
BULLETIN

OF THE
NEW YORK CITY BOARD OF STANDARDS
AND APPEALS

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August 16, 2001

DIRECTORY

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DOCKET

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Alt. 1 #401213156. The legalization of an existing physical culture
establishment, Use Group 9A, located in an M1-1 within a C2-2 zoning
district, requires a special permit as per Z.R. § 32-31 and 42-31.
COMMUNITY BOARD #7Q

247-01-A B.Q. 195 Reid Avenue,
east side, 45.51' north of Breezy Point Boulevard, Block 16350, Lot 400,
Borough of Queens. Alt.1#401226990. Proposed enlargement to an
existing one family dwelling, not fronting on a legally mapped street and
located partially within the bed of a mapped street, is contrary to Sections
35 and 36, Article 3 of the General City Law.

248-01-A B.Q. 112 Beach 221st Street,
west side, 200' south of Breezy Point Boulevard, Block 16350, Lot 400,
Borough of Queens. Alt.1 #401212521. Proposed enlargement to an
existing one family dwelling, not fronting on a legally mapped street, is
contrary to Section 36, Article 3 of the General City Law.

249-01-BZ B.Q. 9 White Street,
aka 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of
Brooklyn. Alt.1 #301218518. Proposed conversion of an existing four story
manufacturing building, Use Group 17, to joint living/working quarters, Use
Group 17D, located in an M1-2 zoning district, is contrary to Z.R. §42-14.
COMMUNITY BOARD #1BK

250-01-BZ B.Q. 101-03 Astoria Boulevard,
aka 27-31 Kearney Street, northeast corner, Block 1659, Lots 54 and 56,
Borough of Queens. Applic. #401269550. Proposed construction of a one
story building, for use as retail stores, Use Group 6, located in an R3-2
zoning district, is contrary to Z.R. §22-00.
COMMUNITY BOARD #7Q

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

SEPTEMBER 11, 2001, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 11, 2001, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

529-69-A

APPLICANT -Elliott M. Glass & Glass Architect, for Tranel, Inc., owner.
SUBJECT - Application June 19,2001- request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 25, 2000.
PREMISES AFFECTED - 236-240 West 27th Street, S.S. 235'-3 ½ East 8th Avenue, Block 776, Lot 59, Borough of Manhattan.

COMMUNITY BOARD #4M

659-76-A

APPLICANT -Walter T. Gorman, P.E., for Dr. Allan Mirkin.,owner, Rockaway Chamber of Commerce, lessee.
SUBJECT - Application June 12, 2001 - reopening for an extension of term of variance which expires November 9, 2001.
PREMISES AFFECTED- 253 Beach 116th Street,w/s 240'south of Newport Avenue, Block 16212, Lot 19, Borough of Queens.

COMMUNITY BOARD #14Q

278-86-BZ

APPLICANT - Carl A. Sulfaro, Esq. For White Castle Systems, Inc., owner.
SUBJECT - Application June 5, 2001 - reopening for an extension of term of an variance which expires November 25, 2001.
PREMISES AFFECTED- 1677 Bruckner Boulevard, N/S Blockfront Between Metcalf Avenue Freley Avenue, Block 3721, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

8-87-BZ

APPLICANT -Walter T. Gorman, P.E. for Andre & Jose Vasquez, owner, D/B/A Broadway Hand Carwash, lessee.
SUBJECT - Application July 16, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain the certificate of occupancy which expired June 8, 2000.

PREMISES AFFECTED - 4778/82 Broadway, East side Broadway, 225' North of Dyckman Street, Block 2233, Lot 10, Borough of Manhattan.

COMMUNITY BOARD #12M

223-98-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER: M.A.A. Realty Corp.
SUBJECT - Application filed May 22, 1998 - to modify the resolution.

PREMISES AFFECTED - 451-459 Lorimer Street, a/k/a 51-59 Maujer Street, northwest of Lorimer Street, Block 2785, Lots 31 and 32, Borough of Brooklyn.

COMMUNITY BOARD #1BK

330-98-BZ

APPLICANT -Sheldon Lobel, P.C. for Steller Management AAF., owner.
SUBJECT - Application July 19, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain the certificate of occupancy which expired May 16, 2001.

PREMISES AFFECTED - 242 East 14th Street, corner of East 14th Street and Second Avenue, Block 469, Lot 30, Borough of Manhattan.

COMMUNITY BOARD #3M

SEPTEMBER 11, 2001, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, September 11, 2001, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

100-01-A thru 107-01-A

APPLICANT - Rothkrug & Rothkrug, for Guido Passarelli, owner.
SUBJECT - Applications February 28, 2001 - proposed construction of a two family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -
114 Churchill Avenue, north side, 354.29' east of Veterans Road East, Block 7356, Lot 80, Borough of

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Staten Island.

116 Churchill Avenue, north side, 329.29' east of Veterans Road East, Block 7356, Lot 81, Borough of Staten Island.

118 Churchill Avenue, north side, 304.29' east of Veterans Road East, Block 7356, Lot 82, Borough of Staten Island.

120 Churchill Avenue, north side, 279.29' east of Veterans Road East, Block 7356, Lot 83, Borough of Staten Island.

124 Churchill Avenue, north side, 254.29' east of Veterans Road East, Block 7356, Lot 84, Borough of Staten Island.

126 Churchill Avenue, north side, 229.29' east of Veterans Road East, Block 7356, Lot 85, Borough of Staten Island.

128 Churchill Avenue, north side, 204.29' east of Veterans Road East, Block 7356, Lot 86, Borough of Staten Island.

130 Churchill Avenue, north side, 179.29' east of Veterans Road East, Block 7356, Lot 87, Borough of Staten Island.

COMMUNITY BOARD #3SI

225-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative, Inc., owner; Catherin Brennan, lessee.

SUBJECT - Application June 26, 2001 - proposed enlargement to an existing one family dwelling building not fronting on a legally mapped street is contrary to Article 3, Section 36, of the General City Law, also an interpretation of Z.R. §23-541 and §23-532 and how they relate to rear yard requirements.

PREMISES AFFECTED - 8 Gotham Walk, west side, 75.46' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

227-01-A

APPLICANT - Zygmunt Staszewski for Breezy Point Cooperative, Inc., owner.

SUBJECT - Application June 27, 2001 - proposed addition of a second floor to an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 958 Bayside, south side, 105' east of Beach 209th Street, Block 16350, Lot 300, Borough of Queens.

255-01-A

APPLICANT - Wachtel & Masyr, LLP, by Jesse Masyr, for 356 Bowery Ventures, LLC, owner; Millenium Billboard, LLC,

lessee.

SUBJECT - Application August 16, 2001 - an appeal seeking the reinstatement of the approvals and permits issued by the Department of Buildings for Application Nos. 102816730 and 102816749 (sign approvals) and 102816721 (the sign support structure approval), that were revoked in a final determination by the Department by letter dated July 25, 2001.

PREMISES AFFECTED - 356 Bowery, north side, between Great Jones and East 14th Streets, Block 531, Lot 39, Borough of Manhattan.

SEPTEMBER 11, 2001, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, September 11, 2001, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

304-00-BZ

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 - under Z.R. §72-21, to permit the proposed enlargement of an existing auto repair center (Use Group 16B) located in a C1-8 zoning district, which creates non-compliance with respect to floor area ratio and required parking, is contrary to Z.R. §33-122 and §36-21.

PREMISES AFFECTED - 2044 Hylan Boulevard, southeast corner of Adams Avenue, Block 3670, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #2SI

305-00-BZ

APPLICANT - Robert A. Caneco, R.A., for Robert Gullery, owner.

SUBJECT - Application December 20, 2000 -under Z.R. §72-21, to permit the proposed parking lot (Use Group 8) accessory to an existing auto repair center, located in an R3-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 268 Adams Avenue, south side, 100' east of Hylan Boulevard, Block 3672, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #2SI

CALENDAR

139-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Joseph and Morris Wasserstein and Estate of Theo, owners.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21 to permit the proposed legalization of an existing residential use and to permit the construction of additional residential units in an existing six-story building, located in an M1-6 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 27 West 38th Street, north side, between Fifth and Sixth Avenue, Block 840, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #5M

148-01-BZ

APPLICANT -Fredrick A. Becker, Esq., for Broadway 32nd Street Realty Corp., owner; Juvenex Spa, lessee.

SUBJECT - Application April 19, 2001 - under Z.R. §73-36, to permit the proposed operation of a physical culture establishment (Use Group 9) located on the fourth and fifth floors of a six story building, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 25 West 32nd Street, north side, 372' west of Fifth Avenue, Block 834, Lot 26, Borough of Manhattan

COMMUNITY BOARD #5M

190-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Fruma Schiffenbauer, owner.

SUBJECT - Application May 3, 2001 - under Z.R. §73-622 to permit proposed enlargement of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance with respect to F.A.R. and open space ratio, contrary to Z.R.23-141.

PREMISES AFFECTED - 2107 Avenue "M", between East 21st and East 22nd Streets, Block 7639, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #14BK

192-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Paul Stallings, owner; Bear Restaurant Group, LLC (D/B/A Veruka), lessee.

SUBJECT - Application May 8, 2001 - under Z.R. §73-24 to permit the legalization of the use of the cellar and first floor levels of the premises, as an eating and drinking establishment with entertainment, Use Group 6C, which requires a special permit.

PREMISES AFFECTED - 525 Broome Street, between Thompson Street and Avenue of the Americas, Block 476,

Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #2M

199-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Doris Mosseri, owner.

SUBJECT - Application May 31, 2001 - under Z.R. §72-21, to permit the proposed erection of horizontal and vertical enlargements, to an existing one family dwelling (Use Group 1) which do not comply with the zoning requirements for front yard, perimeter wall height, setback and sky-exposure plane, is contrary to Z.R. §23-45, §23-461, §23-631 and §54-31.

PREMISES AFFECTED - 440 Quentin Road, southwest corner of East 4th Street, between 3rd and 4th Streets, Block 6660, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #15BK

228-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Helbor Realty Corp., owner.

SUBJECT - Application July 2, 2001 - under Z.R. §72-21, to permit the legalization of a retail and commercial use (grocery store and record shop) located in an R8 zoning district, which is non-conforming and therefore is contrary to Z.R. §22-00, §22-10 and §122-03.

PREMISES AFFECTED - 1153 Grand Concourse, northwest corner of the Grand Concourse and McClellan Street, Block 2463, Lot 21, Borough of The Bronx.

COMMUNITY BOARD #4BX

Pasquale Pacifico, Executive Director

CALENDAR

**REGULAR MEETING
TUESDAY MORNING, AUGUST 7, 2001
10:00 A.M.**

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, July 17, 2001, were approved as printed in the Bulletin of July 26, 2001, Volume 86, No. 30.

SPECIAL ORDER CALENDAR

295-57-BZ

APPLICANT - Vassalotti Associates, Architects, for Leonard Lazarus; owner.

SUBJECT - Application January 25, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an amendment to the resolution and for an extension of time which expired October 1, 2002.

PREMISES AFFECTED - 146-15 Union Turnpike, northwest corner of 147th Street and Union Turnpike, Block 6672, Lot 80, Borough of Queens.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure and a reopening for an amendment, and an extension of the term of the variance; and

WHEREAS, a public hearing was held on this application on May 15, 2001 after due notice by publication in The *City Record*, laid over to June 27, 2001, July 17, 2001, and then to August 7, 2001 for decision; and

Resolved, that the Board of Standards and Appeals

hereby waives the Rules of Practice and Procedure *and reopens and amends* the resolution pursuant to Z.R. §11-411 and §11-412, adopted on October 1, 1957 as amended through April 20, 1993, expiring October 1, 2002, so that as amended this portion of the resolution shall read:

"to permit an enlargement to an existing gasoline service station building to accommodate an accessory retail convenience store, to erect a metal canopy over new motor fuel pump islands, on condition;

THAT the term of the variance shall be limited to ten years from the date of this grant expiring August 7, 2011;"

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

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked 'Received January 25, 2001'-(1) sheet, 'March 13, 2001'-(1) sheet, 'July 10, 2001'-(1) sheet and 'July 17, 2001'-(1) sheet; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen of the date of this amended resolution.

(N.B. 956/1957)

Adopted by the Board of Standards and Appeals, August 7, 2001.

727-86-BZ

APPLICANT - Fredrick A. Becker, Esq., for Selimaj Realty Company; owner.

SUBJECT - Application January 16, 2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of variance which expired January 17, 1999.

PREMISES AFFECTED - 240 East 58th Street, South side of East 58th Street, 140' West of second Avenue, Block 1331, Lots 30, Borough of Manhattan .

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, resolution amended and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, and a reopening for an

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extension of the term of the variance which expired January 17, 1999; and

WHEREAS, a public hearing was held on this application on May 15, 2001 after due notice by publication in *The City Record*, laid over to June 19, 2001, July 17, 2001, and then to August 7, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure *and reopens and amends* the resolution pursuant to Z.R. §72-01 and §72-22, adopted on January 17, 1989, expiring January 17, 1999, so that as amended this portion of the resolution shall read:

"to extend the term of the variance for ten years from January 17, 1999 expiring January 17, 2009 on condition,

THAT in accordance with BSA approved plans sprinklers be extended on the cellar and basement levels from 240 East 58th Street to 242 East 58th Street;"

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

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked 'Received, July 9, 2001'-(2) sheets and 'July 24, 2001'-(1) sheet; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(ALT # 1284/85)

Adopted by the Board of Standards and Appeals, August 7, 2001.

63-96-BZ

APPLICANT - Dennis D. Dell Angelo, for Michael and Catherine Moudatsos, owner.

SUBJECT - Application April 16, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 4677 Hylan Boulevard, west side of Hylan Boulevard, 175' south of Arden Avenue, Block 503, Lot 43, Borough of Staten Island.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Dennis D. Dell Angelo.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening for an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on July 24, 2001 after due notice by publication in *The City Record*, laid over to August 7, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure *and reopens and amends* the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on April 29, 1997, so that as amended this portion of the resolution shall read:

"to permit an extension of time to complete the work and amend the plans to reflect the outside cellar entry, a modification of the interior layout, and an enlargement of the cellar space; on condition:

THAT in accordance with BSA approved plans, the entire cellar space be fully sprinklered

THAT there will be no live entertainment, live music, dancing or cabaret use.

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

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked 'Received , April 16, 2001'-(1) sheet and 'July 30, 2001'-(4) sheets; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.

(N.B. 956/1957)

Adopted by the Board of Standards and Appeals, August 7, 2001.

80-97-BZ

APPLICANT -Joseph P. Morsellino, Esq, for George Korakis., owner, KMKLN LTD., lessee

SUBJECT - Application January 5, 2001 - reopening for an extension of the term of variance which expired January 27, 2001.

PREMISES AFFECTED - 41-08 Queens Boulevard, Block 192, Lot 25, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened, resolution amended and term of the variance extended.

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THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a reopening, for an extension of the term of the variance which expired January 27, 2001; and

WHEREAS, a public hearing was held on this application on April 3, 2001 after due notice by publication in *The City Record*, laid over to June 5, 2001, June 27, 2001, July 17, 2001 and then to August 7, 2001 for decision; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure *and reopens and amends* the resolution pursuant to Z.R. §11-411, adopted on January 27, 1998, expiring January 27, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the variance for three years from January 27, 2001 expiring January 27, 2004 on condition;

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

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked ‘Received, July 11, 2001’-(2) sheets; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen (18) months of the date of this amended resolution.

(ALT # 400722447/97)

Adopted by the Board of Standards and Appeals, August 7, 2001.

245-32-BZ

APPLICANT - Sion Hourizadez, for 123-05 Realty Corp., owner.

SUBJECT - Application January 11, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 123-05 101st Avenue, Northeast corner of 101st Avenue and 123rd Street, Block 9464, Lot 30, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 10 A.M., for postponed hearing.

234-56-BZ

APPLICANT - Sullivan & Chester, LLP, for Haymeli Enterprises, Inc., owner, 10th Avenue Auto Service Corp, lessee.

SUBJECT - Application August 30, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-02 Clintonville Street Whitestone, New York, Block 4515, Lot 29, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester, Henry Brusic.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 25, 2001, for deferred decision.

30-58-BZ

APPLICANT -Vassalotti Associates, Architects, for the Benenson Capital Company, owner.

SUBJECT - Application September 25, 2000 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 184-17 Horace Harding Expressway, northwest corner of 185th Street, Block 7067, Lot 50, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 10 A.M., for decision, hearing closed.

939-65-BZ

APPLICANT - Law Offices of Howard Goldman, for Jus Sara Jac Corp, LLC., owner, Waterview Nursing Care Center., lessee

SUBJECT - Application June 19, 2001- reopening for a re-argument in accordance with 1-10 of the BSA Rules of Practice and Procedures.

PREMISES AFFECTED- 119-15 27th Avenue, Bounded by 27th Avenue, 119th Street and 26th Avenue, Block 4291, Lot 20, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Chris Wright.

For Opposition: Battalion Chief Phil Parr and John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

CALENDAR

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

ACTION OF THE BOARD - Laid over to August 14, 2001, at 10 A.M., for decision, hearing closed.

599-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for F. M. Brush Company, owner.

SUBJECT - Application April 20, 2001 - reopening for an extension of term of the variance which expires December 21, 2001

PREMISES AFFECTED - 70-02 72nd Place and 72-20 Edsall Avenue, southwest corner of Edsall Avenue and 72nd Place, Block 3664, Lot 7, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 10 A.M., for continued hearing.

1131-79-BZ

APPLICANT - Howard Z. Zipser, for Infinity Broadcasting East, Inc., CBS Broadcasting, Inc., owners.

SUBJECT - Application July 5, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 550 King Avenue, a/k/a High Island, 1200' north of Terrace Street, Block 5649, Lot 120, Borough of The Bronx.

COMMUNITY BOARD #10BX

APPEARANCES -

For Applicant: Howard A. Zipser.

For Opposition: TM Gallagher, Edmund Rothschild, Peter LaScala, Mamdouh Moukht, Karen Nani and others.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 10 A.M., for continued hearing.

370-82-BZ

APPLICANT - Walter T. Gorman, P.E., for Douglaston Plaza Shopping Center, LLC, owner; Charles Business Associates, Inc., lessee.

SUBJECT - Application April 25, 2001 - reopening for an extension of time to obtain a certificate of occupancy which expired June 2, 2001.

PREMISES AFFECTED - 242-02 61st Avenue, southwest corner of 245th Place, Block 8286, Lot 185, Borough of

Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Arthur Sillman.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 10 A.M., for decision, hearing closed.

983-83-BZ

APPLICANT -Sheldon Lobel, P.C., for Joyce Ross., Owner.

SUBJECT - Application June 18, 2001 - request for a waiver of Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2000.

PREMISES AFFECTED -134-42/60 Guy R. Brewer Boulevard, Northwest corner of 137th Avenue, Block 12300, Lot 30, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 2, 2001, at 10 A.M., for continued hearing.

192-92-BZ

APPLICANT -Anthony M. Salvati, for Paul Rose, owner.

SUBJECT - Application January 4, 2001 - reopening for an extension of term of variance which expires July 23, 2001.

PREMISES AFFECTED - 900 Southern Boulevard, Northeast corner formed by Southern Boulevard and Barreto Street, Block 2735, Lot 1 Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: Battalion Chief Philip Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 10 A.M., for continued hearing.

26-94-BZ

APPLICANT - Rampulla Associates Architects, for CDC Realty L.L.C., owner.

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SUBJECT - Application April 13, 2001 - request for a waiver of the Rules of Practice and Procedure and a reopening for an extension of term of the variance which expired March 5, 2001.

PREMISES AFFECTED - 141 Mansion Avenue, Intersection of Mansion Avenue and McKee Avenue, Block 5201, Lot 33, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 10 A.M., for postponed hearing.

218-96-BZ

APPLICANT -The Agusta Group, for The Armenian Apostolic Church of America., owner.

SUBJECT - Application June 14,2001- reopening for an extension of time to complete construction.

PREMISES AFFECTED - 138 East 39th Street south side 123.4' east of Lexington Avenue, Block 894, Lot 60, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 10 A.M., for postponed hearing.

171-97-BZ

APPLICANT - Gerald J. Caliendo, R.A., Howard Alan Zipser, Stadtmauer Bailkin, LLP, for Rocco Sacco, owner; Research and Development Center, lessee.

SUBJECT - Application June 8, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 65-01 Kissena Boulevard, formed by the intersection of Kissena Boulevard and 65th Avenue, Block 6742, Lot 10, Flushing, Borough of Queens.

COMMUNITY BOARD #8Q

APPEARANCES -

For Applicant: Gerald Caliendo and Howard Zipser.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

ACTION OF THE BOARD - Laid over to August 14, 2001, at 10 A.M., for decision, hearing closed.

230-98-BZ

APPLICANT - Agusta & Ross, for John & Gaetano Lacono, owner1, Washington Cemetery, owner2.

SUBJECT - Application February 9, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term which expired June 22, 2000 and for an amendment to the resolution.

PREMISES - 5810-5824 Bay Parkway, northeasterly corner of Bay Parkway and 59th Street, Block 5508, Lots 44 and 38, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 10 A.M., for continued hearing.

258-00-A

APPLICANT - Sullivan & Chester, LLP, for 225 East 43rd Street Corp., owner; Budget Car and Truck Rental, lessee

SUBJECT - Application October 26, 2000 - an appeal of a decision of the Fire Commissioner, dated September 26, 2000, denying a renewal of a storage garage permit for the first floor and cellar of said premises, pursuant to §27-4072 of the Administrative Code.

PREMISES AFFECTED - 225 East 43rd Street, between Second and Third Avenues, Block 1317, Lot 15, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative:.....0

Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on after due notice by publication in *The City Record*, May 5, 2001, laid over to June 12, 2001, July 10 2001 and then August 7, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an appeal of a decision of the Fire Commissioner, dated September 26, 2000, denying a renewal of a storage garage permit for the first floor and cellar of said

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premises, pursuant to §27-4072 of the Administrative Code ; and

WHEREAS, this denial was based upon Fire Department Violation Order #E46869, dated April 6, 2000 which stated:

“In the interest of public safety:

SP-1- Vacate the school occupancy on the floors above the Budget Rent A-Car storage garage which fronts on the same street (Ad. Code 27-4072-5)

Or

SP-2-Permanently discontinue the use of the 2/4000 gallon gasoline tanks. All contents shall be removed and the storage system shall be rendered free of combustible vapors.

SP-3-The tanks shall be removed, or if left in place, filled to capacity with solid inert material, such as sand, concrete slurry or other approved material forthwith. (This order in conjunction with E4687.)”; and

WHEREAS, a spill occurred on the premises in March 2000 and a violation was issued by the Fire Department on April 6, 2000; and

WHEREAS, after the spill the owner hired a fire safety consultant and an engineer that came up with a list of recommendations after reviewing the existing conditions; and

WHEREAS, in May 2000, an administrative variance application was filed with the Fire Department with the safety proposals outlined; and

WHEREAS, the applicant claims that the Fire Department denied the variance request without reviewing the adequacy of the proposed safety measures; and

WHEREAS, the Fire Department stated that because of the nature of the occupancy as a school and the hazards associated with storage and dispensing of gasoline into motor vehicles, the application for an administrative variance was denied; and

WHEREAS, on October 3, 2000 the Fire Department issued another Violation Order, E46797; and

WHEREAS, the order requested that the tanks be permanently sealed, however, the Fire Department agreed to hold any additional enforcement action in abeyance pending the outcome of this application; and

WHEREAS, the subject property is located at 225 East 43rd Street, between Second and Third Avenues in Manhattan and is in a C5-2 zoning district; and

WHEREAS, the zoning lot is approximately 7,600 square feet in area, with 83'11" frontage along 43rd Street and the property is improved with 4 Story fireproof building, erected in 1950, total area is 30,4000 square feet; and

WHEREAS, directly adjacent to the building on both the east and west sides are garages, with upper floor office or storage occupancy; and

WHEREAS, the original 1950 certificate of occupancy

(CO #37140) listed the ground floor and cellar uses as “garage for more than 5 motor vehicle-tenant use and the upper floors uses were “office, printing, storage of stationary and general supplies, printing; and

WHEREAS, since 1981 the first floor and cellar have been leased to Budget Car and Truck Rental (“Budget”) for its vehicle rental operation; and

WHEREAS, there is a gasoline dispensing pump on the first floor which is connected to two 4,000 gallon tanks below grade at the cellar location; and

WHEREAS, the tank installations received Fire Department approval and are registered with NYS Department of Environmental Conservation; and

WHEREAS, in 1995 the building was purchased by 225 East 43rd Street Corporation to convert to a school use; and

WHEREAS, since 1996, the upper floors have been used as a school.; and

WHEREAS, this is a private language school with approximately 300 pupils in preschool through 11th grade; and

WHEREAS, the school primarily serves an international clientele associated with the U.N. diplomatic community; and

WHEREAS, the March 14, 2000 certificate of occupancy (CO #119030) lists the uses as follows: cellar and first floor “garage for more than 5 motor vehicles”: 2nd and 3rd floors “private school”, 4th floor “offices and private school”; and

WHEREAS, the applicant cited Section 27-4072 of the NYC Fire Prevention Code (NYC Administrative Code, Title 27, Chapter 4) which states;

“No permit for a storage garage shall be issued for any building, shed or enclosure:

5. Which is situated within 20 feet of the nearest wall of a building occupied as a school, theater or place of assembly; provided, however, that renewals of permits may be granted where the garage in question was in operation prior to the opening of the school, theater or other place of public assembly...”

WHEREAS, the applicant now proposes to demonstrate appropriate safeguards to ensure that these two occupancies do not present a dangerous condition; and

WHEREAS, the applicant’s engineering expert has proposed four separate fire safety measures which include; 1) the restoration of the existing fume venting system, 2) install a 2 hour rated block wall with 1 ½ hr fire doors to isolate the elevator shaft/doors in the cellar from the storage garage area, 3) install a dry chemical fire suppression system on the existing dispenser on the first floor, 4) Install a spill containment berm in the first floor vehicle area and provide a spill clean up kit adjacent to the dispenser; and

WHEREAS, the Board has reviewed all of these fire safety measures recommended by the fire safety consultant

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and engineer introduced on behalf of the applicant; and

WHEREAS, the applicant failed to present any comparable situations which contained the combination of a school and gasoline tanks of this size and proximately on the same premises; and

WHEREAS, the applicant did cite examples of places of public assembly and gasoline tank usage on the same premises; and

WHEREAS, however, the examples cited did not raise the same strict safety concerns of direct harm to children as in the case of the subject premises; and

WHEREAS, the Fire Department has stated on the record that this building which contains an international school and the use of two 4,000 gallon gasoline tanks are not compatible since this situation puts the children of the school at risk of accidental injury because of the dangerous nature of gasoline; and

WHEREAS, the Fire Department also believes that there is an added risk of terrorist attack because this is an international school in close proximity of the United Nations and many of the children are from diplomatic families; and

WHEREAS, the Board concurs with the position of the Fire Department; and

WHEREAS, for health and safety concerns, the Board has determined that these uses in this building cannot safely coexist; and

WHEREAS, after a complete review of all the applicant's fire safety measure plans the Board has concluded that the Fire Department's determination was proper and rational and made in the interest of public safety;

Resolved, that the decision of the Fire Commissioner, dated September 26, 2000 denying a renewal of a storage garage permit for the first floor and cellar of said premises, pursuant to §27-4072 of the Administrative Code, is upheld and the appeal is denied.

Adopted by the Board of Standards and Appeals, August 7, 2001.

2-01-A

APPLICANT - Davidoff & Malito LLP, for 149 Fifth Avenue Corp., owner.

SUBJECT - Application January 4, 2001 - an appeal challenging the Department of Buildings' determination dated December 5, 2000, in which the Department refused to dismiss a Notice of Violation No. 042700025E01MAD regarding the continuance of a legal nonconforming advertising sign.

PREMISES AFFECTED - 149 Fifth Avenue, north corner of the intersection of Fifth Avenue, East 21st Street & Broadway, Block 850, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Arthur Goldstein.

For Administration: Erica Cloger, Department of Buildings.

ACTION OF THE BOARD - Appeal denied.

THE VOTE TO GRANT -

Affirmative: Commissioner Caliendo.....1

Negative: Chairman Chin and Commissioner Korbey.....2

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on June 12, 2001 after due notice by publication in *The City Record*, laid over to July 10, 2001, and then to August 7, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an appeal application challenging the decision of the Department of Buildings of December 5, 2000 refusing to dismiss notice of violation No. 042700025E01MAD regarding the continuance of a legal non-conforming oversized painted advertising sign with a surface area of approximately 3,000 square feet; and

WHEREAS, the subject painted wall sign is affixed the northeast facade of an existing sixteen-story commercial building located at 149 5th Avenue, at the intersection of 5th Avenue and East 21st Street, within 480' of Madison Square Park, in violation of Z.R. §42-55, formerly §42-53; and

WHEREAS, Z.R. §42-53 restricts advertising signs that are within view of a public park, to a surface area of no greater than the number of linear feet from the sign to the park; and

WHEREAS, the record indicates that the violation was issued because the subject sign is within 480' of, and within view of, Madison Square Park, a public park; and

WHEREAS, the Board notes that it is undisputed that although the subject sign is located partially in an C6-4 zoning district and partially in a M1-5M zoning district, the M1 regulations govern the sign; and

WHEREAS, the record indicates that the remedy specified to cure this violation is removal of the sign; and

WHEREAS, the appellant requested dismissal of the violation on the grounds that the sign is legally non-conforming pursuant to Z.R. § 52-83; and

WHEREAS, the Manhattan Borough Commissioner determined that a prior sign had been removed for a period of more than two years constituting a discontinuance of the non-conforming use; and

WHEREAS, the Board must determine whether a discontinuance of the non-conforming sign has occurred; and

WHEREAS, evidence indicates that the sign was removed in August 1996 and that no application was made to any agency to replace the sign until November 25, 1998; and

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WHEREAS, the appellant contends that the subject sign has existed continuously since at least 1923 and that Z.R. §52-83 authorizes alteration, reconstruction or replacement, in the same location and position, of the non-conforming advertizing signs without losing continuance of the use; and

WHEREAS, however, the record indicates that while Z.R. §52-83 authorizes alteration, reconstruction and replacement of non-conforming advertising signs and in the process modifies Z.R. §§52-22, 52-51 through 52-55, the section dealing with discontinuance, §52-61, is not modified; and

WHEREAS, while the appellant contends that the subject sign has existed since 1923, the photographic evidence offered only indicates that in 1948 and 1961, a large painted sign on the north facade promoted the Bank for Savings which was located nearby, and other photographs indicating that from 1923, 1936, and 1940 different advertising signs were painted on the north facade of the building however no proof has been offered showing that the sign was non-conforming post 1961, when the appellant alleges the sign acquired non-conforming status; and

WHEREAS, the appellant also contends that his situation is analogous to *Hoffman v. Board of Zoning and Appeals of the Incorporated Village of Russell Gardens*, where the owners of a fire damaged non-conforming restaurant obtained a building permit to reconstruct the building, with no limitation on the reconstruction period imposed by the building permit; and

WHEREAS, the Board agrees with the Department of Buildings that unlike Hoffman the issuance of a permit for the facade work was issued for work on the facade, not for the purpose of enabling a continuation of the non-conforming sign; and

WHEREAS, the record indicates that prior to August 1998 a painted wall sign with a surface area of approximately 3,000 had been extant on the northeast facade of the subject building continuously prior to the effective dates of Z.R. §42-53 (now §42-55) and the establishment of the Ladies' Mile Historic District; and

WHEREAS, the appellant notes that as a result of the aforementioned, the subject sign was grandfathered under both the Zoning Resolution and the Landmarks provisions of the Administrative Code; and

WHEREAS, the Department of Buildings represents that the appellant presented no evidence relating to a sign at the subject site from 1961 until its removal in August 1996; and

WHEREAS, by August 1996, a north facade advertising sign was removed so that inspections and repairs of the facade could occur pursuant to Local Law 10 of 1980; and

WHEREAS, the evidence indicates that no statement was made in the application for facade repairs, that a non-

conforming sign existed that would have to be temporarily removed during the period of facade repair; and

WHEREAS, the Department of Buildings contends and the Board agrees that the plans for the facade repair could have indicated the existence of the non-conforming sign, but instead refer to a need to "scrape off all paint from brick work"; and

WHEREAS, the record indicates that no request to replace the painted sign was made until November 25, 1998, when the owner requested permission from the Landmarks Preservation Commission, to repaint an advertising sign on the north facade of the building with the same surface area as existed prior to the facade work; and

WHEREAS, the Landmarks Preservation Commission did not approve the sign, and requested that the appellant apply to the Department of Buildings to confirm compliance with the Zoning Resolution; and

WHEREAS, however, the Department of Buildings acknowledges that in May 1999, the Department accepted the appellant's request for reconsideration based on the sign being a lawful non-conforming sign, but that upon further review, the Department revoked its reconsideration in August 1996; and

WHEREAS, the Department of Buildings notes that the subject sign was erected in or about April, 2000 without any approval or permit from the Department and in the same place as a painted advertising sign that had existed there prior to facade work on the Building, resulting in the aforementioned notice of violation, that commenced in April 1996; and

WHEREAS, on January 23, 2001, the appellant entered into a Stipulation and Escrow Agreement to have the sign removed by March 15, 2001, and for it not to be replaced absent a determination from the Board or a court of competent jurisdiction that the sign may be replaced consistent with zoning ; and

WHEREAS, Z.R. §52-61 provides that "If, for a continuous period of two years ...the active operation of substantially all the conforming uses in any building or other structure is discontinued, such land or building or other structure shall thereafter be used only for a conforming use; and

WHEREAS, the Board finds that, appellant's requested dismissal of the violation on the grounds that the sign is legally non-conforming pursuant to Z.R. §52-83 cannot be granted if the non-conforming use has been discontinued; and

WHEREAS, the Board finds that the non-conforming use was discontinued because the sign was removed for a period of more than two years, as it was removed in August 1996 and the appellant made no application to any agency to replace the sign or protect the non-conforming status until November 25, 1998; and

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WHEREAS, the Board notes that a sign not greater than 480 square feet may be erected at the subject premises and that the appellant has applied to replace the subject sign with a conforming one; and

WHEREAS, the Board notes that the owner of the subject sign failed to meet the obligation of maintaining and protecting the status of the non-conforming sign; and

Resolved, that the decision of the Borough Commissioner dated, December 5, 2000 refusing to dismiss notice of violation No. 042700025E01MAD regarding the continuance of a legal non-conforming oversized painted advertising sign is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, August 7, 2001.

133-01-A

APPLICANT - Philip L. Rampulla, for Emanuel Licitra, owner.
SUBJECT - Application April 4, 2001 - proposed one family dwelling not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 105 Giegerich Avenue, 514.74' south of Minerva Avenue, Block 7792, Lot 435, Borough of Staten Island.

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:30 A.M.

REGULAR MEETING TUESDAY AFTERNOON, AUGUST 7, 2001 2:00 P.M.

Present: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

134-99-BZ

CEQR #99-BSA-162M

APPLICANT - Martyn and Don Weston Architects, for Franklyn Holding Company, owner ; The Dwight School,

lessee.

SUBJECT - Application June 23, 1999 - under Z.R. §72-21 to permit the proposed enlargement to an existing school (Use Group 3) located in a rear yard, which is contrary to Z.R. §24-33, since a permitted obstruction in required rear yards or year yard equivalents are limited to one story not exceeding 23' above curb level.

PREMISES AFFECTED - 18 West 89th Street a.k.a. 17-19 West 88th Street, south side, 160' west of Central Park West, Block 1202, Lot 25 and 40, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES -

For Applicant: Don Weston.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated June 21, 1999, acting on Applic. No. 102092744, reads:

"The proposed enlargement creates a two story structure that exceeds 23 feet above curb in the rear yard and therefore is contrary to Section 24-33 Z.R., since a permitted obstruction in Required Rear Yards or Rear Yard Equivalents are limited to one story not exceeding 23 feet above curb level."; and

WHEREAS, a public hearing was held on this application on October 17, 2000, after due notice by publication in the *The City Record*, laid over to October 31, 2000, January 31, 2001, February 27, 2001, March 27, 2001, May 1, 2001 and June 5, 2001 for continued hearing, and then laid to August 7, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, former Vice Chair Paul Bonfilio R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application Under Z.R. §72-21 to permit the proposed enlargement to an existing school (Use Group 3) located in a rear yard, which is contrary to Z.R. §24-33, since a permitted obstruction in required rear yard or year yard equivalents are limited to one story not exceeding 23' above curb level; and

WHEREAS, the subject property is presently a school, which was developed over a period of years, and occupies what previously were three buildings; and

WHEREAS, the original building, located at 18-20 West 89th Street, was erected in 1918 by the Franklin School as a

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four story and cellar school building; and

WHEREAS, in 1962 a brownstone building was purchased and converted to a school use; and

WHEREAS, a one-story connection between the school and this brownstone was built in 1963; and

WHEREAS, in 1967, the school purchased the adjoining brownstone, located at West 88th Street, demolished this building and in 1969 constructed a four-story fireproof school building; and

WHEREAS, the Franklin School continued to occupy the premises until 1980 when it was taken over by its present occupant, the Anglo-American School, which combined with the Dwight School in 1993 and is known as The Dwight School; and

WHEREAS, in 1987, the Anglo-American School applied to the Board add a floor each to the West 89th Street building and the West 88th Street building, as well as the addition of one floor in the rear yard; and

WHEREAS, the Board granted the requested additions, however, because sufficient funds could not be raised the additions were never constructed; and

WHEREAS, in 1993 the height of the one story connection, which is used as a gymnasium was raised three feet to better facilitate the use of the space; and

WHEREAS, this change was as-of-right and was processed through the Department of Buildings; and

WHEREAS, this application seeks to restore a portion of the additions granted under the previous 1987 application; and

WHEREAS, the additions above the four story buildings fronting on West 89th Street and West 88th Street are not being requested; and

WHEREAS, since this addition will exceed one story and 23' in height it is contrary to Z.R. §24-33 and requires a variance; and

WHEREAS, the property is a narrowly shaped parcel which, owing to its shape, limits the development of any structure located thereon; and

WHEREAS, additionally, there are serious limitations and hardships created by the depth of the lots; and

WHEREAS, the 89th Street building is built only 60' in depth, whereas portions of the 88th Street building are only 52' in depth; and

WHEREAS, accordingly, there is a large amount of unused space on the lot, something that is particularly evidenced when the floor area ratio for the property is reviewed; and

WHEREAS, the permitted F.A.R. for the property owing to its status as a school is 6.5, whereas the current F.A.R. is only 3.81, almost half the allowable amount; and

WHEREAS, the less than 45' width of the premises, effectively eliminates any additional vertical expansion without obtaining zoning relief and therefore the property is

presently rendered unbuildable in terms of any expansion; and

WHEREAS, when viewed as a whole, the above factors create unique conditions which combine to cause the owner and school to face practical difficulties and an unnecessary hardship in their use of the premises, and which severely limited them in their operation of same; and

WHEREAS, therefore, the property is unique because the existing school cannot add a library function that is essential to its programmatic needs in a location convenient to both halves of the building; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the premises with a complying development use would not yield the owner a reasonable return; and

WHEREAS, the connection between the 89th Street building and the 88th Street building is proposed to be enlarged by one story; and

WHEREAS, the proposed enlargement will have no classrooms and hence will not increase the student population; and

WHEREAS, the proposed addition is solely for needed ancillary facilities for the existing school; and

WHEREAS, there will be no increase in bus or vehicular traffic due to the proposed addition; and

WHEREAS, the proposed enlargement will have no adverse impact on the rear yard space of the brownstone dwelling, unaffected; and

WHEREAS, the height of the proposed addition is still well below the height of the adjoining school that is 71' high and two residential buildings on Central Park West, which are 12 and 23 stories high; and

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

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

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Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration under 6 NYCRR Part 617.13 and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed enlargement to an existing school (use group 3) located in a rear yard, which is contrary to Z.R. §24-33, since a permitted obstruction in required rear yard or year yard equivalents are limited to one story not exceeding 23' above curb level *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, "June 23, 1999"-(2) sheets, "June 30, 2000"-(3) sheets, "July 26, 2000"-(1) sheet and "August 28, 2000"-(1) sheet; and *on further condition*;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction will be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, August 7, 2001.

WHEREAS, the decisions of the Borough Commissioner, dated December 14, 2000 acting on ALT. 1 Applic. No. 301092715, reads:

1. PROPOSAL TO ERECT A METAL CANOPY OVER NEW GASOLINE PUMP ISLANDS, ALTER EXISTING GASOLINE STATION TO ACCOMMODATE A RETAIL CONVENIENCE STORY ACCESSORY TO EXISTING GASOLINE STATION IS CONTRARY TO BOARD OF STANDARDS AND APPEALS VARIANCE UNDER CAL. 535-60 BZ.
2. PROPOSED EXTENSION OF THE TERM OF THE VARIANCE BEYOND MAY 23, 1991 IS CONTRARY TO BSA VARIANCE UNDER CALENDAR # 535-60-BZ";and

WHEREAS, a public hearing was held on this application on May 22, 2001 after due notice by publication in *The City Record*, laid over to July 10, 2001 and then to August 7, 2001, for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 11-411, on a site previously before the Board, to permit in a C1-2 within an R5 zoning district, the reestablishment of a variance that expired on May 23, 1991, for an existing gasoline service station with accessory uses, the conversion of the existing automotive repair facility and offices into a convenience store and the erection of a canopy over five new gasoline pump islands, which is contrary to Z.R. §11-411 and Calendar Number 535-60-BZ; and

WHEREAS, the subject site had been occupied by a gasoline service station and repair establishment for over 40 years; and

WHEREAS, the record indicates that the sale of gasoline was discontinued in the spring of 1999, while the automobile repair facility remained in use; and

WHEREAS, the service station is located on an irregularly shaped triangular piece of property at the intersection of Conduit Boulevard, a six lane eastbound arterial and Pitkin Avenue, a two-way eastbound and westbound roadway with parking on both sides of the street, between Lincoln Avenue and Autumn Avenue; and

WHEREAS, the subject premises is approximately 96' by 159' by 177' for a total of 7680 square feet in area developed with a 14' high, accessory automobile repair building containing approximately 1792 square feet; and

WHEREAS, the site presently contains two gasoline pump islands and parking for cars awaiting service; and

WHEREAS, on December 13, 1960, under Calendar

11-01-BZ

CEQR #01-BSA-089K

APPLICANT - Vassalotti Associates Architects, for P.J. Christy, Inc., owner.

SUBJECT - Application January 16, 2001 - Z.R. §11-411 to permit the reestablishment of an expired variance for an existing gasoline service station with accessory uses, and the conversion of the existing auto repair facility and offices into a convenience store, also the erection of a canopy over five new gasoline pump islands, which is contrary to Z.R. §11-411 and Cal. No. 535-60-BZ.

PREMISES AFFECTED - 586/606 Conduit Boulevard, southeast corner of Autumn Avenue, Block 4219, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION

CALENDAR

Number 535-60-BZ, the Board permitted in a residence use district, the erection and maintenance of a gasoline service station, lubritorium, minor auto repairs, car washing, utility room, office, sales, ground sign and parking and storage of motor vehicles for a term of fifteen (15) years; and

WHEREAS, the record indicates that the site has been reviewed by the New York City Fire Department and the New York State Department of Environmental conservation and those agencies reported no history of leaks, spills, soil contamination, or remediation; and

WHEREAS, the subject site previously housed twelve 550 gallon gasoline tanks which were tested in tested in January 1998; and

WHEREAS, the instant proposal will remove all the 550 gallon gasoline tanks and replace them with two 10,000 gallon gasoline tanks; and

WHEREAS, from 1961-1965 the subject site was located in an R4 zoning district which has been rezoned and the subject premises now sits in a C1-2(R5); and

WHEREAS, the most recent term of the grant expired on May 23, 1991; and

WHEREAS, evidence in the record indicates that the gasoline service station and automotive repair use has continued since the last Board approval; and

WHEREAS, the instant proposal would eliminate the automotive repair use and replace it with an accessory convenience store; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §11-411; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §11-411 and *grants* a variation in the application of the Zoning Resolution, limited to the objection cited, to permit, on a site previously before the Board, in a C1-2 within an R5 zoning district, the reestablishment of an expired variance for an existing gasoline service station with accessory uses, the conversion of the existing automotive repair facility and offices into a convenience store and the erection of a canopy over five new gasoline pump islands, which is contrary to Z.R. §11-411 and Calendar Number 535-60-BZ,

on condition that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received, January 16, 2001"- (2) sheets and "March 27, 2001"-(2) sheets; and on further condition;

THAT the term of the variance shall be limited to ten years from the date of this grant, expiring on August 7 , 2011;

THAT the fences and gates shall be of legal and uniform height;

THAT lighting shall be directed down and away from residential uses, and in accordance with BSA approved plans;

THAT there shall be no parking on the sidewalks;

THAT the premises be kept free of debris and graffiti

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new Certificate of Occupancy be obtained within one year of the date of this resolution.

Adopted by the Board of Standards and Appeals, August 7, 2001.

55-01-BZ

CEQR #01-BSA-110M

APPLICANT - Fredrick A. Becker, Esq., for 568 Broadway Joint Venture, owner; LMVH, dba, Bliss Spa, lessee.

SUBJECT - Application February 22, 2001 - under Z.R. §73-36, to permit in an M1-5B zoning district, the proposed legalization of an existing physical culture establishment/health spa, located on portions of the second and third floor of an eleven- story mixed use building, which requires a special permit under Z.R. §32-31. PREMISES AFFECTED - 568 Broadway, northeast corner of Prince Street, Block 511, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Fredrick A. Becker and Doris Diether, Community Board #2M.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

CALENDAR

WHEREAS, the decision of the Borough Commissioner dated February 12, 2001, acting on Alt. Application number 101977835 reads;

“The proposed Physical Culture Establishment in a M-1-5B zone is not allowed as-of-right and requires a variance from the Board of Standards and Appeals”;

and

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

WHEREAS, a public hearing was held on this application on June 19, 2001 after due notice by publication in *The City Record* and laid over to July 17, 2001 and then to August 7, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey, and Commissioner Peter Caliendo; and

WHEREAS, this is an application under §§ 73-03 and 73-36, to permit, in an M1-5B zoning district, the proposed legalization of an existing physical culture establishment/health spa, located on portions of the second and third floors, of an eleven-story mixed use building, which requires a special permit under Z.R. §32-31; and

WHEREAS, the subject health spa facility contains approximately 8,200 square feet evenly divided on the second and third floor with facilities for treatment rooms, showers, whirlpool, lounges, locker rooms and a retail area; and

WHEREAS, the proposed hours of operation of the subject physical culture establishment shall be limited to Monday-Friday 8:30 A.M. to 8:30 P.M., Saturday 9:00 A.M. to 6:30 P.M., closed Sunday; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements, which include an automatic wet sprinkler system connected to a Fire Department approved central station, a fire alarm system connected to a Fire Department approved central station, a smoke detection system connected to a Fire Department approved central station; and

WHEREAS, the record indicates that the proposed use will not contain any potential hazards that impact on the privacy, quiet, light, and air to residential uses; and

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made

under Z.R. §§ 73-03 and 73-36; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement; and

WHEREAS, therefore, the Board has determined that the proposed action will not result in any significant environmental effects.

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under §§ 73-03 and 73-36, to permit, in an M1-5B zoning district, the proposed legalization of an existing physical culture establishment/health spa, located on portions of the second and third floor of an eleven-story mixed use building, which requires a special permit under Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received, April 12, 2001”-(3) sheets; and on further condition;

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

THAT fire protection measures including, an automatic wet sprinkler system, a fire alarm system, a smoke detection system with all three systems connected to a Fire Department approved Central Station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from April 1, 1997, expiring April 1, 2007;

THAT the hours of operation of the subject physical culture establishment shall be limited to Monday-Friday 8:30 A.M. to 8:30 P.M., Saturday 9:00 A.M. to 6:30 P.M., closed Sunday

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

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §73-70.

Adopted by the Board of Standards and Appeals, August 7, 2001.

164-01-BZ

CEQR #01-BSA-136K

APPLICANT - Moshe Friedman, P.E., for James Salame,

CALENDAR

owner.

SUBJECT - Application April 26, 2001 - under Z.R. §73-622, to permit the proposed enlargement to an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for floor area ration, open space ration and rear and side yards, which is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1118 East 28th Street, west side, 140' south of Avenue "K", Block 7627, Lot 53, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Moshe Friedman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 24, 2001, acting on Alt. 1. Application No. 301155407 reads, in pertinent part:

Proposed extensions to existing One (1) Family Dwelling are contrary to ZR Sec. 23-141(a) Floor Area
ZR Sec. 23-141(a) Open Space Ratio
ZR Sec. 23-47 Rear Yard
ZR Sec. 23-48 Side Yard

and requires a special permit from the Board of Standards and Appeals as per sec. 73-622
and

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record* and laid over to August 7, 2001 for decision; and

WHEREAS, the premises and surrounding area had site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, a special permit is sought under Z.R. §73-622 to permit, in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to F. A.R., open space ratio, side and rear yards contrary to Z.R. §23-141(a), §23-47, and §23-48; and

WHEREAS, the proposed enlargement will increase the floor area ratio to .955, decrease the Open Space Ratio .52, decrease one side yard by .38 and decrease the rear yard to 24'-2"; and

WHEREAS, the perimeter wall height will comply with the applicable zoning regulation and the proposed enlargement will not further encroach on any legally required side yard; and

WHEREAS, the Board finds that the proposed

enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

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

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

Resolved that the Board of Standards and Appeals issues a Type II determination under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§73-03 and 73-622 and *grants* a special permit to allow in an R2 zoning district, the enlargement to an existing one-family dwelling which creates non-compliance with regard to Floor Area Ratio, Open Space Ratio, Side and Rear Yards contrary to Z.R. §23-141(a), §23-47, and §23-48, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received April 26, 2001" -(5) sheets and "June 5, 2001"-(2) sheets; and *on further condition*;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction be completed and a new certificate of occupancy be obtained within four years of this grant.

Adopted by the Board of Standards and Appeals, August 7, 2001.

202-01-BZ

CEQR #01-BSA-147M

APPLICANT - Howard Z. Zipser for 225 Fourth, LLC, owner.
SUBJECT - Application June 4, 2001 - under Z.R. §72-21, to permit the proposed change of use within portions of an existing nineteen story building, located partially within a C6-4A and an R-8 zoning district, from a community facility (Use Group 3) to office use (Use Group 6), which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 225 Park Avenue South, northeast corner of East 18th Street, Block 874, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Commissioner Korbey and

CALENDAR

Commissioner Caliendo.....3
Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated May 21, 2001, acting on Applic. No. 102580574, reads; "Proposed change of use from community facility (Use Group 3) to office (Use Group 6) within an R8-B zoning district is contrary to 22-00 of the zoning resolution; and

WHEREAS, a public hearing was held on this application on July 17, 2001 after due notice by publication in *The City Record* and laid over to August 7, 2001 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed change of use within portions of an existing nineteen story building, located partially within a C6-4A and an R-8 zoning district, from a community facility (Use Group 3) to office use (Use Group 6), which is contrary to Z.R. §22-00; and

WHEREAS, this variance requested is only for the portions of the 2nd floor, floors 7 through 16, the 18th floor and the 19th floor which are located within the R8-B portion of the subject building; and

WHEREAS, the subject premises located on the Northeast corner of Park Avenue South and East 18th Street, was originally constructed as a commercial loft building in 1910 and has been used for more than two years as community facility space for Baruch College; and

WHEREAS, the subject zoning lot contains approximately 26,256 square feet, is divided by a zoning district boundary line 100' east and parallel to Park Avenue South, located in a C6-4A zoning district, with the remainder of the zoning lot, more than 100' east; and

WHEREAS, 45% of the subject building's floor area lies within the C6-4A zoning district and the remaining 55% within the R8-B zoning district; and

WHEREAS, the existing building covers the entire zoning lot from lot line to lot line resulting in a building that lacks rear, side, front yards and a court; and

WHEREAS, the applicant represents that Baruch College is vacating the space and after an extensive search a viable community facility tenant has not been found ; and

WHEREAS, the record indicates that as a result of the enactment of the 1961 Zoning Resolution the subject zoning lot was re-zoned from all commercial to part C5-2 commercial and part R8 residential; and

WHEREAS, the applicant represents that at the time of the 1961 zoning change, the building was occupied by Use Group 6, office space uses, that the building has never been

used for residential uses and has retained its original commercial loft character; and

WHEREAS, in 1982, Baruch College leased the subject premises for community facility purpose; and

WHEREAS, the applicant represents that, the Department of Finance continues to assess the entire building as standard office space; and

WHEREAS, the record indicates that until June 2001 Baruch College leased and occupied approximately 251, 322 gross square feet comprising all of floors 7 through 16, part of floor 18, part of the 2nd floor and all of the 19th floor ; and

WHEREAS, based on the record submitted the Board determines, that the applicant has undertaken an aggressive to secure a conforming tenant without success; and

WHEREAS, the subject building's history of development as a commercial building and the building's design being built lot line to lot line creates a practical difficulty in complying with the light and air requirements of the Multiple Dwelling Law; and

WHEREAS, therefore, the Board finds that the aforementioned unique physical condition and history of development of the zoning lot, creates a practical difficulty and an undue hardship with strict compliance with the bulk and use provisions of the Zoning Resolution; and

WHEREAS, evidence in the record, including an economic analysis demonstrates that a conforming residential development would not yield a reasonable return; and

WHEREAS, the record indicates that immediate vicinity of the subject premises is characterized by ground floor retail uses with commercial offices above with a vacancy rate of less than 5%; and

WHEREAS, the applicant represents that even when the subject premises housed a community facility, the bulk of the use was offices for the community facility ; and

WHEREAS, therefore, the Board finds that the subject proposal will not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the surrounding area nor be detrimental to the public welfare; and

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

WHEREAS, evidence in the record demonstrates that this proposal, is the minimum necessary to provide the relief requested; and

WHEREAS, the proposed enlargement will not change the total height of the building; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

CALENDAR

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is resolved that the Board of Standards and Appeals issues the Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution limited to the objections above-noted, to permit, the proposed change of use within portions of an existing nineteen story building, located partially within a C6-4A and an R-8 zoning district, from a community facility (Use Group 3) to office use (Use Group 6), which is contrary to Z.R. §22-00 *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked "Received, June 4, 2001"-(16) sheets; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals August 7, 2001.

259-98-BZ

APPLICANT - Agusta & Ross, for Kent Plaza Realty Corporation, owner.

SUBJECT - Application August 21, 1998 - under Z.R. §72-21, to permit the proposed erection of two multiple dwellings (Use Group 2) located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 761/773 Kent Avenue a.k.a. 763 Kent Avenue, south side, between Little Nassau Street and Flushing Avenue, Block 1884, Lots 33 and 36 (Tentative Lot 36), Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for decision, hearing closed.

152-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Dominick Schiavone, owner.

SUBJECT - Application June 1, 2000 - under Z.R. §72-21, to permit the proposed legalization of an auto repair shop establishment (Use Group 16) which is contrary to a previous variance granted under Cal. No. 585-73-BZ, which permitted an automotive services station and auto repair shop in an R4-4 zoning district.

PREMISES AFFECTED - 135-36 Centerville Street, northwest corner of Centerville Street and Howtree Street, Block 11518, Lots 26 and 192, Borough of Queens.

COMMUNITY BOARD #10Q

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for deferred decision.

196-00-BZ

APPLICANT - Rothkrug & Rothkrug, for Patricia Cattani, owner.

SUBJECT - Application August 8, 2000 - under Z.R. §72-21, to permit the legalization of an existing office on the second floor, and to permit similarly use of the first floor for professional offices, Use Group 6, in an existing community facility/residential building, located within an R1-2 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 269 Forest Avenue a.k.a. 81 Randall Avenue, north east corner, Block 131, Lot 63, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for decision, hearing closed.

224-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Basile Builders; Carmela Basiole, President, owner.

SUBJECT - Application September 28, 2000 - under Z.R. §72-21, to permit the proposed six story residential building (Use Group 2) located in an R-5 zoning district, which creates non-compliance with respect to F.A.R., lot coverage, O.S.R., height and perimeter wall, lot area per dwelling unit, and

CALENDAR

yard requirements, which is contrary to Z.R. §23-41, §23-631, §23-222, §23-45, §23-46 and §23-47.

PREMISES AFFECTED - 2353 Cropsey Avenue a.k.a. 247 Bay 34th Street, Block 6889, Lots 7 and 9, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

246-00-BZ

APPLICANT - Sheldon Lobel, P.C., for M. T. M. Realty, Michael Tepler as President, owner.

SUBJECT - Application October 17, 2000 - under Z.R. §72-21, to permit the proposed increase in the number of dwelling units in an existing commercial and residential seven story building, to increase the size of the building by adding a partial floor for residential use, plus a rooftop garden, which creates non-compliance with respect to F.A.R., number of dwelling units and lot area, is contrary to Z.R. §23-223, §15-111, §54-31 and §23-142.

PREMISES AFFECTED - 77-79 Delancey Street, southeast corner of Allen Street, Block 414, Lot 50, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Lyra Altman and Sheldon Lobel.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

ACTION OF THE BOARD - Laid over to September 25, 2001, at 2 P.M., for decision, hearing closed.

298-00-BZ

APPLICANT - Sheldon Lobel, P.C., for Wooster Ventures LLC, owner.

SUBJECT - Application December 13, 2000 - under Z.R. §72-21, to permit the proposed construction of a seven story building, with retail use on the ground floor and residential use on the upper floors, (Use Groups 2 & 6) located in an M1-5B zoning district, which exceeds the maximum permitted (F.A.R.) and is contrary to Z.R. §42-00, §42-14 and §43-12.

PREMISES AFFECTED - 3-7 Wooster Street, west side, between Grand and Canal Streets, Block 228, Lot 41, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Lyra Altman.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department; Doris Diether, Community Board No. 2M; Audrey Code Kleiman, Sean Sweeney, Mon Levinson, Mary Vaccaro and Lynon Welly.

ACTION OF THE BOARD - Laid over to August 14, 2001, at 2 P.M., for deferred decision.

290-00-BZ

APPLICANT - Joseph P. Morsellino, Esq., for FERP Associates, owner; Walgreens, lessee.

SUBJECT - Application December 1, 2000 - under Z.R. §72-21, to permit the proposed erection and maintenance of accessory business signs, for an existing drug use store, that exceed the maximum square footage permitted, which is contrary to Z.R. §32-641 and §32-643.

PREMISES AFFECTED - 149-28 14th Avenue, between 149th and 150th Streets, Block 4660, Lot 10, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

8-01-BZ

APPLICANT - Michael DeRuvo, for Bruno Savo - Savo Brothers, owner.

SUBJECT - Application January 11, 2001 - under Z.R. §72-21, to permit the proposed construction of a two family dwelling on a zoning lot which does not have the minimum required lot width and was not owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of the application for a building permit, which is contrary to Z.R. §23-32 and §23-33(b).

PREMISES AFFECTED - 352 Clifton Avenue, south side, 125' east of Reynolds Street, Block 2981, Lot 7, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Michael DeRuvo and Vivian Alvarez.

For Opposition: Marvin M. David.

ACTION OF THE BOARD - Laid over to October 2, 2001, at 2 P.M., for continued hearing.

CALENDAR

30-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Eva Silber, owner.

SUBJECT - Application January 25, 2001 - under Z.R. §73-622, to permit the legalization of the attic of an existing one family dwelling, for living purposes, which exceeds the allowable F.A.R. and increases the degree of non-compliance with respect to O.S.R., which is contrary to Z.R. §23-141 and §54-31.

PREMISES AFFECTED - 1336 East 23rd Street, west side, 300.0' south of Avenue M, Block 7658, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for decision, hearing closed.

45-01-BZ

APPLICANT - Harold Weinberg, P.E., P.C., for Amy Ditchek, owner.

SUBJECT - Application February 7, 2001 - under Z.R. §73-622, to permit the proposed addition of a second floor, and also the enlargement of the first floor of an existing one story, one family dwelling, located in an R3-1 zoning district, which creates non-compliance with respect to lot coverage, F.A.R. and rear yard, which is contrary to Z.R. §23-141, §54-31 and §23-47.

PREMISES AFFECTED - 115 Falmouth Street, east side, 100' south of Hampton Avenue, Block 8749, Lot 319, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg, P.E.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo:3

Negative:0

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for decision, hearing closed.

135-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Go-Go Car Wash, Inc., owner; Personal Touch Car Wash, lessee.

SUBJECT - Application April 9, 2001 - under Z.R. §11-411, to permit the reestablishment of an expired variance,

previously granted under Cal. No. 318-56-BZ, which permitted a high speed auto laundry (Use Group 16) in a C1-2 within an R5 zoning district.

PREMISES AFFECTED - 1815/17 86th Street a/k/a 1815/17 New Utrecht Avenue, north side, 78.8' west of New Utrecht Avenue, Block 6344, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

149-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit the proposed inclusion of the first and cellar floor areas of an existing six story building for residential use, which does not comply with the zoning requirements floor area ratio, open space ratio, zoning rooms and bedrooms windows, which is contrary to Z.R. §23-14, §23-223, §23-553 and §23-861.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard B. Hornstein, Barbara Hair and Gene Kaufman.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department; Doris Diether, Community Board #2M.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

150-01-A

APPLICANT - Fischbein Badillo Wagner Harding, for Jane Street Realty LLC/William Devaney, owner.

SUBJECT - Application April 20, 2001 - proposed residential use must comply with Section 310 of the Multiple Dwelling Law regarding light, air and rear yard equivalent.

PREMISES AFFECTED - 88/90 Jane Street a/k/a 357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

APPEARANCES -

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 25, 2001, at 2 P.M., for continued hearing.

194-01-BZ

APPLICANT - Agusta and Ross, for D & K Holding Corporation, owner.

SUBJECT - Application May 11, 2001 - under Z.R. §72-21, to permit the proposed development of a six story multiple dwelling, containing ground floor commercial (office and retail), and ten apartments on the upper floors (Use Groups 6 and 2) located in a C8-2 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 440/42 South Fifth Street, south side, 161' East of Hewes Street, Block 2465, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Mitchell Ross.

For Opposition: Battalion Chief Phil Parr and John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 11, 2001, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

djournal: 4:10 P.M.

CORRECTIONS

***CORRECTION**

This resolution adopted on May 30, 2000, under Calendar No.35-00-BZ and printed in Volume 85, Bulletin Nos. 22-23, is hereby corrected to read as follows:

35-00-BZ

CEQR # 00-BSA-090M

APPLICANT - Fredrick A. Becker, for 511 West 54th Street Associates, Inc., owner.

SUBJECT - Application February 18, 2000 - under Z.R. §73-50, to permit within an M1-5 zoning district the legalization of a 10' encroachment into the 30' required rear yard at the third, fourth, and fifth levels of the building under construction at the subject premises contrary to Z.R. §43-302.

PREMISES AFFECTED - 511 West 54th Street, north side, 150' west of 10th Avenue, Block 1083, Lot 26, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Fredrick A. Becker.

For Administration: Lt. Arthur Haven, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Bonfilio, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 17, 2000 acting on Applic. No.102551775 reads:

“Proposed 20'-0"rear yard is contrary to Z.R. 43-302 which requires a 30'-0"yard where said yard coincides with a rear lot line of a residence district. Application is referred to Board of Standards and Appeals. No further action to be taken on this application (#102821546) until BSA approval is obtained; and

WHEREAS, a public hearing was held on this application on April 18, 2000 after due notice by publication in the *Bulletin* and laid over to May 9, 2000 and then to May 30, 2000 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Paul Bonfilio, R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-50, to allow, within an M1-5 zoning district the legalization of a10' encroachment into the 30' required rear yard at the third, fourth, and fifth levels of the building under construction at the subject premises contrary to Z.R. §43-302; and

WHEREAS, the subject premises originally contained a two story structure which was most recently used for commercial/warehouse uses; and

WHEREAS, plans were filed to enlarge the building to a five story and penthouse structure to be used as a theater with related office and administrative uses; and

WHEREAS, the plans were filed on an as-of-right business for both the use of and the bulk based on the given M1-5 zoning classification for the site, and based on unutilized floor area; and

WHEREAS, the first and second floor were to be reconstructed with the pre-existing legal non-complying 5' rear yard and the third, fourth, and fifth floors were to have a 20' rear yard based on the site's location within the M1-5 zoning district; and

WHEREAS, the plans were self-certified by the applicant's architect's at the time, and reviewed and approved by the Department of Buildings; and

WHEREAS, construction was commenced and a further review by the Buildings Department revealed that a 30' rear yard was required for the third fourth and fifth floors rather than a 20'; and

WHEREAS, the applicant represents that to now re-configure the building to bring it into compliance with the 30' yard requirements would cause undue hardship and expense; and

WHEREAS, the applicant notes for the Board that regardless of the size of the rear yard a five story and penthouse structure on the site is permitted as-of-right; and

WHEREAS, the record indicates that properties adjacent to and in the immediate vicinity that the proposed 10' encroachment will have a minimal impact, if any impact on the surrounding community; and

WHEREAS, within the surrounding area of the subject premises there are commercial and office uses housed in 12, 14 and 21 story buildings; and

WHEREAS, the proposed encroachments are limited to a 10' by 25' area on each of the third, fourth, and fifth floors for a total of 750 square feet in the entire project of 11,450 square feet; and

WHEREAS, the proposal would yield a floor area ratio of only 4.56 which is less than the 5.0 that is permitted; and

WHEREAS, the applicant assures the Board that the proposal complies with the provisions of the Special Clinton District; and

WHEREAS, the subject premises are in a commercial district and has been vacant for more than a decade; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-50; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has carefully considered all relevant areas of environmental concern; and

CORRECTIONS

CALENDAR

WHEREAS, the evidence demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §73-50 and grants a special permit, limited to the objections cited, to allow, within an M1-5 zoning district the legalization of a ten (10) foot encroachment into the 30' required rear yard at the third, fourth, and fifth levels of the building under construction at the subject premises contrary to Z.R. §43-302; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received March 22, 2000"-(5) sheets and "May 11, 2000"-(1) sheet; and on further condition;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department;

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals, May 30, 2000.

***The resolution has been corrected in that the portion which read: "...Applic. No. 102821546" now reads: "...Applic. No. 102551775". Corrected in Bulletin Nos. 32-33, Vol. 86, dated June 14, 2001.**

CALENDAR

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