
BULLETIN

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DOCKETS

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18-14-BZ

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19-14-A

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20-14-BZ

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21-14-BZ

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22-14-BZ

2250 Linden Boulevard, Southerly block front of Linden Boulevard between Ashford Street and Cleveland Street, Block 4359, Lot(s) 1, 6, Borough of **Brooklyn, Community Board: 5**. Re-instatement (§11-411) to allow the continuance use of a previously granted variance to allow the retail uses located in an R5 zoning district. R5 district.

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

CALENDAR

FEBRUARY 25, 2014, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, February 25, 2014, 10:00 A.M., at 22 Reade Street, Spector Hall, New York, N.Y. 10007, on the following matters:

SPECIAL ORDER CALENDAR

11-93-BZ

APPLICANT – Sheldon Lobel, P.C. for Joy Kiss Management, LLC, owner; Chen Qiao Huang (Good fortune Restaurant), lessee.

SUBJECT – Application December 18, 2013 – This application seeks to extend the time to obtain a Certificate of occupancy for the existing building at the premises since a C/O was not obtained within the one year time period required by the boards resolution dated March 20, 2012. A waiver of the Boards Rules is also required to permit the filing of this application more than (30) days after the expiration of the time to obtain a Certificate of Occupancy. R3-2/C2-2 zoning district.

PREMISES AFFECTED – 46-45 Kissena Boulevard aka 140-01 Laburnum Avenue, northeast corner of the intersection formed by Kissena Boulevard and Laburnum Avenue, Block 5208, Lot 32, Borough of Queens.

COMMUNITY BOARD #7Q

287-01-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Related Broadway Development LLC, owner; TSI West 94, LLC dba New York Sports club, lessee.

SUBJECT – Application November 20, 2013 – Extension of Term of a previously approved Special Permit (§73-36) permitting the operation of a physical culture establishment/health club (PCE) at the subject premises which expired on April 16, 2011; Waiver of the Rules. C4-6/R8 zoning district.

PREMISES AFFECTED – 2523-2525 Broadway, west side of Broadway between West 93rd Street and West 94th Street, Block 1242, Lot 10, 55, Borough of Manhattan.

COMMUNITY BOARD #7M

APPEALS CALENDAR

307-13-A & 308-13-A

APPLICANT – Joseph M. Morace, R.A., for Jake Rock, LLC, owner.

SUBJECT – Application November 21, 2013 – Proposed construction of a detached two family residence fronting upon a street that is not legally mapped, which is contrary to Section 36 Article 3 of the General City Law. R3A zoning

district.

PREMISES AFFECTED – 96 & 100 Bell Street, Block 2989, Lot 24 & 26, Borough of Staten Island.

COMMUNITY BOARD #1SI

ZONING CALENDAR

160-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Yitzchok and Hindy Blumenkrantz, owners.

SUBJECT – Application May 28, 2013 – Special Permit (§73-622) for the enlargement of an existing single home contrary to floor area and open space (§23-141); side yard (§23-461) and rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 1171-1175 East 28th Street, east side of East 28th Street between Avenue K and Avenue L, Block 7628, Lot 16, Borough of Brooklyn.

COMMUNITY BOARD #14BK

177-13-BZ

APPLICANT – Eric Palatnik, P.C., for Dmitriy Ratsenberg, owner.

SUBJECT – Application June 18, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, to be converted to a two-family home, contrary to floor area, lot coverage and open space (§ZR 23-141) and less than the required rear yard (§ZR 23-47). R3-1 zoning district.

PREMISES AFFECTED – 134 Langham Street, west side of Langham Street between Shore Boulevard and Oriental Boulevard, Block 8754, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #15BK

216-13-BZ & 217-13-A

APPLICANT – Rampulla Associates Architects, for 750 LAM Realty, LLC c/o Benjamin Mancuso, owners; Puglia By The Sea, Inc. c/o Benjamin Mancuso, lessees.

SUBJECT – Application July 17, 2013 – Variance (§72-21) to demolish an existing restaurant and construct a new two story eating and drinking establish with accessory parking for twenty-five cars, located in the bed of the mapped street, (*Boardwalk Avenue*) contrary to General City law Section 35. R3-X (SRD) zoning district.

PREMISES AFFECTED – 750 Barclay Avenue, west side of Barclay Avenue, 0' north of the corner of Boardwalk Avenue, Block 6354, Lot 40, 7, 9 & 12, Borough of Staten Island.

COMMUNITY BOARD #3SI

CALENDAR

268-13-BZ

APPLICANT – Belkin Burden Wenig & Goldman, LLP, for Rachel H.Opland, Adrienne & Maurice Hayon, owner.

SUBJECT – Application September 13, 2013 – Special Permit (§73-621) to permit the increase in lot coverage from 55.28% to 58% to an existing 3-story building contrary to §23-141 zoning resolution. R5 zoning district.

PREMISES AFFECTED – 2849 Cropsey Avenue, north east side of Cropsey Avenue, approximately 25.9 feet northwest from the corner formed by the intersection of Bay 50th St. and Cropsey Avenue, Block 6917, Lot 55, Borough of Brooklyn.

COMMUNITY BOARD #13BK

282-13-BZ

APPLICANT – Flora Edwards, Esq., for Red Hook Property Group, LLC, owner; High Mark Independent, LLC, lessee.

SUBJECT – Application October 4, 2013 – Special Permit (§73-19) to permit construction of a school (*The Basis Independent Schools*). M1-1 zoning district.

PREMISES AFFECTED – 556 Columbia Street aka 300 Bay Street, west side of Columbia Street between Bay Street and Sigourney Street, Block 601, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #6BK

293-13-BZ

APPLICANT – Slater & Beckerman, P.C., for JSB Reality No 2 LLC, owner; Fitness International, LLC aka LA Fitness, lessee.

SUBJECT – Application October 23, 2014 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*LA Fitness*). C2-2/R4 zoning district.

PREMISES AFFECTED – 78-04 Conduit Avenue, west side of South Conduit Avenue between Linden Boulevard, and Sapphire Avenue, Block 11358, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #10BK

Jeff Mulligan, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, FEBRUARY 4, 2014
10:00 A.M.**

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

SPECIAL ORDER CALENDAR

42-03-BZ

APPLICANT – Law Office of Fredrick A. Becker, for 1221 Avenue holdings LLC, owner; TSI West 48, LLC dba New York Sports Club, lessee.

SUBJECT – Application October 2, 2013 – Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a physical culture establishment (*New York Sports Club*) which expired on July 22, 2013; Amendment to the hours of operation; Waiver of the Rules. C6-5, C6-6 (MID) zoning district.

PREMISES AFFECTED – 1221 Avenue of the Americas, western block front of the Avenue of Americas between West 48th Street and West 49th Street, Block 1001, Lot 29, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening, a waiver of the Rules of Practice and Procedure, an amendment, and an extension of term for a physical culture establishment (“PCE”), which expired on July 22, 2003; and

WHEREAS, a public hearing was held on this application on January 14, 2014, after due notice by publication in *The City Record*, and then to decision on February 4, 2014; and

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

WHEREAS, Community Board 5, Manhattan, declines to issue a recommendation on the application; and

WHEREAS, the subject site is a corner lot with frontages along West 48th Street and West 49th Street, and Avenue of the Americas, partially within a C6-6 zoning district and partially within a C6-5.5 zoning district, within the Special Midtown District; and

WHEREAS, the site is occupied by a 51-story commercial building, known as the McGraw Hill Building, with approximately 2,508,386 sq. ft. of floor area; and

WHEREAS, the PCE is located on portions of the cellar, sub-cellar, and third sub-cellar levels (20,344 sq. ft. of floor space), with an entrance through the plaza on the Avenue of the Americas frontage of the site; and

WHEREAS, the PCE is operated as New York Sports Club; and

WHEREAS, on July 22, 2003, under the subject calendar number, the Board granted a special permit, pursuant to ZR § 73-36, to permit, on a site partially within a C6-6 zoning district and partially within a C6-5.5 zoning district, within the Special Midtown District, the operation of a PCE for a term of ten years, to expire on July 22, 2013; and

WHEREAS, the applicant now seeks an amendment regarding the hours of operation and an extension of the term of the PCE special permit for ten years; and

WHEREAS, as to the hours of operation, the applicant noted that the operator has changed the hours of operation from Monday through Thursday, from 6:00 a.m. to 11:00, Friday, from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday, from 9:00 a.m. to 7:00 p.m. to Monday through Thursday, from 5:30 a.m. to 9:00 p.m., Friday, from 5:30 a.m. to 8:00 p.m. and closed Saturday and Sunday; and

WHEREAS, in addition, the applicant requests that the hours of operation be removed as a condition of the grant, so that the operator has flexibility to respond to the changing needs of its members; the applicant notes that the PCE is within an entirely commercial building and that the building is within a commercial district with no nearby residential uses; and

WHEREAS, the Board agrees that because the building contains only commercial uses and because the site is not adjacent to any residential uses, the hours of operation need not be included as a condition of the grant; and

WHEREAS, based upon its review of the record, the Board finds that an extension of term for ten years is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated July 22, 2003, so that as amended the resolution reads: “to grant an amendment to remove the condition regarding the PCE’s hours of operation and to grant an extension of the special permit for a term of ten years from the prior expiration; *on condition* that the use will substantially comply with the drawings associated with the prior approval; and *on further condition*:

THAT this grant will be limited to a term of ten years, to expire on July 22, 2023;

THAT any massages will be performed only by New York State licensed massage professionals;

THAT there will be no change in ownership or operating control of the PCE without prior approval from the Board;

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

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect; and

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

Adopted by the Board of Standards and Appeals, February 4, 2014.

381-04-BZ

APPLICANT – Sheldon Lobel, P.C., for 83 Bushwick Place, LLC, owner.

SUBJECT – Application December 6, 2013 – Extension of Time to Complete Construction of a previously granted Variance (72-21) for the construction of a four-story residential building with parking which expired on September 12, 2010; Waiver of the Rules. M1-1 zoning district.

Community Board #1BK

PREMISES AFFECTED – 83 Bushwick Place aka 225-227 Boerum Street, northeast corner of the intersection of Bushwick Place and Boerum Street, Block 3073, Lot 97, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to complete construction for a four-story residential building; and

WHEREAS, a public hearing was held on this application on January 14, 2014, after due notice by publication in *The City Record*, and then to decision on February 4, 2014; and

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

WHEREAS, the subject site is located on the northeast corner of Bushwick Place and Boerum Street, within an M1-1 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since September 12, 2006, when, under the subject calendar number, the Board granted a variance to permit the construction of a four-story residential building contrary to use regulations; and

WHEREAS, pursuant to ZR § 72-23, construction was to be substantially completed by September 12, 2010; and

WHEREAS, the applicant represents that, due to severe economic hardship, construction pursuant to the variance has not commenced; and

WHEREAS, accordingly, the applicant now seeks an extension of time (four years) to substantially complete construction; and

WHEREAS, at hearing, the Board directed the applicant to remove the graffiti from the site; and

WHEREAS, in response, the applicant agreed to have the graffiti removed; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to complete construction is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated September 12, 2006, so that as amended this portion of the resolution shall read: “to grant an extension of time to complete construction to February 4, 2018; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT substantial construction be completed by February 4, 2018;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

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

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

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.” (DOB Application No. 301866032)

Adopted by the Board of Standards and Appeals, February 4, 2014.

297-06-BZ

APPLICANT – Eric Palatnik, for Montgomery Avenue Properties, LLC, owner.

SUBJECT – Application November 15, 2013 – Extension of Time to complete construction of a previously granted Variance (§72-21) for the construction of a four-story residential building with ground and cellar level retail, which expired on October 16, 2011; Waiver of the Rules. C4-2 (HS) zoning district.

PREMISES AFFECTED – 130 Montgomery Avenue, between Victory Boulevard and Fort Place, Block 17, Lot 116, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

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Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a reopening, and an extension of time to obtain a certificate of occupancy for a four-story mixed commercial and residential building; and

WHEREAS, a public hearing was held on this application on January 14, 2014, after due notice by publication in *The City Record*, and then to decision on February 4, 2014; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Montanez; and

WHEREAS, the subject site is located on the west side of Montgomery Avenue, between Fort Place and Victory Boulevard, within a C4-2 zoning district; and

WHEREAS, the Board has exercised jurisdiction over the subject site since October 16, 2007, when, under the subject calendar number, the Board granted a variance to permit the construction of a four-story mixed commercial and residential building contrary to ZR §§ 23-47 (rear yard) and 23-145 (lot coverage); and

WHEREAS, the applicant notes that a waiver of General City Law §35 was granted in a companion application under BSA Cal. No. 298-06-A; and

WHEREAS, pursuant to ZR §72-23, construction was to be substantially completed by October 16, 2011; and

WHEREAS, the applicant represents that, due to protracted litigation, financing of the project was delayed and construction has not yet commenced; and

WHEREAS, accordingly, the applicant now seeks an extension of time (four years) to substantially complete construction; and

WHEREAS, based upon its review of the record, the Board finds that the requested extension of time to obtain a certificate of occupancy is appropriate with certain conditions as set forth below.

Therefore it is Resolved, that the Board of Standards and Appeals *waives* the Rules of Practice and Procedure, *reopens* and *amends* the resolution, dated October 16, 2007, so that as amended this portion of the resolution shall read: “to grant an extension of time to obtain a certificate of occupancy to February 4, 2018; *on condition* that the use and operation of the site shall comply with BSA-approved plans associated with the prior grant; and *on further condition*:

THAT a certificate of occupancy will be obtained by February 4, 2018;

THAT all conditions from the prior resolution not specifically waived by the Board remain in effect;

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

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

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its

jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB Application No. 500855452)

Adopted by the Board of Standards and Appeals, February 4, 2014.

25-08-BZ

APPLICANT – Eric Palatnik, P.C., for Torah Academy for Girls, owner.

SUBJECT – Application February 14, 2013 – Amendment to a Variance (§72-21) which permitted bulk waivers for the construction of a school (*Torah Academy for Girls*). The proposed amendment seeks to enlarge the school to provide additional classrooms. R4-1 zoning district.

PREMISES AFFECTED – 444 Beach 6th Street, Beach Street and Meehan Avenue, Block 15591, Lot 1, Borough of Queens.

COMMUNITY BOARD #14Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application for a reopening and an amendment to a previously-granted variance, which, pursuant to ZR § 72-21, authorized in an R4-1 zoning district the enlargement of a three-story school building contrary to bulk regulations; and

WHEREAS, the application is brought on behalf of Torah Academy for Girls (the “Yeshiva”), a nonprofit religious educational institution; and

WHEREAS, a public hearing was held on this application on December 10, 2013, after due notice by publication in the *City Record*, with a continued hearing on January 14, 2014, and then to decision on February 4, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, the subject site comprises the western half of Block 15591, which is bounded by Meehan Avenue, Beach 6th Street, and Jarvis Avenue, within an R4-1 zoning district; and

WHEREAS, the site has approximately 239 feet of frontage on Meehan Avenue, 190 feet of frontage on Beach 6th Street, and approximately 289 feet of frontage on Jarvis Avenue, and approximately 50,003 sq. ft. of lot area; and; and

WHEREAS, the site is occupied by a one- to four-story school building (Use Group 3) with 84,389 sq. ft. of floor area (1.69 FAR); and

WHEREAS, on May 20, 2008, under the subject calendar number, the Board granted a variance to allow the enlargement of the building contrary to the requirements for

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lot coverage (ZR §§ 24-11 and 24-12), front yard (ZR § 24-34), rear yard (ZR § 24-382), perimeter wall height, setback, and sky-exposure plane (ZR § 24-521); and

WHEREAS, the applicant notes that prior to the 2008 grant, the Board, under BSA Cal. No. 158-02-BZ, permitted the enlargement of the building contrary to the requirements for floor area, side yards, front yard, rear yard, and height and setback; a floor area waiver was necessary because, at the time, the site was zoned R3-1, which has a maximum permitted community facility FAR of 1.0; and

WHEREAS, the applicant now requests an amendment to vertically and horizontally enlarge the building, resulting in an increase of the degree of waiver granted with respect to lot coverage and setbacks; and

WHEREAS, as to lot coverage, the applicant states that it will increase from 63.25 percent to 66.07 percent (the maximum permitted lot coverage is 58.06 percent); and

WHEREAS, as to setbacks, the applicant states that one of the three setbacks provided will be decreased from a depth of 23'-9" to a depth of 20'-11 9/16" and the other two setbacks provided will remain at depths of 15'-0" and 1'-8" (three setbacks with depths of 15'-0" are required); and

WHEREAS, in addition, the applicant states that the enlargement will result in an increase in floor area from 84,389 sq. ft. (1.69 FAR) to 98,388 sq. ft. (1.97 FAR); however, the applicant notes that the proposed FAR is within the 2.0 FAR permitted as-of-right in the R4-1 district; and

WHEREAS, the applicant states that the proposed enlargement will result in the following: (1) an additional classroom on the first story; (2) one fewer classroom on the second story; (3) five fewer regular classrooms but three additional remedial classrooms and a new library on the third story; (4) eight additional classrooms, a computer lab and a multipurpose room on the fourth story; and (5) a rooftop recreation area; and

WHEREAS, the applicant states that the Yeshiva requires the enlargement in order to satisfy its programmatic needs, which include providing sufficient space for its growing student body, which requires 35 sq. ft. of classroom space per student; and

WHEREAS, specifically, the applicant represents that while enrollment at the Yeshiva is nearly 1,100 students, its existing facilities are capable of accommodating no more than 922 students; and

WHEREAS, the applicant represents that the enlargement will bring the Yeshiva to a classroom space-per-student of 33.3 sq. ft., which is acceptable given its stated objective of 35 sq. ft. per student; and

WHEREAS, in addition, the applicant states that the proposed enlargement will allow greater flexibility in structuring curriculum and provide significantly more recreation space than is currently available; and

WHEREAS, at hearing, the Board directed the applicant to provide additional information regarding the streetscape, adjoining properties, the movement of bus traffic along the site, and the proposed screening from the nearby residences; and

WHEREAS, in response, the applicant submitted: (1) a streetscape and radius diagram; (2) photographs of the adjoining properties; and (3) revised plans depicting the bus loading area and the opaque fence separating the site from the nearby residences; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports a grant of the requested amendment with the conditions listed below.

Therefore it is Resolved, that the Board of Standards and Appeals reopens and amends the resolution, dated May 20, 2008, to grant the noted modifications to the previous approval; *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 January 13, 2014'- Nine (9) sheets; and *on further condition*:

THAT the bulk parameters of the building will be as follows: 98,388 sq. ft. of floor area (1.97 FAR); a maximum lot coverage of 66.07 percent; setbacks of 15'-0", 20'-11 9/16", and 1'-8";

THAT the landscaping, bus loading, and fencing will be in accordance with the BSA-approved plans;

THAT construction will proceed in accordance with ZR § 72-23;

THAT all conditions from the prior grant will remain in effect, except as otherwise stated herein;

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

THAT the approved plans will 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, February 4, 2014.

823-19-BZ

APPLICANT – Eric Palatnik, P.C., for Israel Minzer, owner.

SUBJECT – Application April 20, 2012 – Amendment of a previously approved variance which permitted a one story warehouse (UG 16). The application seeks to construct an as-of-right two-story community facility (UG 4) atop the warehouse and pursuant to ZR §§ 11-412 and 11-413 reduce the warehouse space to accommodate 13 required accessory parking spaces for the proposed community facility use. R5 zoning district.

PREMISES AFFECTED – 1901 10th Avenue, southeast corner of East 19th Street and 10th Avenue, Block 890, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #7BK

ACTION OF THE BOARD – Laid over to March 25,

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2014, at 10 A.M., for continued hearing.

APPEALS CALENDAR

5-28-BZ

APPLICANT – Eric Palatnik, P.C., for Steven Feldman, owner; Anwar Ismael, lessee.

SUBJECT – Application August 20, 2013 – Amendment (§11-413) of a previously approved variance which permitted the operation of an automotive service station (UG 16B). The amendment seeks to change the use to a car rental establishment (UG 8). R6 zoning district.

PREMISES AFFECTED – 664 New York Avenue, west side of New York Avenue, spanning the entire length of the block between Hawthorne Street and Winthrop Street, Block 4819, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #9BK

ACTION OF THE BOARD – Laid over to March 4, 2014, at 10 A.M., for continued hearing.

923-77-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 1899-1905 McDonald Avenue Associates, LLC, owner.

SUBJECT – Application November 14, 2013 – Extension of Term of a previously approved Variance (§72-21) which permitted a one-story manufacturing building which expired on May 31, 2013. R5 (OP) zoning district.

PREMISES AFFECTED – 1905 McDonald Avenue, east side of McDonald Avenue, 105 ft. south of Quentin Road, Block 6658, Lot 86, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to March 4, 2014, at 10 A.M., for continued hearing.

16-93-BZ

APPLICANT – Carl A. Sulfaro, for 110 Christopher Street, LLC, owner.

SUBJECT – Application November 15, 2013 – Extension of Term (§11-411) of a previously approved variance (§72-21) which permitted retail (UG 6) in the cellar of an existing five-story and multiple dwelling, which expires on February 23, 2014. R6 zoning district.

PREMISES AFFECTED – 110 Christopher Street, south side of Christopher street 192'-6.26 West of Bleeker Street, Block 588, Lot 51, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 25, 2014, at 10 A.M., for decision, hearing closed.

41-11-A

APPLICANT – Eric Palatnik, P.C., for Sheryl Fayena, owner.

SUBJECT – Application April 12, 2011 – Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior R-6 zoning district. R4 zoning district.

PREMISES AFFECTED – 1314 Avenue S, between East 13th and East 14th Streets, Block 7292, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, this is an application requesting a Board determination that the owner of the premises has obtained the right to complete construction of a two-story, single-family residential building under the common law doctrine of vested rights; and

WHEREAS, a public hearing was held on this application on September 17, 2013, after due notice by publication in *The City Record*, with continued hearings on November 26, 2013, and January 14, 2014, and then to decision on February 4, 2014; and

WHEREAS, the subject site is located on the south side of Avenue S, between East 13th Street and East 14th Street, within an R4-1 zoning district; and

WHEREAS, the site has 20 feet of frontage along Avenue S, and a total lot area of 2,000 sq. ft.; and

WHEREAS, the site is occupied by a two-story, single-family residential building which, in 2006, was enlarged at the rear, resulting in an increase in floor area from 1,971 sq. ft. of floor area (0.99 FAR) to 2,709 sq. ft. of floor area (1.4 FAR) (the “Building”); and

WHEREAS, the applicant represents that the Building complies with the parameters of the former R6 zoning district; and

WHEREAS, on January 11, 2006, Alteration Permit No. 302066136-01-AL (hereinafter, the “Alteration Permit”) was issued by the Department of Buildings (“DOB”) permitting construction of the Building; and

WHEREAS, however, on February 15, 2006, (hereinafter, the “Enactment Date”), the City Council voted to adopt the Homecrest Rezoning, which rezoned the site from R6 to R4-1; and

WHEREAS, the Building, which is a single-family residence with 2,709 sq. ft. of floor area (1.4 FAR), no side yards, and a rear yard with a depth of 17 feet, does not comply with the current zoning, which allows only single-family residences with a maximum FAR of 0.75, one side yard with a

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minimum width of eight feet, and a rear yard with a minimum depth of 30 feet; and

WHEREAS, as of the Enactment Date, the applicant had obtained permits but had not completed construction; and

WHEREAS, accordingly, the applicant now seeks recognition of vested right to complete construction pursuant to the common law doctrine of vested rights; and

WHEREAS, a threshold matter for the vested rights analysis is that a permit be issued lawfully prior to the Enactment Date and that the work was performed pursuant to such lawful permit; and

WHEREAS, by letter dated September 11, 2013, DOB stated that the Alteration Permit was lawfully issued, authorizing construction of the proposed Building prior to the Enactment Date; and

WHEREAS, the Board notes that when work proceeds under a lawfully-issued permit, a common law vested right to continue construction after a change in zoning generally exists if: (1) the owner has undertaken substantial construction; (2) the owner has made substantial expenditures; and (3) serious loss will result if the owner is denied the right to proceed under the prior zoning; and

WHEREAS, specifically, as held in Putnam Armonk, Inc. v. Town of Southeast, 52 A.D.2d 10 (2d Dept. 1976), where a restrictive amendment to a zoning ordinance is enacted, the owner's rights under the prior ordinance are deemed vested "and will not be disturbed where enforcement [of new zoning requirements] would cause 'serious loss' to the owner," and "where substantial construction had been undertaken and substantial expenditures made prior to the effective date of the ordinance"; and

WHEREAS, however, notwithstanding this general framework, as discussed by the court in Kadin v. Bennett, 163 A.D.2d 308 (2d Dept. 1990) "there is no fixed formula which measures the content of all the circumstances whereby a party is said to possess 'a vested right'. Rather, it is a term which sums up a determination that the facts of the case render it inequitable that the State impede the individual from taking certain action"; and

WHEREAS, as noted above, the applicant obtained a permit to enlarge the Building at the rear and performed certain work prior to the Enactment Date; and

WHEREAS, specifically, the applicant states that the work it performed constitutes substantial construction, in that, prior to the Enactment Date, it performed: 100 percent of the excavation, footings, concrete walls, exterior, roof finish, skylights, windows, and 50 percent of the electrical and exterior stucco finish; and

WHEREAS, in support of this statement, the applicant has submitted the following: a breakdown of the construction costs by line item; copies of cancelled checks; construction permits; and photographs of the site; and

WHEREAS, at hearing, the Board requested further documentation regarding the timing of the work performed; and

WHEREAS, in response, the applicant provided affidavits from the owner of the site and from a neighbor;

both affidavits attest to the timing and nature of the work performed prior to the Enactment Date; and

WHEREAS, the Board has reviewed the representations as to the amount and type of work completed before and after the Enactment Date and the documentation submitted in support of these representations, and agrees that it establishes that substantial work was performed; and

WHEREAS, as to expenditure, the Board notes that unlike an application for relief under ZR § 11-30 et seq., soft costs and irrevocable financial commitments can be considered in an application under the common law and accordingly, these costs are appropriately included in the applicant's analysis; and

WHEREAS, the applicant represents that the total expenditure paid for the enlargement is \$77,600 (including \$51,000 in hard costs), or approximately 61 percent, out of the \$127,610 cost to complete; and

WHEREAS, as noted, the applicant has submitted copies of cancelled checks and affidavits in support of this representation; and

WHEREAS, the Board considers the amount of expenditures significant, both for a project of this size, and when compared with the development costs; and

WHEREAS, again, the Board's consideration is guided by the percentages of expenditure cited by New York courts considering how much expenditure is needed to vest rights under a prior zoning regime; and

WHEREAS, as to serious loss, the Board examines not only whether certain improvements and expenditures could not be recouped under the new zoning, but also considerations such as the diminution in income that would occur if the new zoning were imposed and the reduction in value between the proposed building and the building permitted under the new zoning; and

WHEREAS, the applicant notes that the R4-1 floor area and yard regulations are significantly more restrictive than the R6 regulations; specifically, whereas a residence with a 3.0 FAR and no side yards or rear yard is permitted in an R6 zoning district (because the site is within a 100 feet of a corner), in an R4-1 district, the maximum permitted FAR is 0.75, and one side yard with a minimum width of eight feet and a rear yard with a minimum depth of 30 feet are required; and

WHEREAS, accordingly, the applicant states that, in order to comply with the R4-1 regulations, it would have to restore the building to its prior condition, which even under the R4-1 regulations would be non-complying; and

WHEREAS, the applicant represents that restoring the building to its prior condition would result in a serious economic loss to the applicant, because all monies spent to date will be lost and additional expenditures will be required, without any increase in the value of the Building; and

WHEREAS, the Board agrees that complying with the R4-1 district regulations would result in a serious economic loss for the applicant; and

WHEREAS, in sum, the Board has reviewed the representations as to the work performed and the

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expenditures made both before and after the Enactment Date, the representations regarding serious loss, and the supporting documentation for such representations, and agrees that the applicant has satisfactorily established that a vested right to complete construction of the Building has accrued to the owner of the premises.

Therefore it is Resolved, that this application made pursuant to the common law doctrine of vested rights requesting a reinstatement of Permit No. 302066136-01-AL, as well as all related permits for various work types, either already issued or necessary to complete construction and obtain a certificate of occupancy, is granted for four years from the date of this grant.

Adopted by the Board of Standards and Appeals, February 4, 2014.

164-13-A

APPLICANT – Slater & Beckerman, for Grand Imperial, LLC, owner.

SUBJECT – Application May 31, 2013 – Appeal seeking to reverse Department of Buildings’ determination not to issue a Letter of No Objection that would have stated that the use of the premises as Class A single room occupancy for periods of no less than one week is permitted by the existing Certificate of Occupancy. R10A zoning district.

PREMISES AFFECTED – 307 West 79th Street, northside of West 79th Street, between West End Avenue and Riverside Drive, Block 1244, Lot 8, Borough of Manhattan.

COMMUNITY BOARD #7M

ACTION OF THE BOARD – Laid over to March 25, 2014, at 10 A.M., for continued hearing.

ZONING CALENDAR

154-13-BZ

CEQR #13-BSA-138K

APPLICANT – Sheldon Lobel, P.C., for Ralph Avenue Associates, LLC, owner.

SUBJECT – Application May 14, 2013 – Variance (§72-21) to allow the construction of a retail building (UG 6), contrary to use regulations (§22-10). R5 zoning district.

PREMISES AFFECTED – 1054-1064 Bergen Avenue, bounded by Bergen Avenue to the north, Avenue K to the east, East 73rd Street to the south, and Ralph Avenue to the west, Block 8341, Lot (Tentative lot 135), Borough of Brooklyn.

COMMUNITY BOARD #18BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner of the Department of Buildings (“DOB”), dated May 10, 2013, acting on DOB Application No. 320688029, reads, in pertinent part:

Proposed commercial building cannot be built in R5 zone, per Section 22-00; and

WHEREAS, this is an application under ZR § 72-21, to permit, within an R5 zoning district, the construction of a one-story commercial building (Use Group 6), contrary to ZR § 22-00; and

WHEREAS, a public hearing was held on this application on October 29, 2013, after due notice by publication in the *City Record*, with continued hearings on December 10, 2013 and January 14, 2014, and then to decision on February 4, 2014; and

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

WHEREAS, Community Board 18, Brooklyn, recommends approval of the application; and

WHEREAS, the subject site includes all of Block 8341, which comprises Lots 100, 113, 118, 120, 121, and 125 and is bounded by Ralph Avenue, East 73rd Street, Bergen Avenue, and Avenue K; and

WHEREAS, the site, which is wholly within an R5 zoning district, has 237.76 feet of frontage along Ralph Avenue, 567.51 feet of frontage along East 73rd Street, 696.15 feet of frontage along Bergen Avenue, 200 feet of frontage along Avenue K, and a lot area of 127,535 sq. ft.; in addition, a sewer easement encumbers a portion of the site for the full length of Ralph Avenue; and

WHEREAS, the site is occupied by six, three-story residential buildings with a total of 159,418 sq. ft. of floor area (1.25 FAR) and 144 dwelling units (affordable housing), and 167 parking spaces (the “Development”); 51 of the parking spaces are driveway spaces appurtenant to the buildings, 51 are within the buildings, and 65 are provided for-pay in an at-grade v-shaped parking lot in portions of Lots 118 and 121 along Ralph Avenue and Bergen Avenue (the “Parking Lot”); and

WHEREAS, the applicant represents that, in connection with this application, a new tax lot, Lot 135, will be formed within the site from the northwest portions of Lots 118 and 112; Lot 135 will have 162.16 feet of frontage along Bergen Avenue, 170.43 feet along Ralph Avenue, and approximately 16,500 sq. ft. of tax lot area; and

WHEREAS, the applicant states that the Development was completed around 2006 and included a partial build-out of three mapped but unbuilt public roadways (Bergen Avenue, Avenue K, and East 73rd Street); and

WHEREAS, the applicant notes that the Development was financed through the New York City Housing Development Corporation’s (“HDC”) New Housing Opportunities Program (“NewHOP”), with a required debt-service-coverage-ratio (“DSCR”) of 1.20, and in order to

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satisfy the DSCR for the site, the Development's revenue stream included revenue from the Parking Lot; however, in 2011, the City widened Bergen Avenue and installed 70 angled, unmetered parking spaces; and

WHEREAS, accordingly, the applicant represents that revenue from the Parking Lot has sharply declined, the applicant's ability to cover the 1.20 DSCR is in jeopardy, and, absent the requested relief, an affordable housing project is in danger of mortgage default; and

WHEREAS, therefore, in order to offset the lost revenue from the Parking Lot and to appropriately account for the unique hardships inherent in the original development of the site, the applicant proposes to construct on Lot 135 a one-story commercial building (Use Group 6) with 5,162 sq. ft. of floor area (0.04 FAR) and an accessory parking lot with 18 spaces; and

WHEREAS, because Use Group 6 is not permitted within the subject R5 zoning district, the applicant seeks a use variance; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions which create an unnecessary hardship in developing the site in conformance with applicable regulations: (1) the lack of adjacent sewer lines; (2) the existence of a sewer easement, which prohibits construction on the westernmost portion of the site; (3) the requirement to construct abutting public roadways; and (4) the historic use of a portion of the site for a dumping ground; and

WHEREAS, the applicant states that when the Development was constructed, the site lacked adjacent sewer lines along Bergen Avenue and East 73rd Street, and the nearest connectible sanitary sewer ran down Ralph Avenue, along the western portion of the site; as such, the developer had to construct an on-site private sewer line running the full length of Block 8341, as well as a pumping station with sewage grinders and an emergency generator, and 69 drywells for storm water management, at significant cost; and

WHEREAS, the applicant states that the costs associated with the construction of the sanitary and storm sewer systems were further increased by the existence of a 120-inch sewer main running parallel to Ralph Avenue and a related sewer easement, which extends for a depth of 60 feet into the site; such easement also constrained where the residential buildings could be located, making two of the six buildings further from the main than would have been required if there were no easement; and

WHEREAS, the applicant asserts that the site was also uniquely burdened by having to build out portions of mapped but unbuilt Bergen Avenue, Avenue K, and East 73rd Street; and

WHEREAS, finally, the applicant contends that illegal dumping at the site prior to the construction of the Development was a unique physical condition that created an unnecessary hardship in developing the site; in particular, when the site was originally acquired, it was an abandoned construction site with in-place foundations filled with dirt, debris, and garbage; accordingly, the site required considerable soil excavation and removal as well as special

removal and disposal of the landfill-type garbage that had accumulated at the site; such operations increased construction costs beyond that which would have been typical for a similarly-sized project; and

WHEREAS, the Board finds that the site's lack of adjacent sewers, encumbrance by a sewer easement, lack of built-out abutting public roadways, and historic use as a dumping ground created an unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

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

WHEREAS, in particular, the applicant states that because the site was developed through HDC financing and the NewHOP program, it must adhere to the 1.20 DSCR while providing affordable housing at the site; as originally conceived, the Development's revenue—including the Parking Lot revenue—was sufficient to cover the DSCR; however, with the decline of the Parking Lot revenue due to the availability of free parking spaces along Bergen Avenue, the applicant states that it can no longer offset the premium costs for developing the site; and

WHEREAS, the applicant explored the feasibility of constructing an additional residential building on a portion of Lot 121, east of the sewer easement; in addition to requiring a variance for floor area (the site is already at the maximum permitted FAR of 1.25), a new residential building on the site would have too few units to satisfy NewHOP requirements; and

WHEREAS, therefore, the applicant states that only the proposal will generate the amount of revenue necessary to maintain the 1.20 DSCR and avoid a mortgage default; and

WHEREAS, in support of this statement, the applicant submitted a financial analysis, which studied the Development's DSCR in light of the declining revenues of the Parking Lot and the projected revenues of the proposed commercial building; and

WHEREAS, the applicant concluded that the proposal will allow the Development to maintain the required DSCR, which in light of the unique financing of the Development, is tantamount to providing a positive rate of return; and

WHEREAS, at hearing, the Board directed the applicant to provide detailed information regarding: (1) the structure of its financing; and (2) its construction costs associated with the site's unique conditions; and

WHEREAS, in response, the applicant provided an itemized and annotated timeline of the Development's costs and financing, and a copy of its builder's pavement plan (depicting the extent of the roadway construction) and its site drainage plan (depicting the sanitary and storm sewer systems); and

WHEREAS, based upon its review of the applicant's financial analysis, the Board has determined that because of the subject lot's unique physical conditions, there is no reasonable possibility that development in strict conformance

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with applicable zoning requirements will provide a reasonable return; and

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

WHEREAS, the applicant states that the immediate area is characterized by a mix of low- to medium-density residential and commercial uses with some manufacturing/industrial uses, including a large water treatment facility across Bergen Avenue; and

WHEREAS, in support of this statement, the applicant submitted a land use map and photographs depicting the mixed-use nature of the neighborhood; based on the map, the proposed commercial building will be immediately adjacent to either parking areas or commercial (across Ralph Avenue) or industrial uses (across Bergen Avenue); and

WHEREAS, as to bulk, the applicant states that the proposed commercial building is smaller or comparable to other buildings (both residential and commercial) located along Ralph Avenue; and

WHEREAS, in addition, the applicant asserts that the bulk of the building is modest in comparison to what is permitted in the C2-2 district mapped directly across Ralph Avenue from the site; specifically, if the proposed building on Lot 135 were considered to be on its own zoning lot, as noted above, its lot area would be 16,031 sq. ft. and its FAR would be 0.32, which represents less than one-third of the 1.0 FAR permitted in a C2-2 district; and

WHEREAS, likewise, the applicant states that the proposed wall height of 18 feet is 12 feet less than the maximum permitted wall height (30 feet) in the C2-2 district; also, while there are no yard regulations for a commercial building in an R5 district, the building has a yard facing Bergen Avenue with a width of approximately five feet and a yard facing Ralph Avenue with a width of approximately 57 feet; further, there is a 40-foot separation between the proposed building and the nearest dwelling; and

WHEREAS, as to parking, the proposal would allocate 18 parking spaces for the commercial portion of the site and maintain 123 parking spaces for the residences, which is in accordance with ZR § 25-23 and would be in accordance with ZR § 36-21, if the commercial use were permitted; further, as noted above, Bergen Avenue has 70 angled parking spaces directly abutting the site; and

WHEREAS, therefore, the applicant asserts that the proposal is compatible with the surrounding neighborhood in terms of use and bulk, and will have no impact on parking; and

WHEREAS, the Board agrees that the character of the area is mixed-use, and finds that the introduction of a one-story commercial building and parking lot will not impact nearby conforming uses; and

WHEREAS, accordingly, 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, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is rather a function of the site's unique physical conditions; and

WHEREAS, finally, the Board finds that the proposal is the minimum variance necessary to afford relief, as set forth in ZR § 72-21(e); and

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

WHEREAS, the project is classified as an unlisted Action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No.13-BSA-138K, dated May 13, 2013; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, within an R5 zoning district, the construction of a one-story commercial building (Use Group 6), contrary to ZR § 22-00, *on condition* that any and all work will substantially conform to drawings filed with this application marked "Received September 18, 2013"– (6) sheets; and *on further condition*:

THAT the following will be the bulk parameters of the proposed building: one story; a maximum of 5,162 sq. ft. of floor area (0.04 FAR); side yards with minimum depths of five feet and 57 feet; a maximum wall height of 18 feet; and accessory parking for 18 automobiles;

THAT no fewer than 141 parking spaces (123 accessory to residences and 18 accessory to the commercial building) will be provided at the site;

THAT signage will comply with C1 regulations;

THAT the above conditions will appear on the

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certificate of occupancy;

THAT substantial construction will be completed in accordance with ZR § 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);

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

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

Adopted by the Board of Standards and Appeals, February 4, 2014.

209-13-BZ

CEQR #14-BSA-005M

APPLICANT – Sheldon Lobel, P.C., for 12 West 21 Land, O.P., owner.

SUBJECT – Application July 8, 2014 – Special Permit (§73-36) to allow a physical culture establishment (*NY Physical Training Fitness Studio*) within the existing building, contrary to C6-4-A zoning district.

PREMISES AFFECTED – 12 West 21st Street, between 5th Avenue and 6th Avenue, Block 822, Lot 49, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated June 6, 2013, acting on Department of Buildings (“DOB”) Application No. 121094813, reads in pertinent part:

Physical culture establishment is not permitted as-of-right in a C6-4A zoning district and is contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C6-4A zoning district within the Ladies’ Mile Historic District, the legalization of a physical culture establishment (“PCE”) on the second floor of a 12-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 14, 2014 after due notice by publication in *The City Record*, and then to decision on February 4, 2014; and

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

and

WHEREAS, Community Board 5 Manhattan, expresses no objection to this application; and

WHEREAS, the subject site is located on the south side of West 21st Street, between Fifth Avenue and Avenue of the Americas, within a C6-4A zoning district within the Ladies’ Mile Historic District; and

WHEREAS, the site has approximately 50.5 feet of frontage along West 21st Street, and 4,646 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 12-story commercial building with 54,220 sq. ft. of floor area (11.67 FAR); and

WHEREAS, the PCE occupies approximately 4,242 sq. ft. of floor area on the second floor of the building; and

WHEREAS, the PCE began operation as New York Personal Training Fitness Studio on January 1, 2008; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the hours of operation for the PCE are seven days per week, 24 hours per day; and

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

WHEREAS, the Landmarks Preservation Commission has issued a Certificate of No Effect for the interior alterations and the exterior signage, dated October 2, 2013; and

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

WHEREAS, accordingly, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; however, the Board has reduced the term of the grant to reflect the period of time that the PCE operated without the special permit; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No. 14BSA005M dated July 8, 2013; and

WHEREAS, the EAS documents that the operation of the PCE would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions;

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Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issued a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C6-4A zoning district within the Ladies' Mile Historic District, the legalization of a PCE on the second floor of an 12-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received November 6, 2013" – Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on January 1, 2018;

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

THAT any massages will be performed only by New York State licensed massage professionals;

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2014.

243-13-BZ

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for Henry II Thames LP c/o of Fisher Brothers, owners.

SUBJECT – Application August 21, 2013 – Variance (§72-21) to permit construction of a mixed use building, contrary to setback requirements (§91-32). C5-5 (LM) zoning district.

PREMISES AFFECTED – 22 Thames Street, 125-129 Greenwich Street, southeast corner of Greenwich Street and Thames Street, Block 51, Lot 13, 14, Borough of Manhattan.

COMMUNITY BOARD #1M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Executive Zoning Specialist, dated July 22, 2013, acting on Department of Buildings Application No. 121183799, reads, in pertinent part:

Proposed mixed building portion above the maximum base height does not comply with setback regulations; contrary to ZR 91-32; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site within a C5-5 zoning district within the Special Lower Manhattan District (LM), a 70-story mixed-use commercial/residential building, with 439 dwelling units, and commercial use on the first and second floors, which is contrary to the setback regulations set forth at ZR § 91-32; and

WHEREAS, a public hearing was held on this application on November 26, 2013, after due notice by publication in the *City Record*, with continued hearings on January 14, 2014, and then to decision on February 4, 2014; and

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

WHEREAS, Community Board 1, Manhattan, recommends approval of the application; and

WHEREAS, the subject site is located on the southeast corner of Greenwich Street and Thames Street and comprises Lot 13 and Lot 14; and

WHEREAS, Lots 13 and 14 form a single zoning lot (the "Zoning Lot") with a combined lot area of 35,813.70 sq. ft.; Lot 13 has a lot area of 26,727.37 sq. ft., which represents approximately 75 percent of the Zoning Lot's total lot area and Lot 14 has a lot area of 9,086.33 sq. ft., which represents approximately 25 percent of the Zoning Lot; and

WHEREAS, Lot 13 is improved with a now vacant building constructed in two phases – a 6-story structure completed in 1921 and a 14-story addition completed in 1931; it is an individual New York City Landmark (the "Landmark

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Building”), the former American Stock Exchange building, which will remain; Lot 14 is occupied by a vacant ten-story commercial building (the “Lot 14 Building”) which was constructed as a factory in the late 1800’s and which will be demolished; and

WHEREAS, in 1957, pursuant to BSA Cal. No. 847-56-A, the Board granted a variance of Section 271 of the Labor Law which allowed a fire escape located on the north side of the Lot 14 Building to serve as the building’s required second means of egress; and

WHEREAS, the applicant states that the proposed building will include approximately 359,000 sq. ft. of floor area, including unused floor area attributable to Lot 13, and up to 440 residential units; and

WHEREAS, the applicant states that subject to Landmarks Preservation Committee (LPC) approval, the owner of Lot 13 is planning to convert the Landmark Building to a hotel with retail uses on the lower floors at a future date; since the Lot 14 Building is not a designated landmark, the applicant asserts that LPC approval is not required for the proposal; and

WHEREAS, the applicant states that sites within the Special Lower Manhattan District are subject to special street wall and setback regulations, which are set forth at ZR §§ 91-31 and 91-32 and provide that all portions of a building located above a specified maximum base height must set back a specified distance from the street line; and

WHEREAS, ZR § 91-31 states that, except as otherwise provided in that section, the maximum base height will be 85 feet or 1.5 times the width of the street upon which the building fronts and it designates six classes or “types” of streets on which new development is subject to different minimum and/or maximum base heights; and

WHEREAS, ZR § 91-31 further provides that, when a building fronts on two intersecting streets that are subject to different maximum base heights, the higher maximum base height may wrap around to the street with the lower maximum base height for a distance of 100 feet; and

WHEREAS, the applicant states that ZR § 91-32 specifies the required building setback above the applicable maximum base height, which is based on the lot area of the relevant zoning lot; for zoning lots of less than 15,000 sq. ft., a minimum setback of ten feet is required; for zoning lots of between 15,001 and 30,000 sq. ft., a minimum setback of 15 feet is required; and for zoning lots greater than 30,000 sq. ft., a minimum setback of 20 feet is required; and

WHEREAS, the applicant notes that the Lot 14 portion of the Zoning Lot has 82’-8” of frontage on Greenwich Street and 119’-3½” of frontage along Thames Street; and

WHEREAS, the applicant notes that Appendix A, Map 2 of the Special District regulations designates Lot 14’s Greenwich Street frontage as a Type 3 street and its Thames Street frontage as an unclassified street; under ZR § 91-31, along a Type 3 street, the base height of a building will be at least 60 feet or five stories, whichever is less, and may not exceed 85 feet or 1.5 times the width of the street, whichever is greater; and

WHEREAS, the applicant notes that Greenwich Street has a width of 65 feet and, thus, along Greenwich Street, the base height of a new building constructed on Lot 14 may not exceed 97.5 feet; due to ZR § 91-31’s “wrap” provision, all but a small segment of the new building’s Thames Street frontage may likewise have a base height of up to 97.5 feet; and

WHEREAS, the applicant notes that although Lot 14 has a lot area of only 9,086.33 sq. ft., the Zoning Lot, including the site of the Landmark Building, has a total lot area of 35,813.7 sq. ft., thus ZR § 91-32 requires that, above the applicable maximum base height of 97.5 feet, a new building constructed on Lot 14 must set back at least 20 feet along Greenwich Street and along Thames Street; and

WHEREAS, because the proposal reflects a building with a setback of 10 feet on Greenwich Street and a setback of 13 feet on Thames Street, above a height of 76 feet, rather than setbacks of 20 feet on each frontage, waiver of the Special Lower Manhattan District’s setback provision is required; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions which create an unnecessary hardship in developing the in conformance with applicable regulations: (1) existence of the Landmark Building on the Zoning Lot and (2) the configuration of the Zoning Lot with the historic interconnectedness of the buildings; and

WHEREAS, the applicant states the Zoning Lot is unique because most of it is occupied by a designated New York City landmark which was physically and functionally connected to the existing Lot 14 Building for many years and severely constrains any new development on the Zoning Lot; and

WHEREAS, the applicant states that for many years, the building housed the American Stock Exchange and in 2013, the LPC designated the building an individual New York City landmark; and

WHEREAS, the applicant asserts that as a consequence of its landmark status, it is extremely unlikely that the Landmark Building could ever be demolished and replaced with a new building or significantly enlarged so as to permit all or most of the allowable floor area attributable to Lot 13 to be utilized on that parcel, which has a lot area of approximately 9,000 sq. ft.; and

WHEREAS, additionally, the applicant asserts that there are not any sites in proximity to the Zoning Lot that are both eligible under the Zoning Resolution to receive Lot 13’s unused floor area and practically capable of utilizing that floor area; and

WHEREAS, thus, the applicant asserts that the only option for the utilization of most of Lot 13’s unused floor area is to transfer that floor area to Lot 14 and use it in a new development on that parcel, which is what the applicant proposes; and

WHEREAS, as to the uniqueness of the circumstances that affect the site, the applicant provided a map which reflects the nine other designated New York City landmarks located within a 400-ft. radius of the site; and

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WHEREAS, the analysis identifies these landmarks and shows the maximum amount of floor area permitted on the landmark site, the amount of floor area in the landmark building, and the available development rights on the landmark site; and

WHEREAS, the applicant's analysis concludes that six of the nine landmarks are currently overbuilt and therefore do not have any excess floor area that can be transferred to a potential development site; although two of the landmark sites - St. George's Syrian Catholic Church and 94 Greenwich Street - have excess development rights, they have already undergone a zoning lot merger with the larger parcel located at 99 Washington Street and their excess development rights are being used in a new hotel that is presently under construction on that parcel; and

WHEREAS, the applicant distinguishes the other merger scenario from its own where a development on the smaller non-landmark portion of the site is severely constrained by the landmark status of approximately 75 percent of the lot area; and

WHEREAS, the applicant states that the last of the nine landmarks shown on is Trinity Church and Graveyard, which contains a large amount of excess development rights and the only other parcel located on the same block is also occupied by a landmark, - the adjacent Trinity Building; therefore, none of the Church's excess development rights can be utilized on that block pursuant to a conventional zoning lot merger; and

WHEREAS, the applicant asserts that the mechanism available for a transfer of the Church's development rights is a City Planning Commission special permit pursuant to ZR § 74-79 and thus it is highly unlikely that a Board variance would be requested in connection with a utilization of Trinity Church's excess development rights; and

WHEREAS, the applicant concludes that there are no other landmark sites in proximity to the site that are affected by the same sort of unique circumstances that create practical difficulties and unnecessary hardship and support the granting of a variance in this case; and

WHEREAS, the applicant notes, that due to the configuration of the zoning lot, there are practical difficulties in utilizing most of the Zoning Lot's available floor area in a new development on Lot 14 in compliance with the Zoning Resolution's applicable setback requirements; and

WHEREAS, as to the interconnectedness of the buildings, the applicant asserts that in 1930, the American Stock Exchange's predecessor (the New York Curb Exchange) purchased the Lot 14 Building and incorporated it into its stock exchange operations; until the exchange closed, the Landmark Building and the Lot 14 Building operated as a unified complex, with the Lot 14 Building containing exchange offices, trading floors and support facilities; and

WHEREAS, the applicant states that the two buildings were connected on floors 2, 8 and 10 of the Lot 14 Building, which correspond to the basement and floors 6 and 8 of the Landmark Building; additionally, the two buildings shared a

number of services and systems; primary and secondary access to both buildings was provided by entrances in the Landmark Building located on Trinity Place and Greenwich Street; and the Lot 14 Building did not have its own accessible at-grade entrance; and

WHEREAS, the applicant asserts that the two tax lots - Lots 13 and 14 - were under the control of the American Stock Exchange and functioned as a unified commercial complex for many years; and

WHEREAS, in support of this contention, the applicant submitted a copy of a New York Times article dated January 5, 1930, which announces that the Hamilton Building, as the Lot 14 Building was then known, had been purchased by the New York Curb Exchange (later the American Stock Exchange) as part of the of its expanded exchange complex; and

WHEREAS, the applicant states that in 2009, the American Stock Exchange ceased trading and in 2011 it sold the entire site to entities related to the current owner of Lot 13; these two entities thereafter merged Lots 13 and 14 into the Zoning Lot and executed a Zoning Lot Development Agreement which allows a specified amount of the unused development rights attributable to Lot 13 to be incorporated into a new development on Lot 14; and

WHEREAS, the applicant states that it is not possible to construct an efficient residential building on Lot 14 that complies with the applicable setback requirements of ZR § 91-32, which are based on the lot area of the much larger combined Zoning Lot; and

WHEREAS, the applicant reiterates that Lot 14 has a lot area of only slightly more than 9,000 square feet, which represents only about 25 percent of the total area of the Zoning Lot and, under ZR § 91-32, the applicable setback requirements are based on the lot area of the affected zoning lot such that if Lot 14 were a discrete zoning lot, above the applicable maximum base height any new development on that parcel would be required to set back only 10 feet from the street line along both Greenwich and Thames streets; and

WHEREAS, the applicant notes that it proposes setbacks of 10 and 13 feet, which would actually exceed the requirements of two setbacks of 10 feet each, if Lot 14 were its own zoning lot; and

WHEREAS, however, because the Zoning Lot comprises Lots 13 and 14 and has a total lot area in excess of 35,000 square feet, above the maximum base height any new development on Lot 14 must set back 20 feet along both Greenwich and Thames streets; and

WHEREAS, the applicant represents that a complying building with the required setbacks of 20 feet along both Greenwich and Thames streets would result in a tall, slender building with small tower floor plates of only 5,382 sq. ft. and that taking into account a double loaded corridor design and space reserved for the building's circulation core, and the additional structural elements required for such a tall and slender building, floor plates of this size permit only five or six apartments per floor which would not have the optimal depths or room widths of New York City apartments; and

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WHEREAS, accordingly, the applicant asserts that the complying building has a net square foot to gross square foot efficiency rate of approximately 70 percent, which is significantly below the real estate industry standard; and

WHEREAS, the applicant asserts that due to the small floor plates, in order for the complying building to utilize all of the available floor area, it would have 85 floors and an elevation of 1,048 feet and would require five high-speed elevators to serve the 85 floors, leading to compounded inefficiencies and premium costs; and

WHEREAS, in contrast, the applicant asserts that the proposed building would have a reduced height with larger tower floor plates of 6,489 sq. ft.; and

WHEREAS, the applicant asserts that taking into account the reduced amount of structural elements needed for a shorter building, these larger floor plates would accommodate seven or eight apartments per floor which would have the optimal depth and room width for residential apartments; and

WHEREAS, the applicant states that the proposed building has a net to gross square foot efficiency rate of approximately 78.5 percent, which is closer to the industry standard than the complying building's efficiency rate; and

WHEREAS, the applicant states that as a consequence of its larger floor plates, the proposed building has 70 stories and an elevation of 882 feet, which makes it significantly shorter than the complying building and it requires only four conventional passenger elevators in contrast to the five high-speed elevators required for the complying building; and

WHEREAS, the applicant identified additional elements of the complex and costly structural system required for the complying building, including: (1) a very high height to width, or "slenderness," ratio of 17:1 in contrast to the proposed building's 13:1 slenderness ratio, which would require additional structure to stiffen the building to resist wind, seismic and gravity loads; (2) the requirement for more concrete walls and reinforcing bar tonnage than the proposed building; (3) in order to resist wind and seismic loads, the complying building would require thicker shear walls than the proposed building; (4) the complying building would require high-strength grade 100 rebar, while the proposed building will use conventional grade 60 rebar; (5) the complying building would require significantly more concrete reinforcing tonnage than the proposed building; (6) the complying building would require thicker foundations than the proposed building; (7) at its upper levels, the complying building would require thicker floor slabs and more or larger reinforcing bars than the proposed building; and (9) in order to accommodate the movement of the façade between floors during periods of high wind, the complying building would require more expensive façade connection detailing than the proposed building; and

WHEREAS, the applicant asserts that there are approximately \$31 million in premium costs associated with a complying building; and

WHEREAS, the applicant states that although Lots 13

and 14 constitute a single zoning lot, Lot 13 is under separate ownership and all of the economic benefits of a redevelopment of the Landmark Building will flow to the owner of that property; and

WHEREAS, the Board finds that the historic configuration of the lot and the presence of the Landmark Building in the aggregate create an unnecessary hardship and practical difficulty in developing the site in conformance with the applicable zoning regulations; and

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

WHEREAS, the applicant assessed the financial feasibility of (1) the complying mixed-use commercial/residential building with the required setbacks and (2) the proposal; and

WHEREAS, the applicant concluded that only the proposal would result in a sufficient return; and

WHEREAS, at hearing, the Board asked the applicant to explain the effect of the Inclusionary Housing and tax abatements on the project's feasibility; and

WHEREAS, in response, the applicant states that 20 percent of the apartments will be affordable units that will be rented to households earning no more than 60 percent of the area median income, which will allow for Section 421-a real estate tax exemption for a 20-year period; the applicant estimates that the tax exemption will have a value of approximately \$38.7 million; and

WHEREAS, the applicant notes that under the Zoning Resolution, the affordable dwelling units will also generate Inclusionary Housing development rights, which, however, may not be used on the site but may be used on sites within the Special District that are zoned C6-4 or on other eligible sites within Community Board 1 or within a half-mile radius of the site (per ZR § 91-22); and

WHEREAS, the applicant estimates the value of the transferable Inclusionary Housing development rights is \$38.9 million; and

WHEREAS, in response to questions about whether the upper floor apartments in the taller complying building would have greater value than the upper floors in the proposed building, the applicant stated that they would be of greater value but the inefficiencies associated with the smaller floor plates in the complying building would produce significantly less rentable square footage than the more efficient floor plate in the proposed building and would lead to the complying building achieving less rent than the proposed building; and

WHEREAS, accordingly, the applicant states that the higher upper floor rents in a complying building would not offset its significantly higher construction costs; and

WHEREAS, in response to the Board's questions about the value of the Landmark Building, the applicant states that the site will be redeveloped in the future with 177,705 sq. ft. of hotel and retail floor area, which includes 143,335 sq. ft. of existing floor area and 34,370 sq. ft. of unbuilt floor area that will be constructed within the building envelope; and

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WHEREAS, the applicant's analysis concluded that the tax exemptions and development rights transfer are standard for residential development and are not alone able to offset the premium costs associated with the hardship at the site; and

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

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

WHEREAS, the applicant notes that the proposed commercial and residential uses are both conforming and are compatible with the surrounding area; and

WHEREAS, the applicant notes that a building envelope with setbacks of 10 feet on Greenwich Street and 13 feet on Thames Street would be permitted as of right if Lot 14 did not share a zoning lot with the Landmark Building, thus, the building envelope is contemplated by the zoning; and

WHEREAS, the applicant notes that the complying building would have 85 stories and a height of 1,048 ft., compared to the 70 stories and 882 feet of the proposed, which is a difference of 15 stories and 166 feet of height and that the proposed is more compatible with the surrounding neighborhood context; and

WHEREAS, additionally, the applicant asserts that the proposed building will be more compatible with its surrounding context and is being designed with a lower base height to relate to the height of the significant architectural features of the adjacent Landmark Building; and

WHEREAS, the applicant notes that although the applicable height and setback regulations allow the base of a building on this site to reach a height of 97.5 feet before a setback is required, the base of the proposed building will reach a height of only 76 feet, which allows the top of the base to line up with the cornice of the Landmark Building and promote a harmonious relationship between the two buildings; and

WHEREAS, although the application for setback waiver does not require a CEQR analysis, the applicant performed a shadow analysis to respond to the Board's inquiry about shadows, which reflects that the proposed building would cause only small incremental shadows on the September 11th Memorial and Zucotti Park compared to the existing conditions; and

WHEREAS, further, the applicant notes that the proposed shadows would be incremental compared to those associated with the complying building because although the proposal reflects larger floor plates, the complying building would have a significantly greater height than the proposed building and the existing tall buildings in the surrounding area already create shadow impacts; and

WHEREAS, specifically, the applicant states that when

compared to a complying design, the proposed building would not have any incremental shadows on Zucotti Park at any time of the year and would have a very small shadow on the September 11th Memorial only in the winter, during a brief period of the day; and

WHEREAS, the applicant states that the analysis concludes that when compared with a complying building, the incremental shadows caused by the proposed building will be negligible and even less in comparison to existing conditions in the area; and

WHEREAS, the applicant asserts that the site is immediately south of the World Trade Center site, which is being redeveloped with several tall commercial towers, and directly north of an area where older street-wall buildings of various heights predominate; and

WHEREAS, the applicant submitted a comparison study of the proposed building and the complying building within the surrounding context, in support of the assertion that the proposed building will follow the height gradient formed by the buildings in these two distinct areas but that the taller complying building would disrupt this contextual gradient; and

WHEREAS, the applicant also notes that the Thames Street sidewalk abutting the site is currently only 3'-5" wide and that in order to satisfy the pedestrian circulation requirements of ZR § 91-42, the applicant will incorporate within the proposed building a covered walkway with a depth of 10'-0" that extends along its entire Thames Street frontage, which will provide circulation space with a total width of 13'-5", an improvement over the current narrow sidewalk; and

WHEREAS, the applicant also notes that the proposed building will provide a significant measure of flood protection including: the building's circulation core, including its elevators and service equipment, will be located at the eastern end of the site, which has an elevation that is approximately five feet higher than the western end of the site; and the building's essential electrical equipment will be located on the third floor rather than the cellar, where such equipment is typically located; and

WHEREAS, accordingly, the Board finds that this action will neither 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 applicant asserts that the practical difficulties and economic hardship associated with the complying building arise from the unique development history of the Zoning Lot, which is improved with the Landmark Building, a designated City landmark, and the adjacent Lot 14 Building, which for many years were owned and operated by the American Stock Exchange as a unified and interconnected complex; and

WHEREAS, the applicant notes that in 2012, the former owner of Lot 14 recorded a Declaration of Zoning Lot Restrictions which declared Lots 13 and 14 to be a single zoning lot; however, the applicant asserts that, as a

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result of their common control and ownership, these two parcels have satisfied the definition of a ZR § 12-10 “zoning lot” since that provision took effect in 1961 and, accordingly, they could have been treated and developed as a single zoning lot at any time since then; and

WHEREAS, the applicant asserts that the recent recording of a zoning lot declaration for these two parcels merely confirmed and formalized their longstanding presumed zoning status; and

WHEREAS, the Board finds that, consistent with ZR § 72-21(d), the hardship herein was not created by the owner or a predecessor in title, but is rather a function of the site’s unique physical conditions; and

WHEREAS, the applicant notes that the setback of 10 feet from street line along Greenwich Street and 13 feet from the street line along Thames Street, rather than 20 feet on both frontages would satisfy the setback requirement of 10 feet along both streets if Lot 14 constituted a discrete zoning lot; and

WHEREAS, the applicant asserts that the proposed setbacks are the minimum to efficiently accommodate the necessary circulation core and two rows of apartments with the appropriate depths and room widths for rental apartments; and

WHEREAS, finally, the Board finds that the proposal is the minimum variance necessary to afford relief, as set forth in ZR § 72-21(e); and

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance to permit, on a within a C5-5 zoning district within the Special Lower Manhattan District (LM), a 70-story mixed-use commercial/residential building, with 439 dwelling units, and commercial use on the first and second floors, which is contrary to the setback regulations set forth at ZR § 91-32; and *on condition* that any and all work will substantially conform to drawings as they apply to the objections above noted, filed with this application marked “Received October 15, 2013” –(17) sheets; and *on further condition*:

THAT the bulk parameters of the proposed building will be as follows: a maximum floor area of 536,835.5 sq. ft. (14.99 FAR), 70 stories, 956.78 feet building height, and minimum setback of 10 feet on Greenwich Street and 13 feet on Thames Street, all as illustrated on the BSA-approved plans;

THAT this approval is limited to the relief granted by

the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

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

THAT construction will proceed in accordance with ZR § 72-23; 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)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 4, 2014.

249-13-BZ

CEQR #14-BSA-027K

APPLICANT – Eric Palatnik, P.C., for Reva Holding Corporation, owner; Crunch LLC, lessee.

SUBJECT – Application August 26, 2013 – Special Permit (§73-36) to allow a physical cultural establishment (*Crunch Fitness*) within portions of existing commercial building, C4-3 zoning district.

PREMISES AFFECTED – 747 Broadway, northeast corner of intersection of Graham Avenue, Broadway and Flushing Avenue, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 25, 2013, acting on Department of Buildings (“DOB”) Application No. 301509923, reads in pertinent part:

Proposed physical culture establishment is contrary to that allowed as-of-right under ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C4-3 zoning district, the operation of a physical culture establishment (“PCE”) on the second story of a five-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on November 26, 2013 after due notice by publication in *The City Record*, with a continued hearing on January 14, 2014 and then to decision on February 4, 2014; and

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

WHEREAS, Community Board 1, Brooklyn,

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recommends disapproval of this application; and

WHEREAS, the subject site is an irregular lot located at the northeast corner of the intersection of Graham Avenue, Flushing Avenue, and Broadway, with a portion of the lot extending to Debevoise Street, within a C4-3 zoning district; and

WHEREAS, the site has 87.67 feet of frontage along Graham Avenue, 203.56 feet of frontage along Flushing Avenue, 38.75 feet of frontage along Broadway, 110 feet of frontage along Debevoise Street, and 38,700 sq. ft. of lot area; and

WHEREAS, the site is occupied by a five-story commercial building with 131,580 sq. ft. of floor area (3.4 FAR); and

WHEREAS, the PCE is proposed to occupy approximately 15,953 sq. ft. of floor area on the second story of the building; and

WHEREAS, the PCE will be operated as Crunch Fitness; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the hours of operation for the PCE will be Monday through Saturday, from 5:00 a.m. to 11:00 p.m., and Sunday from 7:00 a.m. to 9:00 p.m.; and

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

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

WHEREAS, accordingly, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, at hearing, the Board directed the applicant to clarify: (1) whether any portion of the PCE was proposed on the first story; and (2) whether there were any residential uses in the subject building or in any adjacent buildings; and

WHEREAS, in response, the applicant clarified that although the PCE is accessed through a common commercial lobby on the first story, there is no PCE program space on the first story; in addition, the applicant represented that there are no residential uses in the subject building or in any adjacent building; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No. 14BSA027K dated August 12, 2013; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issued a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C4-3 zoning district, the operation of a PCE on the second story of a five-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received November 6, 2013” – Four (4) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on February 4, 2024;

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

THAT any massages will be performed only by New York State licensed massage professionals;

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

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

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

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

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

Adopted by the Board of Standards and Appeals, February 4, 2014.

267-13-BZ

CEQR #14-BSA-038M

APPLICANT – Law Office of Jay Goldstein, PLLC, for 689 Fifth Avenue LLC, owner; Fit Life 5th Avenue LLC, lessee. SUBJECT – Application September 6, 2013 – Special Permit (§73-36) to permit the operation of a physical culture establishment (*The Bar Method*). C5-3 (MID) zoning district.

PREMISES AFFECTED – 689 5th Avenue aka 1 East 54th Street, northeast corner of 5th Avenue and East 54th Street, Block 1290, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #5M

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Manhattan Borough Commissioner, dated September 4, 2013, acting on Department of Buildings (“DOB”) Application No. 121741838, reads in pertinent part:

Proposed use as a physical culture establishment is contrary to ZR 32-10; and

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site located in a C5-3 zoning district within the Special Midtown District, the operation of a physical culture establishment (“PCE”) on the ninth story of a 14-story commercial building, contrary to ZR § 32-10; and

WHEREAS, a public hearing was held on this application on January 14, 2014 after due notice by publication in *The City Record*, and then to decision on February 4, 2014; and

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

WHEREAS, Community Board 5, Manhattan, expresses no objection to this application; and

WHEREAS, the subject site is located at the northeast corner of the intersection of Fifth Avenue and East 54th Street, within a C5-3 zoning district within the Special Midtown District; and

WHEREAS, the site has 50 feet of frontage along Fifth Avenue, 125 feet of frontage along East 54th Street, and approximately 6,925 sq. ft. of lot area; and

WHEREAS, the site is occupied by a 14-story commercial building with 85,761 sq. ft. of floor area (12.38 FAR); the building is known as the Aeolian Building and it is designated as an individual New York City landmark by the Landmarks Preservation Commission; and

WHEREAS, the PCE is proposed to occupy approximately 6,849 sq. ft. of floor area on the ninth story of the building; and

WHEREAS, the PCE will be operated as The Bar Method; and

WHEREAS, the applicant represents that the services at the PCE include facilities for classes, instruction and programs for physical improvement, body building, weight reduction, and aerobics; and

WHEREAS, the hours of operation for the PCE will be seven days per week, from 5:30 a.m. to 9:00 p.m.; and

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

WHEREAS, the Landmarks Preservation Commission has issued a Certificate of No Effect for the interior alterations, dated September 5, 2013; and

WHEREAS, at hearing, the Board questioned whether any exterior signage was proposed for the PCE; and

WHEREAS, in response, the applicant stated that the PCE would not be displaying any signage on the exterior of the building; and

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

WHEREAS, accordingly, the Board finds that this action will neither 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, at hearing, the Board directed the applicant to clarify: (1) whether any portion of the PCE was proposed on the first story; and (2) whether there were any residential uses in the subject building or in any adjacent buildings; and

WHEREAS, in response, the applicant clarified that although the PCE is accessed through a common commercial lobby on the first story, there is no PCE program space on the first story; in addition, the applicant represented that there are no residential uses in the subject building or in any adjacent building; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type I action pursuant to 6 NYCRR Part 617.4; and

MINUTES

WHEREAS, the Board has conducted an environmental review of the proposed action discussed in the Environmental Assessment Statement, CEQR No.14BSA038M dated September 10, 2013; and

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

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

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

Therefore it is Resolved, that the Board of Standards and Appeals issued a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03 to permit, on a site located in a C5-3 zoning district within the Special Midtown District, the operation of a physical culture establishment (“PCE”) on the ninth story of a 14-story commercial building, contrary to ZR § 32-10; *on condition* that all work shall substantially conform to drawings filed with this application marked “Received November 13, 2013 – Three (3) sheets; and *on further condition*:

THAT the term of the PCE grant will expire on February 4, 2024;

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

THAT any massages will be performed only by New York State licensed massage professionals;

THAT Local Law 58/87 compliance will be as reviewed and approved by DOB;

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

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

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

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

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

THAT DOB must ensure compliance with all of the

applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, February 4, 2014.

211-12-BZ

APPLICANT – Rothkrug Rohkrug & Spector LLP, for Jessica and Matthew Sheehan, owners.

SUBJECT – Application July 27, 2012 – Variance (§72-21) to permit the proposed re-establishment of a residential building, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 164 Coffey Street, east side of Coffey Street, 100' northeast of intersection of Coffey Street and Conover Street, Block 585, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #6BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to March 11, 2014, at 10 A.M., for decision, hearing closed.

263-12-BZ & 264-12-A

APPLICANT – Sheldon Lobel, P.C., for Luke Company LLC, owner.

SUBJECT – Application September 4, 2012 – Variance (§72-21) to permit senior housing (UG 2), contrary to use regulations (§42-00).

Variance (Appendix G, Section BC G107, NYC Administrative Code) to permit construction in a flood hazard area which does not comply with Appendix G, Section G304.1.2 of the Building Code. M1-1 zoning district.

PREMISES AFFECTED – 232 & 222 City Island Avenue, site bounded by Schofield Street and City Island Avenue, Block 5641, Lots 10, 296, Borough of Bronx.

COMMUNITY BOARD #10 & 13BX

ACTION OF THE BOARD – Laid over to February 25, 2014, at 10 A.M., for adjourned hearing.

311-12-BZ

APPLICANT – Eric Palatnik, P.C., for 964 Dean Acquisition Group LLC, owner.

SUBJECT – Application November 19, 2013 – Variance (§72-21) to permit the residential conversion of an existing factory building, contrary to use regulations (§42-00). M1-1 zoning district.

PREMISES AFFECTED – 964 Dean Street, south side of Dean Street between Classon and Franklin Avenues, Block

MINUTES

1142, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #8BK

ACTION OF THE BOARD – Laid over to April 8, 2014, at 10 A.M., for adjourned hearing.

6-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Yeshiva Ohr Yisrael, owner.

SUBJECT – Application January 11, 2013 – Variance (§72-21) to permit the construction of a synagogue and school (*Yeshiva Ohr Yisrael*), contrary to floor area and lot coverage (§24-11), side yard (§24-35), rear yard (§24-36), sky exposure plane (§24-521), and parking (§25-31) regulations. R3-2 zoning district.

PREMISES AFFECTED – 2899 Nostrand Avenue, east side of Nostrand Avenue, Avenue P and Marine Parkway, Block 7691, Lot 13, Brooklyn of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5
Negative:.....0

ACTION OF THE BOARD – Laid over to March 4, 2014, at 10 A.M., for decision, hearing closed.

64-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for Norma Chakkalo and Abdo Chakkalo, owners.

SUBJECT – Application February 11, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141), side yards (§23-461) and less than the required rear yard (§23-47). R4 (OP) zoning district.

PREMISES AFFECTED – 712 Avenue W, south side of Avenue W between East 7th Street and Coney Island Avenue, Block 7184, Lot 5, Borough of Brooklyn.

COMMUNITY BOARD #15BK

ACTION OF THE BOARD – Laid over to March 4, 2014, at 10 A.M., for continued hearing.

103-13-BZ

APPLICANT – Rothkrug Routhkrug & Spector LLP, for Blackstone New York LLC, owner.

SUBJECT – Application April 16, 2013 – Variance (§72-21) to permit the development of a cellar and four-story, eight-family residential building, contrary to §42-10 zoning resolution. M1-1 zoning district.

PREMISES AFFECTED – 81 Jefferson Street, north side of Jefferson Street, 256’ west of intersection of Evergreen Avenue and Jefferson Street, Block 3162, Lot 42, Borough of Brooklyn.

COMMUNITY BOARD #3BK

ACTION OF THE BOARD – Laid over to March 4,

2014, at 10 A.M., for continued hearing.

124-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 95 Grattan Street, LLC, owner.

SUBJECT – Application April 29, 2013 – Variance (§72-21) to allow for a new seven-family residential development, contrary to use regulations (§42-00). M1-1 zoning district.
PREMISES AFFECTED – 95 Grattan Street, north side of Grattan Street, 200’ west of intersection of Grattan Street and Porter Avenue, Block 3004, Lot 39, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to March 11, 2014, at 10 A.M., for continued hearing.

125-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for 97 Grattan Street, LLC, owner.

SUBJECT – Application April 29, 2013 – Variance (§72-21) to allow for a new seven-family residential development, contrary to use regulations (§42-00). M1-1 zoning district.
PREMISES AFFECTED – 97 Grattan Street, north side of Grattan Street, 200’ west of intersection of Grattan Street and Porter Avenue, Block 3004, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #1BK

ACTION OF THE BOARD – Laid over to March 11, 2014, at 10 A.M., for continued hearing.

179-13-BZ

APPLICANT – Law Office of Fredrick A. Becker, for East 24 Realty LLC by Sarah Weiss, owner.

SUBJECT – Application June 19, 2013 – Special Permit (§73-622) for the enlargement of a single-family home contrary to floor area, open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district.

PREMISES AFFECTED – 933-939 East 24th Street, East side of East 24th Street between Avenue I and Avenue J, Block 7588, Lot 29 & 31 (31 tentative), Borough of Brooklyn.

COMMUNITY BOARD #14BK

ACTION OF THE BOARD – Laid over to March 11, 2014, at 10 A.M., for continued hearing.

MINUTES

192-13-BZ

APPLICANT – Jesse Masyr, Esq., Fox Rothschild, LLP, for AP-ISC Leroy, LLC, Authorized Representative, owner.

SUBJECT – Application July 2, 2013 – Variance (§72-21) to permit the construction of a residential building with accessory parking, contrary to use regulations (§42-10). M1-5 zoning district.

PREMISES AFFECTED – 354/361 West Street aka 156/162 Leroy Street and 75 Clarkson Street, West street between Clarkson and Leroy Streets, Block 601, Lot 1, 4, 5, 8, 10, Borough of Manhattan.

COMMUNITY BOARD #2M

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to March 11, 2014, at 10 A.M., for decision, hearing closed.

220-13-BZ

APPLICANT – Law Office of Jay Goldstein, PLLC, for Yitzchok Perlstein, owner.

SUBJECT – Application July 22, 2013 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.

PREMISES AFFECTED – 2115 Avenue J, north side of Avenue J between East 21st and East 22nd Street, Block 7585, Lot 3, Borough of Brooklyn.

COMMUNITY BOARD #14BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 25, 2014, at 10 A.M., for decision, hearing closed.

234-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Dov Lipschutz, owner.

SUBJECT – Application August 16, 2013 – Variance (§72-21) for the enlargement of an existing two-family detached residence to be converted to a single-family home, contrary to minimum front yard (§23-45(a)); and less than the required rear yard (ZR §23-47). Special Permit (§73-621) for an enlargement which is contrary to floor area (ZR 23-141). R3-2 zoning district.

PREMISES AFFECTED – 1653 Ryder Street, aka 1651 Ryder Street, Located on the northeast side of Ryder Street between Quentin road and Avenue P, Block 7863, lot 18, Borough of Brooklyn.

COMMUNITY BOARD #18BK

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to March 4, 2014, at 10 A.M., for decision, hearing closed.

272-13-BZ

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 78-14 Roosevelt LLC, owner; Blink 78-14 Roosevelt, Inc., lessee.

SUBJECT – Application September 18, 2013 – Special Permit (§73-36) to permit a physical culture establishment (*Blink Fitness*) within a portions of an existing commercial building. C2-3/R6 & R5 zoning district.

PREMISES AFFECTED – 78-02/14 Roosevelt Avenue aka 40-41 78th Street and 40-02 79th Street, south side of Roosevelt Avenue between 78th Street and 79th Street, Block 1489, Lot 7501, Borough of Queens.

COMMUNITY BOARD #4Q

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice Chair Collin, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....5

Negative:.....0

ACTION OF THE BOARD – Laid over to February 25, 2014, at 10 A.M., for decision, hearing closed.

Jeff Mulligan, Executive Director

Adjourned: P.M.