
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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June 17, 2004

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DOCKETS

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213-04-A B.Q. 40 Queens Walk, west side, 203.23' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1# 401820712. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

214-04-A B.Q. 18 Essex Walk, north west corner of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1# 401816558. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, has a private disposal system in the bed of a service road and is located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law and Department of Buildings' Policy.

215-04-A B.Q. 4 Jamaica Walk, west side, 30' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens. Alt.1# 401816549. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

216-04-A B.Q. 14 Essex Walk, west side, 55.80' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1# 401820909. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street, and has a private disposal system in the bed of a service road, is contrary to Section 36, Article 3 of the General City Law and Department of Buildings' Policy.

217-04-A B.Q. 464 Seabreeze Walk, east side, 30.71' east of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.1# 401805490. Proposed enlargement of an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

218-04-A B.Q. 100-23 39TH Avenue, north

side, between 100 and 102nd Streets, Block 1767, Lot 60, Borough of Queens. Applic.#401862542. Proposed construction of a four story and cellar eight family residential building, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

219-04-BZ B.BX. 2162/70 University Avenue, aka Dr. Martin Luther King Boulevard, southeast corner of University Avenue and 181st Street, Block 3211, Lots 4 and 9, Borough of The Bronx. Alt.1#200761599. The legalization of a portion of the required open space of the premises, for use as parking spaces (30 spaces), which are to be accessory to the existing 110 unit multiple dwelling, located in an R7-1 zoning district, is contrary to Z.R. §25-64 and §23-142.

COMMUNITY BOARD #5BX

220-04-BZ B.BK. 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting on North 9th and 10th Streets and Driggs Avenue, Block 2305, Lot 18, Borough of Brooklyn. Applic.#301216716. Proposed physical culture establishment, to occupy a portion of the second floor, of an existing six story building, located in an M1-2 zoning district, is contrary to Z.R. §42-10.

COMMUNITY BOARD #1BK

221-04-A B.Q. 39 Irving Walk, north side of Breezy Point Boulevard, 518.38' west of Beach 207th Street, Block 16350, Lot 400, Borough of Queens. Alt.1#401842994. Proposed alteration and enlargement of an existing one family dwelling, located within the bed of a mapped street, and has a private disposal system in the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law and Department of Buildings' Policy.

222-04-A B.S.I. 468 Arthur Kill Road, bed of Pemberton Avenue intersection, with south side of Arthur Kill Road, Block 5450, Lot 35, Borough of Staten Island. Applic.#500684404. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

DOCKETS

223-04-A B.S.I. 120 Pemberton Avenue, bed of Pemberton Avenue, 106.72' south of Arthur Kill Road, Block 5450, Lot 36, Borough of Staten Island. Applic.#500684397. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

224-04-A B.S.I. 122 Pemberton Avenue, bed of Pemberton Avenue, 106.72' south of Arthur Kill Road, Block 5450, Lot 37, Borough of Staten Island. Applic.#500684388. Proposed construction, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

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

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

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, July 13, 2004, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

722-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Matthews Pines, owner; Speedstar Motors, Inc., lessee.

SUBJECT - Application July 30, 2003 - reopening for an amendment to legalize a change of use from wholesale storage and packaging establishment, with an accessory office and loading area (Use Group 16) to automotive repair and sales (Use Group 16) and warehouse (Use Group 16), with accessory offices, located in an R-6 zoning district.

PREMISES AFFECTED - 388-392 Kings Highway, West 3rd Street and Kings Place, Block 6678, Lot 68, Borough of Brooklyn.

COMMUNITY BOARD #11

173-92-BZ

APPLICANT - Law Offices of Howard Goldman LLC, for Bremen House, Inc., owner.

SUBJECT - Application February 20, 2004 - reopening for an extension of term of special permit granted pursuant to Z.R. §73-36 that permitted a physical culture establishment on the second floor of a building, located in a C2-8 zoning district.

PREMISES AFFECTED - 220 East 86th Street, between 2nd and 3rd Avenues, Block 1531, Lot 38, Borough of Manhattan.

COMMUNITY BOARD #8M

176-99-BZ

APPLICANT - The Agusta Group, for Marathon Parkway Assoc., LLC, owner.

SUBJECT - Application May 11, 2004- reopening for an extension of time to complete construction.

PREMISES AFFECTED - 45-17 Marathon Parkway, east side 110.48' south of Northern Boulevard, Block 8226, Lot 10, Borough of Queens.

COMMUNITY BOARD #11Q

APPEALS CALENDAR

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

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday*

18-04-A

APPLICANT - Robert Miller, for Breezy Point Co-op, Inc., owner; Mr. Ronald Kirsche, lessee.

SUBJECT - Application February 4, 2004 - Proposed addition of a second floor, to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 5 of the General City Law.

PREMISES AFFECTED - 10 Irving Walk, west side, 105.69' south of Oceanside Avenue, Block 16350, Lot 400, Borough of Queens.

COMMUNITY BOARD #14

148-04-A

APPLICANT - Jenkins & Gilchrist Parker Chaplin, LLP and Fischbein Badillo Wagner Harding

OWNER OF RECORD: Sterling & Seventh LLC.

SUBJECT - Application April 5, 2004 - Under Z.R. §12-10 to reverse the NYC Department of Buildings' revocation of the above referenced permits. The permits had allowed for the subdivision of Lot 52 from Lots 55, 58, and 61 and the construction of new building on Lot 52.

PREMISES AFFECTED - 133 Sterling Place, aka 22 Seventh Avenue, northwest corner, Block 942, lots 48 and 52, Borough of Brooklyn.

COMMUNITY BOARD #6

afternoon, July 13, 2004, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

CALENDAR

ZONING CALENDAR

358-03-BZ

APPLICANT - Harold Weinberg, P.E., for Rita Citronenbaum, owner.

SUBJECT - Application November 19, 2003 - under Z.R. §72-21 to permit the proposed enlargement to an existing single family residence, Use Group 1, located in an R5 zoning district, which does not comply with the zoning requirements for lot coverage, also rear and side yards, is contrary to Z.R. §23-146 and §23-47.

PREMISES AFFECTED - 1651 52nd Street, north side, 334'-4 ½" west of 17th Avenue, Block 5466, Lot 69, Borough of Brooklyn.

COMMUNITY BOARD #12

391-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Midwood Realty LLC, owner.

SUBJECT - Application December 22, 2003 - under Z.R. §72-21 to permit the proposed construction of an eight-story plus basement residential building, Use Group 2, located in an R6 zoning district, which does not comply with the zoning requirements for maximum building height and floor area, is contrary to Z.R. §23-633 and §23-145.

PREMISES AFFECTED - 1288 East 19th Street, between Avenues "L and M", Block 6738, Lots 36, 38, 137 and part of 136, Borough of Brooklyn.

COMMUNITY BOARD #14

SUBJECT - Application February 6, 2004 - under Z.R. §11-412 to permit the reestablishment of an expired variance previously granted under Cal. No. 423-54-BZ, for a gasoline service station in a C2-1 within an R-4 zoning district, also the legalization of the conversion of a portion of the gas station to an accessory retail convenience store, is contrary to Z.R. §22-10 and §32-10.

PREMISES AFFECTED - 1217 East 233rd Street, aka 3923 Baychester Avenue, Block 4954, Lot 68, Borough of The Bronx.
COMMUNITY BOARD #12

Pasquale Pacifico, Executive Director

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19-04-BZ

APPLICANT - Sheldon Lobel, P.C., for Motiva Enterprises, LLC, owner.

**REGULAR MEETING
TUESDAY MORNING, JUNE 8, 2004
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, April 13, 2004, were approved as printed in the Bulletin of April 22, 2004, Volume 89, Nos. 16 & 17.

SPECIAL ORDER CALENDAR

707-56-BZ, Vol. II

APPLICANT - Walter T. Gorman, P.E., for Jewell Mallinson/Leonard Mallinson, owners; Amoco Oil Company, lessee.

SUBJECT - Application January 13, 2004 - reopening for an extension of term of variance which expired April 21, 2004.

PREMISES AFFECTED - 1500/10 Williamsbridge Road, northeast corner of Eastchester Road, Block 4082, Lot 5, Borough of The Bronx.

COMMUNITY BOARD #11BX

APPEARANCES -

For Applicant: John Ronan.

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

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 11, 2004 after due notice by publication in The City Record, and then to June 8, 2004 for decision; and

WHEREAS, the applicant requests a reopening and an extension of the term of the variance, which expired on April 21, 2004; and

WHEREAS, on April 21, 1959, the Board granted a variance for the operation of a gasoline service station with accessory uses on the subject premises; and

WHEREAS, since the original grant, the applicant has obtained subsequent minor amendments and extensions of the term of the variance, the most recent extension being granted on September 10, 1996.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, and, said resolution having been adopted on April 21, 1959 as amended through June 24, 1986 so that, as amended, this portion of the resolution shall read: "to permit the

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a reopening, an extension of the term of the variance which expires on October 21, 2005, and an amendment of the resolution; and

extension of the term of the variance for an additional ten (10) years from April 21, 2004 expiring on April 21, 2014; on condition that all work shall substantially conform to drawings as filed with this application marked 'Received May 24, 2004'- (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;

THAT a six (6) foot opaque fence will be provided on the portions of the lot abutting other uses as shown on the submitted plans;

THAT the above conditions and all conditions from prior resolutions 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 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 # 200813334)

Adopted by the Board of Standards and Appeals, June 8, 2004.

735-59-BZ

APPLICANT - Walter T. Gorman, P.E., for 902 Soundview Realty LLC, owner; Palisades Fuel, lessee.

SUBJECT - Application January 12, 2004 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired and for an amendment to the resolution.

PREMISES AFFECTED - 902 Soundview Avenue northeast corner of Story Avenue, Block 3662, Lots 1 and 59, Borough of The Bronx.

COMMUNITY BOARD #18BX

APPEARANCES -

For Applicant: John Ronan.

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

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on April 13, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004 and then to June 8, 2004 for decision; and

WHEREAS, on May 24, 1960, the Board granted an application to permit the erection of a gasoline service station, sales of auto accessories, and an auto laundry; and

WHEREAS, since the original grant, the applicant has obtained

MINUTES

subsequent minor amendments and extensions of the term of the variance, the most recent extension being granted on February 11, 1997; and

WHEREAS, the applicant currently seeks to convert a portion of the existing service building to an accessory convenience store, remove the kiosk from the center island; change the center island from a 23' by 6' concrete island with one multi-product dispenser to a 23' by 3' concrete island with one (1) multi-product dispenser and steel inverted "U" bumpers; modify the service building by establishing an attendant's area within the space currently designated as the office and sales area; shorten the island closest to Soundview Avenue, remove one of its multi-product dispensers and add a diesel dispenser to the remaining multi-product dispenser; and

WHEREAS, the applicant has removed a curb cut along Rosedale Avenue, thus reducing an impediment to pedestrian traffic; and

WHEREAS, the applicant will eliminate the existing vacuum cleaning units and auto laundry facilities.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution 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 October 21, 2005 expiring on October 21, 2015, and to permit the conversion of a portion of the existing service building to an accessory convenience store; the removal of the kiosk from the center island; the change of the center island from a 23' by 6' concrete island with one multi-product dispenser to a 23' by 3' concrete island with one (1) multi-product dispenser and steel inverted "U" bumpers; the modification of the service building by establishing an attendant's area within the space currently designated as the office and sales area; the shortening of the island closest to Soundview Avenue, the removal of one of its multi-product dispensers and the addition a diesel dispenser to the remaining multi-product dispenser; on condition that all work shall substantially conform to drawings as filed with this application, marked, 'Received April 30, 2004' - (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 a six (6) foot opaque fence will be provided on the portions of the lot abutting other uses as shown on the submitted plans;

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

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on June 25, 1968 as amended on December 21, 1999, so that as amended this portion of the resolution shall read: "To permit an extension of the time to obtain a Certificate of Occupancy for an additional two (2) years from the date of this resolution to expire on June 8, 2006 on condition:

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

THAT any graffiti located on the premises shall be removed

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 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 # 200817447)

Adopted by the Board of Standards and Appeals, June 8, 2004.

116-68-BZ

APPLICANT - Stephen Rizzo, for 40 Central Park South Inc., owner; Café Atlas, lessee.

SUBJECT - Application December 19, 2003 - reopening for an extension of time to obtain a certificate of occupancy which expired on December 21, 2003.

PREMISES AFFECTED - 40 Central Park South, south side, 120' east of Sixth Avenue, Block 1274, Lot 6, Borough of Manhattan.

COMMUNITY BOARD #5

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened and time to obtain a Certificate of Occupancy extended.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on March 23, 2004, after due notice by publication in The City Record, with continued hearings on April 27, 2004, and May 18, 2004 and then to June 8, 2004 for decision; and

WHEREAS, the applicant requested an extension of time to obtain a Certificate of Occupancy for an eating and drinking establishment; and

WHEREAS, the applicant represents that due to unforeseen circumstances on the premises - specifically, various open applications on the building and various violations that have since been cleared - 5% of the construction has not been completed, and the Certificate of Occupancy application has been delayed; and

WHEREAS, the applicant has provided photographic evidence of the work completed.

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 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 # 101857224)

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Adopted by the Board of Standards and Appeals, June 8, 2004.

1038-80-BZ

APPLICANT - Davidoff & Malito, LLP, for Feinrose Downing, LLC, owner; Expressway Arcade Corp., lessee.

SUBJECT - Application January 29, 2004 - reopening for an extension of term of variance which expired January 6, 2004.

PREMISES AFFECTED - 31-07/09/11 Downing Street, Block 4327-4367, Lot 1, Borough of Queens.

COMMUNITY BOARD #7Q

APPEARANCES - None.

ACTION OF THE BOARD - Application reopened, and term of special permit extended.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 11, 2004 after due notice by publication in The City Record, and then to June 8, 2004 for decision; and

WHEREAS, the applicant requests a reopening and an extension of the term of the special permit, which expired on January 6, 2004; and

WHEREAS, on January 6, 1981, the Board granted a special permit for the operation of an amusement arcade on the subject premises; and

WHEREAS, on May 13, 1986, the special permit was amended to increase the number of amusement arcade games from 112 to 130.

Resolved, that the Board of Standards and Appeals, reopens and amends the resolution, said resolution having been adopted on January 6, 1981 as amended May 13, 1986, 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 one (1) year from January 6, 2004 expiring on January 6, 2005; on condition that all work shall substantially conform to drawings as filed with this application marked 'Received January 29, 2004'-(1) sheet; and on further condition:

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

WHEREAS, the applicant requests a waiver of the Rules of Practice and Procedure, a reopening and an extension of the term of the special permit, which expired on June 6, 2003; and

WHEREAS, Bronx Community Board #9 has recommended approval of this application; and

WHEREAS, the Board notes that the applicant has agreed to comply with most of the Community Board conditions with the exception of a request for a double-door entrance which would necessitate a significant interior alteration to the premises; and

WHEREAS, on September 13, 1994, the Board granted a

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

THAT there are no more than 130 amusement games on the subject premises;

THAT the above conditions and all conditions from prior resolutions 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 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 # 435-81)

Adopted by the Board of Standards and Appeals, June 8, 2004.

34-94-BZ

APPLICANT - Maduakolam M. Nnabuihe, for Kenny Collado, owner.

SUBJECT - Application October 3, 2003 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 6, 2003.

PREMISES AFFECTED - 401, 403, 405 Castle Hill Avenue, a/k/a 2181 Norton Avenue, northwest corner of Castle Avenue and Norton Avenue, Block 3510, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Adam Rothkrug.

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

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on February 24, 2004 after due notice by publication in The City Record, with continued hearings on March 23, 2004, April 20, 2004, and May 18, 2004, and then to June 8, 2004 for decision; and

special permit for the operation of an eating and drinking establishment with dancing on the subject premises; and

WHEREAS, on June 6, 2000 the term of the special permit was extended for a period of three (3) years.

Resolved, that the Board of Standards and Appeals waives the Rules of Practice and Procedure and reopens and amends the resolution, said resolution having been adopted on September 13, 1994 as amended June 6, 2000 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 three (3) years from June 6, 2003

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expiring on June 6, 2006; on condition that all work shall substantially conform to drawings as filed with this application marked 'Received May 11, 2004'-(2) 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 nine parking spaces shall be provided in accordance with BSA-approved plans; and

THAT security lighting shall be provided along the sides and rear of the building;

THAT, on Fridays, Saturdays and Sundays, a parking attendant shall be responsible for parking all automobiles, and patrons shall be prohibited from parking their own automobiles;

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 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 # 200801588)

Adopted by the Board of Standards and Appeals, June 8, 2004.

295-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V'Yalda Early Childhood Center, owner.

SUBJECT - Application January 22, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

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 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 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."

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

ACTION OF THE BOARD -Application reopened and amended.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on May 11, 2004 after due notice by publication in The City Record, and then to June 8, 2004 for decision; and

WHEREAS, the applicant requests a reopening and amendment of the resolution to permit an increase in the size of the proposed cellar; and

WHEREAS, on May 14, 2002, the board granted a variance to permit, in an M2-1 zoning district, the construction and operation of a school, Use Group 3, on the subject premises; and

WHEREAS, on September 24, 2002, the resolution was amended to eliminate the entire fifth floor and approximately 70% of the cellar level, which was intended for a gym/auditorium use; and

WHEREAS, the amendment also entailed re-designating the former sub-cellar as the cellar and the former cellar space as a mezzanine; and

WHEREAS, upon commencing construction, it was determined that some of the cellar space removed as part of the September 24, 2002 amendment application would be needed for two (2) kitchens and additional multi-purpose space for activities related to religious functions; and

WHEREAS, the applicant states that the current proposal does not change any zoning calculations and merely returns some of the gross cellar floor area which was granted by the Board in the original variance application.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on May 14, 2002, so that as amended this portion of the resolution shall read: "To permit an increase in the size of the proposed cellar on condition that all work shall substantially conform to drawing as they apply to the objections above noted, filed with this application marked 'Received May 25, 2004'-(3) sheets; and on further condition:

(DOB # 301268964)

Adopted by the Board of Standards and Appeals, June 8, 2004.

406-03-BZY

APPLICANT - Eric Palatnik, Esq., for Morning Star Development Corp., owner.

SUBJECT - Application December 31, 2003 - Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

PREMISES AFFECTED -

2 Wenlock Street, south side, 30'west of Morning Star Road, Block

MINUTES

1179, Lot 32, Tentative Lot 33, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a major development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004, and then to decision on June 8, 2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, the Board notes that this application has been filed with three companion applications for the premises at 4, 8 & 10 Wenlock Street, under BSA Calendar Nos. 407-03-BZY, 408-03-BZY, and 409-03-BZY; and

WHEREAS, Z.R. §11-331 authorizes the Board to grant a six month extension of time to complete foundations upon a finding that "on the effective date the building permit lapsed, excavation had been completed and substantial progress made on foundations"; and

WHEREAS, the subject premises is proposed to be developed with two-family homes as one of four adjacent residential developments, located at the southwest corner of the intersection of Morningstar Road and Wenlock Street; and

WHEREAS, the record indicates that on December 2, 2003 a construction permit (DOB Permit No. 500657032-NB) for the new buildings was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the applicant has provided additional documentation that approximately \$49,002 of the estimated \$77,130 associated with the foundation work (62%) has been expended on the project; and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all the requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500657032-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this resolution, to expire on December 8, 2004; on condition that the

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

WHEREAS, the applicant represents that excavation of the site and pouring of the footings commenced immediately after issuance of the building permits, and that as of December 3, 2003, 100% of the excavation was completed and the footings were in place; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003, from R3-2 to R3A, and that the vote making such rezoning effective occurred in the afternoon, well after the work performed at the site in the morning; and

WHEREAS, the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 4, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and foundations, a breakdown of mobilization costs, architectural and engineering fees, and other soft costs attributable to excavation and foundation costs, photos of the completed work, and a timeline of completed work from the contractors; and

WHEREAS, the Board notes that soft cost expenditures alone would not constitute substantial progress on foundations; some actual construction of the foundation is a prerequisite, and soft costs will not be considered by the Board unless such work has been performed; and

WHEREAS, the Board notes that here the excavation had been completed and 100 percent of the footings necessary for the foundation had been constructed (which necessitated substantial expenditures to cover materials and labor costs), leaving the foundation walls as the only component of the foundation not constructed; and

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

407-03-BZY

APPLICANT - Eric Palatnik, Esq., for Morning Star Development Corp., owner.

SUBJECT - Application December 31, 2003 - Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R. §11-331.

PREMISES AFFECTED -

4 Wenlock Street, south side, 48' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 32, Borough of Staten Island.

COMMUNITY BOARD #1SI

MINUTES

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application under Z.R. '11-331, to renew a building permit and extend the time for the completion of the foundation of a major development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004 and a decision on June 8, 2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, the Board notes that this application has been filed with three companion applications for the premises at 2, 8 & 10 Wenlock Street, under BSA Calendar Nos. 406-03-BZY, 408-03-BZY, and 409-03-BZY; and

WHEREAS, Z.R. §11-331 authorizes the Board to grant a six month extension of time to complete foundations upon a finding that "on the effective date the building permit lapsed, excavation had

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and foundations, a breakdown of mobilization costs, architectural and engineering fees, and other soft costs attributable to excavation and foundation costs, photos of the completed work, and a timeline of completed work from the contractors; and

WHEREAS, the Board notes that soft cost expenditures alone would not constitute substantial progress on foundations; some actual construction of the foundation is a prerequisite, and soft costs will not be considered by the Board unless such work has been performed; and

WHEREAS, the Board notes that here the excavation had been completed and 100 percent of the footings necessary for the foundation had been constructed (which necessitated substantial expenditures to cover materials and labor costs), leaving the foundation walls as the only component of the foundation not constructed; and

WHEREAS, the applicant has provided additional documentation that approximately \$49,002 of the estimated \$77,130 associated with the foundation work (62%) has been expended on the project; and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

been completed and substantial progress made on foundations"; and
WHEREAS, the subject premises is proposed to be developed with two-family homes as one of four adjacent residential developments, located at the southwest corner of the intersection of Morningstar Road and Wenlock Street; and

WHEREAS, the record indicates that on December 2, 2003 a construction permit (DOB Permit No. 500657069-01-NB) for the new buildings was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

WHEREAS, the applicant represents that excavation of the site and pouring of the footings commenced immediately after issuance of the building permits, and that as of December 3, 2003, 100% of the excavation was completed and the footings were in place; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003, from R3-2 to R3A, and that the vote making such rezoning effective occurred in the afternoon, well after the work performed at the site in the morning; and

WHEREAS, the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 4, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all the requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500657032-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this resolution, to expire on December 8, 2004; on condition that the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 8, 2004.

408-03-BZY

APPLICANT - Eric Palatnik, Esq., for Morning Star Development Corp., owner.

MINUTES

SUBJECT - Application December 31, 2003 - Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R. §11-331.

PREMISES AFFECTED -

8 Wenlock Street, south side, 56' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 30, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application under Z.R. '11-331, to renew a building permit and extend the time for the completion of the foundation of a major development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004 and a decision on June 8,

WHEREAS, the applicant represents that excavation of the site and pouring of the footings commenced immediately after issuance of the building permits, and that as of December 3, 2003, 100% of the excavation was completed and the footings were in place; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003, from R3-2 to R3A, and that the vote making such rezoning effective occurred in the afternoon, well after the work performed at the site in the morning; and

WHEREAS, the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 4, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and foundations, a breakdown of mobilization costs, architectural and engineering fees, and other soft costs attributable to excavation and foundation costs, photos of the completed work, and a timeline of completed work from the contractors; and

WHEREAS, the Board notes that soft cost expenditures alone would not constitute substantial progress on foundations; some actual construction of the foundation is a prerequisite, and soft costs will not be considered by the Board unless such work has been performed; and

WHEREAS, the Board notes that here the excavation had been completed and 100 percent of the footings necessary for the

2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, the Board notes that this application has been filed with three companion applications for the premises at 2, 4 & 10 Wenlock Street, under BSA Calendar Nos. 406-03-BZY, 407-03-BZY, and 409-03-BZY; and

WHEREAS, Z.R. §11-331 authorizes the Board to grant a six month extension of time to complete foundations upon a finding that "on the effective date the building permit lapsed, excavation had been completed and substantial progress made on foundations"; and

WHEREAS, the subject premises is proposed to be developed with two-family homes as one of four adjacent residential developments, located at the southwest corner of the intersection of Morningstar Road and Wenlock Street; and

WHEREAS, the record indicates that on December 2, 2003 a construction permit (DOB Permit No. 500657078-NB) for the new buildings was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

foundation had been constructed (which necessitated substantial expenditures to cover materials and labor costs), leaving the foundation walls as the only component of the foundation not constructed; and

WHEREAS, the applicant has provided additional documentation that approximately \$49,002 of the estimated \$77,130 associated with the foundation work (62%) has been expended on the project; and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all the requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500657032-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this resolution, to expire on December 8, 2004; on condition that the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, June 8, 2004.

MINUTES

409-03-BZY

APPLICANT - Eric Palatnik, Esq., for Morning Star Development Corp., owner.

SUBJECT - Application December 31, 2003 - Proposed extension of time to complete construction for a minor development for a period of six months pursuant to Z.R.§11-331.

PREMISES AFFECTED -

10 Wenlock Street, south side, 82' west of Morning Star Road, Block 1179, Lot 32, Tentative Lot 20, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

WHEREAS, Z.R. §11-331 authorizes the Board to grant a six month extension of time to complete foundations upon a finding that "on the effective date the building permit lapsed, excavation had been completed and substantial progress made on foundations"; and

WHEREAS, the subject premises is proposed to be developed with two-family homes as one of four adjacent residential developments, located at the southwest corner of the intersection of Morningstar Road and Wenlock Street; and

WHEREAS, the record indicates that on December 2, 2003 a construction permit (DOB Permit No. 500657087-01-NB) for the new buildings was lawfully issued to the applicant by the Department of Buildings; and

WHEREAS, the record shows that the building permit was issued to the owner of the zoning lot; and

WHEREAS, the applicant represents that excavation of the site and pouring of the footings commenced immediately after issuance of the building permits, and that as of December 3, 2003, 100% of the excavation was completed and the footings were in place; and

WHEREAS, the applicant represents that the City Council rezoned the subject premises on December 3, 2003, from R3-2 to R3A, and that the vote making such rezoning effective occurred in the afternoon, well after the work performed at the site in the morning; and

WHEREAS, the rezoning of the subject zoning district effectively caused the building permit to lapse; and

WHEREAS, on December 4, 2003, the Department of Buildings issued a stop-work order to the subject premises, halting construction thereon; and

WHEREAS, in support of the contention that excavation was complete and substantial progress had been made on foundations, the applicant has submitted various pieces of evidence, including: bills and invoices showing the dollar amount of expenditures on the excavation and foundations, a breakdown of mobilization costs,

Commissioner Caliendo, Commissioner Miele and
Commissioner Chin.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, this is an application under Z.R. §11-331, to renew a building permit and extend the time for the completion of the foundation of a major development under construction; and

WHEREAS, a public hearing was held on this application on April 28, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004 and a decision on June 8, 2004; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, the Board notes that this application has been filed with three companion applications for the premises at 2, 4 & 8 Wenlock Street, under BSA Calendar Nos. 406-03-BZY, 407-03-BZY, and 408-03-BZY; and

architectural and engineering fees, and other soft costs attributable to excavation and foundation costs, photos of the completed work, and a timeline of completed work from the contractors; and

WHEREAS, the Board notes that soft cost expenditures alone would not constitute substantial progress on foundations; some actual construction of the foundation is a prerequisite, and soft costs will not be considered by the Board unless such work has been performed; and

WHEREAS, the Board notes that here the excavation had been completed and 100 percent of the footings necessary for the foundation had been constructed (which necessitated substantial expenditures to cover materials and labor costs), leaving the foundation walls as the only component of the foundation not constructed; and

WHEREAS, the applicant has provided additional documentation that approximately \$49,002 of the estimated \$77,130 associated with the foundation work (62%) has been expended on the project; and

WHEREAS, the Board finds the submitted evidence sufficient and credible; and

WHEREAS, the Board observed on its site visit that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, therefore, the Board finds that excavation was complete and substantial progress had been made on foundations; and

WHEREAS, consequently, the Board finds that the applicant has adequately satisfied all the requirements of Z.R. §11-331.

Therefore, it is resolved that this application is granted to renew New Building permit No. 500657032-NB pursuant to Z.R. §11-331, and to extend the time to complete the required foundations for one term of six months from the date of this resolution, to expire on December 8, 2004; on condition that the

MINUTES

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

724-56-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Anthony Nicovic, owner.

SUBJECT - Application December 18, 2003 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 19, 2002 and for an amendment to the resolution.

283-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for OPM Holdings, LLC, owner.

SUBJECT - Application January 7, 2004 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1400 Clove Road, a/k/a Oswego Street, southwest corner of Clove Road and Oswego Street, Block 658, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Mary Ann McGowan and Ali Alsaede.

ACTION OF THE BOARD - Laid over to August 10, 2004, at 10:00 A.M., for continued hearing.

125-92-BZ

APPLICANT - Rampulla Associates Architects, for Nicholas Criscitelli, owner.

SUBJECT - Application April 7, 2004 - reopening for an amendment to the resolution - to eliminate the retail sales portion of the building and modify the number of persons to occupy the eating and drinking establishment.

PREMISES AFFECTED - 3333 Hylan Boulevard, north side Hylan Boulevard between Spratt Avenue and Hopkins Avenue, Block 4987, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Applicant: Phil Rampulla.

For Opposition: Carole Timka, Linda Nigro, John Timka, Rosemarie Trotta, Sarosa Vikram, Keith Tuzzo, John Guissari and Loretta Maragni.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 10 A.M., for continued hearing.

PREMISES AFFECTED - 42-42 Francis Lewis Boulevard, south of 42nd Road, Block 5373, Lot 26, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to June 22, 2004, at 10 A.M., for decision, hearing closed.

120-93-BZ

APPLICANT - Sheldon Lobel, P.C., for Harry McNulty, owner.

SUBJECT - Application December 17, 2003 - reopening for an extension of term of variance which expired May 10, 2004 and for an amendment to allow the elimination of gasoline sales, permitting the sale of used automobiles and increase on site parking to 9 spaces

PREMISES AFFECTED - 222-19 Linden Boulevard, northwest corner of Linden Boulevard and 223rd Street, Block 11323, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Sheldon Lobel, Elisa B. Hwu and Archie Spigner.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 10 A.M., for continued hearing.

95-97-BZ

APPLICANT - The Law Office of Fredrick A. Becker, for Lavin Brothers Austin, LLC, owner; TSI Forest Hills, Inc., lessee.

SUBJECT - Application January 20, 2004 - reopening for an amendment to the resolution to permit the legalization of an expansion in floor area of a previously granted special permit to allow the operation of a physical culture establishment on the first floor.

PREMISES AFFECTED - 69-47 Austin Street, northwest corner of Austin Street and 70th Avenue, Block 3237, Lot 30, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 10 A.M., for postponed hearing.

234-98-BZ

MINUTES

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. Boulevard, a/k/a 2600-2614 7th Avenue, west side of Adam Clayton Powell Jr. Boulevard, blockfront from W. 150th Street to W. 151st Street, Block 2036, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #10M

APPEARANCES -

For Applicant: John Ronan.

PREMISES AFFECTED - 310 Hillside Avenue, south side, 350.0' west of Beach 178th Street, Block 16340, Lot 50, Borough of Queens. .

COMMUNITY BOARD #14Q

APPEARANCES - None.

ACTION OF THE BOARD -Appeal granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Queens Borough Commissioner, dated January 5, 2004 , acting on Department of Buildings ALT 1. Application No. 401731088, reads in pertinent part:

"A1- The street giving access to the existing building to be altered is not duly placed on the official map of the City of New York, therefore:

A) A Certificate of Occupancy may not be issued as per Article 3, Section 36 of the General City Law

B) Existing dwelling to be altered does not have at least 8% of total perimeter of the building fronting directly upon a legally mapped street or frontage is contrary to Section 27-291 of the Administrative Code of the City of New York."; and

WHEREAS, by the letter dated January 22, 2004, the Fire Department states that it has reviewed the above project and has no objections; and

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

Resolved, that the decision of the Queens Borough Commissioner, dated January 5, 2004 acting on ALT 1. Application No. 401731088 is modified under the power vested in the Board by Section 36 of the General City Law, 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 January 13, 2004"-(1) sheet; and that the proposal comply with all applicable R4 zoning

ACTION OF THE BOARD - Laid over to September 21, 2004, at 10 A.M., for continued hearing.

12-04-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Jeanne & Michael Byrnes, lessees.

SUBJECT - Application January 13, 2004 - Proposed reconstruction and enlargement of an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law..

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 June 8, 2004.

53-04-A thru 62-04-A

APPLICANT - New York City Department of Buildings

OWNER OF RECORD: Thomas Huang

SUBJECT - Applications February 26, 2004 - Application to revoke Certificate of Occupancy No. 401223289, on the basis that the Certificate of Occupancy allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code.

PREMISES AFFECTED -

140-26A 34th Avenue, Block 4994, Lot 24, Borough of Queens.

140-28 34th Avenue, Block 4994, Lot 224, Borough of Queens.

140-28A 34th Avenue, Block 4994, Lot 224, Borough of Queens.

140-30 34th Avenue, Block

MINUTES

4994,
Lot
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140-30A 34th Avenue, Block 4994, Lot 225, Borough of Queens.

140-32 34th Avenue, Block 4994, Lot 126, Borough of Queens.

140-32A 34th Avenue, Block 4994, Lot 27, Borough of Queens.

140-34 34th Avenue, Block 4994, Lot 127, Borough of

73-04-A thru 124-04-A

APPLICANT - Fischbein Badillo Wagner Harding for Strickland Realty, LLC, owner.

SUBJECT - Application March 9, 2004 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED -

11 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2001, Borough of Brooklyn. Applic.#301815542. 23 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2002, Borough of Brooklyn. Applic.#301815490. 25 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2003, Borough of Brooklyn. Applic.#301812402. 31 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2004, Borough of Brooklyn. Applic.#301812411. 33 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2005, Borough of Brooklyn. Applic.#301812420. 39 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2006, Borough of Brooklyn. Applic.#301812439. 41 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2007, Borough of Brooklyn. Applic.#301812448. 47 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2008, Borough of Brooklyn. Applic.#301812457. 49 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2009, Borough of Brooklyn. Applic.#301812466. 57 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield

Queens.

140-34A 34th Avenue, Block 4994, Lot 227, Borough of Queens.

140-36 34th Avenue, Block 4994, Lot 327, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Opposition: Adam Rothkrug and Tom Berineto.

For Administration: Lisa Orantia, Department of Buildings.

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

Drive, Block 8470, Lot 2010, Borough of Brooklyn.

Applic.#301812475. 59 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2011, Borough of Brooklyn.

Applic.#301812484. 65 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2012, Borough of Brooklyn.

Applic.#301812493.

67 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2013, Borough of Brooklyn. Applic.#301812509.

73 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2014, Borough of Brooklyn. Applic.#301812518.

5 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2015, Borough of Brooklyn. Applic.#301812527.

83 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2016, Borough of Brooklyn. Applic.#301815481. 5 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2017, Borough of Brooklyn. Applic.#301809657.

15 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2018, Borough of Brooklyn. Applic.#301805338.

31 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2019, Borough of Brooklyn. Applic.#301801529.

39 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2020, Borough of Brooklyn. Applic.#301815356.

47 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2021, Borough of Brooklyn. Applic.#301815347.

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55 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2022, Borough of Brooklyn. Applic.#301815365

63 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2023, Borough of Brooklyn. Applic.#301809675.

87 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2026, Borough of Brooklyn. Applic.#301810725.

64 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2027, Borough of Brooklyn. Applic.#301815472.

62 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2028, Borough of Brooklyn. Applic.#301815536. 56 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2029, Borough of Brooklyn. Applic.#301815506.

54 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2030, Borough of Brooklyn. Applic.#301815515.

48 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2031, Borough of Brooklyn. Applic.#301815524.

46 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2032, Borough of Brooklyn. Applic.#301815551.

38 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2033, Borough of Brooklyn. Applic.#301815560.

36 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2034, Borough of Brooklyn. Applic.#301815579.

30 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2035, Borough of Brooklyn. Applic.#301815588.

28 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2036, Borough of Brooklyn. Applic.#301815597.

50 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2037, Borough of Brooklyn. Applic.#301815631.

48 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2038, Borough of Brooklyn. Applic.#301815622.

86 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2039, Borough of Brooklyn. Applic.#301815604.

APPEARANCES -

For Applicant: Howard Hornstein, Lewis Fidler, Councilman by

71 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2024, Borough of Brooklyn. Applic.#301809538.

79 Clear Water Road, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2024, Borough of Brooklyn. Applic.#301810716.

84 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2040, Borough of Brooklyn. Applic.#301815613.

78 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2041, Borough of Brooklyn. Applic.#301810734.

76 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2042, Borough of Brooklyn. Applic.#301810743.

70 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2043, Borough of Brooklyn. Applic.#301810752.

68 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2044, Borough of Brooklyn. Applic.#301810761.

60 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2045, Borough of Brooklyn. Applic.#301810770.

58 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2046, Borough of Brooklyn. Applic.#301810789.

22 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2047, Borough of Brooklyn. Applic.#301810798.

16 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2048, Borough of Brooklyn. Applic.#301810805.

14 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2049, Borough of Brooklyn. Applic.#301810814.

6 Harbor Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2050, Borough of Brooklyn. Applic.#301810823.

22 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2051, Borough of Brooklyn. Applic.#301810841.

10 Bell Point Drive, west side of Strickland Avenue, between prolongations of East 57th Place and Mayfield Drive, Block 8470, Lot 2052, Borough of Brooklyn. Applic.#301810832.

Applic.#301810832.

COMMUNITY BOARD #18BK

Michael D. Benjamin.

THE VOTE TO CLOSE HEARING-

Affirmative: Chair Srinivasan, Vice-Chair Babbar,

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Commissioner Caliendo, Commissioner Miele and
Commissioner Chin.....5
Negative:.....0

ACTION OF THE BOARD - Laid over to July 13, 2004, at
10 A.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:55 A.M.

**REGULAR MEETING
TUESDAY AFTERNOON, JUNE 8, 2004
2:00 P.M.**

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

ZONING CALENDAR

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.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar,
Commissioner Caliendo, Commissioner Miele and
Commissioner Chin.....5

WHEREAS, the applicant states that the following are
unique physical conditions, which create practical difficulties
and unnecessary hardships in developing the subject lot in
conformity with underlying district regulations: the existing
building is obsolete, in that it: (1) was constructed in two
parts and is divided by heavy masonry walls that prevent the
creation of open spaces that modern manufacturing
facilities require; (2) has a limited amount of openings in the

Negative:.....0
THE RESOLUTION -

WHEREAS, the decision of the Borough
Commissioner, dated November 24, 2003 acting on
Application No. 410581793 reads:

"Proposed use is contrary to Section 42-10 ZR."; and

WHEREAS, a public hearing was held on this
application on December 9, 2003 after due notice by
publication in The City Record, with continued hearings on
January 27, 2004 and March 9, 2004; the case was laid
over to March 30, 2004 for decision and the decision was
then deferred to May 11, 2004, when it was again deferred
to June 8, 2004; and

WHEREAS, the premises and surrounding area had a
site and neighborhood examination by a committee of the
Board; and

WHEREAS, Community Board 2, Queens
recommended approval of this application and the Queens
Borough President recommended conditional approval of
this application; and

WHEREAS, this is an application under Z.R. §72-21, to
permit the expansion and conversion of an existing
manufacturing building to residential use (Use Group 2)
located in an M1-4(Special LIC) zoning district, which does
not comply with the zoning requirement for use, contrary to
Z.R. §42-10; and

WHEREAS, the subject lot is located between Vernon
Boulevard and Fifth Street in Long Island City, Queens, has
a total lot area of 13,560 sq. ft., and is occupied by a 61 ft.,
4 story building with a legal use of manufacturing, retail and
office; and

WHEREAS, the lot is currently occupied with an
existing four-story building, formerly used as a zipper
factory, which was originally two buildings that were later
connected; the applicant represents that the zipper business
discontinued in the summer of 2003; and

WHEREAS, the proposed development contemplates
the conversion of the existing building into a five-story and
penthouse building, with a floor area ratio of 4.0, the
provision of 26 off-street accessory parking spaces in the
cellar, and the creation of a 31' X 43' feet light and air
courtyard which will be carved out of the existing building;
and

demising wall and small column spacing, hindering efficient
movement of materials necessary for modern warehouse
operations; (3) has a floor load capacity that can not support
use of forklifts; (4) there is no truck loading dock,
necessitating material loading at the ground floor; (5) the
existing elevator is too slow; and (6) it has inadequate
electrical service; and

WHEREAS, the applicant has submitted a report from

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an engineer describing the above conditions; and

WHEREAS, the applicant also represents that the grid structure upon which the building rests dictates both the location of the proposed light and air courtyard and the massing of the building; and

WHEREAS, the Board finds that the aforementioned unique physical conditions, when considered in the aggregate, create unnecessary hardship and practical difficulty in developing the site in conformity with the current zoning; and

WHEREAS, the applicant has submitted evidence of marketing efforts, which the Board finds credible and sufficient; and

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

WHEREAS, the applicant submitted a supplemental letter from its financial consultant, explaining why the relocation of existing bulk to the roof area is necessary; and

WHEREAS, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant represents that the neighborhood is gradually changing to residential, and that the site is only one block away from the Queens West Development; and

WHEREAS, the applicant represents that the proposed variance will not have a negative effect on street conditions or parking, as amount of traffic generated by the number of units in the building is low, off-street accessory parking will be provided, and the existing curb cut will be re-utilized; and

WHEREAS, the Board has conducted a site visit and has reviewed the submitted land use map, and concludes that residential use of the site is appropriate given the context of the neighborhood; and

WHEREAS, in response to the concerns of Community Board No. 2, the applicant has revised the proposal to include a setback at the 48th Street side of the premises; and

WHEREAS, the applicant states that the revised proposal fully complies with the proposed rezoning of the area by the New York City Department of City Planning, with the exception of the height, which is 3 feet higher than the maximum height proposed; and

WHEREAS, therefore, the Board finds that this action will not alter the essential character of the surrounding

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.

neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

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

WHEREAS, the 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 Z.R. § 72-21; 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; and

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 and grants a variance, to permit the expansion and conversion of an existing manufacturing building to residential use (Use Group 2) located in an M1-4(Special LIC) zoning district, which does not comply with the zoning requirement for use, contrary to Z.R. §42-10; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "May 24, 2004"-(13) sheets; and on further condition:

THAT the proposed accessory parking spaces in the cellar of the building shall not exceed 26 cars;

THAT the Department of Buildings will approve the layout of the cellar parking area;

THAT all applicable fire safety measures as shown on the approved plans will be complied with;

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

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

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

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325-03-BZ

APPLICANT - Walter T. Gorman, for LT Land Development Corp., owner.

SUBJECT - Application October 21, 2003 - under Z.R. §§72-11 & 72-21 to permit in an R3-2 zoning district, the proposed construction of a one-family, semi-attached home, with a front yard of less than 15 feet, contrary to Z.R. §23-45.

PREMISES AFFECTED -

307 Hamden Avenue, north side, 90' east of Boundary Avenue, Block 3687, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 23, 2003, acting on DOB Application No. 500509602, reads:

"Proposal to construct a new home in an R3-2 zoning district that will have a front yard with a dimension of less than 15' is contrary to Section 23-45 Z.R. and must, therefore, be referred to the Board of Standards and Appeals for approval."; and

WHEREAS, a public hearing was held on this application on April 13, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004 and then to decision on June 8, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, this is an application for a variance pursuant to Z.R. §72-21, to permit in an R3-2 zoning district, the proposed construction of a one-family, semi-attached home, with a front yard of less than 15 feet, contrary to Z.R. §23-45; and

WHEREAS, the subject zoning lot is located on the north side

WHEREAS, the applicant represents that the only way for the owner of the premises to realize a reasonable return on his investment is to construct a saleable home on the lot; and

WHEREAS, the applicant states that because the Hamden Avenue front yard is required to be measured from the widening line, a complying building would result in a home that would not meet the minimum dimension requirements for habitable rooms, making the home unsaleable; and

WHEREAS, based upon its review of the record and its site visit, the Board has determined that because of the subject lot's unique physical condition, specifically, the fact that it is bisected by a

of Hamden Avenue, ninety feet east of Boundary Avenue, has a total lot area of 2,958.4 sq. ft., and is currently vacant; and

WHEREAS, the zoning lot is comprised of two tax lots (Lots 6 and 8); and

WHEREAS, on lot 6, the applicant seeks to construct a 27 ft. high, two-story, one-family semi-detached home with 1393.6 sq. ft. of floor area; and

WHEREAS, under BSA Calendar No. 326-03-BZ, also decided on this date, the applicant proposes to develop tax lot 8 with another 27 ft. high, two-story, one-family semi-detached home with 1393.6 sq. ft. of floor area; and

WHEREAS, the zoning lot is bisected by the official street widening line for Hamden Avenue, which leaves a major portion of the lot within the street widening line; and

WHEREAS, although the Department of Buildings determined that no rear yard or rear yard equivalent was required, the DOB examiner determined that 15 feet front yards would be required on the Hamden Avenue frontage, as well as on the Beachview Avenue frontage; and

WHEREAS, the DOB examiner determined that the front yard on the Hamden Avenue side must be measured from the widening line; and

WHEREAS, the applicant attempted to obtain a reconsideration of this examiner's determination, but was unsuccessful, thus necessitating the instant variance application; and

WHEREAS, the applicant proposes to construct the new home with a Hamden Avenue front yard dimension of ten feet, rather than the required 15 feet; and

WHEREAS, the applicant represents that the following is a unique physical condition, which creates practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the lot is bisected by a widening line for Hamden Avenue, which decreases the amount of buildable area on the lot when a front yard is required to be measured from the widening line; and WHEREAS, the Board finds that the unique condition mentioned above creates practical difficulties and unnecessary hardships in developing the site in strict conformity with current applicable zoning regulations; and

widening line, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant states that the immediate neighborhood is developed with other semi-attached homes, and that the proposed building is compatible with the other buildings in the area; and

WHEREAS, in response to a Board inquiry, the applicant states that the proposal meets the minimum lot coverage requirements for the zoning lot; and

WHEREAS, the Board has conducted its own site visit and has

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reviewed the submitted site plan, and has determined that the proposed residential use is compatible with the surrounding neighborhood; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or 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, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and 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 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a variance pursuant to Z.R. §72-21, to permit in an R3-2 zoning district, the proposed construction of a one-family, semi-attached home, with a front yard of less than 15 feet, contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked January 16, 2004-(9) sheets; and on further condition;

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

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

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

WHEREAS, a public hearing was held on this application on April 13, 2004 after due notice by publication in The City Record, with a continued hearing on May 18, 2004 and then to decision on June 8, 2004; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board; and

WHEREAS, this is an application for a variance pursuant to Z.R. §72-21, to permit in an R3-2 zoning district, the proposed construction of a one-family, semi-attached home, with a front yard of less than 15 feet, contrary to Z.R. §23-45; and

WHEREAS, the subject zoning lot is located on the north side

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

326-03-BZ

APPLICANT - Walter T. Gorman, for LT Land Development Corp., owner.

SUBJECT - Application October 21, 2003 - under Z.R. §§72-11 & 72-21 to permit in an R3-2 zoning district, the proposed construction of a one-family, semi-attached home, with a front yard of less than 15 feet, contrary to Z.R. §23-45.

PREMISES AFFECTED -

309 Hamden Avenue, north side, 130' east of Boundary Avenue, Block 3687, Lot 8, Borough of Staten Island.

COMMUNITY BOARD #2SI

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated September 23, 2003, acting on DOB Application No. 500509611, reads:

"Proposal to construct a new home in an R3-2 zoning district that will have a front yard with a dimension of less than 15' is contrary to Section 23-45 Z.R. and must, therefore, be referred to the Board of Standards and Appeals for approval."; and

of Hamden Avenue, one hundred thirty feet east of Boundary Avenue, has a total lot area of 2,958.4 sq. ft., and is currently vacant; and

WHEREAS, the zoning lot is comprised of two tax lots (Lots 6 and 8); and

WHEREAS, on lot 6, the applicant seeks to construct a 27 ft. high, two-story, one-family semi-detached home with 1393.6 sq. ft. of floor area; and

WHEREAS, under BSA Calendar No. 325-03-BZ, also decided on this date, the applicant proposes to develop tax lot 6

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with another 27 ft. high, two-story, one-family semi-detached home with 1393.6 sq. ft. of floor area; and

WHEREAS, the zoning lot is bisected by the official street widening line for Hamden Avenue, which leaves a major portion of the lot within the street widening line; and

WHEREAS, although the Department of Buildings determined that no rear yard or rear yard equivalent was required, the DOB examiner determined that 15 feet front yards would be required on the Hamden Avenue frontage, as well as on the Beachview Avenue frontage; and

WHEREAS, the DOB examiner determined that the front yard on the Hamden Avenue side must be measured from the widening line; and

WHEREAS, the applicant attempted to obtain a reconsideration of this examiner's determination, but was unsuccessful, thus necessitating the instant variance application; and

WHEREAS, the applicant proposes to construct the new home with a Hamden Avenue front yard dimension of ten feet, rather than the required 15 feet; and

WHEREAS, the applicant represents that the following is a unique physical condition, which creates practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the lot is bisected by a widening line for Hamden Avenue, which decreases the amount of buildable area on the lot when a front yard is required to be measured from the widening line; and

WHEREAS, the Board finds that the unique condition mentioned above creates practical difficulties and unnecessary hardships in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant represents that the only way for the owner of the premises to realize a reasonable return on his investment is to construct a saleable home on the lot; and

WHEREAS, the applicant states that because the Hamden Avenue front yard is required to be measured from the widening line, a complying building would result in a home that would not meet the minimum dimension requirements for habitable rooms, making the

Resolved that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings to grant a variance pursuant to Z.R. §72-21, to permit in an R3-2 zoning district, the proposed construction of a one-family, semi-attached home, with a front yard of less than 15 feet, contrary to Z.R. §23-45, on condition that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked January 16, 2004-(9) sheets; and on further condition;

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

home unsaleable; and

WHEREAS, based upon its review of the record and its site visit, the Board has determined that because of the subject lot's unique physical condition, specifically, the fact that it is bisected by a widening line, there is no reasonable possibility that development in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant states that the immediate neighborhood is developed with other semi-attached homes, and that the proposed building is compatible with the other buildings in the area; and

WHEREAS, in response to a Board inquiry, the applicant states that the proposal meets the minimum lot coverage requirements for the zoning lot; and

WHEREAS, the Board has conducted its own site visit and has reviewed the submitted site plan, and has determined that the proposed residential use is compatible with the surrounding neighborhood; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or 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, this proposal is the minimum necessary to afford the owner relief; and

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

WHEREAS, the Board has conducted an environmental review of the proposed action and 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.

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

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

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

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377-03-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Bond Street Garage I, LLC, owner; Tribeach Holdings, LLC, contract vendee. SUBJECT - Application December 4, 1993 - under Z.R. §72-21 to permit the proposed mixed-use building, located in an M1-5B zoning district, which creates non-compliance with regards to residential and retail uses, also public parking and floor area, which is contrary to Z.R. §42-00, §42-14, §32-17 and §43-12.

PREMISES AFFECTED - 25 Bond Street, south side, 70' east of Lafayette Street, Block 529, Lot 21, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Howard Hornstein and Peter Geis.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, originally dated November 5, 2003, and revised April 21, 2004, acting on Department of Buildings Application No. 103600499, reads:

"1) The proposed residential use (Use Group 2) in an M1-5B zoning district is contrary to ZR 42-00, not permitted.

2) The proposed commercial use (Use Group 8) in an M1-5B zoning district is contrary to ZR 42-14(D)(2), not permitted.

3) The proposed public parking garage (Use Group 8) in an M1-5B zoning district is contrary to ZR

WHEREAS, the subject premises: is a rectangular shaped parcel with 100 feet of frontage on the south side of Bond Street, with a depth of 114.5 feet, has a total lot area of approximately 11,416 square feet, and is currently occupied by a two-story, 30 feet high parking garage (Use Group 8), which is a lawful non-conforming use; and

WHEREAS, the proposed eight-story mixed use building will have 57,080 square feet of floor area, a Floor Area Ratio of 5.0, 23 dwelling units (with a minimum unit size of 1,200 sq. ft.), and 48 commercial parking spaces in a cellar parking garage, with Use Group 6 retail space to be located on the ground floor; and

WHEREAS, the front setback at the 7th floor is 15 feet (20 feet is required); and

WHEREAS, since initially submitted to the Board in December of 2003, the proposal has been amended twice, in response to Board and community objections to the proposed height and additional bulk; and

32-17(C), not permitted.

4) The proposed front setback is fifteen (15) feet and therefore contrary to ZR 43-43."; and

WHEREAS, a public hearing was held on this application on February 24, 2004 after due notice by publication in the City Record, with continued hearings on March 30, 2004 and April 20, 2004, and then to decision on June 8, 2004; and

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

WHEREAS, Assemblymember Glick submitted a letter voicing concern about the originally filed version of the subject application, which requested a floor area waiver in addition to the use variance and other bulk variances; and

WHEREAS, Community Board 2, Manhattan, recommended approval of the residential use request and the public parking request, as well as the Use Group 6 on the ground floor, on condition that there be no restaurant, bar or nightclub, but opposed any floor area waiver; and

WHEREAS, the majority of the community-based opposition was to the originally filed version of the proposal; and

WHEREAS, this is an application under Z.R. §72-21 to permit the proposed erection of a 101 feet high, 8-story mixed-use building, Use Groups 2, 6 and 8, consisting of residential apartments, local retail usage, and a public parking garage, located in an M1-5B zoning district, which creates non-conformances with regard to the use and public parking regulations and non-compliance with regard to the applicable setback regulations, contrary to Z.R. §§42-00, 42-14, 32-17, and 43-43; and

WHEREAS, the originally filed proposal was for a 10-story, 161' high building (including mechanicals), with 65,574 square feet of floor area, 26 dwelling units, and a 5.74 FAR; and

WHEREAS, the first amended proposal, submitted March 9, 2004, was for a 9-story, 128' high building (including mechanicals), with 57,080 square feet of floor area, and a 5.0 FAR; and

WHEREAS, throughout the public hearing process, the Board expressed reservations about the proposed height of the building, and urged the applicant to bring the height down to a level compatible with the surrounding built conditions; the applicant then made the second amended proposal, which is the final version of the application, approved herein; and

WHEREAS, the only variances required under the final version of the application are for the residential use and public parking garage, commercial use of the first floor, and

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a setback waiver; and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: (1) the site is occupied by an under-built, non-conforming garage structure that can not be readily converted or enlarged to support a conforming use, thus necessitating its demolition prior to any conforming development; and (2) the site is small and conforming ground-up construction would result in a building with an undesirable floor plate for modern manufacturing or office requirements in the area; and

WHEREAS, the applicant also states that the site incurs engineering difficulties and costs associated with the removal of the garage, due to the large steel members that must be removed; and

WHEREAS, opposition to the application, through various submissions, makes the following arguments concerning the finding set forth at Z.R. §72-21(a): 1) that any alleged inefficiency of the existing garage structure can not be the basis for the finding; 2) that the smallness of the lot is not a unique condition, but is in fact shared by other lots in the area; 3) that the existing garage structure is not in a dilapidated condition has profitably occupied the site for many years and therefore can not be characterized as obsolete; and 4) that because the garage is realizing a profit, no current hardship exists; and

WHEREAS, the Board notes that opposition's arguments mischaracterize the 'a' finding as presented by the applicant, in that it is not any alleged inefficiency of the garage structure that is the basis of the 'a' finding, but rather that it can not be converted to a conforming use except at a

WHEREAS, opposition also claims that the income assessment of the garage fails to take into account income from daily/transient parking; and

WHEREAS, the Board asked the applicant to address opposition's concerns; and

WHEREAS, the applicant submitted a supplemental memorandum from its financial expert, analyzing total garage income, including consideration of daily parking rates, based upon further study of parking lots in the area; and

WHEREAS, the estimated income from the existing parking garage was much higher than income from comparable parking lots; and

WHEREAS, the applicant, in a June 1, 2004 submission, reiterates that the total per-space income for the existing garage includes both transient and monthly parking fees; and

WHEREAS, the applicant concludes, and the Board agrees, that the existing parking garage does not generate a reasonable return due to its under-built status; and

cost-prohibitive expense, due to its structural limitations; and

WHEREAS, the Board also notes that although there are other small sites in the area, uniqueness arises from the combination of the smallness of the site with the existing garage structure, and that this combination of unique factors leads to hardship in developing the site in conformity with the underlying district regulations; and

WHEREAS, based upon the above, the Board finds that the fact that the land is one of the few smaller parcels in the subject zoning district, occupied by a existing structure that may not be feasibly adapted to conforming uses to be a unique physical condition that creates practical difficulties and unnecessary hardships in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant has submitted a feasibility study purporting to demonstrate that developing the entire premises with a conforming use would not yield the owner a reasonable return, due to the unique physical condition inherent to the zoning lot; and

WHEREAS, the original feasibility study contained an analysis of a conforming commercial office development scenario, which showed that such a development would not realize a reasonable return, given the premium construction costs related to the unique features of the site and the estimated income from the development; and

WHEREAS, at the Board's request, the applicant's financial consultant contemplated a hotel scenario, and provided the Board with a reasonable explanation as to why such a scenario also was not feasible; and

WHEREAS, opposition claims that because a viable, legal non-conforming use (the garage) occupies the site, the finding set forth at Z.R. §72-21(b) is not met; and

WHEREAS, the Board notes that the 'b' finding requires a showing that because of the unique features of the site, there is no reasonable possibility that conforming development will bring a reasonable return, and emphasizes that the feasibility study constituted such a showing, notwithstanding the existence of a non-conforming use that generates some income; and

WHEREAS, the Board also notes that the applicant explored recouping the unused development income through a transfer of development rights, but concluded that there was no feasible opportunity to do so; and

WHEREAS, based upon its review of the record, the Board determines that because of the subject lot's unique physical conditions, there is no reasonable possibility that development of the site in strict compliance with zoning will provide a reasonable return; and

WHEREAS, the applicant states that area surrounding the site contains a significant amount of residential units on the upper floors of many buildings; and

WHEREAS, the applicant further states that the

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proposed Use Group 6 retail space on the ground floor of the proposed building will be compatible with other similar ground floor uses in the surrounding area; and

WHEREAS, the applicant has agreed to prohibit use of the ground floor of the proposed development for eating and drinking establishments, in response to community-based concerns; and

WHEREAS, the Board asked the applicant to reduce the FAR and the height of the building to the levels of the current proposal, and the applicant did so; and

WHEREAS, opposition claims that the reduction in parking in the area due to the demolition of the garage is a detrimental effect that was not considered by the Board; and

WHEREAS, the Board notes that it asked the applicant to address this issue, and the applicant provided evidence that there was a sufficient amount of public parking spaces in the area to compensate for the loss of the spaces in the existing garage; and

WHEREAS, the Board notes that there are other mixed use and residential buildings in the immediate and surrounding area; and

WHEREAS, the Board, based upon its review of the record and its site visit, finds that the proposed use and bulk of the proposed building will be compatible with the built conditions and land uses in the surrounding area; and

WHEREAS, based on the above, the Board finds that the subject application, if granted, will not alter the essential character of the surrounding neighborhood or impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, opposition claims argues that the existing

WHEREAS, the Board carefully considered all of opposition's submissions and testimony, and often directed the applicant to respond to various oppositions contentions; and WHEREAS, the New York City Department of Environmental Protection ("DEP") has reviewed the applicant's November 17, 2003 Environmental Assessment Statement, January 8, 2003 Phase I Environmental Site Assessment Report, and the Limited Phase II Investigation of the subsurface soils beneath the basement slab for the subject site, and has made the following recommendations in its March 12, 2004 letter to the BSA: If any underground storage tanks (USTs) or UST systems (Fill lines, vent pipes, etc.) are encountered during the proposed excavation activities, they should be properly removed/closed in accordance with all applicable federal, state, and local regulations; if applicable, a tank closure report) including affidavits, disposal manifest, post-excavation samples, etc.) should be submitted to the New York State Department of Environmental Conservation; Asbestos-containing material, lighting fixtures containing PCB components, and lead-based paint within the existing structure should be identified or tested and appropriate methods of

non-conforming garage is a self-created hardship; and WHEREAS, the applicant notes, and the Board agrees, that the garage was legal when built, but was built under different regulations, and that its existence does not make it a self-created hardship; and

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

WHEREAS, after taking guidance from the Board as to the need to decrease the bulk and height from the initial proposal, the applicant has significantly reduced the scope of the proposal; and

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

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

WHEREAS, opposition claims that the Board acted inappropriately in closing the hearing on April 20, 2004; and

WHEREAS, the Board notes that it conducted 3 hearings on the subject application, and received three separate submissions from opposition, including one submission received on May 25, 2004, which provided opposition ample time to summarize its position; and

WHEREAS, the Board also notes that no outstanding issues were presented at the April 24, 2004 hearing which required further oral testimony; instead a generous briefing schedule was set, which allowed opposition three weeks to respond to an applicant submission; and

abatement/management and disposal should be followed in accordance with all applicable federal, state, and local regulations; and

WHEREAS, the New York City Landmarks Preservation Commission ("LPC") has reviewed and approved of the applicant's Construction Protection Plan dated May 21, 2004; this document was requested by LPC to address any potential effects of the construction of the proposed project on adjacent properties in the potential NoHo 3 Historic District; and WHEREAS, LPC has reviewed the revised proposed building elevations dated April 6, 2004 and finds them acceptable and has determined that they do not represent a significant impact; LPC requests that the applicant ensure that façade materials and colors shall be compatible with the late 19th Century and early 20th Century loft buildings within the potential NoHo 3 Historic District; and

WHEREAS, the Board has conducted an environmental review of the proposed action and the Environmental Assessment Statement and has carefully considered all relevant areas of environmental concern, including the proposal's impact on parking in the area; and

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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 with the conditions noted below 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 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection of a 101 feet high, 8-story mixed-use building, Use Groups 2, 6 and 8, consisting of residential apartments and local retail usage, located in an M1-5B zoning district, which creates non-conformances with regard to the use and public parking regulations and non-compliances with regard to the setback regulations, contrary to Z.R. §§42-00, 42-14, 32-17, and 43-43; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "April 6, 2004"-(10) sheets and on further condition:

THAT the FAR of the building will be limited to 5.0, the height will be limited to 101 feet (not including mechanicals), and a complying rear yard will be provided;

THAT the ground floor commercial space will only be occupied by Use Group 6 retail uses, except that it will not be occupied by a bar, nightclub, or restaurant;

THAT the minimum unit size shall be 1,200 square feet; and

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

7-04-BZ

APPLICANT - Lawrence Whiteside dba Construction/Codes Consultants, for Rev. Dr. Sheldon E. Williams/Coop City Baptist Church, owner.

SUBJECT - Application January 9, 2004 - under Z.R. §72-21 to permit the proposed construction of a Church/Community Outreach Center, Use Group 4, located in an R3-2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area ratio, height and setback, and encroaches onto the front and side yards, is contrary to Z.R. §24-11, §24-34, §24-35 and §24-521.

PREMISES AFFECTED - 2208 Boller Avenue, property fronting on Boller and Hunter Avenues and Erskine Place, Block 5135, Lot

certificate of occupancy;

THAT the applicant shall construct the proposed building in compliance with the LPC recommendations regarding façade materials and colors;

THAT based on DEP's recommendations, the applicant shall comply with the following items: (1) If any underground storage tanks (USTs) or UST systems (Fill lines, vent pipes, etc.) are encountered during the proposed excavation activities, they should be properly removed/closed in accordance with all applicable federal, state, and local regulations. If applicable, a tank closure report (including affidavits, disposal manifest, post-excavation samples, etc.) shall be submitted to the New York State Department of Environmental Conservation; and (2) Asbestos-containing material, lighting fixtures containing PCB components, and lead-based paint within the existing structure shall be identified or tested and appropriate methods of abatement/management and disposal should be followed in accordance with all applicable federal, state, and local regulations;

THAT the proposal shall comply with all applicable fire safety regulations;

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

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

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

1, Borough of The Bronx.

COMMUNITY BOARD #10X

APPEARANCES – None.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5
Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated December 23, 2003 acting on Application No. 200804291 reads:

"Reconsideration is respectfully requested of the following zoning objections in an R3-2 zoning district: 2- Floor area ratio (FAR) exceeds that permitted by section 24-11 ZR; 3- Open space ratio (OSR) is deficient from that required by section 24-11 ZR; 4- Proposed front and side yard is contrary to sections 24-35 ZR; 5- Proposed project does not meet height and/or setback requirements as per section 24-521 ZR"; and

WHEREAS, a public hearing was held on this application on April 13, 2004 after due notice by publication in The City Record,

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with a continued hearing on May 18, 2004, and then to June 8, 2004 for decision; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board, consisting of Chair Srinivasan and Commissioner Caliendo; and

WHEREAS, Community Board 10, Bronx recommends approval of the subject application [CONFIRM]; and

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed construction of a church/community outreach center (Use Group 4), located in an R3-2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area ratio, height and setback, and front and side yards, contrary to Z.R. §§ 24-11, 24-34, 24-35 and 24-521; and

WHEREAS, the subject lot is 190 feet by 40.33 feet, is located on the corner formed by Boller Avenue, Erskine Place and Hunter Avenue, has a total lot area of 7,662.7 sq. ft., and is currently vacant; and

WHEREAS, the Co-op City Baptist Church (the "Church") seeks to construct a church on the subject lot, which, in addition to worship services, will also house: theology studies, a nursery school, tutoring programs, health and wellness testing, family and drug counseling, domestic violence refuge referral, a food program, an evening community center, a senior fitness center, and a theology book store; and

WHEREAS, the Church primarily serves residents of the

WHEREAS, in response to the request of the Board, the applicant has submitted a detailed analysis of the program needs of the Church on a space-by-space basis, in the form of a color-coded program chart, which confirms that the daily simultaneous use of the overwhelming majority of the spaces requires the requested floor area waiver; and

WHEREAS, the Board agrees that due to the shallow depth of the lot, a complying building would possess a small floor plate, which would be inadequate to meet the programmatic needs of the Church; and

WHEREAS, therefore, the Board finds that the unique condition mentioned above, when considered in conjunction with the stated programmatic needs of the Church, creates practical difficulties and unnecessary hardships in developing the site in strict conformity with current applicable zoning regulations; and

WHEREAS, the applicant need not address Z.R. §72-21(b) since the Church is a not-for-profit organization and the proposed variance will be in furtherance of its programmatic needs; and

WHEREAS, the applicant notes that a church is a permitted use in an R3-2 zoning district; and

WHEREAS, the subject lot has a full block frontage, occupies two corners, and is across the street from rail tracks; and

WHEREAS, the Board notes that the subject premises is also located across the street from a six-story garage; and

WHEREAS, the Board has conducted a site visit and has

Co-op City Mitchell-Lama housing complex; and

WHEREAS, the applicant states that the Church, in order to adequately served the community, must possess a single facility capable of housing its various programs on a site that is also close to the housing complex; and

WHEREAS, the applicant represents that the hours of the Church will be from 8 am to 9 pm daily; and

WHEREAS, the proposed building will have three above-grade stories (with a partial third floor and a roof-top playground), and two sub-grade levels; and

WHEREAS, the proposed building will be constructed with the following non-compliances: the Floor Area Ratio is 2.20 (1.0 is allowed); the floor area is 16,864.6 (7,662.7 is allowed); lot coverage is 100% (60% is allowed); the perimeter wall is 51 feet (25 feet is allowed); no side or front yards are provided (a side yard of 8 feet and a front yard of 15 feet are required); the sky exposure plan ratio is not complied with (1 to 1 is required); and

WHEREAS, the applicant represents that the following are unique physical conditions, which create practical difficulties and unnecessary hardships in constructing the proposed building in conformity with underlying district regulations: the property has an extremely shallow depth of 40'4", which, when considered in conjunction with the programmatic needs of the Church, necessitates the construction a non-complying building; and

reviewed the submitted land use map, and concludes that the proposed building is appropriate given the context of the neighborhood; and

WHEREAS, the Board notes that the adjacent residential buildings to the north of the site possess side yards, and will not directly abut the proposed building; and

WHEREAS, the applicant has explained that the alignment of the proposed building, with the altar on the east side of the lot, is necessary for religious reasons; and

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

WHEREAS, the Board finds that the hardship alleged by applicant 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 Z.R. §72-21; and

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

WHEREAS, the evidence demonstrates no foreseeable

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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 the required findings under Z.R. §72-21 and grants a variance, to permit the proposed construction of a church/community outreach center (Use Group 4), located in an R3-2 zoning district, which does not comply with the zoning requirements for open space ratio, floor area ratio, height and setback, and front and side yards, contrary to Z.R. §§ 24-11, 24-34, 24-35 and 24-521; on condition that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received January 9, 2004" (1) sheet, and "Received May 24, 2004"-(8) 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 shall appear on the certificate of occupancy;

SUBJECT - Application February 10, 2004 - under Z.R. §73-622 to permit the proposed enlargement of an existing single family residence, 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 required side yard, is contrary to Z.R. §§23-141(a), §23-47 and §23-48.

PREMISES AFFECTED - 1150 East 23rd Street, west side, 380'-0" north of Avenue "L", Block 7622, Lot 66, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -None.

ACTION OF THE BOARD -Application granted on condition.

THE VOTE TO GRANT-

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated January 29, 2004 acting on Application No. 301693852, reads:

"Extension to existing 1 family dwelling is contrary to ZR 23-141(a)Floor Area Ratio, ZR 23-141(a) Open Space Ratio, ZR 23-47 Rear Yard, ZR 23-48 Minimum Required Side Yard and Requires a Special Permit from the Board of Standards and Appeals as per Sec 73-622."; and

WHEREAS a public hearing was held on this application on April 27, 2004 after due notice by publication in The City Record, with continued hearing on May 18, 2004, and then to decision on June 8, 2004; and

THAT all egress requirements shall be reviewed and determined by the Department of Buildings;

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

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

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

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

Adopted by the Board of Standards and Appeals, June 8, 2004.

23-04-BZ

APPLICANT - Moshe M. Friedman, P.E., for Yossi Kraus, owner.

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

WHEREAS, Community Board 14, Brooklyn recommends approval of this application; 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 perimeter wall height will comply with all applicable zoning regulations; 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 Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use are outweighed by the advantages to be derived by the community; and

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

WHEREAS, the Board 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

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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 dwelling in an R2 zoning district, which creates non-compliances with regard to floor area ratio, open space ratio, and rear and side yards, contrary to Z.R §§23-141(a), 23-47 and 23-48, on condition that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received February 10, 2004"-(7) sheets, and "Received May 4, 2004"- (2) sheets; on further condition;

THAT there shall be no habitable room in the cellar;

THAT the use and layout of the cellar shall be as approved by the Department of Buildings;

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; no approval has been given by the Board as to the use and layout of the cellar;

THAT the approved plans shall be considered approved only for the portions related to the specific relief
PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Irving Minkin.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

Adopted by the Board of Standards and Appeals, June 8 2004.

161-02-BZ

APPLICANT - SFS Associates, for Coral Cove, LLC, owner.
SUBJECT - Application May 20, 2002 - under Z.R. § 72-21 to permit the proposed construction of a six story residential building, Use Group 2, located in a C3 zoning district, which does not comply with the zoning requirements for floor area ratio, perimeter wall, height, lot area per dwelling unit, setback, sky exposure and parking, is contrary to Z.R. §§23-00 and 25-00.

PREMISES AFFECTED - 2433 Knapp Street, corner of Knapp Street and Avenue "X", Block 8833, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES - None.

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

granted;

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

Adopted by the Board of Standards and Appeals, June 8 2004

60-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Naomi Kunin, owner.
SUBJECT - Application February 15, 2002 - under Z.R. §72-21, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

68-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Torah M. Sinai, Inc., owner.

SUBJECT - Application February 11, 2003 - under Z.R. §72-21 to permit the proposed conversion of an existing building, which is located in an area designated as a manufacturing district, to be used for a day care center, Use Group 3, and office use, Use Group 6, without the required parking, and is contrary to Z.R. §42-00 and §44-21.

PREMISES AFFECTED - 649 39th Street, northwest corner of Seventh Avenue, Block 903, Lots 79, 80 and 83, Borough of Brooklyn.

COMMUNITY BOARD #7BK

APPEARANCES -

For Applicant: Janice Cahalane.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 1:30 P.M., for continued hearing.

82-03-BZ

APPLICANT - Sullivan Chester & Gardner LLP, for Diamond Street Properties, Inc., owners.

SUBJECT - Application March 5, 2003 - under Z.R. §72-21 to permit the proposed enlargement of an existing two story building, to four stories, and the change of use from manufacturing/ warehouse facility, to mixed use (residential and commercial), located in an M3-1 zoning district, is contrary to Z.R. §42-10.

PREMISES AFFECTED - 51 North 8th Street, a/k/a 91 Kent Avenue, northeast corner, Block 2309, Lot 1, Borough of Brooklyn.

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COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Jeffrey Chester.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

84-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Nissan Perla, Partner: N.P. Holdings, LLC, owner.

SUBJECT - Application October 24, 2003 - under Z.R. §72-21 to permit the proposed nine (9) story plus penthouse residential

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

139-03-BZ

APPLICANT - Alfonso Duarte, for Sanjoy Augustine, owner.

SUBJECT - Application April 29, 2003 - under Z.R. §72-21 to permit the proposed erection of a two family dwelling, Use Group 2A, located in an R3-A zoning district, which does not comply with the zoning requirements, for rear yard and floor area ratio, is contrary to Z.R. §23-47 and §23-141(b).

PREMISES AFFECTED - 247-54 90th Avenue, south side, 225.51' west of Commonwealth Boulevard, Block 8662, Lot 28, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Alfonso Duarte and Sanjoy Augustine.

ACTION OF THE BOARD - Laid over to July 20, 2004, at 1:30 P.M., for continued hearing.

249-03-BZ

APPLICANT - Sheldon Lobel, P.C., for D & J Herms Realty, Inc., owner.

SUBJECT - Application July 31, 2003 - under Z.R. §72-21 to permit the proposed four story building, with penthouse and cellar, to contain nine residential units on the second, third and fourth floors, and one commercial unit on the ground floor, on a site that is located in C8-2 zoning district, which does not permit residential use, is contrary to §32-10.

PREMISES AFFECTED - 265 Bedford Avenue, southeast corner

building, Use Group 2, located in an R5, C1-2 overlay zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio, lot coverage, total height, perimeter wall height, lot area per dwelling unit and the required number of parking spaces, is contrary to Z.R. §23-141, §23-631, §23-222 and §25-521.

PREMISES AFFECTED - 35-40 30th Street, a/k/a 35-37 29th Street, between 35th and 36th Avenues, Block 341, Lot 6, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jordan Most and John Conath.

For Opposition: Nicholas Franklin and Caroline Adams.

For Opposition: Maura Stone and Caroline Adams.

THE VOTE TO CLOSE HEARING -

of North First Street, Block 2381, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

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

267-03-BZ

APPLICANT - Stuart A. Klein, Esq., for North 14th Street Realty Associates, LLC, owner.

SUBJECT - Application August 21, 2003 - under Z.R. §72-21 to permit the proposed construction of three attached six and seven story buildings, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 2/6 Berry Street, 194/96 North 14th Street, south side, between Wythe Avenue to the west and Berry Street to the east, Block 2279, Lot 13, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart A. Klein, Harold Weinberg, P.E., Robert B. Pauls and Ken Fisher.

For Opposition: Howard Slafkin and Paul Parkhill.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to July 20, 2004, at 1:30 P.M., for decision, hearing closed.

MINUTES

287-03-BZ

APPLICANT - Stuart A. Klein, Esq., for First Step Realty, LLC, owner.

SUBJECT - Application August 28, 2003 - under Z.R. §72-21 to permit the proposed construction of a six-story residential building, located in an M1-1 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 430 Keap Street, southeast corner of Hope Street, Block 2387, Lot 2, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Stuart Klein.

ACTION OF THE BOARD - Laid over to July 20, 2004, at For Applicant: Janice Cahalane.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to August 10, 2004, at 1:30 P.M., for decision, hearing closed.

341-03-BZ

APPLICANT - Sheldon Lobel, P.C., for Chelsea Ventura, LLC, owner.

SUBJECT - Application November 6, 2003 - under Z.R. §72-21 to permit the proposed construction of a new residential building, on a merged zoning lot with an existing multiple dwelling, which creates non-compliances with respect, floor area ratio, number of dwelling units, and rear yard equivalent, is contrary to Z.R. §23-145, §23-22 and §23-533.

PREMISES AFFECTED - 343 West 16th Street, between Eighth and Ninth Avenues, Block 740, Lot 12, Borough of Manhattan.

COMMUNITY BOARD #4M

APPEARANCES -

For Applicant: Irving Minkin and Arpad Baksa.

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

9-04-BZ

APPLICANT - Marvin B. Mitzner, Esq., Fischbein Badillo Wagner Harding for Walworth Condominium, Inc., owner.

SUBJECT - Application January 12, 2004 - under Z.R. §72-21 to permit the proposed multiple dwelling, which will contain forty-seven dwelling units, located in an M1-1 zoning district, is contrary to Z.R. §§42-00 and 43-00.

PREMISES AFFECTED - 114 Walworth Street, northwest corner of Myrtle Avenue, Block 1735, Lot 24, Borough of Brooklyn.

COMMUNITY BOARD #3BK

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

305-03-BZ

APPLICANT - Sheldon Lobel, P.C., for 10 Grand Avenue, LLC, owner.

SUBJECT - Application September 25, 2003 - under Z.R. §72-21 to permit the legalization of residential occupancy, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 2, 8, 10 Grand Avenue, southwest corner of Flushing Avenue, Block 1877, Lots 27 and 30, Borough of Brooklyn.

COMMUNITY BOARD #2

APPEARANCES -

APPEARANCES -

For Applicant: Marvin Mitzner, Peter Geis and Jack Freeman.

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

14-04-BZ

APPLICANT - Alfonso Duarte, for Angelo Mordini, owner; Punto Zero, lessee.

SUBJECT - Application January 13, 2004 - under Z.R. §73-244 to permit the proposed conversion of an existing restaurant (Use Group 6), to an eating and drinking establishment with entertainment(Use Group 12A), located in a C2-3 within an R6 zoning district, is contrary to Z.R. §32-31.

PREMISES AFFECTED - 76-07 Roosevelt Avenue, northeast corner of 76th Street, Block 1287, Lot 43, Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES -

For Applicant: Alfonso Duarte.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5

Negative:.....0

ACTION OF THE BOARD - Laid over to July 20, 2004, at 1:30 P.M., for decision, hearing closed.

39-04-BZ

APPLICANT - Eric Palatnik, P.C., for Mordechai Bistrizky, owner.

SUBJECT - Application February 13, 2004 - under Z.R. §73-622 to permit the proposed enlargement of a single family residence, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for floor area, open space and rear

MINUTES

yard, is contrary to Z.R. §23-141, §23-461 and §23-47.
PREMISES AFFECTED - 1418 East 29th Street, between Avenue "N" and Kings Highway, Block 7682, Lot 57, Borough of Brooklyn.

COMMUNITY BOARD #14BK

APPEARANCES -

For Applicant: Eric Palatnik.

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

PREMISES AFFECTED - 2252 Linden Boulevard, southeast corner of Cleveland Street, Block 4360, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #5BK

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to June 22, 2004, at 1:30 P.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 6:30 P.M.

40-04-BZ

APPLICANT - Agusta & Ross, for Steven Witriol, owner.
SUBJECT - Application February 13, 2004 - under Z.R. §72-21 to permit the proposed change of use from an automobile repair and used vehicles sales (Use Group 16), previously approved by the Board under Cal. No. 56-95-BZ, to a retail store (Use Group 6), located in an R5 zoning district, which is contrary to Z.R. §22-00.

**SPECIAL CALENDAR
WEDNESDAY MORNING, JUNE 9, 2004
10:00 A.M.**

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

342-03-BZ

APPLICANT - Jay Segal (Greenberg Traurig) for Vincent Perazzo, owner; 92-94 Greene Street, LLC, contract vendee.
SUBJECT - Application November 10, 2003 - under Z.R. §72-21 to permit the proposed seven-story building, that will have retail use in its cellar and first floor, and residential use on its upper six floors, Use Groups 2 and 6, located in an M1-5A zoning district, which is contrary to Z.R. §42-14D, §42-00, §42-10 and §43-12.
PREMISES AFFECTED - 92/94 Greene Street, aka 109 Mercer Street, 100' north of Spring Street, Block 499, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #2M

APPEARANCES -

For Applicant: Jay Segal and Joe Lombardi.

For Opposition: Barry Mallin, Jim Solomon, Gregory Brenden, On behalf of Assemblyman Glickk, Robert B. Murray Rech, Stephen Rosen, Peter Bosch and Richard Herschlag.

THE VOTE TO CLOSE HEARING -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Miele and Commissioner Chin.....5
Negative:.....0

MINUTES

ACTION OF THE BOARD - Laid over to July 20, 2004, at 1:30 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 11:30 A.M.