
BULLETIN

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December 18, 2003

DIRECTORY

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DOCKETS

New Case Filed Up to December 9, 2003

360-03-BZ B.BK. 736-46 Linden Boulevard, southwest corner of Linden Boulevard, Block 4675, Lot 6, Borough of Brooklyn. Alt.1 #301647617. The reestablishment of an expired special permit, previously granted by the Board under Calendar No. 257-87-BZ, which permitted a drive-through facility for an eating and drinking establishment in a C1-2(R5) zoning district.
COMMUNITY BOARD #17BK

361-03-BZ B.BK. 2277 East 2nd Street, between Avenue "W" and Gravesend Neck Road, Block 7154, Lot 62, Borough of Brooklyn. Alt.1 #301664722. Proposed enlargement of an existing single family residence, Use Group 1, located in an R4 (OP) zoning district, which does not comply with the zoning requirements for open space ratio, lot coverage and rear yard, is contrary to Z.R. §23-141 and §23-47.
COMMUNITY BOARD #15BK

362-03-BZ B.M. 428 West 45th Street, between Ninth and Tenth Avenues, Block 1054, Part of Lot 48, Borough of Manhattan. Alt.1 #103568827. The continued use of the premises for private parking, accessory to commercial use, and for storage accessory to commercial use, changed from previously approved storage of combustible chemical solvents, is contrary to a previously Cal. No. 1071-40-BZ Vol.II and Z.R. §22-00.
COMMUNITY BOARD #4M

363-03-BZ B.BX. 480 East 176th Street, between Bathgate and Washington Avenues, Block 2917, Lots 17, 20, 23, 25 and 27, Borough of The Bronx. Alt.1 #200808199. Proposed seven story residential building, Use Group 2, containing 116 units, located in an M1-4 zoning district, is contrary to Z.R. §42-00.
COMMUNITY BOARD #6BX

364-03-BZ B.Q. 34-11 Far Rockaway Boulevard, southeast corner of Sea Girt Boulevard, Block 15950, Lots 14 and 24, Borough of Queens. N.B. #401724862. Proposed construction of an automotive car wash and Lubritorium, Use Group 2, located in a C2-2(R6) zoning district, is contrary to Z.R. §32-00.
COMMUNITY BOARD #14Q

365-03-BZ B.Q. 224-20 Prospect Court, a/k/a 225th Street, northwest corner, Block 13071, Lot 74, Borough of Queens. N.B. #401554938. The construction of a two story, two family dwelling, Use Group 2, which does not provide the required side yard, is contrary to Z.R. §23-462.
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COMMUNITY BOARD #15BK

367-03-BZ B.Q. 714 Beach 20th Street, between New Haven and Cornaga Avenues, Block 15564, Lots 25 and 55, Borough of Queens. Applic. #401734138. Proposed conversion of a former movie theater, to a warehouse with ancillary retail space, located in C 1-2, C4-2 and R-5 zoning districts, with loading occurring within the R-5 portion of the site, does not comply with the zoning requirements, for perimeter wall height, total height, side and rear yards, sky exposure, off-street parking and loading, is contrary to Z.R. §32-00, §22-00, §23-631d, §23-461, §23-543, §36-21 and §36-681.
COMMUNITY BOARD 14Q

368-03-BZ B.Q. 110-42 Merrick Boulevard, between 111th Avenue and 110th Road, Block 10200, Former Lots 65 and 67-76 (Tent.Lot 71), Borough of Queens. N.B. #401723685. Proposed four story mixed use residential community facility(with ground floor retail), located in a C-1-2 within an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space(§23-141), maximum permitted floor area/dwelling units(§23-22), front side and rear yards (§23-45, 23-461, 23-462 and 23-47), height, setback and perimeter walls(23-631), accessory parking requirements (§25-23), floor area ratio and density requirements for community facilities and commercial

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Boulevard,
between 66th Road and 67th Avenue, Block 2118, Lot 1,
Borough of Queens. Applic. #401454608. Proposed
physical culture establishment, to be located in the cellar,
and the ground floor level, in an existing two story building,
located in an R7-1/C1-2 zoning district, is contrary to Z.R.
§32-10.

COMMUNITY BOARD #6Q

370-03-BZ B.BK. 143/53 Roebling
Street,
a/k/a 17/19 Hope Street, east side, between Hope Street
and Metropolitan Avenue, Block 2368, Lot 1, Borough of
Brooklyn. Applic. #301634710. Proposed conversion of
floors two and above, in five attached buildings of four, five
and six stories, into residential use, located in an M1-1
zoning district, is contrary to Z.R.§42-00.

COMMUNITY BOARD #1BK

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

CALENDAR

JANUARY 13, 2004, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, January 3, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

56-96-BZ

APPLICANT - The Agusta Group by Philip P. Agusta, R.A., for Yong Brothers Trading, Inc., owner; Pine Village Corp., lessee.
SUBJECT - Application November 14, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired January 9, 2003.
PREMISES AFFECTED - 32-02 Linden Place aka 135-20 32nd Avenue, southwest corner of Linden Place and 32nd Avenue, Block 4950, Lot 48, Borough of Queens.
COMMUNITY BOARD #7Q

1068-64-BZ

APPLICANT - Alfonse Duarte, P.E., for NWRE 202 Corp., owner; Xiaomeng Li, lessee.
SUBJECT - Application November 13, 2003 - request for a rehearing.
PREMISES AFFECTED - 202-01 Northern Boulevard, northeast corner of 202nd Street, Block 6263, Lot 29, Borough of Queens.
COMMUNITY BOARD #11Q

234-98-BZ

APPLICANT - Walter T. Gorman, P.E., for Jose Vasquez, owner; Harlem Hand Carwash, lessee.
SUBJECT - Application November 18, 2003 - reopening for an extension of time to complete construction which expires on November 23, 2003.
PREMISES AFFECTED - 2600-2614 Adam Clayton Powell Jr. Blvd., aka 2600-2614 7th Avenue, west side of Adam Clayton Powell Jr. Blvd, blockfront from W150th Street to W. 151st Street, Block 2036, Lot 29, Borough of Manhattan.
COMMUNITY BOARD #10M

281-99-BZ

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF THE PREMISES: Enopac Holding LLC.
SUBJECT - On remand from the New York County Supreme Court.
PREMISES AFFECTED - 6055 Strickland Avenue, west side of Strickland Avenue roughly between the prolongation of Mayfair
353-03-A
APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Clifford Ris, lessee.
SUBJECT - Application November 18, 2003 - Proposed

Avenue and East 59th Place, Block 8470, Lots 1060, 1070, 1076, Borough of Brooklyn.
COMMUNITY BOARD #18BK

APPEALS CALENDAR

323-03-A & 324-03-A

APPLICANT - Sheldon Lobel, P.C., for Infinity Homes, Inc., owner.
SUBJECT - Application October 21, 2003 - Proposed construction of a two-story, 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 -
117-36 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Lot 36 and p/o of 39, New Lot 38, Borough of Queens.
117-38 166th Street, between 119th Avenue and Foch Boulevard, Block 12356, Part of Lot 39, New Lot 40, Borough of Queens.
COMMUNITY BOARD #12Q

351-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Dawn & Joseph Henderson, lessees.
SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of the first floor, and the addition of a 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 - 23 Pelham Walk, east side, 240.61' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.
COMMUNITY BOARD #14Q

352-03-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Kerry & Larry Gresser, lessees.
SUBJECT - Application November 18, 2003 - Proposed reconstruction and enlargement of the first floor, and the addition of a second story, to an existing 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 - 362-1/2 Sea Breeze Avenue, south side, 43.19' west of Beach 181st Street, Block 16340, Part of Lot 50, Borough of Queens.
COMMUNITY BOARD #14Q

reconstruction and enlargement of an existing one family dwelling, situated within the bed of a mapped street, and not fronting on a legally mapped street is contrary to Sections 35 and 36, Article 3 of the General City Law.

CALENDAR

PREMISES AFFECTED - 396 Sea Breeze Avenue, east side, of Beach 182nd Street, Block 16340, Lot 50, Borough of Queens.
COMMUNITY BOARD #14Q

JANUARY 13, 2004, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, January 13, 2004, at 1:30 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

276-02-BZ

APPLICANT - Harold Weinberg, P.E., for Morton Osterman, owner.

SUBJECT - Application October 10, 2002 - under Z.R. §73-622 to permit the proposed erection of a second story, and a rear enlargement to an existing one family dwelling, Use Group 1, located in an R3-1 zoning district, which creates non-compliance with regards to floor area ratio, open space ratio, lot coverage, and rear and side yards, is contrary to Z.R. §23-141, §23-47, §54-31 and §23-461.

PREMISES AFFECTED - 160 Norfolk Street, west side, 300'0 north of Oriental Boulevard and south of Shore Boulevard, Block 8756, Lot 22, Borough of Brooklyn.

COMMUNITY BOARD #15BK

188-03-BZ

APPLICANT - Agusta & Ross, for North Berry Capital Group, LLC, owner.

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn.

COMMUNITY BOARD #1BK

188-03-BZ

APPLICANT - Agusta & Ross, for North Berry Capital Group, LLC, owner.

PREMISES AFFECTED - 2223 Avenue "M", corner of East 23rd Street, Block 7640, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #14BK

327-03-BZ

APPLICANT - Sheldon Lobel, P.C., for New Century Limited Partnership, owner.

SUBJECT - Application November 12, 2003 - under Z.R. §73-53

SUBJECT - Application June 3, 2003 - under Z.R. §72-21 to permit the proposed forty-three unit multiple dwelling, with retail space on the ground floor, and underground accessory parking throughout for twenty-two vehicles, Use Groups 2 and 6, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 118 Berry Street, 116 North Seventh Street, a/k/a 116/26 North Seventh Street and 118/20 Berry Street, northwest corner, Block 2326, Lots 18 and 19 (tentative Lot 18), Borough of Brooklyn.

COMMUNITY BOARD #1BK

208-03-BZ

APPLICANT - Law Offices of Stuart A. Klein for Shell Road, LLC, owner; Orion Caterers, Inc., lessee.

SUBJECT - Application June 19, 2003 - under Z.R. §72-21 to permit the legalization of an expansion of an existing catering hall, Use Group 9, located in a split C1-2(overlay of R-4) and M1-1 zoning district, which does not comply with the zoning requirements for floor area ratio, rear yard, and parking, is contrary to Z.R. §33-121, 33-292, §36-21, §43-26 and §44-20.

PREMISES AFFECTED - 2555 Shell Road, east side, between Avenue "X" and Bouck Court, Block 7192, Lot 74, Borough of Brooklyn.

COMMUNITY BOARD #11BK

307-03-BZ

APPLICANT - Fried, Frank Harris, Shriver & Jacobson, by Adrienne W. Bernard, Esq., for Clatco Company, LLC, 543 Realty Co., LLC and Broadway 110 Developers, LLC, owners.

SUBJECT - Application October 2, 2003 - under Z.R. §72-21 to permit the proposed construction of a 15-story residential building, Use Group 2, located in R-8 and C1-4 zoning districts, which does not comply with the zoning requirements for lot coverage, maximum building height, street walls and setback, and is contrary to Z.R. §35-24, §23-633 and §23-145.

PREMISES AFFECTED - 543/45 West 110th Street, (aka Cathedral Parkway), and 2840/46 Broadway, northeast corner, Block 1882, Lots 1 and 6, Borough of Manhattan.

COMMUNITY BOARD #9M

310-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Albert Dweck, owner.
SUBJECT - Application October 6, 2003 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio and open space ratio, is contrary to Z.R. §23-141.

to permit the proposed enlargement of an existing warehouse, located in an M1-1 zoning district, which requires a special permit.
PREMISES AFFECTED - 175-35 148th Road, between Guy Brewer Boulevard and 175th Street, Block 13379, Lot 21, Borough of Queens.

COMMUNITY BOARD #13Q

CALENDAR

340-03-BZ

APPLICANT - Davidoff & Malito, LLP, by Howard B. Weiss, Esq., for Ramirez Properties, LLC, owner.

SUBJECT - Application November 5, 2003 - under Z.R. §72-21 to permit the proposed nine story mixed use building, commercial and residential (Use Groups 2 and 6), located in an M1-5 zoning district, which does not comply with the zoning requirements for floor area ratio, setback, perimeter wall height, sky exposure plane and open space, is contrary to Z.R. §42-00, §43-12 and §43-42.

PREMISES AFFECTED - 408 Greenwich Street, aka 22/24 Hubert Street, between Laight and Hubert Streets, Block 217, Lot 23, Borough of Manhattan.

COMMUNITY BOARD #1M

Pasquale Pacifico, Executive Director

**REGULAR MEETING
TUESDAY MORNING, DECEMBER 9, 2003
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, September 30, 2003, were approved as printed in the Bulletin of October 9, 2003, Volume 88, No. 40-41.

SPECIAL ORDER CALENDAR

803-61-BZ

APPLICANT - Eric Palatnik, P.C., for Philip and Martin Blessinger, owner; BP Products North America, owner.

SUBJECT - Application July 10, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 14, 2001.

PREMISES AFFECTED - 1416 Hylan Boulevard, corner of Hylan Boulevard and Reid Avenue, Block 3350, Lot 30, Borough of Staten Island.

MINUTES

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on November 14, 2001; and

WHEREAS, a public hearing was held on this application on October 7, 2003 after due notice by publication in *The City Record*, laid over to November 18, 2003 and then to December 9, 2003 for decision; and

WHEREAS, on November 14, 1961, the Board granted an application to permit, in a C2-1 within an R3 zoning district, erection of an automotive service station with accessory uses.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, said resolution having been adopted on November 14, 1961 as amended through June 9, 1992 expiring November 14, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from November 14, 2001 expiring on November 14, 2011, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received December 8, 2003”-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT the sale of automobiles is prohibited at the site;

THAT any graffiti located on the premises shall be removed within 48 hours;

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on July 18, 2001; and

WHEREAS, a public hearing was held on this application on October 28, 2003 after due notice by publication in *The City Record*, and laid over to December 9, 2003 for decision; and

WHEREAS, on December 19, 1967, the Board granted an application to permit, in an R6 zoning district, the enlargement in lot area of an automotive service station with accessory uses.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution, pursuant to Zoning Resolution §§72-01 and 72-22, said resolution having been adopted

THAT there shall be no parking of vehicles on the sidewalk; and

THAT all lighting shall be pointed down and away from residential uses;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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 Alt-1 Application # 500623104)

Adopted by the Board of Standards and Appeals, December 9, 2003.

785-67-BZ

APPLICANT - Eric Palatnik, P.C., for Park Circle Realty Associates, owner; BP Products North America, lessee.

SUBJECT - Application August 18, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired July 18, 2001.

PREMISES AFFECTED - 577/89 Marcy Avenue, southeast corner of Marcy Avenue and Myrtle Avenue, Brooklyn.

COMMUNITY BOARD #4BK

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

on December 19, 1967 as amended through July 21, 1992 expiring July 18, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional ten (10) years from July 18, 2001 expiring on January 18, 2011, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received December 8, 2003”-(5) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT there shall be no parking of vehicles on the sidewalk;

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THAT all lighting shall be pointed down and away from residential uses;

THAT there shall be no car washing or car washing activity on the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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 Alt. Type 1 Application # 301619390)

Adopted by the Board of Standards and Appeals, December 9, 2003.

405-82-BZ

APPLICANT - Anthony M. Salvati, For John H. Wallace, owner.
SUBJECT - Application July 23, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired January 18, 2003.

PREMISES AFFECTED - 8-14 Ford Street, 41.74' south of the intersection of Ford and Carroll Streets, Block 1415, Lots 31-34, Borough of Brooklyn.

COMMUNITY BOARD #9BK

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application re-opened, and term of Variance extended.

THAT upon expiration of the term of this Variance, the applicant/owner shall return to the Board of Standards and Appeals for an extension, and at such time, will submit with the application a financial study examining the feasibility of residential use of the premises;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; 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 Alt. Application # 3676/59)

Adopted by the Board of Standards and Appeals,

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on January 18, 2003; and

WHEREAS, a public hearing was held on this application on October 21, 2003 after due notice by publication in *The City Record*, and laid over to November 18, 2003, and then to December 9, 2003 for decision; and

WHEREAS, on January 18, 1983, the Board granted an application to permit, in an R7-1 district, on a plot previously before the Board, the reestablishment of an expired variance for an existing parking lot with six individual garages.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and *reopens and amends* the resolution pursuant to Z.R. §§72-01 and 72-22, said resolution having been adopted on October 26, 1948 as amended through January 18, 1993 expiring January 18, 2003, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the Variance for an additional five (5) years from January 18, 2003 to expire on January 18, 2008, *on condition that* all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received November 6, 2003”-(1) sheet; and on further condition;

THAT a DCA license shall be obtained upon approval;
THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

December 9, 2003.

69-91-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 61 West 62 Owners Corp., owner; TSI Lincoln, Inc. dba New York Sports Club, lessee.

SUBJECT - Application September 12, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 26, 2001.

PREMISES AFFECTED - 49-61 West 62nd Street aka 61-67 Columbus Avenue aka 1881-1887 Broadway, West 62nd Street on the northeast corner of Columbus Avenue, Block 1115, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEARANCES - None.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, resolution amended, and term of special permit extended.

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THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on November 18, 2003, after due notice by publication in The City Record, and then to December 9, 2003 for decision; and

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of the special permit which expired on November 26, 2001; and

WHEREAS, on November 26, 1991, the Board granted an application to permit in a C4-7 (L) district, the legalization of the expansion to the first and second floors of an existing physical culture establishment located in the cellar and sub-cellar of a twenty-six story mixed use building for a term of ten years.

Resolved, that the Board of Standards and Appeals, waives the Rules of Practice and Procedure, *reopens and amends* the resolution to extend the term of the special permit which expired on November 26, 2001, so that as amended this portion of the resolution shall read:

“to permit the extension of the term of the special permit for an additional ten (10) years from November 26, 2001 to expire on November 26, 2011, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received September 12, 2003”- (6) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of

WHEREAS, a public hearing was held on this application on April 8, 2003 after due notice by publication in *The City Record*, laid over May 20, 2003, July 15, 2003, September 16, 2003, October 7, 2003 and then to December 9, 2003 for decision; and

WHEREAS, the subject property is partially within a C1-3/R6 zoning district and partially within a R6 zoning district; and

WHEREAS, under Calendar No. 530-32-BZ, the Board granted a variance allowing construction of a movie theater in a residential zoning district; and

WHEREAS, the applicant represents that subsequent alterations to the approved theater divided the space into four separate theaters; and

WHEREAS, the applicant states that in 1995 alteration permits were obtained to change the use of the theater to a UG 6 Eating and Drinking Establishment; and

WHEREAS, under the instant calendar number, the Board approved an interior enlargement and a change in use from UG 6 Eating and Drinking Establishment to UG 9

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; 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 Alteration Type I Application #103528826)

Adopted by the Board of Standards and Appeals, December 9, 2003.

172-97-BZ

APPLICANT - Harold Weinberg, P.E., for Oceana Holding Corporation, Inc., owner.

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

PREMISES AFFECTED - 1023 Brighton Beach Avenue, north side, between Brighton 11th and Brighton 12th Street, Block B-8709, L-60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES -

For Applicant: Harold Weinberg.

ACTION OF THE BOARD - Application Denied

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele.....4

THE RESOLUTION -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure, a re-opening and an extension of the term of the variance which expired on January 11, 2002; and

Banquet Hall on the first floor and mezzanine, with a term that expired on January 11, 2002; and

WHEREAS, the applicant made the instant application on July 19, 2002; and

WHEREAS, on September 25, 2002, the Board issued a Notice of Objections to the applicant, to which the applicant did not respond for approximately four months; and

WHEREAS, consequently, the Board placed the subject item on the dismissal calendar for failure to prosecute; and

WHEREAS, the applicant then responded to the Notice of Objections, and the case was placed back on the Special Order calendar; and

WHEREAS, subsequently, the Board has requested the following items from the applicant: operating plans, a detailed signage analysis, a copy of the existing lease agreement, and a legalized fire system; and

WHEREAS, the applicant has submitted copies of Department of Buildings Records Request forms that

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indicate that the records were not found, but has not submitted, as requested, a detailed signage analysis; and

WHEREAS, in a late submission, the applicant has submitted alleged translations of descriptions of operations from lessees of the subject premises, as well as a sprinkler plan; and

WHEREAS, the Board finds that the applicant has been given considerable opportunity to complete this application and that no satisfactory progress has been made, in that the applicant has failed to timely submit requested items, namely a detailed signage analysis and detailed operating plans; and

WHEREAS, the Board finds that the items that have been submitted by the applicant are insufficient to warrant a grant of the requested relief.

Resolved, that the Board of Standards and Appeals hereby denies the subject application.

Adopted by the Board of Standards and Appeals, December 9, 2003.

235-01-BZ

APPLICANT - Rothkrug & Rothkrug for Mermaid Commons, LLC, owner; Coney Island Memorial Chapel, Inc., lessee.

SUBJECT - Application July 10, 2001 - reopening for a rehearing for reconsideration.

PREMISES AFFECTED - 2009 Mermaid Avenue, a/k/a 2879 West 21st Street, a/k/a 2882 West 20th Street, northwest corner of West 20th Street and Mermaid Avenue, Block 7018, Lot 42 (Tentatively), Borough of Brooklyn.

COMMUNITY BOARD #13BK

APPEARANCES - Adam Rothkrug.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

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, Commissioner Joel Miele and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit, under Z.R. §73-27 to permit, in a C1-2/R5 zoning district, the proposed construction of a one-story funeral establishment (Use Group 7), contrary to Z. R. §32-21; and

WHEREAS, the subject premises is a parcel on the southern part of a larger block, with a total area of 26,503 square feet, consisting of eleven vacant tax lots and a portion of one additional tax lot (lot no. 38); and

WHEREAS, this application entails the proposed amalgamation of these separate tax lots into a single tax lot (lot no. 42); and

WHEREAS, the proposed funeral establishment would have a total floor area of 5,316 sq. ft., with a first floor containing four chapels, the largest of which would be approximately 800 square feet, as well as offices, an embalming room and storage; and

WHEREAS, the applicant states that a total of 35 off-street parking spaces would be provided; and

WHEREAS, pursuant to Z.R. §73-27(a), the Board may permit funeral establishments in a C1 or C4 district

Affirmative: Vice-Chair Babbar and Commissioner Caliendo.....2

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

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 2, 2001, acting on Application No. 301162328 reads:

“PROPOSED FUNERAL ESTABLISHMENT, USE GROUP 7, IN A C1-2/R5 DISTRICT REQUIRES A SPECIAL PERMIT FROM THE BOARD OF STANDARDS & APPEALS”; and

WHEREAS, previously, a public hearing was held on this application on December 18, 2001, after due notice by publication in *The City Record*, and laid over to February 5, 2002 and March 19, 2002, and then to May 7, 2002 for decision when it was re-opened and laid over for continued hearing to June 11, 2002, and then to July 16, 2002 for decision; and

WHEREAS, the subject application was denied on July 16, 2002, based on a two affirmative, two negative and one abstention vote; and

WHEREAS, the Board’s July 16, 2002 decision was appealed to the Supreme Court of New York State in an Article 78 proceeding, and subsequently remanded back to the Board on June 2, 2003 for a full vote of every member; and

WHEREAS, the application was then reopened and placed on the Special Order calendar; and

WHEREAS, a public hearing was held on the remanded application on September 9, 2003, after due notice by publication in *The City Record* and then to October 28, 2003 for continued hearing, and then to November 18, 2003 and December 9, 2003 for decision; and

provided that there are serious difficulties involved in placing such use within a district wherein such use is permitted as-of-right and from which it could serve the needs of its prospective clientele, which make it necessary to locate such use in a C1 or C4 district; and

WHEREAS, the opposition to the application contends that there are numerous sites in the Coney Island neighborhood where the proposed funeral establishment could be sited; and

WHEREAS, the opposition also contends that there are homeowners in the neighborhood who would be willing to sell their property for siting of the proposed funeral establishment; and

WHEREAS, the applicant claims that Coney Island is a geographically segregated area, with limited availability of zones in which the proposed funeral establishment would be a permitted use, and that Mermaid Avenue is the principal commercial strip, with the street frontage predominantly zoned C1-2; and

WHEREAS, the applicant maintains that none of the parcels of land suggested by the opposition as alternative sites are attainable or viable for the proposed use as they are either too small or improperly zoned; and

WHEREAS, the applicant argues that the “serious difficulties” standard of Z.R. §73-27(a) does not require an

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applicant to initiate sale negotiations with parties who do not have property on the market; and

WHEREAS, a majority of the Board, based upon their inspection of the subject area and review of the evidence in the record, find that the applicant has sufficiently refuted the existence of appropriate parcels in the Coney Island neighborhood other than the subject parcel for siting of the proposed funeral establishment; and

WHEREAS, accordingly, this majority of the Board finds that there are serious difficulties in locating such use in a district where it is permitted as-of-right and, therefore, that the applicant's proposal meets the requirements of ZR §73-27(a); and

WHEREAS, pursuant to Z.R. §73-27(b), the Board must find that the site for the proposed funeral establishment is located so as to cause minimum interruption of the continuity of the frontage devoted to retail shopping uses; and

WHEREAS, the opposition contends that there is significant retail activity in the immediate neighborhood, and that the proposed funeral establishment would interrupt the continuity of the retail frontage; and

WHEREAS, the applicant maintains that there is no continuity of frontage devoted to retail shopping uses for the proposed funeral establishment to interrupt; and

WHEREAS, two members of the Board, based upon their inspection of the subject area and review of evidence in the record, find that the proposed funeral establishment would cause only minimum interruption of the continuity of

WHEREAS, only two members of the Board find that the applicant has met all of the findings necessary for a grant of a special permit pursuant to Z.R. §73-27; and

WHEREAS, pursuant to the Board's Rules of Practice and Procedure §1-01.1(e) and New York City Charter §663, a special permit may not be granted unless there is a concurring vote of at least three members of the Board, and an action that fails to receive the requisite three votes will be deemed a denial.

Resolved that the decision of the Borough Commissioner, described above, is sustained and the subject application is hereby denied.

Adopted by the Board of Standards and Appeals, December 9, 2003.

2-02-BZ

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

SUBJECT - Application September 15, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 3872 Third Avenue, a/k/a 532 East 172nd Street, southeast corner of Third Avenue and East 172nd Street, Block 2929, Lot 8, Borough of The Bronx.

the frontage devoted to retail shopping uses, as there are only a few retail stores on the street frontage; and

WHEREAS, however, two other members of the Board, based upon their inspection of the subject area and review of evidence in the record, find that the proposed funeral establishment would cause more than minimal interruption of continuity of the retail shopping use frontage, in that the proposed funeral establishment would envelope another retail establishment on the same block, surrounding it on both sides, and would also create a 200 foot, block-long separation between the retail frontage of the block directly to the west and the retail frontage of the block directly to the east; and

WHEREAS, these same two members of the Board note that the existence of actual retail shopping on the frontage is not relevant; rather, what matters is that the frontage is zoned commercial (C1-2), and is therefore devoted to retail shopping use; and

WHEREAS, pursuant to Z.R. §73-27(c), the Board must find that the proposed use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas; and

WHEREAS, based upon its review of the record and its site inspection, the Board in its entirety finds that the applicant has met the finding set forth at Z.R. §73-27(c), in that its location will not lead to any significant increase in traffic on the immediate local streets; and

COMMUNITY BOARD #3BX

APPEARANCES - None.

ACTION OF THE BOARD - Application re-opened and resolution amended.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on October 28, 2003, after due notice by publication in *The City Record*, and laid over to December 9, 2003 for decision; and

WHEREAS, the applicant has requested a reopening of the of the resolution and an amendment seeking the elimination of sixteen (16) on-site accessory parking spaces and permission to erect the proposed gymnasium building section on grade as a one-story structure; and

WHEREAS, on November 8, 2002, the Board granted a variance and a special permit pursuant to Z.R. §§72-21 and 73-19 permitting a school in an M1-4 zoning district, and a variance of the rear yard requirements and restrictions on construction within 30 feet of the rear lot line coinciding with rear lot lines of lots in the adjoining residential district; and

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WHEREAS, the record indicates that as construction progressed the cost of the project was much higher than anticipated; and

WHEREAS, the Board notes that the subject 16 on-site accessory parking spaces were volunteered by the applicant and were not a Board condition.

It is *resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution, pursuant to Z.R. § 72-01 and 72-22, said resolution having been adopted on November 8, 2002, so that as amended this portion of the resolution shall read:

“To permit, the elimination of sixteen (16) on-site accessory parking spaces and to allow the erection of the proposed gymnasium on grade as a one-story structure in accordance with revised plans,” *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 9, 2003”- (13) sheets; and *on further condition*;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

PREMISES AFFECTED - 486/496 Coney Island Avenue aka 804/826 Church Avenue, west side of Coney Island Avenue 91' 9 1/8" south of the corner of Church Avenue and Coney Island Avenue) Block 5341, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Fredrick A. Becker, Stephen Bernard, Hagay Keren, Burton Russell and Arthur Russell.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., for continued hearing.

138-68-BZ

APPLICANT - Francis R. Angelino, Esq., for Martin A. Gleason Funeral Home, LLC, owner.

SUBJECT - Application October 6, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 10-25 150th Street, northeast corner of 11th Avenue, Block 4515, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Frances R. Angelino.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M., for decision, hearing closed.

THAT the above conditions and all conditions from prior resolutions shall appear on the certificate of occupancy;

THAT a new Certificate of Occupancy shall be obtained within one year of this 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; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application NB # 200702463)

Adopted by the Board of Standards and Appeals, December 9 2003.

465-55-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for 325 North Macquesten Parkway Corporation, owner; Abko Inc dba Carwash Associates, lessee.

SUBJECT - Application June 13, 2003 - reopening for an amendment to the resolution.

799-89-BZ

APPLICANT - Kalb & Rosenfeld, P.C., for 1470 Bruckner Boulevard Corp., owner.

SUBJECT - Application August 8, 2003 - reopening for an extension of term of variance which expired July 13, 2003.

PREMISES AFFECTED - 1470 Bruckner Boulevard, southeast corner of Bruckner Boulevard and Colgate Avenue, Block 3649, Lots 30 and 27, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Robert Reichelscheimer.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M., for decision, hearing closed.

245-90-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Margarita Herskovich and Lyubov Herskovich, owners.

SUBJECT - Application June 12, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 29, 2001.

PREMISES AFFECTED - 1054 43rd Street, south side of 43rd Street, Block 5602, Lot 51, Borough of Brooklyn.

COMMUNITY BOARD #12BK

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APPEARANCES -

For Applicant: Fredrick Becker.

ACTION OF THE BOARD - Laid over to January 22, 2004, at 10 A.M., for continued hearing.

132-92-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Joseph DiStefano, owner.

SUBJECT - Application February 27, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expires July 19, 2004 and for an amendment to the resolution.

PREMISES AFFECTED - 3948-52 Amboy Road, south side of Amboy Road between Hillside Terrace and Brown Avenue, Block 5142, Lot 22, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Fredrick A. Becker.

385-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for Bais Tziporah, Inc., owner.

SUBJECT - Application October 2, 2003 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1449 39th Street, northside 290' west of intersection of 39th Street and 15th Avenue, Block 5347, Lot 58, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Josef Friedman.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M., for decision, hearing closed.

235-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for Castle View Associates, LLC, owner.

SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 119 Kenilworth Avenue, east side, 40' south of Winston Street, Block 5725, Lot 32, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam W. Rothkrug

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for continued hearing.

145-95-BZ

APPLICANT - Sullivan Chester & Gardner, P.C., for LRHC, Inc., d/b/a Lucille Roberts, owner.

SUBJECT - Application June 5, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired November 13, 2002.

PREMISES AFFECTED - 80 Fifth Avenue, southwest corner of West 14th Street, Block 577, Lot 39, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jeffrey Chester.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 10 A.M., for continued hearing.

ACTION OF THE BOARD - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated June 13, 2003 acting on N.B. Application No. 500605384, reads in pertinent part:

“Street giving access to the proposed building is not placed on the official map of the City of New York, therefore:

- A. No permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; and
- B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.”; and

WHEREAS, at the November 18, 2003 hearing 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 Staten Island Borough Commissioner, dated June 13, 2003, acting on N.B. Application No. 500605384 is modified under the power vested in the Board by §36 of the General City Law,

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and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 9, 2003"- (1) one sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 APPEARANCES -

For Applicant: Adam W. Rothkrug

ACTION OF THE BOARD - Appeal granted on condition. THE VOTE TO GRANT -

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

Negative:0

THE RESOLUTION -

WHEREAS, the decision of the Staten Island Borough Commissioner, dated June 13, 2003 acting on N.B. Application No. 500583451, reads in pertinent part:

"Street giving access to the proposed building is not placed on the official map of the City of New York, therefore:

- A. No permit or Certificate of Occupancy can be issued as per Art. 3 Sect. 36 of the General City Law; and
- B. Permit may not be issued since proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, at the November 18, 2003 hearing 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 Staten Island Borough Commissioner, dated June 13, 2003, acting on N.B. Application No. 500605384 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision

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 on December 9, 2003

236-03-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for Castle View Associates, LLC, owner.

SUBJECT - Application July 9, 2003 - Proposed construction of a two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 18 Winston Street, south side, 100' west of Woodrow Road, Block 5725, Lot 48, Borough of Staten Island.

COMMUNITY BOARD #3SI

noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received July 9, 2003"- (1) one sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; *on further condition*

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

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

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

Adopted by the Board of Standards and Appeals on December 9, 2003

311-03-A thru 313-03-A

APPLICANT - Rudolf J. Beneda, A.I.A., for M.Y.H.P. Building Corp., owner.

SUBJECT - Application October 9, 2003 - Proposed two-story, two family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

140 Jackson Avenue, west side, 103.90' south of Robin Road, Block 3124, Lot 500, Borough of Staten Island.

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144 Jackson Avenue, west side, 137.33' south of Robin Road, Block 3124, Lot 502, Borough of Staten Island.
146 Jackson Avenue, west side, 154.95' south of Robin Road, Block 3124, Lot 180, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 10 A.M., for postponed hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.

REGULAR MEETING TUESDAY AFTERNOON, DECEMBER 9, 2003 2:00 P.M.

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

ZONING CALENDAR

374-02-BZ

CEQR #03-BSA-114Q

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application December 30, 2002 - under Z.R. §§73-481 and 73-49 to permit in an R3-2 zoning district, a proposed 1,660 space parking garage and the creation of rooftop parking, which are contrary to Z.R. §§ 25-11, 25-12 and 25-13.

PREMISES AFFECTED - 267-20 74th Avenue, block bounded by 74th and 76th Avenues, also 263rd Street and the Queens/Nassau Border, Block 8520, Lot 2, and Block 8489, Lots 50, 95, 100 and 120, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Miele.....3

Negative:0

Abstaining: Commissioner Caliendo1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 20, 2002, acting on NB Application No. 401573784, reads:

“The proposed parking structure is contrary to the following section of the NYC ZR:

- 1) “ZR 25-11, General Provisions, Permitted Accessory Off Street Parking Spaces. Open parking is not permitted above a story other than above a basement. and
- 2) ZR 25-12, 25-13, Maximum Size of Accessory Group Parking Facilities and Modification of Maximum Size Group Parking Facilities. Total number of proposed parking spaces exceed 150-space maximum of §25-12 and 225-space maximum of §25-13.”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, laid over to July 15, 2003 and September 30, 2003 and then to October 21, 2003 for decision; and then the decision was deferred on October 21, 2003, deferred again on November 18, 2003, and then to December 9 for decision; and

WHEREAS, Community Board No. 13 in Queens recommends conditional approval of the subject application; 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 Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application for two special permits under Z.R. §§73-03, 73-481 and 73-49, to allow, in an R3-2 zoning district, a proposed 1,660 space parking garage and the creation of rooftop parking, which are contrary to Z.R. §§25-11, 25-12 and 25-13; and

WHEREAS, the subject lot is a 48 acre, 1,926,213 square foot parcel, that is roughly rectangular, with “out-parcels” at the northeasterly and northwesterly corners, bounded by 76th Avenue and 263rd Street; and

WHEREAS, the Long Island Jewish Hospital, Schneider Children’s Hospital and Zucker Hillside Hospital comprise the subject medical center, a 829 bed voluntary, non-profit tertiary care teaching medical center serving the greater Metropolitan New York area; and

WHEREAS, in the northeasterly corner of the block, the

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zoning lot is notched to accommodate an approximately 130,000 square “out-parcel” (Lot 175) which is occupied by a non-affiliated healthcare institution; and

WHEREAS, in the northwesterly corner of the block, a rectangular parcel is occupied by a medical center that is affiliated with the applicant; and

WHEREAS, the record indicates that the proposed attended parking is needed to meet the programmatic requirements of the subject medical center; and

WHEREAS, the main entrance to the proposed garage will be from the North, adjacent to the Emergency Department and will be configured to permit easy pedestrian access; and

WHEREAS, the proposal will also provide an entrance on the West face of the subject garage, across an internal roadway from Hillside Hospital and another entrance on the South face to serve the patients and visitors to Schneider Children’s Hospital; and

WHEREAS, the record indicates that changes in the needs of the medical center’s patients and visitors including changes in the nature of patient visits make the existing parking resources inadequate; and

WHEREAS, the applicant represents that the length of in-patient hospital stays have decreased and ambulatory patient visits have increased; and

WHEREAS, moreover, the reconfiguration of the internal roadway system within the campus to accommodate the route for emergency vehicles and several other modernization projects have increased patient visits and parking needs; and

WHEREAS, the subject campus contains 1,789 parking spaces; additionally, the medical center leases 800 parking spaces on the eastside of Lakeville Road across from the main entrance located in Nassau County; and

WHEREAS, the applicant represents that many visitors and staff have been displaced from 350 parking spaces that are not available on the south side of the campus due to an ongoing road construction project; and

WHEREAS, the Board notes that the entrance to the proposed parking garage is approximately one-half a mile along interior campus roads and far from neighborhood streets; and

WHEREAS, the record indicates that vehicles proceeding to the proposed garage will turn into the campus at the main entrance and proceed west on a four-lane private roadway; and

WHEREAS, the Zoning Resolution requires the medical center to provide one accessory parking space per five beds, for a total of 166 parking spaces, but it exceeds this number based on its programmatic need and its pledge to the community that the facility would minimize parking impacts in the neighborhood; and

WHEREAS, the existing garage is on the major entrance way, entirely within the applicant’s campus, from a

WHEREAS, the proposed parking garage will contain 307,345 square feet of floor area housing seven levels above grade, two levels below grade and parking on the roof and provide spaces for 1,660 cars ; and

WHEREAS, the lower levels will be operated as attended parking and the upper levels will be self-park, and the applicant anticipates that the upper levels will be used by hospital staff and the lower levels by patients and visitors to the medical center; and

four-lane roadway running westerly from its interchange with Lakeville Road; and

WHEREAS, the record indicates that there is reservoir space inside the entrances to the proposed garage and on the private roadway on the campus that exceeds the minimums required by Z.R. §73-481(b); and

WHEREAS, the Board notes that the instant application will not generate any new traffic as the proposed attended parking will only serve staff, patients, and visitors to the medical center complex; and

WHEREAS, the record indicates that the proposed rooftop parking is not visible from adjacent streets and it will not impair the essential character or the future use or development of adjacent areas; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§73-03, 73-481 and 73-49; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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.

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I 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 the required findings and *grants* two special permits pursuant to Z.R. §§73-03, 73-481 and 73-49 to allow, in an R3-2 zoning district, a proposed 1,660 space parking garage and the creation of rooftop parking, which are contrary to Z.R. §§ 25-11, 25-12 and 25-13, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked “Received October 27, 2002”- (9) sheets; and *on further condition*;

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THAT there shall be no loitering on the premises;

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

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

THAT prior to filing plans with the Department of Buildings, the Applicant shall submit to Community Board

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 December 9, 2003.

36-03-BZ

CEQR #03-BSA-129Q

APPLICANT - Salans, for Long Island Jewish Medical Center, owner.

SUBJECT - Application January 29, 2003 - under Z.R. §73-481 to permit in an R3-2 zoning district, the proposed increase in the total number of parking spaces, through the use of attended parking at an accessory parking garage, for an existing medical center, contrary to Z.R. §§ 25-12 and 25-13.

PREMISES AFFECTED - 271-17 76th Avenue, located on a block bounded by 76th Avenue, 74th Avenue, and the Queens/Nassau county border, Block 8520, Lot 2, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Martin Baker.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, and Commissioner Miele.....3

Negative:0

Abstaining: Commissioner Caliendo.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 3, 2003, acting on Application No. 401379156, reads:

“The proposed increase in the total number of parking spaces is contrary to the following section of the NYC ZR: ZR 25-12, 25-13, Maximum Size of Accessory Group Parking Facilities and Modification of Maximum Size of Group Parking Facilities. Total number of proposed parking

Number 13 for its information, a landscaping plan for the frontage of its property along 74th Avenue and 76th Avenue.

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;

spaces exceed 150-space maximum of ZR§25-12 and 225 maximum of §25-13”; and

WHEREAS, a public hearing was held on this application on June 3, 2003 after due notice by publication in *The City Record*, laid over to July 15, 2003 and September 30, 2003 and then to October 21, 2003 for decision; and then the decision was deferred on October 1, 2003 and then to November 18, 2003, and then to December 9, 2003 for decision; and

WHEREAS, Community Board No. 13 in Queens recommends conditional approval of the subject application; 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 Chairman Satish Babbar, Commissioner Joel Miele, and Commissioner Peter Caliendo; and

WHEREAS, this is an application for a special permit under Z.R. §73-481, to allow, in an R3-2 zoning district, the proposed increase in the total number of parking spaces through the use of attended parking at an accessory parking garage, for an existing medical center, contrary to Z.R. §§ 25-12 and 25-13; and

WHEREAS, the subject lot is a 48 acre, 1,926,213 square foot parcel, that is roughly rectangular, with “out-parcels” at the northeasterly and northwesterly corners, bounded by 76th Avenue and 263rd Street; and

WHEREAS, the Long Island Jewish Hospital, Schneider Children’s Hospital and Zucker Hillside Hospital comprise the subject medical center, a 829 bed voluntary, non-profit tertiary care teaching facility serving the greater Metropolitan New York area; and

WHEREAS, in the northeasterly corner of the block, the zoning lot is notched to accommodate an approximately 130,000 square “out-parcel” (Lot 175), which is occupied by a non- affiliated healthcare institution; and

WHEREAS, in the northwesterly corner of the block, a rectangular parcel is occupied by a medical center that is affiliated with the applicant; and

WHEREAS, the record indicates that the proposed attended parking is needed to meet the programmatic requirements of the subject medical center; and

WHEREAS, the existing three level garage contains 921 accessory parking spaces and the instant application seeks to increase that number by 343 for a total of 1,264; and

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WHEREAS, the record indicates that changes in the needs of the medical center's patients and visitors including changes in the nature of patient visits make the existing parking resources inadequate; and

WHEREAS, the applicant further represents that reconfiguration of the internal roadway system within the campus to accommodate the route for emergency vehicles and several other modernization projects have increased patient visits and parking needs; and

WHEREAS, the subject campus contains 1,789 parking spaces, and, additionally, the medical center leases 800 parking spaces on the eastside of Lakeville Road across from the main entrance located in Nassau County; and

WHEREAS, the applicant represents that many visitors and staff have been displaced from 350 parking spaces that are not available on the south side of the campus due to an ongoing road construction project; and

WHEREAS, the Board notes that the existing garage was erected in 1981 and expanded in 1988 to its present capacity of 921 spaces; and

WHEREAS, the entrance to the existing garage is from the intersection of the medical center's driveway with Lakeville Road; and

WHEREAS, Lakeville Road is a six lane, primary thoroughfare in Nassau County; and

WHEREAS, the Zoning Resolution requires the medical center to provide one accessory parking space per five beds, for a total of 166 parking spaces, but it exceeds this number based on its programmatic need; and

WHEREAS, the medical center has pledged to the community that the facility would minimize parking impacts in the neighborhood through provision of parking; and

WHEREAS, the existing garage is on the major entrance way, entirely within the applicant's campus, from a four-lane roadway running westerly from its interchange with Lakeville Road; and

WHEREAS, the record indicates that there is reservoir space inside the entrances to the existing garage and on the private roadway on the campus; and

WHEREAS, the Board notes that the instant application will not generate any new traffic as the proposed attended parking will only serve staff, patients, and visitors to the medical center campus; and

WHEREAS, therefore, the Board finds that the proposed use will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood; and

WHEREAS, therefore, the Board finds that the subject proposal meets the findings required to be made under Z.R. §§73-03 and 73-481; and

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

WHEREAS, the applicant represents that the length of in-patient hospital stays have decreased and ambulatory patient visits have increased; and

and

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

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

Therefore, it is Resolved that the Board of Standards and Appeals issues a Type I 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 the required findings and *grants* a special permit pursuant to Z.R. §73-481, to allow, in an R3-2 zoning district, the proposed increase in the total number of parking spaces, through the use of attended parking at an accessory parking garage, for an existing medical center, contrary to Z.R. §§ 25-12 and 25-13, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received October 27, 2003" - (6) sheets; and *on further condition*;

THAT there shall be no loitering on the premises;

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

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

THAT prior to filing plans with the Department of Buildings, the Applicant shall submit to Community Board Number 13 for its information, a landscaping plan for the frontage of its property along 74th Avenue and 76th Avenue;

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; 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 December 9, 2003.

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146-03-BZ

CEQR #03-BSA-184M

APPLICANT - Kramer Levin Naftalis & Frankel, LLP, for 1511 Third Avenue Associates, LLC, c/o The Related Companies, L.P., owner; Equinox 85th Street, Inc, lessee.

SUBJECT - Application May 9, 2003 - under Z.R. §73-36 to permit the legalization of an existing physical culture establishment, located on the second floor, and portions of the third and fourth floors, in a four story commercial and community facility building, in an C2-8A zoning district, which requires a special permit.

PREMISES AFFECTED - 1511 Third Avenue, a/k/a 201 East 85th Street, southwest corner of Block bounded by Second and Third Avenues, and East 85th and 86th Streets, Block 1531, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Opposition: Martin Mitzner.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

THE RESOLUTION -

WHEREAS, the decision of the Manhattan Borough Commissioner, dated April 9, 2003 acting on Alt. 1 Application No. 102589110 reads:

“1. Proposed use is a physical culture establishment, which requires a special permit from the Board of Standards and Appeals pursuant to Zoning Resolution Section 73-36”; and

WHEREAS, a public hearing was held on this application on June 24, 2003, after due notice by publication in *The City Record*, with continued hearings on August 13 and October 21, 2003, and then to December 9, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, on previous occasions and under separate applications related to the site, a site and neighborhood examination was conducted by former Vice-Chair Paul Bonfilio, former Chairman Gaston Silva, former Vice-Chair Robert Flahive, former Commissioner Cecil P. Joseph, former Commissioner Rosemary Palladino and former Commissioner Mitchell Korbey; and

WHEREAS, under Calendar No. 34-96-BZ, through the

WHEREAS, this is an application under Z.R. §73-36 to permit the legalization of a physical culture establishment (“PCE”) on the second and portions of the third and fourth floors of a four story mixed-use building, which requires a special permit pursuant to Z.R. §32-10; and

WHEREAS, the subject premises is a corner lot with approximately 77 feet 6 inches of frontage on Third Avenue and 125 feet of frontage on East 85th Street, and is partially within a C2-8A and partially within an R8B zoning district; and

WHEREAS, the subject premises is currently improved with a four-story and basement commercial building; and

WHEREAS, the applicant states that the subject building is currently occupied by a retail clothing store on the first floor, and by the PCE on the second and parts of the third and fourth floors; and

WHEREAS, at the time of application, the applicant represented that the site has a total lot area of 10,285 square feet, with 34,770 square feet of floor area; and

WHEREAS, the subject premises and PCE has been the subject of four prior Board cases, filed under Calendar Nos. 34-96-BZ, 332-01-BZ, 119-99-A and 139-02-A; and

WHEREAS, under Calendar No. 34-96-BZ, an application was made for a special permit under Z.R. §73-36 in order to legalize the subject PCE; and

WHEREAS, the Board reviewed the initial application and noted that the building originally had a rectangular foot print at the first and second floors, but that the third and fourth floors had a smaller “L” shaped configuration with a gap in the rear; and

WHEREAS, at some point before applying to the Board under Calendar No. 34-96-BZ, the applicant enlarged the third and fourth floors to match the size of the floors below; and

WHEREAS, upon further review of the initial application, the Board noted that the building was non-complying with regards to commercial floor area as originally built (without the enlargement), but was under the limits for residential or community facility floor area; and

WHEREAS, the plans submitted by the applicant under Calendar No. 34-96-BZ showed that 2,200 square feet of floor area was added to the building on each of the third and fourth floors, leading to a total of 4,400 square feet of new floor area; and

WHEREAS, in response to the Board’s inquiry regarding the infill enlargement, the applicant revised the application to provide for 4,852 square feet of community facility floor area; and

course of hearings and site inspections by the Board, it was

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discovered that contrary to the applicant's representations, the space that was designated for community facility use was in fact being used by the PCE; and

WHEREAS, subsequently, the applicant was informed that since the area used for the commercial use exceeded the maximum commercial floor area for the applicable zoning district and also increased the existing non-complying condition, a special permit under Z.R. §73-36 was no longer the appropriate relief and a variance application under Z.R. §72-21 was indicated; and

WHEREAS, consequently, the applicant revised the application to request a variance under Z.R. §72-21; and

WHEREAS, subsequent to its site visit and a thorough review of the record, the Board determined that the applicant failed to provide substantial evidence of a practical difficulty arising from a unique physical condition related to the site, and also failed to prove that they could not realize a reasonable return from a use that conformed with the underlying zoning regulations, and that therefore the findings set forth at Z.R. §72-21(a) and (b) were not met; thus, on July 18, 2000, the Board denied the variance application made under Calendar No. 34-96-BZ; and

WHEREAS, under Calendar No. 119-99-A, an administrative appeal, the appellant, an adjacent property owner, sought a revocation of Department of Buildings ("DOB") permits that legalized the construction of a rear yard encroachment on the second, third, and fourth floors of the subject building; and

WHEREAS, evidence in the record indicates that the building permits were granted by DOB to allow for this extension to be used as mechanical space; specifically, for water conservation devices; and

WHEREAS, similar to the proceedings under Calendar No. 34-96-BZ, during the course of hearings and site inspections by the Board, it was again discovered that contrary to the applicant's representation, the area designated as mechanical space was actually being used by the PCE as commercial floor area for location of laundry machines, and not for water conservation devices; and

WHEREAS, on April 12, 2000, the Board granted the appeal under Calendar No. 119-99-A and revoked the Department of Buildings permits, finding that the rear yard structure could not be considered a permitted rear yard obstruction as defined in Z.R. §33-23(b); and

WHEREAS, the above Board determinations were adjudicated and upheld in court, and the impermissible portions of the rear yard structure were then supposed to be removed; and

WHEREAS, under Calendar No. 332-01-BZ, which was an application for a special permit under Z.R. §73-36,

WHEREAS, this modification to the 1995 Certificate of Occupancy reads: "That commercial usage in the subject building shall be limited to the pre-existing, legally non-complying 30,340 square feet of area; That any additional

the applicant proposed to rectify the unlawful enlargement of the PCE on the third and fourth floors through an arrangement that purported to provide separation between a proposed community facility tenant and the subject PCE; and

WHEREAS, upon evaluating the application, the Board noted that such arrangement was impractical in its configuration, as it divided the proposed community facility between two floors and provided no separation between the proposed community facility space and the PCE, and also that no tenant had been secured for the community facility space; and

WHEREAS, the Board also noted a "pattern of misrepresentation with regard to the use of the illegally built space" by the applicant during the proceeding; and

WHEREAS, therefore, the Board denied the special permit application under Calendar No. 332-01-BZ on December 10, 2002; and

WHEREAS, the applicant subsequently challenged the Board's denial in an Article 78 proceeding, and the matter was remanded to the Board for further consideration; and

WHEREAS, while the public hearing process of Calendar No. 332-01-BZ was proceeding, the Board also heard an application made under Calendar No. 139-02-A, an administrative appeal of an April 17, 2002 Department of Buildings determination declining to seek a revocation or modification of Certificate of Occupancy Number 107549, issued on July 7, 1995 to the subject building; and

WHEREAS, the appellant, an adjacent property owner, contended that the presence of the PCE in the subject building constituted a non-conforming use subject to the lapse provisions of Z.R. §52-60 et. seq.; and

WHEREAS, upon a review of the record and of the definition of non-conforming use as set forth at Z.R. §12-10, the Board found that, with the exception of the 4,400 square feet addition constructed after the 1995 Certificate of Occupancy was issued, the subject building's excess commercial floor area did not constitute a non-conforming use, but was rather a non-complying condition with regard to the commercial floor area as per Z.R. §33-12; and

WHEREAS, the Board nevertheless found that the Certificate of Occupancy needed modification to provide an adequate representation of permitted uses; and

WHEREAS, in its resolution issued under Calendar No. 139-02-A on December 10, 2002, the Board ordered such modification; and

floor area other than aforementioned 30,340 square feet and in particular, the 4,400 square foot infill addition, shall be built and used in compliance and conformance with all underlying zoning regulations."; and

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WHEREAS, the applicant now asserts that the instant special permit application for a legalization of the subject PCE addresses the concerns of the Board set forth in its previous Resolutions related to the subject premises, as described above, in that the community facility space on the third and fourth floors has been reconfigured, a path of egress benefiting the occupants of the proposed community facility has been approved by DOB, and a lease has been entered into between the owner of the building and the proposed community facility user (“JASA”); and

WHEREAS, in support of one of its assertions, the applicant submitted a copy of an executed Lease Agreement between the owner and JASA; and

WHEREAS, the applicant represents that DOB has approved, through a reconsideration, the means of egress from said community facility, provided that a restrictive declaration approved as to form by DOB is executed and filed, creating an easement through the PCE for the benefit of JASA; and

WHEREAS, the Board has reviewed the reconsideration and notes that DOB has in fact approved such an egress route; and

WHEREAS, the Board notes that, as represented by the applicant, the egress route will also be utilized by patrons and staff of the PCE in an emergency, and by handicapped patrons of the PCE on a non-emergency basis, and, as a consequence, the Board finds that there is no actual separation between JASA’s space and that used by the PCE; and

WHEREAS, additionally, the applicant has failed to demonstrate to the Board’s satisfaction why an egress corridor for JASA’s exclusive use could not be constructed at the rear of their space, thereby separating it from the PCE; and

WHEREAS, accordingly, the Board finds that the applicant has failed to address one of the primary concerns of the Board in this application and in the application under Calendar No. 332-01-BZ, namely the creation of a truly separate community facility space; and

WHEREAS, the Board also finds that the applicant has failed to address one of the other primary concerns of the Board in this application and in the application under Calendar No. 332-01-BZ, namely the impracticality of dividing a modest-sized community facility space between the third and fourth floor instead of consolidating the use on one floor; and

WHEREAS, moreover, the Fire Department has expressed its strong reservation to the proposed second

WHEREAS, in a submission dated November 5, 2003, which included a series of drawings reflecting the results of the October 15 and 16 inspections, the opposition maintains that, among other things: there is a discrepancy between the amount of commercial floor area represented to exist in the subject building as stated by the applicant and the actual measured amount by the opposition, such

means of egress, stating that the proposed egress path leading from JASA’s space is convoluted and could potentially be hazardous, especially to the elderly clientele of JASA; and

WHEREAS, the Board notes that, although the applicant did receive a reconsideration on the proposed egress path, it nevertheless does not comply with the strict letter of the Building Code’s exiting requirements, in that it proceeds through another tenancy; and

WHEREAS, therefore, the Board finds the proposed egress path insufficient to provide safe and effective egress to the proposed community facility use; and

WHEREAS, pursuant to Z.R. §73-36(a)(1), the Board must find that the proposed PCE is so located as to not impair the essential character or the future use or development of the surrounding area”; and

WHEREAS, the Board finds that given the insufficient egress path, the legalization of the subject PCE at its present location would impair the use of the space of its proposed neighbor, JASA, in that JASA’s staff and clientele would not be afforded absolutely safe egress from the subject building through the PCE, and thus the finding set forth at Z.R. §73-36(a)(1) has not been met; and

WHEREAS, pursuant to Z.R. §73-03(a), the Board must find that the hazards or disadvantages of the proposed special permit use are outweighed by the advantages to be derived by the community by the grant of the special permit; and

WHEREAS, the Board finds that the disadvantages of the insufficient egress route to JASA are not outweighed by the advantages to the community of having the PCE, given the potential for injury during a fire or other emergency, and thus the finding set forth at Z.R. §73-03(a) has not been met; and

WHEREAS, at the August 13, 2003 hearing on the subject application, the applicant was instructed by the Board to allow the opposition to take measurements of the subject building in order to determine the respective square footages allocated between existing and proposed uses; and

WHEREAS, the applicant and opposition subsequently disagreed in correspondence as to the extent to which measurements were to be taken; and

WHEREAS, the measurements were finally taken by the opposition on October 15 and 16, 2003; and

that Equinox would be occupying 5,755 sq. ft. in excess of permitted commercial floor area; certain areas on the 3rd and 4th floor designated as mechanical space and therefore not included in floor area have now in fact been converted to floor area, thereby increasing the degree of non-compliance; a portion of the laundry room has been improperly deducted as mechanical space; the lobby areas

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in front of the elevators on the 3rd and 4th floors have been improperly designated as exclusively community facility floor area when they are in fact being used partially by the PCE; and there is a cavity above the rear yard enclosure that enlarges the height of said enclosure above what is permitted; and

WHEREAS, in a submission dated November 18, 2003 which included three sets of plans, the applicant responded to the opposition, contending, in part: that upon review of the subject building's pre-1974 and current existing floor area, the pre-existing floor area was 36,548 sq. ft. and the current commercial floor area is 34,973 sq. ft.; that the previously submitted drawings contained incorrect floor area calculations, in that they did not account for a mezzanine level used for commercial and mechanical uses that is noted on the two previous C of Os, and in that they failed to measure lot area correctly, but that said miscalculations do not impact a conclusion that the Building currently has less commercial floor area than existed pre-1974; that any conversion of mechanical space is offset by the addition of community facility or other mechanical space; that the mechanical deductions were approved in a DOB reconsideration; that the lobby spaces on the 3rd and 4th floors have now been allocated between commercial and community facility space; and that the PCE will address the three foot cavity above the rear yard enclosure through demolition, and has applied to DOB to reinstate its structural work application to allow it to remove the structure; and

WHEREAS, the Board notes that the applicant has submitted five separate sets of plans in conjunction with the subject application B one on May 9, 2003, one on July 15, 2003, and three on November 18, 2003; and

WHEREAS, the Board has not received an adequate explanation from the applicant as to why, after 4 previous applications and numerous hearings, it is now submitting plans with floor area calculations different from all other previously submitted plans; and

WHEREAS, the applicant has also not adequately addressed why its calculations differ from those of the opposition; and

WHEREAS, the Board further notes that only after the opposition has pointed out discrepancies between its own measurements and the previous representations of the applicant, has the applicant conceded that the measurements are inaccurate; and

WHEREAS, the applicant has failed to completely remove the impermissible rear yard obstruction, which it was ordered to do well before the filing of the instant application; and

245-03-BZ

CEQR # 04-BSA-015Q

APPLICANT - Joseph P. Morsellino, Esq., for Joshua Muss c/o Allied Enterprises, owner; Franchise Realty Interstate, lessee.

WHEREAS, like in the prior cases, the Board finds that the applicant has engaged in a pattern of misrepresentation in the subject application, insofar as it has: supplied the Board with contradictory information concerning the available legal commercial floor area, failed to remove the rear yard obstruction in its entirety as it promised and as it was ordered to do, and failed to adequately address the concerns of the Board as to the creation of a completely separate community facility space; and

WHEREAS, the Board possesses the authority under the law to deny the grant of a special permit if it determines that an applicant has engaged in misrepresentation before it; and

WHEREAS, moreover, as discussed above, the Board finds that the instant application fails to meet certain of the findings required for the grant of this special permit, set forth at Z.R. §73-36(a)(1) and §73-03(a).

Resolved, that the Board upholds the decision of the Manhattan Borough Commissioner, dated April 9, 2003, and hereby denies the instant application for a special permit.

Adopted by the Board of Standards and Appeals, December 9, 2003.

152-03-BZ

CEQR #03-BSA-190K

APPLICANT - Sheldon Lobel, P.C., for Derby Textile Co., owner.

SUBJECT - Application May 15, 2003 - under Z.R. § 72-21 to permit the proposed conversion of the Third and Fourth floors, of an existing four story and cellar building, located in an M1-2 zoning district, to residential use, Use Group 2, is contrary to Z.R. §42-00. PREMISES AFFECTED - 41 Varick Avenue, northwest corner of Harrison Place, Block 2999, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

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

Negative:0

Adopted by the Board of Standards and Appeals, December 9, 2003.

SUBJECT - Application July 22, 2003 - under Z.R. §72-243 to permit in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment contrary to Z.R. §32-41.

PREMISES AFFECTED - 160-11 Willets Point Boulevard,

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northeast corner of Francis Lewis Boulevard, Block 4758, Lot 100, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated June 25, 2003, acting on Alteration Type I Application No. 401574060 reads:

“Refer application to the Board of Standards and Appeals as an accessory(sic) drive through facility in a C1-2 zoning district is contrary to ZR 32-41.”; and

WHEREAS, a public hearing was held on this application on November 5, 2003, after due notice by publication in The City Record, and laid over to December 9, 2003 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, Commissioner Peter Caliendo and Commissioner Joel Miele; and

WHEREAS, this is an application for a special permit under Z.R. §§73-243 and 73-03, on a site previously before the Board, to permit, in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment contrary to Z.R. §32-41; and

WHEREAS, on August 14, 1990, under Calendar Number 268-89-BZ, the Board denied an application for a special permit pursuant to Z.R. §73-243; and

WHEREAS, the Board found that the 268-89-BZ application failed to make the findings of Z.R. §73-243, because the proposal, with both its entrance and exit on Francis Lewis Boulevard, would interfere with the traffic flow in the immediate vicinity; and

WHEREAS, the record of the prior application demonstrated that the additional parking, loading and refuse storage area of Willets Point Boulevard would be too congested with insufficient space to maneuver within

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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

the site; and

WHEREAS, on May 6, 2003, the Board found that the applicant had submitted substantial new evidence that was not available at the time of the initial hearing demonstrating a material change in circumstance and granted a rehearing; and

WHEREAS, under Z.R. §73-243, the application must demonstrate that the drive-through facility provides reservoir space for not less than ten automobiles, causes minimum interference with traffic flow in the immediate vicinity, that the eating and drinking establishment with accessory drive-thru facility complies with accessory off-street parking regulations, that the character of the commercially-zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward motor vehicles, that the drive-thru facility will not have an undue adverse impact on any residences in the immediate area, and that there is adequate buffering between the drive-thru facility and adjacent residential uses; and

WHEREAS, Francis Lewis Boulevard and Willets Point Boulevard are both heavily trafficked, commercially oriented main thoroughfares; and

WHEREAS, the instant proposal contains reservoir space for up to ten (10) automobiles, and the proposed layout ensures that the drive-thru facility will cause minimum interference with traffic flow in the immediate vicinity, and provides for eleven (15) off-street accessory parking spaces, exceeding the 8 required under applicable accessory off-street parking regulations; and

WHEREAS, the record indicates that within 500 feet of the premises the existing frontages are commercial in nature; and

WHEREAS, the applicant represents that fencing and screening will be installed in the rear of the site to further minimize adverse impacts on any nearby residences; and

WHEREAS, the Board finds that the proposed application 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. §§73-243 and 73-03; and

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 one of the required findings under Z.R. §§73-03 and 73-243, on a site previously before the Board, to permit, in a C1-2 zoning district, the proposed accessory drive-thru

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facility for an eating and drinking establishment contrary to Z.R. §32-41, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received July 22, 2003"-(3) sheets and "December 9, 2003"-(1) sheet; and on further condition;

THAT the term of this special permit shall be limited to five (5) years from the date of this grant, to expire on December 9, 2008;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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

THAT this approval is limited to the relief granted by the Board in response to the specifically cited and filed Department of Building objection 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; and

THAT the above conditions shall be noted in the Certificate of Occupancy.

Adopted by the Board of Standards and Appeals, December 9, 2003.

250-03-BZ

CEQR #04-BSA-019K

APPLICANT - Sheldon Lobel, P.C., for Rebecca Jakubowitz, owner.

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

WHEREAS, a special permit is sought under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards and is contrary to Z.R. §§23-141, 23-47, and 23-461; and

SUBJECT - Application July 31, 2003 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards and is contrary to Z.R. §§23-141, 23-47, and 23-461.

PREMISES AFFECTED - 1861 East 21st Street, between Quentin Road and Avenue "R", Block 6804, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Jordan Most.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 25, 2003, acting on Application No. ALT. I. 301533044 reads:

1. PLANS AREA CONTRARY TO Z.R. 23-141(b) IN THAT THE PROPOSED FLOOR AREA RATIO (FAR) EXCEEDS THE PERMITTED .5.
2. PLANS ARE CONTRARY TO Z.R. 23-141(b) IN THAT THE PROPOSED OPEN SPACE ARTIO (OSR) IS LESS THAN THE MINIMUM REQUIRED .65.
3. PLANS AREA CONTRARY TO Z.R. 23-141(b) IN THAT THE PROPOSED LOT COVERAGE EXCEEDS THE MAXIMUM PERMITTED .35.
4. PLANS ARE CONTRARY TO Z.R. 23-47 IN THAT THE PROPOSED REAR YARD IS LESS THAN THE MINIMUM REQUIRED 30'.
5. PLANS ARE CONTRARY TO Z.R. 23-461 IN THAT THE PROPOSED SIDE YARD IS LESS THAN THE MINIMUM REQUIRED SIDE YARD OF 5'."; and

WHEREAS, a public hearing was held on this application on November 5, 2003 and then laid over to December 9, 2003 for decision; 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 enlargement into the side yard does not result in a decrease in the existing minimum width of open area between the building and the side lot line; and

WHEREAS, the enlargement of the building into the rear yard is not located within 20 feet of the rear lot line; and

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

WHEREAS, the perimeter wall height will comply with

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all applicable zoning regulations; 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. §73-622 to permit the proposed enlargement of an existing single family residence, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, rear and side yards and is contrary to Z.R. §§23-141, 23-47, and 23-461, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received July 31, 2003"- (9) sheets and "November 12, 2003"- (1) sheet; and *on further condition*;

THAT there shall be no habitable room in the cellar;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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 four (4) years of this grant.

Adopted by the Board of Standards and Appeals, December 9, 2003.

4) THE PROPOSED COMMERCIAL CURB CUT IN AN R-5 ZONING DISTRICT IS CONTRARY TO SECTION 22-00 OF THE ZONING RESOLUTION";and

WHEREAS, a public hearing was held on this application on November 5, 2003 after due notice by publication in the City Record, and laid over to December 9, 2003 for decision; and

WHEREAS, Community Board No. 12 in The Bronx recommended approval of the subject application; 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

257-03-BZ

CEQR #04-BSA-024X

APPLICANT - Joseph P. Morsellino, Esq., for Dorothy Sauerbrun, owner; Walgreens, lessee.

SUBJECT - Application August 12, 2003 - under Z.R. §72-21 to permit the proposed erection and maintenance of a drugstore located in a C8-1 and R5 zoning district, that provides 21 parking spaces, instead of the required 35 parking spaces and also will provide a 10 foot 9 inch side yard, rather than the required 15 foot side yard, which is contrary to Z.R. §§36-21 and 33-291.

PREMISES AFFECTED - 3575 Boston Road, northwest corner of East 222nd Street and Boston Post Road, Block 4729, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Joseph P. Morsellino.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

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

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated July 29, 2003 acting on Application No. 200782849 reads:

- "1) IN AN R-5 ZONING DISTRICT USE GROUP 6 IS CONTRARY TO SECTION 22-00 OF THE ZONING RESOLUTION
- 2) SIDE YARD REQUIRED ALONG DISTRICT BOUNDARY AS PER SECTION 33-291 OF THE ZONING RESOLUTION
- 3) THE PROPOSED COMMERCIAL PARKING IS CONTRARY TO SECTION 36-21 OF THE ZONING RESOLUTION

Satish Babbar and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection and maintenance of a drugstore located in a C8-1 and R5 zoning district, that provides 21 parking spaces, instead of the required 35 parking spaces and also will provide a 10 foot nine inch side yard, rather than the required 15 foot side yard, which is contrary to Z.R. §§36-21 and 33-291; and

WHEREAS, the subject property is located within C8-1 and R5 zoning districts where the applicant contends that the proposed drugstore is permitted as-of-right; and

WHEREAS, the Department of Buildings issued an objection for the use and curb cut within the R5 district; and

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WHEREAS, the applicant represents that in order to build a one-story drug store of the size required today, a variance from parking regulations is needed; and

WHEREAS, the subject property is an irregularly shaped lot that is currently developed with a fast food restaurant establishment; and

WHEREAS, the applicant represents that the subject property has historically been used for commercial purposes; and

WHEREAS, the applicant asserts that strict compliance with the parking requirements of the zoning resolution, namely the requirement that the subject property have 35 parking spaces, would cause the proposed structure to be inadequate in size and configuration to serve the needs of its customers; and

WHEREAS, the applicant represents that the proposed curb cut is a pre-existing condition; and

WHEREAS, the applicant represents that the proposed side yard measure 10 feet and 9 inches and that to provide the required 15 foot side yard would further increase the degree of non-compliance with respect to parking spaces; and

WHEREAS, the Board finds that the site's history of development with commercial uses and its irregular shape constitute a unique physical conditions leading to an undue hardship in developing the site with a conforming or complying development; and

WHEREAS, the evidence demonstrates that a complying development would not yield a reasonable return; and

WHEREAS, the applicant has submitted a feasibility study demonstrating that developing the site with a conforming use would not yield a reasonable return; and

WHEREAS, the record indicates that the surrounding area is largely developed with commercial and residential uses; and

WHEREAS, the premises is currently developed with a commercial establishment; and

WHEREAS, therefore, the Board finds that the instant

THAT the applicant shall comply with all applicable fire safety measures;

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

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 all doors used for required egress will comply with the Administrative Code, as determined by the Department of Buildings; and

THAT the Department of Buildings must ensure

applications will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

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

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

WHEREAS, the Board has conducted an environmental review of the proposed action and the Final Environmental Assessment Statement 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 one of the required findings under Z.R. §72-21, 21 to permit the proposed erection and maintenance of a drugstore located in a C8-1 and R5 zoning district, that provides 21 parking spaces, instead of the required 35 parking spaces and also will provide a 10 foot 9 inch side yard, rather than the required 15 foot side yard, which is contrary to Z.R. §§36-21 and 33-291, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received November 25, 2003"- (1) sheet and "Received October 27, 2003"- (4) sheets; and on further condition;

THAT the premises shall be maintained free of debris and graffiti;

THAT any graffiti located on the premises shall be removed within 48 hours;

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, December 9, 2003.

249-01-BZ

APPLICANT - Moshe M. Friedman, P.E., for B.Z.V. Enterprise Corporation, owner.

SUBJECT - Application August 7, 2001 - under Z.R. § 72-21, to permit the proposed conversion of an existing four story manufacturing building, Use Group 17, to joint living/working quarters, Use Group 17D, located in an M1-2 zoning district, which

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is contrary to Z.R. §42-14.

PREMISES AFFECTED - 9 White Street, a/k/a 210/22 Varet Street, southwest corner, Block 3117, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Josef Friedman.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for deferred decision.

284-01-BZ

APPLICANT - Stanley K. Schlein, Esq., for Silver Lake Realty Partnership, owner.

SUBJECT - Application October 3, 2001 - under Z.R. §72-21, to permit the proposed expansion of an existing nursing home, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, is contrary to Z.R. §24-111.

PREMISES AFFECTED - 275 Castleton Avenue, 26' east of the northeast corner of Castleton Avenue and Harbor View Court, Block 119, Lot 104, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Patrick Jones.

THE VOTE TO REOPEN HEARING -

229-02-BZ thru 231-02-BZ

APPLICANT - Mark A. Levine, Esq., of Herrick, Feinstein, LLP, for Simon Dushinsky and Issac Rabinowitz, owners.

SUBJECT - Application August 15, 2002 - under Z.R. §72-21 to permit the proposed construction of a six-story building containing twelve units, Use Group 2, located in an M3-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED -

24 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 5, Borough of Brooklyn.

32 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 7, Borough of Brooklyn.

42 Walton Street, corner of Marcy Avenue and Walton Street, Block 2249, Lot 9, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Mark A. Levine and Robert Pauls.

THE VOTE TO CLOSE HEARING -

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

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, 2003, at 1:30 P.M., for deferred decision.

185-02-BZ

APPLICANT - Sheldon Lobel, P.C., for North Ninth Street Realty, LLC., owner.

SUBJECT - Application June 5, 2002 - under Z.R. §72-21 to permit the proposed construction of three floors, to be used for residential purposes, above an existing one story building, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 93/101 North Ninth Street, north side, between Wythe Avenue and Berry Street, Block 2303, Lot 36, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jordan Most.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for decision, hearing closed.

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

350-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Advance Investments, owner.

SUBJECT - Application November 25, 2002 - under Z.R. §73-27 to permit the proposed use of an existing building as a funeral establishment, Use Group 7, with accessory off-street parking for 12 automobiles, located in a C1-1(R3-2) (SRD) zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 6389 Amboy Road, west side, 258' north of Weir Avenue, Block 7534, Lot 186, Borough of Staten Island.

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COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Adam Rothkrug.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for deferred decision.

85-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 926 Bedford LLC, owner; Department of General Services, lessee.

SUBJECT - Application March 13, 2003 - under Z.R. 72-21 to permit the proposed combining of three tax lots into a single zoning and tax lot, and also the proposed construction of a two-story building, that will be used for the manufacturing (primary assembly) of materials handling equipment, located in an R6 zoning district, is contrary to Z.R. §22-10.

PREMISES AFFECTED - 922/26 Bedford Avenue, a/k/a 371 Willoughby Avenue, northwest corner, Block 1914, Lots 43, 44 and 46 (Tentative Lot 43), Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Adam W. Rothkrug.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

135 Coffey Street, between Conover and Van Brunt Streets, Block 597, Tentative Lots 9 and 11, Former Lots Numbers, 9-11, 13, 14, 37 and 38, Borough of Brooklyn.

71 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 24, Former Lots Numbers, 23-29 and 43, Borough of Brooklyn.

79 Walcott Street, between Richard and Van Brunt Streets, Block 596, Tentative Lot 12, Former Lots Numbers, 12-15, 22, 23, 49 and 50, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Eric Palatnikk.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for deferred decision.

118-03-BZ

APPLICANT - Slater & Beckerman, LLP, for 1101 Prospect LLC, owner.

SUBJECT - Application April 11, 2003 - under Z.R. § 72-21 to permit the proposed construction of a six-story residential and community facility building, Use Groups 2 and 4, located in an R5B zoning district, which does not comply with the zoning requirements for floor area ratio, open space, lot coverage, number of dwelling

92-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Parkside Inc., owner.

SUBJECT - Application March 25, 2003 - under Z.R. §73-52 to permit the proposed residential development of an entire zoning lot, on a lot divided by an R7-2 and M1-1 district boundary, which requires a special permit.

PREMISES AFFECTED - 472 West 130th Street, southwesterly corner of the intersection of West 130th Street and Convent Avenue, Block 1969, Lots 64, 67 and 68, Borough of Manhattan.

COMMUNITY BOARD #9M

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for continued hearing.

108-03-BZ thru 110-03-BZ

APPLICANT - Eric Palatnik, P.C., for FAC Homeownership HDFC, owners.

SUBJECT - Application April 4, 2003 - under Z.R. §72-21 to permit the proposed construction of a four story residential building, Use Group 2, located in an R5 zoning district, which does not comply with the zoning requirements for height, setback, also front and rear yards, is contrary to Z.R. §23-631, §23-45 and §23-47. PREMISES AFFECTED -

units, community facility bulk regulations, front and yards, height and setback, is contrary to Z.R. §23-141(b), §23-22, §24-01, §24-162, §23-45, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 1101 Prospect Avenue, a/k/a 1677 11th Avenue, northeast corner, Block 5256, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 24, 2004, at 1:30 P.M., for postponed hearing.

190-03-BZ & 191-03-A

APPLICANT - Sheldon Lobel, P.C., for Satya Sanatan Dharma Sabha, Inc., owner.

SUBJECT - Application June 9, 2003 - under Z.R. § 72-21 to permit the legalization of a portion of a two-story building to a temple, to convert the remainder of the building to a temple, an enlargement to the building, which does not comply with the zoning requirements for height, side and front yards, and is contrary to Z.R. §24-521, §24-35 and §24-34; also to permit an enlargement to the building, of Class II-D construction, located within the fire district, which is contrary to §§27-301 and 27-305 of the NYC Administrative Code.

PREMISES AFFECTED - 87-48 215th Place, corner of Hillside

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Avenue, Block 10682, Lot 45, Borough of Queens.
COMMUNITY BOARD #13Q
APPEARANCES -

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for deferred decision.

211-03-BZ

APPLICANT - Eric Palatnik, P.C., for Simon Blitz, Contract Vendee.

SUBJECT - Application June 20, 2003 - under Z.R. §72-21 to permit the proposed expansion and also the conversion of an existing warehouse, to residential use, Use Group 2, located in an M1-4(Special LIC District), which does not comply with the zoning requirements for the new use, floor area and total height, is contrary to Z.R. §43-12, §43-43 and §42-10.

PREMISES AFFECTED - 529-535 48th Avenue, between Vernon Boulevard and Fifth Street, Block 30, Lot 9, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Eric Palatnik.

For Opposition: Gennaro D. Massaro and Doreen Malloy.

ACTION OF THE BOARD - Laid over to January 27,

241-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Chaya Knopf, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear yard and minimum side yard, is contrary to Z.R. §23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1183 East 28th Street, east side, 100' north of Avenue "L", Block 7628, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Joseph Friedman.

For Opposition: Shirley Simon.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

242-03-BZ

APPLICANT - Moshe M. Friedman, P.E., for Sion Maslaton, owner.

SUBJECT - Application July 10, 2003 - under Z.R. §73-622 to

2004, at 1:30 P.M., for continued hearing.

230-03-BZ

APPLICANT - Alfred V. Saulo, Architect, for Mike Graziano, owner.

SUBJECT - Application July 2, 2003 - under Z.R. §72-21 to permit the proposed erection of a one family detached residence, Use Group 1, located in an R-3A zoning district, which does not comply with the zoning requirements for front yard is contrary to Z.R. §23-45.

PREMISES AFFECTED - 144 Billop Avenue, southeast corner of Brighton Street, Block 7881, Lots 67, 1 and 2, Borough of Staten Island.

COMMUNITY BOARD #3S.I.

APPEARANCES -

For Applicant: Alfred Saulo.

For Opposition: Charles Cross.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, rear yard, side yard, minimum side yard, lot coverage and perimeter wall, is contrary to Z.R. §23-141(b), §23-47 and §23-48 and §23-631(b)

PREMISES AFFECTED - 1858 East 26th Street, west side, 285'-0" north of Avenue "S", Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Joseph Friedman.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to January 6, 2004, at 1:30 P.M., for decision, hearing closed.

266-03-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for 1710-2 McDonald Realty, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §73-50 to permit the proposed enlargement of an existing warehouse (furniture), situated in an M1-1 zoning district, by constructing a one-story addition at the rear, that will encroach into the required yard between district boundaries, is contrary to Z.R. §43-302.

PREMISES AFFECTED - 1710/12 McDonald Avenue, west side,

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60' south of Avenue "O", Block 6607, Lot 10, Borough of Brooklyn.

COMMUNITY BOARD #11BK

APPEARANCES -

For Applicant: Adam Rothkrug.

For Opposition: Dr. Joseph Knoll.

ACTION OF THE BOARD - Laid over to January 13, 2004, at 1:30 P.M., for continued hearing.

289-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Aldo Paronich, owner.
SUBJECT - Application August 29, 2003 - under Z.R. §73-53 to permit the legalization of an existing contractor' establishment, Use Group 16, located in an M1-1 zoning district, which is currently overbuilt by 21% beyond the permitted floor area ratio of 1.0 is contrary to Z.R. §43-12.

PREMISES AFFECTED - 440 Morgan Avenue, southeast corner
PREMISES AFFECTED - 260 Park Avenue South, west side, between East 20th and East 21st Streets, Block 849, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Applicant: Howard Hornstein and Barbara Hair.

THE VOTE TO CLOSE HEARING -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

ACTION OF THE BOARD - Laid over to December 23, 2003, at 1:30 P.M., for decision, hearing closed.

309-03-BZ

APPLICANT - Howard A. Zipser, Stadtmauer Bailkin, LLP, for James Horvath, owner.

SUBJECT - Application October 6, 2003 - under Z.R. §72-21 to permit the proposed erection of a six-story residential building, Use Group 2, on a zoning lot, divided by C6-1 and R6 zoning districts, which does not comply with the zoning requirements for floor area, height and setback limit per table A, which is contrary to Z.R.§§23-145 and 23-633.

PREMISES AFFECTED - 744/48 Greenwich Street, west side, between Perry and West 11th Streets, Block 633, Lots 20 and 119, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Zipser, Shawn Basler, James Horvath, Miguel Jeronimo, Rebecca Daniels, Dean Breier, Jan Hashey, Rebacca Davids, Abbas Shah and others.

For Opposition: Barry Mallin, Shirley Wright, Barbara Schlachet, Mariopie Cott, Fred Newman, Chatherine Immgraham and Eric Graham.

of Frost Street, Block 2869, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

298-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for 260 Park Avenue South, owner.

SUBJECT - Application September 12, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing eight story building, by allowing available floor area to cross district boundary lines, from the adjacent building, that is located in an M1-5M zoning district, to said premises that is located in a C6-4A zoning district, which would exceed the maximum floor area permitted, and is contrary to Z.R.§23-145.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 4:20 P.M.

MINUTES

DISMISSAL CALENDAR
WEDNESDAY MORNING, DECEMBER 10, 2003
10:00 A.M.

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

102-03-BZ

CEQR #03-BSA-160K

APPLICANT - New York City Board of Standards and Appeals.
OWNER OF PREMISES: Southside Realty Holdings, LLC
SUBJECT - to dismiss the application for lack of prosecution.
PREMISES AFFECTED - 291 Kent Avenue, 35-37 South 2nd Street, 29-33 South 3rd Street, east side of Kent Avenue, between South 2nd and South 3rd Streets, Block 2415, Lots 10, 14, 15, 41, 42, 43, 114, 116, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Favor: Jordan Most.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December

10, 2003.

147-03-BZ

CEQR #03-BSA-185M

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: 567 3rd Avenue, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 567 Third Avenue, easterly side of Third Avenue between 37th Street and 38th Street, 74.1' north of 37th Street, Block 918, Lot 4, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Favor: Fredrick A. Becker.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2003.

157-03-BZ thru 175-03-BZ

MINUTES

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Block 2647 Realty Corp.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

41 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 23, Borough of Staten Island.

37 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 25, Borough of Staten Island.

33 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 27, Borough of Staten Island.

29 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 29, Borough of Staten Island.

25 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 31, Borough of Staten Island.

21 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 33, Borough of 20 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 11, Borough of Staten Island.

24 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 13, Borough of Staten Island.

28 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 15, Borough of Staten Island.

32 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 17, Borough of Staten Island.

36 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 19, Borough of Staten Island.

40 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 21, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES - None.

ACTION OF THE BOARD - Application dismissed.

THE VOTE TO DISMISS -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2003.

186-03-BZ

CEQR #03-BSA-202K

APPLICANT - New York City Board of Standards and

Staten Island.

17 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 35, Borough of Staten Island.

11 Mackay Avenue, north side, between Wild and Dean Avenues, Block 2647, Lot 37, Borough of Staten Island.

288 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 01, Borough of Staten Island.

284 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 03, Borough of Staten Island.

280 Wild Avenue, south side, between Mackay and Walton Avenues, Block 2647, Lot 05, Borough of Staten Island.

12 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 07, Borough of Staten Island.

16 Walton Avenue, west side, between Mackay and Walton Avenues, Block 2647, Lot 09, Borough of Staten Island.

Appeals.

OWNER OF PREMISES: Mount Carmel Plaza, LLC

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 525 Union Avenue, west side of Union Avenue, 48' south of intersection of Withers Street and Union Avenue, Block 2315, Lot 14, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Favor: Jordan Most.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December 10, 2003.

192-03-BZ

CEQR #03-BSA-206X

APPLICANT - New York City Board of Standards and Appeals

OWNER OF PREMISES: Sharon Baptist Board of Directors, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 509 East 165th Street, between Washington and Third Avenue, Block 2370, Lot 45, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

MINUTES

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December
10, 2003.

258-03-BZ

CEQR #04-BSA-025K

APPLICANT - New York City Board of Standards and
Appeals.

OWNER OF PREMISES: 47 Thames Realty, LLC

SUBJECT - to dismiss the application for lack of
prosecution.

PREMISES AFFECTED - 47 Thames Street, between
Morgan Street and Knickerbocker Avenue, Block 3008, Lot
31, Borough of Brooklyn.

COMMUNITY BOARD #1BK

PREMISES AFFECTED - 20 Grand Avenue, between
Flushing Avenue and Park Avenue, Block 1877, Lot 35,
Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar,
Commissioner Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December
10, 2003.

263-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Sando Realty by David Mosher

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 1800 Coney Island Avenue, west side,
260' north of Avenue O, south of Avenue N, Block 6592, Lot 34,
Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Favor: Harold Weinberg.

ACTION OF THE BOARD - Laid over to January 13,
2004, at 10 A.M., SOC Calendar, for continued hearing.

290-02-BZ thru 314-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Edgewater Development, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED -

114-01 Taipei Court, west side, 576' west of 115th

APPEARANCES - None.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Commissioner Chin, Vice-Chair Babbar, Commissioner
Caliendo and Commissioner Miele4

Negative:0

Adopted by the Board of Standards and Appeals, December
10, 2003.

260-03-BZ

CEQR #04-BSA-026K

APPLICANT - New York City Board of Standards and
Appeals.

OWNER OF PREMISES: 376 East 94th Street Realty, LLC.

SUBJECT - to dismiss the application for lack of
prosecution.

Street, Block 4019, Lot 125, Borough of Queens.

114-03 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 126, Borough of Queens.

114-05 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 127, Borough of Queens.

114-07 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 128, Borough of Queens.

114-09 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 129, Borough of Queens.

114-11 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 130, Borough of Queens.

114-13 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 131, Borough of Queens.

114-15 Taipei Court, west side, 576' west of 115th

Street, Block 4019, Lot 132, Borough of Queens.

114-21 Taipei Court, north side, 501' west of 115th

Street, Block 4019, Lot 133, Borough of Queens.

114-23 Taipei Court, north side, 491' west of 115th

Street, Block 4019, Lot 134, Borough of Queens.

114-25 Taipei Court, north side, 471' west of 115th

Street, Block 4019, Lot 135, Borough of Queens.

114-27 Taipei Court, north side, 451' west of 115th

Street, Block 4019, Lot 136, Borough of Queens.

114-29 Taipei Court, north side, 421' west of 115th

Street, Block 4019, Lot 137, Borough of Queens.

114-31 Taipei Court, north side, 411' west of 115th

Street, Block 4019, Lot 138, Borough of Queens.

114-33 Taipei Court, northwest corner of 115th Street,

Block 4019, Lot 139, Borough of Queens.

114-35 Taipei Court, north side, 371' west of 115th

Street, Block 4019, Lot 141, Borough of Queens.

114-20 Taipei Court, south side, 501' west of 115th

Street, Block 4019, Lot 124, Borough of Queens.

114-22 Taipei Court, south side, 491' west of 115th

Street, Block 4019, Lot 123, Borough of Queens.

114-24 Taipei Court, south side, 471' west of 115th

Street, Block 4019, Lot 122, Borough of Queens.

114-26 Taipei Court, south side, 451' west of 115th

MINUTES

Street, Block 4019, Lot 121, Borough of Queens.
114-28 Taipei Court, south side, 431' west of 115th Street, Block 4019, Lot 119, Borough of Queens.
114-30 Taipei Court, south side, 411' west of 115th Street, Block 4019, Lot 117, Borough of Queens.
114-32 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 116, Borough of Queens.
114-34 Taipei Court, south side, 371' west of 115th Street, Block 4019, Lot 115, Borough of Queens.
114-36 Taipei Court, south side, 391' west of 115th Street, Block 4019, Lot 114, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES -

For Favor: Adam Rothkrug.

PREMISES AFFECTED - 32/40 Bond Street, mid-block portion fronting on north side, of Bond Street between Lafayette and the Bowery, Block 530, Lot 48, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Favor: Shelly Friedman, Zalla Jones and Peter Brightsdin.

ACTION OF THE BOARD - Laid over to February 3, 2004, at 10 A.M., SOC Calendar, for continued hearing.

81-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Vinicio Ramirez

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 857 East 169th Street/1351 Lyman Place, north side of E. 169th Street west of corner formed by East 169th Street and Lyman Place, Block 2970, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #3BX

APPEARANCES -

For Favor: Timothy Rice.

ACTION OF THE BOARD - Laid over to December 23, 2003, at 10 A.M. SOC Calendar, for continued hearing.

156-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: RKO Plaza LLC & Farrington Street Developers, LLC.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 135-35 Northern Boulevard, north side of intersection of Main Street and Northern Boulevard, Block 4958, Lots 48 and 38, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to February 10, 2004, at 10 A.M., SOC Calendar, for continued hearing.

69-03-BZ

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Bond Street, LLC, owner.

SUBJECT - Application February 12, 2003 - under Z.R. § 72-21 to permit the proposed development of a 15-story mixed-use building, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, where residential use is not permitted is contrary to Z.R. §42-10.

ACTION OF THE BOARD - Laid over to March 10, 2004, at 10 A.M., for continued hearing.

193-03-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Park and Kent Associates, Inc.

SUBJECT - to dismiss the application for lack of prosecution.

PREMISES AFFECTED - 824-834 Kent Avenue, south side of Park Avenue, east of Taafee Place, Block 1897, Lot 31, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Favor: Jim Plotxin.

ACTION OF THE BOARD - Laid over to January 27, 2004, at 10 A.M., SOC Calendar, for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 11:00 A.M.