
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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June 27, 2002

DIRECTORY

JAMES CHIN, *Chairman*

SATISH BABBAR, *Vice-Chair*

MITCHELL KORBEBY

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Commissioners

Pasquale Pacifico, *Executive Director*

Roy Starrin, *Deputy Director*

(Vacant), Counsel

OFFICE - 40 Rector Street, 9th Floor, New York, N.Y. 10006
HEARINGS HELD - 40 Rector Street, 6th Floor, New York, N.Y. 10006
BSA WEBPAGE @ <http://www.nyc.gov/html/bsa/home.html>
TELEPHONE - (212) 513-4670
FAX - (212) 513-4690

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CALENDAR

AUGUST 6, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 6, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

906-50-BZ, Vol. II

APPLICANT - Vassalotti Associates Architects, LLP, for Martin Siegel, owner; ExxonMobile, lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired December 11, 2001.

PREMISES AFFECTED - 8101/8111 Third Avenue, southeast corner of 81st Street and Third Avenue, Block 5997, Lot 7, Borough of Brooklyn.

COMMUNITY BOARD #10BK

827-55-BZ

APPLICANT - Henry A. Alpert, for Spartan Petroleum Corp., owner; BP Products North America, Inc., lessee.

SUBJECT - Application April 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 31, 2001.

PREMISES AFFECTED - 245-20 139th Avenue aka 245-22/32 S. Conduit Avenue and 139-02/10 246th Street, southwest corner of 246th Street, Block 13514, Lot 23, Rosedale, Borough of Queens.

COMMUNITY BOARD #13

274-59-BZ, Vol. II

APPLICANT - Laurence Dalfino, R.A., for Manorwood Realty Corp., owner.

SUBJECT - Application February 15, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired September 28, 2001.

PREMISES AFFECTED - 3356-3358 Eastchester Road and 1510-1514 Tillotson Avenue, south side Tillotson Avenue from Eastchester Road to Mickle Avenue, Block 4744, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue aka 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BX

793-88-BZ

APPLICANT - Manuel B. Vidal, Jr., for 164 Willis Avenue Realty Corp., owner; RSV S/S, Inc., lessee.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 12, 2000.

PREMISES AFFECTED - 164/76 Willis Avenue aka 401 East 135th Street, northeast corner, Block 2280, Lots 1, 4, 5, 7, 76, Borough of The Bronx.

COMMUNITY BOARD #1BX

AUGUST 6, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 6, 2002, at 2 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

32-02-BZ

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

CALENDAR

42-02-BZ

APPLICANT - Land Planning and Engineering Consultants, P.C., for Philip Folino, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 4601 Amboy Road, northwest corner of Waimer Place, Block 5585, Lot 99, Borough of Staten Island.

COMMUNITY BOARD #3S.I

44-02-BZ

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

148-02-BZ

APPLICANT - The Agusta Group, for Mr. Vito Petito, owner.

SUBJECT - Application May 8, 2002 - under Z.R. §72-21, to permit the legalization of an existing inground swimming pool, which was constructed in the front yard of a corner zoning lot, and is less than five feet from the front lot line, is contrary to Z.R. §23-44(a) and §12-10.

PREMISES AFFECTED - 72 Highlawn Avenue, southwest corner of West 11th Street, Block 6669, Lot 8, Borough of Brooklyn.

COMMUNITY BOARD #11BK

153-02-BZ

APPLICANT - Francis R. Angelino, Esq., for Joseph Fauci & Lorraine Fauci, Paul Fauci & Marie Fauci, owner; Significant Steps Child Dev. Ctr., lessee.

SUBJECT - Application May 10, 2002 - under Z.R. §72-21, to permit the proposed three-story school building, Use Group 3, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 275/77 Third Avenue, east side, between President and Carroll Streets, Block 448, Lots 7 and 8, Borough of Brooklyn.

COMMUNITY BOARD #6BK

Pasquale Pacifico, Executive Director

CALENDAR

AUGUST 13, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

280-01-BZ

APPLICANT - Howard A. Zipser, Esq. of Stadtmauer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan TransS & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

AUGUST 13, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, August 13, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando. OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1

177-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative Inc., owner; Marie Lynch, lessee.

SUBJECT - Application May 23, 2002 - Proposed first floor enlargement, and the addition of a partial second story 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 - 13 Fulton Walk, east side, 146.99' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

184-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Frank E. Farrell, lessee.

SUBJECT - Application June 3, 2002 - Proposed enlargement of the first floor, construct a new second floor addition and install a new septic system in connection with a home which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 24 Gotham Walk, west side, 135' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens

COMMUNITY BOARD #14Q

CALENDAR

AUGUST 13, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, August 13, 2002, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

39-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Shatursun Estates, LLC, owner.

SUBJECT - Application January 29, 2002 - under Z.R. §72-21, to permit the proposed continuation of the use of the premises as a warehouse (said use was permitted under BSA Cal. No. 761-80-BZ), and for a small portion to be utilized as a storefront retail use, located in a C1-2 and R3-2 zoning district, is contrary to Z.R. §32-00.

PREMISES AFFECTED - 142-66/82 Rockaway Boulevard, between Bascom Avenue and 143rd Street, Block 12059, Lot 34, Borough of Queens.

COMMUNITY BOARD #12Q

49-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Spartacus Realty, Inc., owner.

SUBJECT - Application February 7, 2002 - under Z.R. §72-21, to permit the proposed construction of a one-family dwelling, Use Group 1, located in an R2 zoning district, which does not provide the required front yard, sky exposure clearance, width or lot area, and exceeds the permitted floor area, is contrary to Z.R. §23-30, §23-141 and §23-45.

PREMISES AFFECTED - 189-19 Pineville Lane, northwest corner of Lucas Street, Block 12720, Lot 119, Borough of Queens.

COMMUNITY BOARD #12Q

79-02-BZ

APPLICANT - Law Office of Howard Goldman, PLLC, for Big Sue, LLC, owner.

SUBJECT - Application March 20, 2002 - under Z.R. §72-21, to permit the proposed conversion of a four story industrial building located in an M1-1 zoning district, into a residential building with six dwelling units, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1024 Dean Street, between Franklin and Classon Avenues, Block 1142, Part of Lot 40, Borough of Brooklyn.

COMMUNITY BOARD #8BK

88-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Michael Provino, owner; BP Amoco, plc, lessee.

SUBJECT - Application March 27, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R5 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 3641 Boston Road, between East 223rd and East 224th Streets, Block 4889, Lot 2, Borough of The Bronx.

COMMUNITY BOARD #12BX

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, JUNE 18, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, May 21, 2001, were approved as printed in the Bulletin of May 30, 2001, Volume 86, No. 22.

SPECIAL ORDER CALENDAR

91-60-BZ thru 93-60-BZ

APPLICANT - Sheldon Lobel, P.C., for 30-40-60 East 9th Street Parking LLC, owner.

SUBJECT - Application October 22, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 7, 2001.

PREMISES AFFECTED - 30/40/60 East 9th Street, 9th Street between Broadway and University Place, Block 560, Lots 7501, 7503, 1101, 1103, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired June 7, 2001; and

WHEREAS, a public hearing was held on this application on May 7, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted June 7, 1960, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the

variance for ten years from June 7, 2001 expiring June 7, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received October 22, 2001”-(3) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT all signs shall be maintained in accordance with BSA approved plans;

THAT a recapture sign shall be provided and maintained in the lobby and in the garage;

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

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. Nos. 102502506 / 102509233 / 102975808)

Adopted by the Board of Standards and Appeals, June 18, 2002.

1558-61-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Trump CPS, LLC, owner.

SUBJECT - Application March 20, 2002 - reopening for an extension of term of variance which expired March 13, 2002.

PREMISES AFFECTED - 100 Central Park South a/k/a 1439 Avenue of the Americas, southwest corner of Central Park South and Avenue of the Americas, Block 1011, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Peter Geis.

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

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired

MINUTES

March 13, 2002; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted March 13, 1962, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from March 18, 2002 expiring March 18, 2012, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received April 17, 2002”-(2) sheets; and that other than as herein amended the resolution above cited shall be complied within all respects; *and on further condition*

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB. No. 103086839)

Adopted by the Board of Standards and Appeals, June 18, 2002.

914-62-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 205-04 Northern Boulevard, Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 24, 2002, after due notice by publication in *The City Record*, laid over to May 21, 2002 and then laid over to June 18, 2002 for decision; and

WHEREAS, The Board received complaints alleging non-compliance with a variance granted for the subject premises under BSA Cal. No. 914-62-BZ; and

WHEREAS, specifically, the complaints allege that the site is being used for the illegal storage and sale of vehicles; and

WHEREAS, on April 24, 2002, a hearing was held to rescind the variance; and

WHEREAS, in response to Board requests for documentation that the alleged violations had been cured, the applicant submitted photographs illustrating that the site is in compliance with the conditions set forth in the Board’s resolution and that there are no cars with “For Sale” sign on the site; and

WHEREAS, the record also contains a signed Affidavit from the site operator stating “that at no time will the subject property be used to market the sale of vehicles nor will it be used for the storage of commercial vehicles.”

WHEREAS, the applicant also represented that vacuuming of automobiles, is limited to the hours 9:00 A.M. to 9:00 P.M.

Resolved, that the Board of Standards and Appeals finds that the applicant has submitted adequate documentation demonstrating substantial compliance with the Board’s prior grant and the application to rescind the variance is withdrawn from the Compliance Calendar.

Adopted by the Board of Standards and Appeals, June 18, 2002.

1250-65-BZ

APPLICANT - Seymour W. Gage, P.E., for 87th Street Owner’s Corp., owner; Park 87th Corp., lessee.

SUBJECT - Application August 21, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 2, 1991.

PREMISES AFFECTED - 55 East 87th Street, north side of East 87th Street, between Madison and Park Avenues, Block 1499, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Peter Hirshman.

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

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner

MINUTES

Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance which expired March 22, 1991; and

WHEREAS, a public hearing was held on this application on March 19, 2002, after due notice by publication in *The City Record*, laid over to April 23, 2002, June 4, 2002 and then to June 18, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten (10) years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and extends* the term of the variance pursuant to Z.R. §11-411, said resolution having been adopted March 22, 1966, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the variance for ten years from March 22, 2001 expiring March 22, 2011, *on condition*

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked “Received January 31, 2002”-(1) sheet; and that other than as herein amended the resolution above cited shall be complied with in all respects; *and on further condition*

THAT a copy of the with the recapture clause shall be sent to the Attorney General within one (1) year from the date of this grant;

THAT a copy of the updated offering plan approved by the Attorney General shall be provided to the BSA Executive Director within two (2) years from the date of this grant;

THAT the above conditions shall be noted on the Certificate of Occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year from the date of this amended resolution;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 102947590)

Adopted by the Board of Standards and Appeals, June 18, 2002.

53-91-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 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 August 20, 1997.

PREMISES AFFECTED - 23-27/27A Steinway Street, Westside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 64, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

174-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 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 August 20, 1997.

PREMISES AFFECTED - 23-29/29A Steinway Street, eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 63g, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

MINUTES

175-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 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 August 20, 1997.

PREMISES AFFECTED - 23-31/31A Steinway Street, Wastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 62, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

176-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 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 August 20, 1997.

PREMISES AFFECTED - 23-33/33A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 60, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department..

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

177-92-BZ

APPLICANT - Gerald J. Caliendo, RA AIA for Dominick Pinto., owner.

SUBJECT - Application July 20, 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 August 20, 1997.

PREMISES AFFECTED - 23-35/35A Steinway Street, Eastside of Steinway Street 75.78' north of 23rd Road, Block 793, Lot 52, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

75-97-BZ

APPLICANT - Rampulla Associates Architects, for Pergament Enterprise of S.I., owner; Lovely Lady Figure Salon, lessee.

SUBJECT - Application January 29, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired September 1, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 2795 Richmond Avenue, Richmond Avenue and Yukon Avenue, Block 2440, Lot 2, Borough of Staten Island.

COMMUNITY BOARD #2 S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of Occupancy extended

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on April 21, 2002; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on April 21, 1998 as amended through February 1, 2001, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That substantial construction be completed and a new Certificate of Occupancy shall be obtained within forty-eight (48) months from April 21, 2002; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed

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DOB/other jurisdiction objection(s) only;

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

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

Adopted by the Board of Standards and Appeals, June 18, 2002.

175-97-BZ

APPLICANT - Francis R. Angelino, Esq., for H S Acquisition, LLC, owner.

SUBJECT - Application March 19, 2002 - reopening for an extension of time to complete construction which expired April 21, 2002.

PREMISES AFFECTED - 55 West Houston Street, a/k/a 158-160 Wooster Street, 200' along south side of W. Houston, Wooster and Green Streets, Block 514, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #M1-5A

APPEARANCES -

For Applicant: Francis Angelino.

ACTION OF THE BOARD - Rules of Practice and Procedure Waived, application reopened and time to complete construction and obtain a new Certificate of Occupancy extended

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to complete construction and to obtain a Certificate of Occupancy which expired on April 21, 2002; and

WHEREAS, a public hearing was held on this application on June 4, 2002, after due notice by publication in *The City Record*, laid over to June 18, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on April 21, 1998 as amended through February 1, 2001, only as to the time to complete construction and to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That substantial construction be completed and a new Certificate of Occupancy shall be obtained within forty-eight (48) months from April 21, 2002; and on further condition

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

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

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

Adopted by the Board of Standards and Appeals, June 18, 2002.

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 -

For Applicant: Michael Raso and Robert M. Blakeman.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for decision, hearing closed.

118-53-BZ

APPLICANT - Issa Khorasanchi, P.E., for Henry R. Janet, owner.

SUBJECT - Application December 5, 2001 and updated March 18, 2002 - reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 106-57/61 160th Street, east side, 25' north of 107th Avenue, Block 10128, Lot 50, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10 A.M., for continued hearing.

MINUTES

545-56-BZ

APPLICANT- Walter T. Gorman, P.E., for Williamsbridge Road Realty Corp., owner; Williamsbridge Repairs Service Station, lessee.

SUBJECT - Application March 19, 2002 - reopening for an extension of term of variance which expired October 29, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 2001-2007 Williamsbridge Road a/k/a 1131-39 Neill Avenue, northwest corner of Neill Avenue, block 4306, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10 A.M., for continued hearing.

1043-80-BZ

APPLICANT - Rothkrug & Rothkrug Weinberg & Spector for RANS 1680 Building Corp., owner.

SUBJECT - Application December 17, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 3, 2000.

PREMISES AFFECTED - 1680/88 Albany Avenue a/k/a 4024 Marginal Street, southwest corner of Albany Avenue and Marginal Street, Block 7744, Lots 47, 49, 50, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 10 A.M., for continued hearing.

45-90-BZ

APPLICANT - Walter T. Gorman, P.E., for Amoco Oil Company, owner.

SUBJECT - Application July 19, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 260 Hamilton Avenue, northeast corner of Henry Street, Block 527, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #6BK

APPEARANCES -

For Applicant: John Ronan.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 16,

2002, at 10 A.M., for decision, hearing closed.

271-90-BZ

APPLICANT- Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 10 A.M., for decision, hearing closed.

180-95-BZ

APPLICANT - Jay Segal, Greenberg Traurig, LLP, for Brewran West Associates, LP, owner.

SUBJECT - Application August 10, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 256 West Street/416-424 Washington Street, Block 218, Lots 28, 23, 20, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Deirdre Carson and Doris Diether.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 9, 2002, at 10 A.M., for continued hearing.

293-01-A

APPLICANT - Anderson Kill & Olick, P.C., for 53 East 77th Realty, LLC, c/o Stanley Roth, owner.

SUBJECT - Application October 19, 2002 - An appeal challenging the Department of Buildings' decision dated September 20, 2001, which permitted the renovation of parts of subject building under the old code, when the cost of renovation exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code.

PREMISES AFFECTED - 53 East 77th Street, north side, between Madison and Park Avenues, Block 1392, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Lawrence Bartelemucci.

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For Opposition: John Reisinger, Department Buildings and Jay Segal.

ACTION OF THE BOARD - Appeal Denied

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 4, 2002 acting on Alt. Application # 101834927, permitting the renovation of parts of the subject building under the old code; and

WHEREAS, the Board must determine if the cost of renovation exceeds sixty percent of the value of the building as per §27-115 of the NYC Administrative Code and

WHEREAS, the appellant contends that the Department of Buildings incorrectly permitted the computation of construction costs according to old code standards; and

WHEREAS, the appellant is a 15-story and penthouse apartment building, with retail uses on the ground floor Madison Avenue frontage, occupying the entire block front on the easterly side of Madison Avenue between 77th and 78th Streets; and

WHEREAS, the Building that is the subject of this appeal is a 5-story, non-fireproof structure located on the parcel immediately to the east of Appellant's property on 77th Street; and

WHEREAS, the record indicates that at one time, both the Appellant's building and the subject building were under the same ownership and that except for a 3'6" portion of land on the easterly side of 53 East 77th Street, both buildings were on the same zoning lot; and

WHEREAS, in 1956, when the Appellant's building was constructed, the Department of Buildings required that the owners record a declaration containing a restrictive covenant providing that for as long as the 15-story building remains, the 5-story building is not to be increased in volume, height or area; and

WHEREAS, the record indicates in or about 1998, the subject building was leased with the intention of converting a portion of the building into a restaurant, and that in March 1998 a work permit application was filed requesting an extension at the rear of the building; and

WHEREAS, in response to the above application the Department of Buildings, in November 1998 informed the work permit applicant that any extension would require that the Appellant amend its Certificate of Occupancy converting some rooms to non-residential use; and

WHEREAS, the Appellant contends that when it did not agree to permit the change in the Certificate of Occupancy, the subject building decided to enlarge its space by digging downward; and

WHEREAS, by letter dated October 26, 1999, the Appellant objected to the Department of Buildings that the aforementioned enlargement violated the terms of the restrictive covenant by increasing the volume of the building, and that some renovations were being performed according to the old building code, which the Appellant contends had to be performed under the current "new" code; and

WHEREAS, the Appellant represents that on March 10, 2000, the engineer for the subject building wrote to the Department of Buildings and included an appraisal of the property supporting its position regarding the value of the building; and

WHEREAS, by letter dated May 4, 2000, the Appellant disputed the appraisal of the subject building and stated that method for arriving at the value of the building did not comply with the requirements of the Administrative Code Section 27-119; and

WHEREAS, subsequently, work on the subject building commenced and the Department of Buildings issued a temporary Certificate of Occupancy for the structure; and

WHEREAS, by letter dated April 12, 2001, the Appellant claimed that the sixty percent threshold was exceeded and therefore the entire building must comply with the new code; and

WHEREAS, the Appellant contends that because of its close proximity to the subject building, it is aggrieved if the subject building cannot comply with new code requirements, including but not limited to, fire safety issues, egress, noise, odors and other nuisances associated with uses at the subject building; and

WHEREAS, Section 27-115 states, "if the cost of making alterations in any twelve-month period shall exceed sixty percent of the value of the building, the entire building shall be made to comply with the requirements of this code, except as provided in Section 27-120 of this article.;" and

WHEREAS, Section 27-119 states that for the purposes of Article 4 (which includes Section 27-115) the cost of making alterations shall be determined by adding the estimated cost of making the proposed alterations as of the time the permit application to the actual cost of all alterations made in the preceding twelve months; and

WHEREAS, the record indicates that the value of the building shall be determined at the option of the applicant on the basis of one and one-quarter times the current assessed valuation of the building, as adjusted by the current state equalization rate, or on the basis of the current replacement cost of the building, provided that satisfactory evidence of the current replacement cost is submitted to the commissioner; and

WHEREAS, the Department of Buildings represents it received and issued permits for eight job applications for renovations at the subject building requesting "Old Code"

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review for some of the applications; and

WHEREAS, the record indicates that a temporary Certificate of Occupancy (No. 1018334927-T) was issued for the subject building on August 21, 2001 and that by letter dated September 20, 2001, the Department of Buildings explained to the Appellant that the bid submitted was satisfactory evidence of the value of the building because it provided cost estimates that could be utilized to ascertain a replacement cost for the building, with certain figures from the bid adjusted downward or eliminated entirely; and

WHEREAS, the Department of Buildings has determined that the current replacement cost of the building is \$3,542,795 based on the GDM Projects June 12, 2000 estimate and that the total estimate as set forth in the Bid was \$7,240,695 broken down into categories with itemized costs; and

WHEREAS, the Deputy Commissioner subtracted costs for certain categories that were not relevant, and used the PW-3 application form estimates where appropriate; and

WHEREAS, the Appellant asserts that the cost estimate for job No. 101721601 was the \$2,500,000 as stated in the PW-1 application form; and

WHEREAS, the Board agrees with the Department of Buildings explanation that the above figure was incorrect and should not be relied upon; and

WHEREAS, according to Department of Buildings review of relevant documents, the total cost of the subject buildings alteration was \$1,760,600 and the current replacement cost of the building is \$3,542,795; and

WHEREAS, since \$1,760,600 is 49 percent of \$3,542,795, the Department of Building contends that Section 27-116 of the Building Code is applicable to the subject Alterations and not Section 27-115; and

WHEREAS, the Appellant argues that if presented with information on the cost of renovations, which was significantly inconsistent with the permit application, the Department of Buildings had the obligation to carefully examine those numbers; and

WHEREAS, the Board finds that the Department of Buildings followed past practice in using the cost of the alterations as set forth in the PW-1s and PW-3s and properly exercised its discretion to subtract figures it considered irrelevant; and

WHEREAS, the Appellant has failed to provide evidence that the PW-1's and PW-3's submitted to the Department of Buildings contained false information; and

WHEREAS, the Appellant also argues that the subject building violates the 1938 building code egress requirement; and

WHEREAS, the Board notes that the record indicates that because the subject building was erected in 1900, the provisions of the 1938 Building code are not applicable,

and that the stairwell and the fire escape, which are pre-existing conditions that are not subject to subsequent Building Code provisions, provide lawful egress from the Building at floors other than the basement and cellar; and

WHEREAS, the Appellant has failed to demonstrate that the cost of making alterations in any twelve-month period exceeds sixty percent of the value of the building and that therefore the requirements of Section 27-115 of Title 27 of the Administrative Code were not triggered; and

WHEREAS, therefore, the Board finds that the Department of Buildings acted reasonably, correctly and within its establish practice in denying the appellant's request.

Resolved, that the decision of the Manhattan Borough Commissioner, dated February 4, 2002 acting on Alt. Application # 101834927, permitting the renovation of parts of the subject building under the old code, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals, June 18, 2002.

389-01-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector LLP, for D'Amico Imburgia Realty Corp., owner.

SUBJECT - Application December 17, 2001 - Proposed construction of two story commercial building, not fronting on a legally mapped is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 79 Industrial Loop, east side, 550.14' north of Arthur Kill Road, Block 7206, Lot 253, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeal, June 18, 2002.

59-02-A

APPLICANT - Jose Martinez, for Carlos A. Aguirre, owner.

SUBJECT - Application February 14, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 23-81 89th Street, east side, 572.67' north of Astoria Boulevard, Block 1101, Lot 6, Borough of Queens.

APPEARANCES -

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For Applicant: Jose Martinez.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated February 12, 2002 and on May 17, 2002 acting NB. Application Nos. 401265554 and 401265536 reads:

“1- Proposed structure in the bed of mapped street is contrary to Sect. 35 G.C.L.”; and

WHEREAS, the applicant proposes to subdivide the lot and build 2 two-family detached houses and;

WHEREAS, the Department of Buildings originally only issued the above objection for Calendar Number 59-02-A; and

WHEREAS, upon review of the site plan, the Board has determined that the proposed house filed under N.B. Application No. 401265536 will be also located in the bed of a mapped street and required that an objection be issued for this house requiring the filing of a separate application under Calendar No. 160-02-A; and

WHEREAS, the filing of these applications will allow the Board to rule on both homes and grant any relief necessary in connection with this site; and

WHEREAS, as noted above both homes occupy the same site, and Application No. 401265536 was subject to the same review as Application No. 401265554, the Board will accept the prior determinations made by the Departments of Transportation, Environmental Protection and Fire and will apply them to both applications; and

WHEREAS, by the letter dated March 12, 2002, Department of the Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 29, 2002, the Department of Environmental Protection (D.E.P.) has indicated that Drainage Plan No. Qpd- 28 (34)-3 for this area calls for a future 12” dia. combined sewer to be installed in 24th Avenue between 89th Street and 90th Place; requiring the applicant to post a bond and amend the Drainage Plan to the satisfaction of D.E.P., and

WHEREAS, in response to the DEP letter the applicant has agreed to post a bond and amend the Drainage Plan to the satisfaction of the D.E.P.; and

WHEREAS, by letter dated June 6, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough

Commissioner, dated February 12, 2002, and on May 17, 2002 acting on N.B. Application No. 401265554 and 401265536 is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that prior to the issuance of a building permit, the drainage plan is amended to the satisfaction of the D.E.P and that construction shall substantially conform to the drawing filed with the application marked, “Received February 14, 2002”-(1) sheet; “May 20, 2002” -(1) sheet and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; 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.

Adopted by the Board of Standards and Appeals, June 18, 2002

160-02-A

APPLICANT - Jose Martinez, for Carlos Aguirre, owner.
SUBJECT - Application May 20, 2002 - Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 24-01 89th Street, east side, 532.67' north of Astoria Boulevard, Block 1101, Lot 8, Borough of Queens.

APPEARANCES -

For Applicant: Jose Martinez.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated February 12, 2002 and on May 17, 2002 acting NB. Application Nos. 401265554 and 401265536 reads:

“1- Proposed structure in the bed of mapped street is contrary to Sect. 35 G.C.L.”; and

WHEREAS, the applicant proposes to subdivide the lot and build 2 two-family detached houses; and

WHEREAS, the Department of Buildings originally only issued the above objection for Calendar Number 59-02-A; and

WHEREAS, upon review of the site plan, the Board has determined that the proposed house filed under N.B.

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Application No. 401265536 would also be located in the bed of a mapped street and required that an objection be issued for this house requiring the filing of a separate application under Calendar No. 160-02-A; and

WHEREAS, the filing of these applications allows the Board to rule on both homes and grant any relief necessary in connection with this site; and

WHEREAS, as noted above, both homes occupy the same site, and Application No. 401265536 was subject to the same review as Application No. 401265554, the Board will accept the prior determinations made by the Departments of Transportation, Environmental Protection and Fire and will apply them to both applications; and

WHEREAS, by the letter dated March 12, 2002, Department of the Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated March 29, 2002, the Department of Environmental Protection (D.E.P.) has indicated that Drainage Plan No. Qpd- 28 (34)-3 for this area calls for a future 12" dia. combined sewer to be installed in 24th Avenue between 89th Street and 90th Place; requiring the applicant to post a bond and amend the Drainage Plan to the satisfaction of D.E.P.; and

WHEREAS, in response to the DEP letter the applicant has agreed to post a bond and amend the Drainage Plan to the satisfaction of the D.E.P.; and

WHEREAS, by letter dated June 6, 2002, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Resolved, that the decision of the Queens Borough Commissioner, dated February 12, 2002 and on May 17, 2002 acting on N.B. Application No. 401265554 and 401265536 is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that prior to the issuance of a building permit, the drainage plan is amended to the satisfaction of the D.E.P and that construction shall substantially conform to the drawing filed with the application marked, "Received February 14, 2002"-(1) sheet; "May 20, 2002"-(1) sheet and that the proposal comply with all applicable R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; 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.

Adopted by the Board of Standards and Appeals, June 18, 2002.

72-02-A

APPLICANT - Mitchell H. Hossoff, Kossoff Alper & Unger, for PR 30 LLC, owner.

SUBJECT - Application March 5, 2002 - An appeal from a decision of the Department of Buildings dated February 4, 2002, which denied the creation of new non-conforming single room units on the basement floor of subject premises.

PREMISES AFFECTED - 325 West 30th Street, north side, 321' west of Eighth Avenue, Block 754, Lot 25, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Appeal Denied

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated February 4, 2002 acting on Application No. 102343322, denying an alteration of the existing Certificate of Occupancy to permit the as built conditions; and

WHEREAS, this is an appeal challenging a decision of the Department of Buildings (DOB), disapproving the appellant's application to amend the Certificate of Occupancy to legalize the conversion of the basement level of a multiple dwelling from one class A apartment to three rooming units; and

WHEREAS, the Department of Buildings disapproval was based on Section D26-33.07 of the Housing Maintenance Code ("HMC") which prohibits the creation of rooming units in a dwelling where the rooming units were neither classified or recorded as such prior to May 15, 1954, nor converted to such use prior to April 30, 1956; and

WHEREAS, the record indicates that the Certificate of Occupancy issued in 1938 identifies the subject premises as a residential building and allows only one apartment at the cellar level; and

WHEREAS, the appellant's representation and plans indicate that the basement is currently comprised of three rooming units with each unit containing cooking facilities, but sharing a single bathroom; and

WHEREAS, the appellant neither claims or offers evidence that the premises were classified and recorded as

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such prior to 1954 nor that the premises were converted from a single apartment to three rooming units prior to 1956; and

WHEREAS, the appellant contends that the construction costs associated with complying with the Housing Maintenance Code create a practical difficulty; and

WHEREAS, the appellant has not presented evidence of a practical difficulty or unnecessary hardship in the carrying out of the strict letter of the law, to warrant granting this appeal varying Housing Maintenance Code §27-2077 and New York City Charter §666(7); or that granting this appeal would be consistent with the spirit and intent of the Housing Maintenance Code to establish minimum housing standards; and

WHEREAS, the Board finds that the Department of Buildings acted reasonably and correctly in denying the appellants' request.

Resolved, that the decision of the Manhattan Borough Commissioner, dated February 4, 2002 acting on Application No. 102343322, is upheld and this appeal is denied.

Adopted by the Board of Standards and Appeals June 18, 2002.

165-01-A thru 189-01-A

APPLICANT - Rothkrug & Rothkrug, for Tower Hill at Springville, Inc., owner.

SUBJECT - Applications April 30, 2001 - proposed two family dwelling located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED -

46 Beard Street, west side, 345.35' north of Travis Avenue, Block 2370, Lot 1, Borough of Staten Island.

40 Beard Street, west side, 409.85' north of Travis Avenue, Block 2370, Lot 4, Borough of Staten Island.

38 Beard Street, west side, 441.85' north of Travis Avenue, Block 2370, Lot 5, Borough of Staten Island.

34 Beard Street, west side, 473.85' north of Travis Avenue, Block 2370, Lot 7, Borough of Staten Island.

32 Beard Street, west side, 489.85' north of Travis Avenue, Block 2370, Lot 8, Borough of Staten Island.

28 Beard Street, west side, 520.85' north of Travis Avenue, Block 2370, Lot 10, Borough of Staten Island.

26 Beard Street, west side, 544.68' north of Travis Avenue, Block 2370, Lot 11, Borough of Staten

Island.

20 Beard Street, west side, 568.51' north of Travis Avenue, Block 2370, Lot 12, Borough of Staten Island.

22 Beard Street, west side, 584.51' north of Travis Avenue, Block 2370, Lot 13, Borough of Staten Island.

16 Beard Street, west side, 600.51' north of Travis Avenue, Block 2370, Lot 14, Borough of Staten Island.

14 Beard Street, west side, 616.51' north of Travis Avenue, Block 2370, Lot 15, Borough of Staten Island.

8 Beard Street, west side, 664.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

6 Beard Street, west side, 670.51' north of Travis Avenue, Block 2370, Lot 18, Borough of Staten Island.

3 Beard Street, west side, 672.52' north of Travis Avenue, Block 2370, Lot 42, Borough of Staten Island.

30 Monahan Avenue, south side, 72.18' east of Lewiston Street, Block 2370, Lot 208, Borough of Staten Island.

28 Monahan Avenue, south side, 86.02' east of Lewiston Street, Block 2370, Lot 209, Borough of Staten Island.

26 Monahan Avenue, south side, 99.85' east of Lewiston Street, Block 2370, Lot 210, Borough of Staten Island.

24 Monahan Avenue, south side, 113.69' east of Lewiston Street, Block 2370, Lot 211, Borough of Staten Island.

22 Monahan Avenue, south side, 127.52' east of Lewiston Street, Block 2370, Lot 212, Borough of Staten Island.

20 Monahan Avenue, south side, 161.35' east of Lewiston Street, Block 2370, Lot 213, Borough of Staten Island.

18 Monahan Avenue, south side, 175.18' east of Lewiston Street, Block 2370, Lot 214, Borough of Staten Island.

14 Monahan Avenue, south side, 202.85' east of Lewiston Street, Block 2370, Lot 216, Borough of Staten Island.

12 Monahan Avenue, south side, 216.68' east of Lewiston Street, Block 2370, Lot 217, Borough of Staten Island.

8 Monahan Avenue, south side, 244.35' east of Lewiston Street, Block 2370, Lot 219, Borough of Staten Island.

6 Monahan Avenue, south side, 258.18' east of Lewiston Street, Block 2370, Lot 220, Borough

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of Staten Island.

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to July 23, 2002, at 11 A.M., for decision, hearing closed.

47-02-A & 48-02-A

APPLICANT - Michael DeRuvo, R.A., for Carmen Loconte, owner.

SUBJECT - Application February 6, 2002 - Proposed construction of a two story, one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 3667 Richmond Avenue, east side, 675.0' south of Katan Avenue, Block 5515, Lot 3, Borough of Staten Island.

3669 Richmond Avenue, east side, 715.0' south of Katan Avenue, Block 5515, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3 S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for postponed hearing.

93-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative, Inc., owner; Larry Turturo, lessee.

SUBJECT - Application March 29, 2002 - Proposed enlargement of the existing first floor, construct a new second floor addition, and install a new septic system in connection with a home, which does not front on a legally mapped street and simultaneously lies within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED -465 Seabreeze Walk, west side, 50' south of Rockaway Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for continued hearing.

94-02-A & 95-02-A

APPLICANT - Miro C. Stracar, P.E., Stracar Engineering, P.C., for Breezy Point Cooperative, owner; Mr. & Mrs. Edward Carr, lessee.

SUBJECT - Application April 2, 2002 - Proposed

enlargement of an existing one family dwelling, not fronting on a legally mapped street is contrary to Section 36, Article 3 of the General City Law, also an interpretation of Z.R. §23-47 and how it relates to rear yard requirement.

PREMISES AFFECTED - 10 Lincoln Walk, west side, 135' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

28 Pelham Walk, west side, 115 north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Miro C. Stracar and Arthur Lighthall.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 11 A.M., for continued hearing.

139-02-A

APPLICANT - Fischbein Badillo Wagner Harding for Mark Perl binder, WMP II Real Estate Limited Partnership, owner.

SUBJECT - Application May 1, 2002 - An appeal from a determination of the Department of Buildings dated April 17, 2002, which declined to seek a Revocation of Certificate of Occupancy No. 107549 issued July 7, 1995 for subject premises.

PREMISES AFFECTED - 1511 Third Avenue, northeast corner of East 85th Street and Third Avenue, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Marvin Mitzner.

For Opposition: S. Scott Mason, Department of Buildings; Michael T. Sillerman, Julia Marx and Paul Boaroman.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:50 P.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 18, 2002
2:00 P.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.

ZONING CALENDAR

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149-01-BZ

CEQR # 01-BSA-134M

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

SUBJECT - Application April 20, 2001 - under Z.R. §72-21, to permit in an R-6 zoning district the proposed inclusion of the first and cellar floor areas of an existing six-story building for residential use creating non-compliance with the Floor Area Ratio, the Open Space Ratio, zoning rooms, and bedroom windows contrary to Z.R. §§ 23-14, 23-223, 23-553 and 23-861.

PREMISES AFFECTED- 88/90 Jane Street, a/k/a357-359 West 12th Street, between Washington and Greenwich Street, Block 641, Lots 1001-1006, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2001 acting on Applic. No. 102849777 reads:

- “1) Proposed conversion of community facility to residential floor area exceeds residential floor area ratio per Z.R. 23-142.
- 2) Proposed conversion of community facility to residential at first floor decreases open space ratio contrary to Z.R. 23-142.
- 3) Proposed conversion of first floor to residential creates non-compliance for zoning rooms per 23-223.
- 4) Proposed conversion of first floor to residential increases non-compliance of rear yard equivalent per Z.R. 23-533 and light and air requirements of MDL.
- 5) Proposed bedroom windows require min. 30' to any wall per zoning section 23-861. Proposed bedrooms do not comply at first floor level.”; and

WHEREAS, a public hearing was held on this application on June 26, 2001 after due notice by publication in *The City Record* and laid over to August 7, 2001, October 16, 2001, November 13, 2001, December 18, 2001, January 29, 2002, March 19, 2002, April 9, 2002, April 23, 2002, and June 4, 2002 and then to June 18, 2002 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 Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit in an R6 district the proposed inclusion of the first and cellar floor areas of an existing six-story building for residential use creating non-compliance with the Floor Area Ratio, the Open Space Ratio, zoning rooms, and bedroom windows contrary to Z.R. §§ 23-14, 23-223, 23-553 and 23-861; and

WHEREAS, the Board notes that this case was heard with a companion Appeals case under Calender Number 150-01-A, objection numbers 4 and 5; and

WHEREAS, the subject site is a through lot 160 feet deep with frontage of approximately 43 feet on Jane and approximately 44 feet on West 12th Streets, located in the Greenwich Village Historic District containing 6 community facility condominiums on the 1st and cellar floors and 22 residential condominiums on the second through 5th floors; and

WHEREAS, the current Certificate of Occupancy issued in 1985 restricts occupancy of the 6 subject units to community facility uses; and

WHEREAS, the total floor area of the existing building including the cellar is 31,625 square feet, of which 20,587 square feet is residential floor area on the second through fifth floors with the existing building covering the entire lot; and

WHEREAS, the subject application proposes to add the 1st and cellar floor areas (11,038 square feet to the total residential floor area of the building causing the total residential floor area ratio to exceed the permitted floor area under Section 23-142; and

WHEREAS, the Board notes that the subject R6 zoning district permits Use Groups 1-4; and

WHEREAS, the applicant represents that, 15 years ago, the community facility space on the cellar and first floor, met the needs of the sole practitioner, but that today, group practice is the trend and medical offices are typically larger with several doctors sharing common areas and services; and

WHEREAS, therefore, the record suggests that the existing community facility space is awkwardly laid out, it is deep but not wide, partially divided in the center by an inner courtyard and pool with four entrances from Jane and West 12th Streets; and

WHEREAS, the applicant has sufficiently documented extensive marketing efforts to secure conforming tenants; and

WHEREAS, the record collectively demonstrates that the cost to upgrade the space for modern medical offices is not justified; and

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WHEREAS, therefore, these unique conditions demonstrate that the development of this site with a complying development creates a practical difficulty; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, in response to community concerns, the applicant voluntarily offered to restrict, for a term of ten (10) years, the occupancy of one subsidized unit to a qualified senior citizen, at a subsidized rate; and

WHEREAS, the Board notes that the applicant will provide documentation of the housing terms and occupancy prior to obtaining a Certificate of Occupancy; and

WHEREAS, the total floor area of the existing building including the cellar will not be enlarged; and

WHEREAS, as previously noted, the subject variance will result in occupiable and habitable of the cellar and 1st floors which is a permitted use in the R6 district; and

WHEREAS, therefore, the Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or future development of adjacent properties 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, therefore, the Board finds that the variance is the minimum variance necessary to afford 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.

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I 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. § 72-21 to permit in an R-6 zoning district the proposed inclusion of the first and cellar floor areas of an existing six-story building for residential use creating non-compliance with the Floor Area Ratio, the Open Space Ratio, zoning rooms, and bedroom windows contrary to Z.R. §§ 23-14, 23-223, 23-553 and 23-861, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "June 5, 2001"- (2) sheets and "May 30, 2002", - (1) sheet"; and *on further condition*;

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

THAT an automatic wet sprinkler and smoke detection system be provided and maintained for all units;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws including required light, ventilation, and egress from the cellar and first floor under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted;

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant;

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

Adopted by the Board of Standards and Appeals, June 18, 2002.

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.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Peter Geis.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Appeal granted

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 16, 2001 acting on Applic. No. 102849777 reads:

- "1) Proposed conversion of community facility to residential floor area exceeds residential floor area ratio per Z.R. 23-142.
- 2) Proposed conversion of community facility to residential at first floor decreases open space

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ratio contrary to Z.R. 23-142.

- 3) Proposed conversion of first floor to residential creates non-compliance for zoning rooms per 23-223.
- 4) Proposed conversion of first floor to residential increases non-compliance of rear yard equivalent per Z.R. 23-533 and light and air requirements of MDL.
- 5) Proposed bedroom windows require min. 30' to any wall per zoning section 23-861. Proposed bedrooms do not comply at first floor level.”; and

WHEREAS, a public hearing was held on this application on June 26, 2001 after due notice by publication in *The City Record* and laid over to August 7, 2001, October 16, 2001, November 13, 2001, December 18, 2001, January 29, 2002, March 19, 2002, April 9, 2002, April 23, 2002, and June 4, 2002 and then to June 18, 2002 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 Satish Babbar R.A., Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21 to permit in an R6 district the proposed inclusion of the first and cellar floor areas of an existing six-story building for residential use creating non-compliance with the Floor Area Ratio, the Open Space Ratio, zoning rooms, and bedroom windows contrary to Z.R. §§ 23-14, 23-223, 23-553 and 23-861; and

WHEREAS, the Board notes that this case was heard with a companion zoning case under Calender Number 149-01-BZ, objection numbers 1, 2 and 3; and

WHEREAS, this is an appeal from a determination of the Department of Buildings because the proposed development does not provide the light and air requirements of Multiple Dwelling Law nor provide a 30 foot rear yard or a complying court yard; and

WHEREAS, the applicant seeks an appeal pursuant to Section 310 of the Multiple Dwelling Law (“MDL”) and requests a variation from Section 26 of the Multiple Dwelling Law requiring a rear yard equivalent; and

WHEREAS, the record indicates that the change of use to residential is as-of-right except that the change in use will result in an increase in the residential floor area exceeding what is permitted in the subject district; and

WHEREAS, in 1985, the existing building was erected entirely covering the existing through lot and providing no rear yard; and

WHEREAS, the record indicates that the variance will not enlarge the existing building, will not change the exterior, and there will be no change in the floor area; and

WHEREAS, presently, the cellar and first floor are occupied by community facility uses and this appeal and

variance will allow residential uses to occupy the cellar and first floor levels: and

WHEREAS, the applicant represents that a rear yard equivalent is not required for a through lot with a depth street to street of less than 110 feet and that in the instant application, the depth of the subject through lot street to street is 180 feet; and

WHEREAS, the Board notes that the subject building was erected as-of-right in 1985 and covers the entire lot; and

WHEREAS, the Board determines that there is no reasonable manner of providing a rear yard equivalent; and

WHEREAS, based on a review of the record in this matter the Board finds that a waiver of the applicable sections of the Building Code and the Multiple Dwelling Law is warranted.

Therefore, it is resolved that the decision of the Manhattan Borough Commissioner, dated April 16, 2001 acting on Applic. No. 102849777 objection #s 4 and 5 are modified and the appeal is granted.

Adopted by the Board of Standards and Appeals June 18, 2002.

401-01-BZ
CEQR # 02-BSA-099K

APPLICANT - Sheldon Lobel, P.C., for Tore, Isaac and Rivka Rappaport, owner.

SUBJECT - Application December 24, 2001 - under Z.R. §73-622, to permit in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage and side and rear yard requirements , which is contrary to Z.R. §§ 23-141, 23-461 and 23-47

PREMISES AFFECTED - 1555 East 28th Street, east side, between Avenue “P” and Kings Highway, Block 7689, Lot 28, of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 6, 2001, acting on Alt. 1. Application No. 301276438 reads, in pertinent part:

- “1) Proposed plans are contrary to ZR:23-141 in that the floor area ratio exceeds the .5 permitted. The

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open space ratio is less than 150 required, and the lot coverage exceeds the 35% permitted.

- 2) Proposed plans are contrary to ZR:23-461 in that the proposed yards are less than the minimum 5 feet required on one side.
- 3) Proposed plans are contrary to ZR:23-47 in that the proposed rear yard is less than 30 feet.”; and

WHEREAS, a public hearing was held on this application on May 14, 2002 after due notice by publication in *The City Record*, and laid over to June 4, 2002 and then to June 18, 2002 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 R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage and side and rear yard requirements, which is contrary to Z.R. §§23-141, 23-461 and 23-47; and

WHEREAS, the proposed enlargement will increase the FAR to 1.16, decrease the open space ratio to 54.6 percent, decrease the rear yard from the required 30' to 20', decrease one side yard from the required 5' to 3', and increase the lot coverage from 35 percent to 45.3 percent; 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 to permit, in an R3-2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, lot coverage and side and rear yard requirements, which is contrary to Z.R. §§ 23-141, 23-461 and 23-47, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received December 24, 2001”-(6) sheets, “March 19, 2002”-(4) sheets, and “May 21, 2002”-(1) sheet; and *on*

further condition;

THAT there shall be no habitable room in the cellar other than the recreation room;

THAT an automatic-wet sprinkler system off the domestic water shall be installed and maintained in the cellar;

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

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

Adopted by the Board of Standards and Appeals, June 18, 2002.

2-02-BZ CEQR # 02-BSA-104X

APPLICANT - Sheldon Lobel, P.C., for City of New York Economic Development, owner; Bronx Preparatory Charter School, lessee.

SUBJECT - Application January 3, 2002 - under Z.R. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §§42-13, 43-232 and 43-302.

PREMISES AFFECTED - 3872 Third Avenue, aka 532 East 172nd Street, southeast corner, Block 2929, Lots 8-18, 20 and 22, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 5, 2001 acting on N.B. Applic. No. 200102463, reads;

“1) Proposed school in an M1-4 District requires a special permit from the Board of Standards and

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Appeals, pursuant to Section 73-19 Zoning Resolution.

- 2) The portion of the proposed building within 30 feet of the rear lot lines coinciding with the rear lot lines of lots in the adjoining residence district is contrary to Section 43-302, Zoning Resolution.
- 3) The portion of the proposed building above the first floor within the required rear yard is contrary to Section 43-23, Zoning Resolution.”; and

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in *The City Record*, and laid over to June 11, 2002 and then to June 18, 2002 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 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §§42-13, 43-232 and 43-302; and

WHEREAS, by letter dated May 21, 2002, Community Board #3 has approved this application; and

WHEREAS, evidence in the record indicates that the subject site is located on the east side of Third Avenue, extending 350 feet from the southeast corner of East 172nd Street and Third Avenue, and has a total lot area of 44,525 square feet; and

WHEREAS, the site is located within an M1-4 zoning district and the easterly lot line of the site coincides with the district boundaries of an adjoining R6 zoning district; and

WHEREAS, the applicant states that while the site has been vacant since 1983, it was used almost exclusively for residential uses for the preponderance of the last century with only intermittent commercial uses after some of the residences were demolished ; and

WHEREAS, according to the applicant, the school will encompass grades 5-12 with a total population of 800 students; and

WHEREAS, the applicant represents that the school will operate from 7:30 AM -5:15 PM, 200 days a year and will employ a total staff of 79 people; and

WHEREAS, the applicant states that the entire rear lot line of the site coincides with a zoning district boundary of an adjoining R6 zoning district while the entire side lot line of the site coincides with a C1-2 overlay district; and

WHEREAS, evidence in the record indicates that the site is burdened with rock outcrops along the rear lot line; and

WHEREAS, the applicant represents that a waiver of the rear yard requirements is necessary in order to meet the

programmatic needs of the school, allowing open recreation areas of adequate size adjacent to Third Avenue, as the area adjacent to the rear lot line is unsuitable due to the rock outcrops and the adjacent high multiple dwellings with shallow yards; and

WHEREAS, the applicant further represents that the variance will allow the construction of prismatic buildings of sufficient area to accommodate the number of students anticipated; and

WHEREAS, the applicant states that the dual zoning district adjacencies, the rock outcrops along the rear lot line, and the adjacent multiple dwellings with shallow yards create a practical difficulty and unnecessary hardship in constructing a complying building that meets the programmatic needs of the school; and

WHEREAS, in addition, where a non-profit community facility’s programmatic needs create practical difficulties and unnecessary hardship in complying strictly with the Zoning Resolution, a variance should be granted unless it unarguably contravenes public health, safety or welfare or creates a severe detriment to the character of the neighborhood ; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the applicant is a not-for-profit organization and the development on this site will be in furtherance of its not-for-profit purposes; and

WHEREAS, the applicant represents that there currently exist other schools in the neighborhood, including one fronting on Third Avenue, one block north of the Premises; and

WHEREAS, evidence in the record indicates that the block on which the proposed school will be located is fully developed except for the subject site; and

WHEREAS, the applicant represents that the gym/auditorium has been designed and located to enable the community to easily access it during hours when the school is in operation and that it is anticipated that the space will be utilized as a meeting space, performance area or workshop for summer programs; and

WHEREAS, the applicant states that approximately 90% of students will arrive and depart from the school via public transportation or on foot; and

WHEREAS, the school will provide 16 parking spaces on the site which, in conjunction with available curbside parking, the applicant contends is sufficient for the 60% of the staff who will drive or car pool; and

WHEREAS, the applicant further represents that approximately 30% of the staff will use public transportation or walk to school while the remaining 10% will use taxis or car services; and

WHEREAS, therefore, the Board finds that the proposed action will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be

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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 meet the programmatic needs of the school; 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 applicant has demonstrated difficulty in obtaining land for the development of a school within the neighborhood to be served by the proposed school, and with an adequate size within districts where the school is permitted as-of-right, sufficient to meet the programmatic needs of the school; and

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

WHEREAS, the evidence in the record indicates that the proposed school is located within 400 feet of an R6 zoning district, where the school is permitted as-of-right, thus the requirements of §73-19 (b) are met; and

WHEREAS, the Board finds that adequate separation from noise, traffic and other adverse effects of the surrounding non-residential district is achieved through the use of sound attenuating exterior wall and window construction, as well as substantial open areas along both street frontages, thus satisfying the requirements of §73-19 (c); and

WHEREAS, the applicant represents that an area has been designated for students to be dropped off and picked up by parents; and

WHEREAS, by letter dated June 5, 2002, the New York City Department of Transportation ("DOT"), has conducted a child and traffic safety review of the proposed school and has no objection the subject school at the proposed location provided the following conditions are met:

1. There shall be no school buses involved in dropping/picking up students at the school.
2. Parents' drop-off/pick-up area shall be in front of the school on Third Avenue.
3. A school crossing guard shall be stationed at the intersection of Third Avenue and East 172nd Street; and

WHEREAS, the DOT shall prepare safe routes for the school map and provide pavement markings and signs for the four intersections around the school when the school is built; and

WHEREAS, based on DOT's review, the Board finds that the movement of traffic through the streets on which the school will be located can be controlled so as to protect children going to and from the school, and thus the requirements of §73-19 (d) are met; and

WHEREAS, the Board has determined that the

evidence in the record supports the findings required to be made under Z.R. §73-19; and

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

WHEREAS, the Board finds that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived from the granting of this special permit and that the application minimizes any adverse effects on privacy, quiet, light and air in the neighborhood; and

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

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under §73-03; 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 Board has determined that the proposed action, as modified, will not result in any significant environmental effects; and

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 N.Y.C.R.R. 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. §§72-21 and 73-19 to permit the proposed construction of a five story school, Use Group 3, located in an M1-4 zoning district, which requires a special permit as per §73-19 and a variance to waive certain rear yard requirements, which is contrary to §§42-13, 43-232 and 43-302; *on condition* that all work shall substantially conform to drawings as they apply to the objection above noted, filed with this application marked "Received February 27, 2002"- (11) sheets; and *on further condition*;

THAT fire protection measures shall be provided and maintained in accordance with the BSA-approved plans;

THAT the number of students shall not exceed 800;

THAT there shall be no school buses involved in dropping/picking up students at the school;

THAT a parents' drop-off/pick-up area shall be maintained in front of the school on Third Avenue.

THAT a school crossing guard shall be stationed at the intersection of Third Avenue and East 172nd Street;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 18, 2002.

20-02-BZ

CEQR # 02-BSA-113M

APPLICANT - Fredrick A. Becker, Esq., for 303 Park Avenue South Leasehold LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the expansion of an existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31.

PREMISES AFFECTED - 303 Park Avenue South, northeast corner of East 23rd Street, Block 879, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES - None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 4, 2002 acting on Application No. 103046375 reads:

“Proposed physical culture establishment is not permitted as of right under Z.R. 32-10. Proposed design layout is contrary to Z.R. 32-18. Physical Culture Establishments require approval by the Board of Standards and Appeals as per ZR 32-31.”

WHEREAS, a public hearing was held on this application on May 21, 2002 after due notice by publication in *The City Record* and laid over to June 18, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice-Chair Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-36 to permit the expansion of an existing physical culture

establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 32-31; and

WHEREAS, the applicant seeks to legalize the expansion of the facility from the 15,368 square feet granted in the 1997 under BSA Calendar No. 160-95-BZ, to 24,496 square feet; and

WHEREAS, the applicant represents that no significant increase in occupancy is expected as the result of the expansion, but instead there will be a more comfortable and better equipped facility for the members; and

WHEREAS, the applicant maintains that the remainder of the subject premises is currently occupied by as-of-right uses which are not part of this application; and

WHEREAS, the applicant represents that the interior space is specifically arranged to allow for the location of athletic equipment and that it contains facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics and martial arts; and

WHEREAS, the applicant states that massages will all be performed by licensed massage therapists; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; 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 applicant represents that the hours of operation will be Monday-Thursday 6:00 A.M.-11:00 P.M., Friday 6:00 A.M.-9:00 P.M. and Saturday and Sunday 9:00 A.M.-7:00 P.M.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals 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. §§ 73-36, and 32-10; 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 Z.R. §73-36 to permit the expansion of an

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existing physical culture establishment, located in portions of the cellar, first floor and second floor of a mixed-use building, situated in a C6-4A zoning district, previously granted under Calendar No. 160-95-BZ, which requires a special permit as per Z.R. §§32-10 and 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 May 29, 2002"-(5) sheets; and on further condition;

THAT the hours of operation shall be Monday-Thursday 6:00 A.M.-11:00 P.M., Friday 6:00 A.M.-9:00 P.M. and Saturday and Sunday 9:00 A.M.-7:00 P.M.;

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

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

THAT a minimum 3 to 4 foot wide path of travel to all exits shall be maintained on the floors and kept free of any equipment or obstructions at all times;

THAT the term of this special permit shall coincide with the term of the original grant under BSA Calendar #160-95-BZ, to expire on February 27, 2006;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 18, 2002.

67-02-BZ

CEQR # 02-BSA-143Q

APPLICANT - Davidoff & Malito, LLP, by Howard S. Weiss, Esq. for Korean Presbyterian Church of Queens, owner.

SUBJECT - Application February 21, 2002 - under Z.R. §73-452, to permit in an R3-2 zoning district, the legalization of off-street parking spaces, accessory to an existing community facility.

PREMISES AFFECTED - 143-22 Franklin Avenue and 143-25 Ash Avenue, 210' north of the intersection of Franklin Avenue and Bowne Street, and 211' north of the

intersection of Ash Avenue and Bowne Street, Block 5184, Lots 9 and 53, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Howard Weiss.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 6, 2002, acting on Application No. 401395904 reads, in pertinent part:

"Proposed accessory off-site parking lot for community facility (Korean American Presbyterian Church, 143-17 Franklin Avenue, Queens, NY, 11355) in an R3-2 Zoning District is not permitted as per Sec.25-53 of the New York City Zoning Resolution, obtain a special permit from the Board of Standards and Appeals as per Sec. 73-452."; and

WHEREAS, a public hearing was held on this application on May 7, 2002 after due notice by publication in *The City Record*, and laid over to June 18, 2002 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. §73-452 to permit, in an R3-2 zoning district, the legalization of off-street parking spaces, accessory to an existing community facility; and

WHEREAS, the applicant represents that the special permit would allow the Church to address parking demands that result from the needs of its large congregation, which includes families who travel to the Church from outside the immediate area; and

WHEREAS, the proposed accessory off-street parking will provide spaces for eighteen (18) vehicles; and

WHEREAS, the proposed location of the accessory off-street parking is immediately across the street from the Church on Franklin Avenue, on Lots 9 and 53, within Block 5184; and

WHEREAS, the applicant states that the Church provides for the religious educational and social needs of more than 3,500 congregants; and

WHEREAS, the applicant states that although off-street parking spaces are currently available to the Church, the amount falls far short of the Church's needs; and

WHEREAS, pursuant to Z.R. §73-452, the Board may permit off-street parking spaces accessory to a community facility use provided that (1) the use is located in an R1,

MINUTES

R2, R3 or R4 district, (2) the spaces shall be not further than 600 feet from the nearest boundary of the zoning lot containing such use, and (3) provided further that the following special findings are made:

- (a) that where such spaces are located in an R1 or R2 District, the community facility use to which they are accessory is a use permitted as-of-right in such district;
- (b) that there is no way to arrange such spaces on the same zoning lot as such use;
- (c) that such spaces are so located as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage; and
- (d) either that such spaces are located on an adjoining zoning lot or a zoning lot directly across the street from such use; and

WHEREAS, the Church is within an R3-2 district, and the parking spaces are an approximate 300 feet from the Church's zoning lot; and

WHEREAS, §73-452 (a) does not apply as the subject premises is located in an R3-2 zoning district; and

WHEREAS, the Board finds that the requirement of §73-452 (b) is met as the applicant has sufficiently demonstrated that the additional parking spaces cannot be provided on the Church lot because it is already built out to its fullest extent; and

WHEREAS, the accessory parking is located on two tax lots that function together as a through lot; and

WHEREAS, the applicant states that the features and design of the proposed parking spaces and aisle take into account the existing street circulation patterns, recognize the neighboring uses and will minimize traffic impact upon Franklin Avenue and Ash Avenue; and

WHEREAS, in order to lessen the impact on surrounding residential uses, the applicant proposes to impose a one-way flow for ingress and egress, so that vehicles will enter from Franklin Avenue and exit onto Ash Avenue, and thus do not concentrate traffic on a single street; and

WHEREAS, the Board has visited the site, reviewed the provided traffic flow information and determined that the flow of traffic through residential street frontages is minimized as vehicles traveling toward the parking spaces must drive along Bowne Street and its commercial frontage, and then along a portion of Franklin Street containing only one residential building, while vehicles exiting the parking spaces will have to turn left from the lot, and therefore are expected to proceed to Parsons Boulevard, a highly traveled thoroughfare; and

WHEREAS, furthermore, the applicant states that the proposed parking spaces do not increase the vehicular traffic on the surrounding streets, but instead alleviate the traffic congestion by decreasing the extent to which

automobiles circulate through the community in search of parking; and

WHEREAS, therefore, the Board finds that the requirements of §73-452(c) are met; and

WHEREAS, the Board finds that the requirements of §73-452(d) are met as the accessory off-street parking spaces are located immediately across the street from the Church on Franklin Avenue; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §73-452; and

WHEREAS, the Board notes that there is a mix of community facility and residential uses surrounding the subject parking spaces; and

WHEREAS, the applicant represents that to the immediate south of the parking spaces are two community facilities and to the immediate north there are two dwellings (Block 5184, Lots 10 and 50); and

WHEREAS, in order to buffer the parking spaces from these dwellings, the applicant proposes to erect a continuous line of evergreen plantings along the entirety of the lot lines shared with Lots 10 and 50; and

WHEREAS, the applicant states that at least twenty-eight plantings will be installed at a minimum height of four feet; and

WHEREAS, the Board finds that the hazards or disadvantages to the community at large are outweighed by the advantages to be derived from the granting of this special permit and that the application minimizes any adverse effects on privacy, quiet, light and air in the neighborhood; and

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

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

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 required findings under Z.R. §§73-03 and 73-452 and *grants* a special permit to allow, in an R3-2 zoning district, the legalization of off-street parking spaces, accessory to an existing community facility, on *condition* that all work shall substantially conform to the drawing as it applies to the objection above-noted, filed with this application marked "Received February 21, 2002" -(1) sheet; and on *further condition*;

MINUTES

THAT all landscaping shall be provided and maintained according to the above referenced Board approved plan;

THAT the capacity of the parking lot shall be limited to the eighteen (18) spaces as indicated on the above referenced Board approved plan;

THAT there shall be no valet parking on the premises;

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

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within one (1) year of this grant.

Adopted by the Board of Standards and Appeals, June 18, 2002.

2) Proposed plans are contrary to Z.R. 23-461 in that the proposed yards are less than the minimum 5 feet required on one side and combined side yards of 13 feet.

3) Proposed plans are contrary to Z.R. 23-47 in that the proposed rear yard is less than 30 feet.”; and

WHEREAS, a public hearing was held on this application on June 4, 2002 after due notice by publication in *The City Record*, and laid over to June 18, 2002 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 of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space Ratio, and side and rear yard requirements , which is contrary to Z.R. §§ 23-141, 23-461 and 23-47; and

WHEREAS, the proposed enlargement will increase the FAR to 1.03, decrease the Open Space Ratio to 53 percent, decrease the rear yard from the required 30' to 20' and extend the existing, non-complying side yards; 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 to permit, in an R2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, and side and rear yard requirements , which is contrary to Z.R. §§ 23-141, 23-461 and 23-47, on *condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received February 26, 2002”-(7) sheets and “April 29, 2002”-(5) sheets; and *on further condition*;

THAT there shall be no habitable room in the cellar other than the recreation room;

70-02-BZ

CEQR # 02-BSA-145K

APPLICANT - Sheldon Lobel, P.C., for Joseph and Pearl Shapiro, owner.

SUBJECT - Application February 26, 2002 - under Z.R. §73-622, to permit in an R2 zoning district, the enlargement of an existing one-family dwelling which creates non-compliance with regard to floor area ratio, open space ratio, and side and rear yard requirements , which is contrary to Z.R. §§ 23-141, 23-461 and 23-47.

PREMISES AFFECTED - 1456 East 26th Street, between Avenues “N and O”, Block 7679, Lot 75, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Lyra Altman.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated February 11, 2002, acting on Alt. Application No. 301284054 reads, in pertinent part:

“1) Proposed plans are contrary to Z.R. 23-141 in that the Floor Area Ratio exceeds the .5 permitted and the Open Space Ratio is less than 150.0 required.

MINUTES

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

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

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

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

THAT substantial construction be completed and a new Certificate of Occupancy be obtained within four (4) years of this grant.

(ALT. Application No. 301284054)

Adopted by the Board of Standards and Appeals, June 18, 2002.

36-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Antonio Nino Vendome and Paul Raquel, LLC (OWNERS), owner.

SUBJECT- Application February 5, 2001 - under Z.R. §72-21, to permit the proposed construction of a twenty-six story, mixed-use residential structure, containing a community facility in an M2-4 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED- 328 Spring Street, a.k.a. 489-495 Washington Street, southeast corner, Block 595, Lots 66 and 68, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Doris Diether, Community Board #2.

For Administration: John Scrofani, Fire Department.

THE VOTE REOPEN HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to September 10, 2002, at 2 P.M., for continued hearing.

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT- Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Patrick Jones.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

256-01-BZ

APPLICANT- Carl A. Sulfaro, Esq., for Mundream Realty, Inc., owner; Hempstead Aut Care, Inc., lessee.

SUBJECT - Application August 21, 2001 - under Z.R. §§11-411, 11-412 and 11-413, to permit the reestablishment of an expired variance, previously granted under Cal. No. 634-54-BZ, which permitted a gasoline service station with accessory uses in a C1-2 within an R3-2 zoning district, and to permit the change in use to motor vehicle repairing with accessory parking of cars awaiting service, also the incidental sale of used cars.

PREMISES AFFECTED - 219-06 Hempstead Avenue, aka 103-01/09 219th Street, southeast corner, Block 11154, Lot 22, Borough of Queens.

COMMUNITY BOARD # 13Q

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 13, 2002, at 2 P.M., for continued hearing.

254-01-BZ

325-01-BZ

MINUTES

APPLICANT - Harold Weinberg, P.E., for Chaim Stern, owner.

SUBJECT - Application November 9, 2001 - under Z.R. §73-622, to permit the proposed enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance in respect to floor area ratio, open space ratio, rear yard and layout of cellar, and is contrary to Z.R. §23-141 and §23-47.

PREMISES AFFECTED - 1375 East 27th Street, east side, 140'-0" north of Avenue "N", Block 7663, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 2 P.M., for continued hearing.

387-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Maria Inzano, owner; Cox Nissan Inc., lessee.

SUBJECT - Application January 15, 2002 - under Z.R. §72-21, to permit the proposed outdoor storage of cars on subject lot, which is to be improved with a building to be used as a car dealership, and also the legalization of an existing sign, located in a C2-2 overlay within an R-4 zoning district, which is contrary to Z.R. §32-00.

PREMISES AFFECTED - 3660 Boston Road, 3471 Ely Avenue and 3478 Bruner Avenue, end lot facing Bruner Avenue, Boston Road and Ely Avenue, Block 4884, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

393-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Riviera Plaza, LLP., owner; Buffalo Rd. Body Building, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, requires a special permit from the Board as per Z.R. §32-10.

PREMISES AFFECTED - 3295 Amboy Road, northwest corner, between Buffalo Street and Hopkins Avenue, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,

Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for decision, hearing closed.

18-02-BZ

APPLICANT - Agusta & Ross, for Jobil Auto Repairs, Inc., owner.

SUBJECT - Application January 7, 2002 - under Z.R. §§ 11-412 & 11-413, to permit the proposed automotive laundry, Use Group 16, located in an R5 zoning district, is contrary to a previous variance granted under Cal. #652-54-BZ, which permitted an automotive service station in an R5 zoning district.

PREMISES AFFECTED - 8610/24 Flatlands Avenue, aka 902/12 East 87th Street, southeast corner, Block 8023, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Mitchell Ross, Adam Digerdams, Frank Spinner and Hiram Rothkrug.

For Opposition: Mark Fertig.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 23, 2002, at 2 P.M. for continued hearing.

19-02-BZ

MINUTES

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Tottenville Square, LLC, owner; Page Avenue Body Building, Inc., lessee.

SUBJECT - Application January 7, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, located within a portion of a one story commercial building, in an M1-1 zoning district, requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 7001 Amboy Road, northwest side, between Page and Bethel Avenues, Block 8008, Lot 14, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4
Negative:0

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for decision, hearing closed.

30-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Delmonico Hotel Co., LLC, owner; Town Sports International dba New York Sports Club, lessee.

SUBJECT - Application January 17, 2002 - under Z.R. §73-36, to permit the legalization of an expansion of an existing physical culture establishment, located within portions of the basement, first floor, second floor mezzanine and second floor, of a thirty-two story commercial building, located in a C5-2.5 and C5-5 (Mid) zoning district, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 502 Park Avenue, northwest corner of East 59th Street, Block 1374, Lots 30 and 36, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Opposition: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to July 16, 2002, at 2 P.M., for deferred decision.

46-02-BZ

APPLICANT - Wachtel & Masyr, LLP by Raymond H. Levin, for Brooklyn Law School, owner.

SUBJECT - Application February 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a twenty-two story dormitory building (Use Group 3) to be located within a C5-4 zoning district within the Special Downtown Brooklyn District, which does not comply with the zoning requirements regarding setback and lot coverage is contrary to Z.R. §101-133.

PREMISES AFFECTED - 205 State Street, a/k/a 58 Boerum Place, northwest corner, Block 271, Lots 1 and 8, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Raymond Levin.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

61-02-BZ

APPLICANT - Martyn & Don Weston Architects, for Asset One Corp., owner.

SUBJECT - Application February 19, 2002 - under Z.R. §72-21, to permit the proposed conversion of floors two through four, of an existing four story manufacturing building, into sixteen residential units, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 71-83 Beaver Street and 35-47 Belvidere Street, southwest corner, Block 3135, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: John Scrofani, Fire Department.

ACTION OF THE BOARD - Laid over to August 6, 2002, at 2 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 3:55 P.M.

MINUTES

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