inc., owners.

SUBJECT – Application October 15, 2012 – Variance (§72-21) to permit a vertical enlargement and conversion of an existing two-story automotive repair facility to a four-story UG 4A House of Worship (*People of Destiny Church*), contrary to coverage ratio (§24-11),. R6 zoning district.

PREMISES AFFECTED – 1925 Union Street, north side of Union Street between Portal Street and Ralph Avenue, Block 1399, Lot 82, Borough of Brooklyn.

COMMUNITY BOARD #8BK

ACTION OF THE BOARD – Laid over without date, off-calendar.

155-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Cong Kozover Zichron Chaim Shloime, owners.

SUBJECT – Application May 15, 2013 – Variance (§72-21) to permit the enlargement of an existing synagogue (*Congregation Kozover Sichron Chaim Shloime*) and rabbi's residence (UG 4) and the legalization of a Mikvah, contrary to floor area (§24-11), lot coverage (§24-11), wall height and setbacks (§24-521), front yard (§24-34), side yard (§24-35), rear yard (§24-36), and parking (§25-18, 25-31) requirements. R3-2 zoning district.

PREMISES AFFECTED – 1782-1784 East 28th Street, west side of East 28th Street between Quentin road and Avenue R, Block 06810, Lots 40 & 41, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

266-13-BZ

APPLICANT – Law Offices of Marvin B. Mitzner, LLC, for 515 East 5th Street LLC, owner.

SUBJECT – Application September 6, 2013 – Variance (§72-21) to legalize the enlargement of a six-story, multi-unit residential building, contrary to maximum floor area (§23-145). R7B zoning district.

PREMISES AFFECTED – 515 East 5th Street, north side of

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East 5th Street between Avenue A and B, Block 401, Lot 56, Borough of Manhattan.

COMMUNITY BOARD #3M

ACTION OF THE BOARD – Laid over to May 12, 2015, at 10 A.M., for deferred decision.

309-13-BZ

APPLICANT – Law office of Lyra J. Altman, for Miriam Josefovic and Mark Josefovia, owners.

SUBJECT – Application November 22, 2013 – Special Permit (73-622) for the enlargement of an existing single family home, contrary to floor area and open space (23-141); side yards (23-461) and less than the required rear yard (23-47). R2 zoning district.

PREMISES AFFECTED – 965 East 24th Street, east side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 24, 2015, at 10 A.M., for continued hearing.

321-13-BZ

APPLICANT – Eric Palatnik, P.C., for Alejandro Finardo, owner.

SUBJECT – Application December 18, 2013 – Variance (§72-21) for the construction of a three family home on a vacant lot, contrary to side yard requirements (§23-462(a)) and the parking space requirements of (§25-32). R5 zoning district.

PREMISES AFFECTED – 37-19 104th Street, between 37th Avenue and 37th Road, Block 1771, Lot 42, Borough of Queens.

COMMUNITY BOARD #3Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 24, 2015, at 10 A.M., for decision, hearing closed.

5-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for Israel Ashkenazi & Racquel Ashkenazi, owner.

SUBJECT – Application January 9, 2014 – 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 rear yard (§23-47) regulations. R3-2 zoning district.

PREMISES AFFECTED – 1807 East 22nd Street, east side of East 22nd Street between Quentin Road and Avenue R, Block 6805, Lot 64, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over without date, off-calendar.

28-14-BZ

APPLICANT – Eric Palatnik, P.C. for McDonald Corporation, owner; Brooklyn Avenue U Enterprises Corporation, lessee.

SUBJECT – Application February 10, 2014 – Special Permit (§73-243) to permit the continued use and (Use Group 6) eating and drinking establishment with an accessory drive-through. C1-2/R4 zoning district.

PREMISES AFFECTED – 3540 Nostrand Avenue, westside of Nostrand Avenue, between Avenue V and Avenue W. Block 7386, Lot(s) 114 and 117. Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 24, 2015, at 10 A.M., for decision, hearing closed.

31-14-BZ

APPLICANT – Moshe M. Friedman, PE, for Bnos Square of Williamsburg, owner.

SUBJECT – Application February 11, 2014 – Special Permit (§73-19) to allow a conversion of an existing Synagogue (*Bnos Square of Williamsburg*) building (Use Group 4 to (Use Group 3). M1-2 zoning district.

PREMISES AFFECTED – 165 Spencer Street, 32'6" Northerly from the corner of the northerly side of Willoughby Avenue and easterly side of Spencer Street, Block 1751, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for adjourned hearing.

44-14-BZ

APPLICANT – Sheldon Lobel, P.C., for AA Olympic LLC., owner;

The Live Well Company LLC., lessee.

SUBJECT – Application March 17, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*Live Well*) on the first floor of the existing building, located within C6-3A & C6-2A zoning districts in a historic district.

PREMISES AFFECTED – 92 Laight Street aka 256 West Street, 416 Washington Street, block bounded by Washington Street, West Street, and Vestry Street, Block 218, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Laid over to April 21, 2015, at 10 A.M., for continued hearing.

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63-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 188 W. 230th Street Corporation, owner; Atlas Athletics, Inc., lessee.

SUBJECT – Application April 23, 2014 – Special Permit (§73-36) to allow the legalization of an existing physical culture establishment (*Astral Fitness*). M1-1 zoning district. PREMISES AFFECTED – 5500 Broadway, southeast corner of intersection of Broadway and W 230th Street, Block 3264, Lot 109, Borough of Bronx.

COMMUNITY BOARD #8BX

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for decision, hearing closed.

91-14-BZ

APPLICANT – Law Office of Lyra J. Altman, for 3428 Bedford LLC by Jeffrey Mehl, owner.

SUBJECT – Application May 2, 2014 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR §23-141) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 3420 Bedford Avenue, southwest corner of Bedford Avenue and Avenue M, Block 7660, Lot (tentative) 45, Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over without date, off-calendar.

124-14-BZ

APPLICANT – Sheldon Lobel, P.C., for Yuriy Teyf, owner.

SUBJECT – Application June 2, 2014 – Special Permit (§73-622) for the enlargement of a single-family detached residence to be converted into a two-family home contrary to floor area, lot coverage and open space (ZR §23-141); side yards (ZR §23-461) and less than the required rear yard (ZR §23-47). R4 zoning district.

PREMISES AFFECTED – 1112 Gilmore Court, southern side of Gilmore Court between East 11th Street and East 12th Street, Block 7455, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #15BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 31, 2015, at 10 A.M., for decision, hearing closed.

175-14-BZ

APPLICANT – Greenberg Traurig, LLP, for 1162 Broadway LLC, owner.

SUBJECT – Application July 24, 2014 – Variance (§72-21) proposed the construction a new 14-story hotel building seeking waivers for setback and side yard requirements, located within a M1-6 zoning district in a historic district. PREMISES AFFECTED – 1162 Broadway, east side of Broadway between W 27th Street and W 28th Street, Block 829, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #5M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to March 24, 2015, at 10 A.M., for decision, hearing closed.

232-14-BZ

APPLICANT – Warshaw Burstein, LLP, for Pennsylvania Associates, LLC., owner; Pennsylvania Avenue Fitness Group, LLC, lessee.

SUBJECT – Application September 26, 2014 – Special Permit (§73-36) to allow for a physical culture establishment (*Planet Fitness*) within a portion of an existing commercial building. M1-1 zoning district.

PREMISES AFFECTED – 946 Pennsylvania Avenue aka 1000 Pennsylvania Avenue, west side of Pennsylvania Avenue between Wortman Avenue and Cozine Avenue, Block 04389, Lot 0001, Borough of Brooklyn.

COMMUNITY BOARD #5BK

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

MINUTES

**REGULAR MEETING
TUESDAY AFTERNOON, MARCH 3, 2015
1:00 P.M.**

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

ZONING CALENDAR

303-13-BZ

APPLICANT – Jeffrey A. Chester, Esq./GSHLLP, for SoBro Development Corporation, owner.
SUBJECT – Application November 15, 2013 – Variance (§72-21) to allow a new mixed use building with 36 residential units and community facility space. R6 & C1-4 zoning districts.

PREMISES AFFECTED – 506-510 Brook Avenue, east side of Brook Avenue between 147th and 148th Street, Block 2274, Lot(s) 6, 7 and 8, Borough of Bronx.

COMMUNITY BOARD #1BX

ACTION OF THE BOARD – Laid over to March 31, 2015, at 1:00 P.M., for postponed hearing.

37-14-BZ

APPLICANT – Eric Palatnik, P.C., for FHM Roosevelt FLP, owner;
Executive Fitness Gym Inc., lessee.

SUBJECT – Application February 28, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*Enterprise Fitness Gym*), which will occupy a portion of the second floor of a two story building. C2-3/R6 zoning district.

PREMISES AFFECTED – 86-10 Roosevelt Avenue, west corner of Elbertson Street and Roosevelt Avenue, Block 1502, Lot 6, Borough of Queens.

COMMUNITY BOARD #4Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson,
Commissioner Ottley-Brown and Commissioner Montanez ...4
Negative:.....0

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for decision, hearing closed.

127-14-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Sean Banayan, owner.

SUBJECT – Application June 5, 2014 – Variance (§72-21) to permit construction of a cellar and two-story, two-family dwelling on a vacant lot that does not provide two required side yards, and does not provide two off street parking spaces. R4 zoning district.

PREMISES AFFECTED – 32-41 101st Street, east side of 101st, 180' north of intersection with Northern Boulevard,

Block 1696, Lot 48, Borough of Queens.

COMMUNITY BOARD #3Q

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

289-14-BZ

APPLICANT – Sheldon Lobel, P.C., 22-32 31st Street LLC, owner.

SUBJECT – Application November 6, 2015 – Special Permit (§73-42) to extend the conforming Use Group 6 restaurant use located partially within a C4-2A zoning district into the adjacent R5B zoning district.

PREMISES AFFECTED – 22-32/36 31st Street, located on the west side of 31st Street. Block 844, Lot 49, 119, 149. Borough of Queens.

COMMUNITY BOARD #1Q

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

324-14-BZ

APPLICANT – Gerald J. Caliendo, RA, AIA, for Kulwanty Pittam, owner.

SUBJECT – Application December 15, 2014 – Reinstatement (§11-411) for an automotive repair facility (UG 16B) granted under Cal. No. 909-52-BZ, expiring January 29, 2000; Amendment to permit the sale of used cars; Waiver of the Rules. C2-2/R5 zoning district.

PREMISES AFFECTED – 198-30 Jamaica Avenue, Southwest corner of Jamaica Avenue. Block 10829, Lot 56. Borough of Queens.

COMMUNITY BOARD #12Q

ACTION OF THE BOARD – Laid over to April 14, 2015, at 10 A.M., for continued hearing.

Ryan Singer, Executive Director