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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

Published weekly by The Board of Standards and Appeals at its office at:  
40 Rector Street, 9th Floor, New York, N.Y. 10006.

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Volume 86, Nos. 48-49

December 13, 2001

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## DIRECTORY

**JAMES CHIN**, *Chairman*

**SATISH BABBAR**, *Vice-Chair*

**MITCHELL KORBAY**

**PETER CALIENDO**

*Commissioners*

**Pasquale Pacifico**, *Executive Director*

**Trevis Bethea**, *Deputy Director*

**Juan D. Reyes, III**, *Counsel*

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**Tuesday, December 4, 2001**

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**Affecting Calendar Numbers:**

366-32-BZ	1385/95 Webster Avenue, Bronx
1131-79-BZ	550 King Avenue, a/k/a High Island, Bronx
278-86-BZ	1677 Bruchner Boulevard, Bronx
122-92-A	236 Roxbury Avenue, Queens
173-93-BZ	32-23 Queens Boulevard, Queens
26-94-BZ	141 Mansion Avenue, Staten Island
205-98-BZ	257-10/18 Union Turnpike, Queens
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234-56-BZ	10-02 Clintonville Street, Queens
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440-68-BZ	1896 Bruckner Boulevard, Bronx
88-81-BZ	3309 Richmond Avenue, Staten Island
837-85-A	166-18 73 <sup>rd</sup> Avenue and 73-02 167 <sup>th</sup> Street, Queens
1345-88-BZ	1165 Ogden Avenue, Bronx
45-90-BZ	260 Hamilton Avenue, Brooklyn
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**Affecting Calendar Numbers:**

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71-99-BZ	56-05 69 <sup>th</sup> Street, Queens
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37-00-BZ	111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, Queens
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208-00-BZ	2739-2747 86 <sup>th</sup> Street, Brooklyn
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8-01-BZ	352 Clifton Avenue, Staten Island
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162-01-BZ	499 Greenwich Street, Manhattan
190-01-BZ	2107 Avenue "M", Brooklyn
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207-01-BZ	110 Greenwich Street, a/k/a 2 Carlisle Street, Manhattan
208-01-BZ	2802 Avenue N, Brooklyn
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224-01-BZ	159 Grand Street, Manhattan
237-01-BZ	56 East 93 <sup>rd</sup> Street, Manhattan
260-01-BZ	119-15 27 <sup>th</sup> Avenue, Queens

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# DOCKET

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New Case Filed Up to December 4, 2001

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**371-01-BZ** B.M. 104 Charlton Street, south side, 125' east of Greenwich Street, Block 597, Lot 48, Borough of Manhattan. Applic. #103026280. Proposed residential use in its upper six stories and a portion of its first story, in a seven story former warehouse building, also the construction of a new eighth story for said use, located in an M1-6 zoning district, is contrary to Z.R. §42-00.

**COMMUNITY BOARD #2M**

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**372-01-BZ** B.BK. 1982 Utica Avenue, between Avenues 'L and M' Block 7847, Lots 44 and 49, Borough of Brooklyn. Applic. #301241537. Proposed expansion and construction of a new automotive service station with an accessory convenience store, Use Group 16, located in an a C2-2 within an R3-2 zoning district, is contrary to a previous variance granted by the Board under Cal. Number 94-97-BZ and Z.R. §32-25.

**COMMUNITY BOARD #**

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**373-01-BZ** B.BK. 372 Avenue 'U', between East 1<sup>st</sup> and 2<sup>nd</sup> Streets, Block 7128, Lot 3, Borough of Brooklyn. Applic. #301094385. Proposed use of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors of a proposed four story masonry building, as medical offices, Use Group 4, located in an R6A zoning district, is contrary to Z.R. §22-14.

**COMMUNITY BOARD #15BK**

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**374-01-BZ** B.BK. 836 Kent Avenue, west side, 119'-8" south of Park Avenue, Block 1897, Lot 36, Borough of Brooklyn. N.B. #301168224. Proposed erection of a four story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #3BK**

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west side, 114'-8" south of Park Avenue, Block 1897, Lot 37, Borough of Brooklyn. N.B. #301168215. Proposed erection of a four story multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10.

**COMMUNITY BOARD #3BK**

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**376-01-A** B.Q. 10-03 141<sup>st</sup> Street, southeast corner of South Drive, Block 4433, Lot 1, Borough of Queens. Applic. #401376239. An appeal for an interpretation of Z.R. §23-48, "Special Provision for Existing Narrow Zoning Lots", as it applies to subject premises which is a corner lot.

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**377-01-BZ** B.S.I. 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island. Applic. #500490300. Proposed enlargement of an existing community facility, Use Group 3A, located in an SRD within an R3-1 overlay zoning district, which does not comply with the zoning requirements for floor area ratio and front yards, is contrary to Z.R. §54-31.

**COMMUNITY BOARD #3S.I.**

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**378-01-A** B.S.I. 56 Giffords Lane, southwest corner of Margaret Street, Block 5436, Lot 19, Borough of Staten Island. Applic. #500490300. Proposed entry platform/terrace, which projects into the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

**COMMUNITY BOARD #3S.I.**

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**379-01-BZ** B.M. 4/10 Irving Place, east side, between East 14<sup>th</sup> and 15<sup>th</sup> Streets, Block 870, Lot 24, Borough of Manhattan. Applic. #102552514. Proposed physical culture establishment, located in portions of the basement, first floor and second floor, in an existing 33 story commercial office structure, in a C6-3X zoning district, requires a special permit from the Board as per Z.R. §32-10.

**COMMUNITY BOARD #6M**

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**375-01-BZ** B.BK. 838 Kent Avenue,

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# DOCKET

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**380-01-BZ**            B.M.            230 West 41<sup>st</sup> Street,  
south side, 320' west of Seventh Avenue, Block 1012, Lot 15,  
Borough of Manhattan.    Applic. #103031924.    Proposed  
physical culture establishment, located in portions of the  
cellar, first floor and second floor, in an existing 21 story  
commercial office structure, in an M1-6 zoning district,  
requires a special permit from the Board as per Z.R. §42-10.  
**COMMUNITY BOARD #5M**

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**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.**

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# CALENDAR

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**DECEMBER 18, 2001, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, December 18, 2001, at 10 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**1069-27-BZ, Vol. III**

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

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**789-45-BZ**

APPLICANT - Walter T. Gorman, P.E., for Trust Under The Will of Theodore Tannor FBO Ida Tannor, owner; Getty Properties Corp., lessee.

SUBJECT - Application June 25, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired May 27, 2001.

PREMISES AFFECTED - 56-02 to 56-20 Broadway, Block 1195, Lot 44, Borough of Queens.

**COMMUNITY BOARD #2Q**

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**636-54-BZ, Vol. II**

APPLICANT - Walter T. Gorman, P.E., for Stephen & Jeanne Tamor (Trustees), owner; Motiva Enterprises, LLC (Shell), lessee.

SUBJECT - Application August 23, 2001 - reopening for an extension of term of variance which expired October 16, 2001.

PREMISES AFFECTED - 9612/24 Seaview Avenue, southwest corner of Rockaway Parkway, Block 8328, Lot 30, Borough of Brooklyn.

**COMMUNITY BOARD #18BK**

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**329-59-BZ**

APPLICANT - Rosenman & Colin, LLP, for Coliseum Tenants Corp., c/o Rosedale Management Co., Inc., owner; Central Parking System of New York, Inc., lessee.

SUBJECT - Application August 24, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a Certificate of Occupancy which expired November 17, 1999.

PREMISES AFFECTED - 910-924 Ninth Avenue, aka 22-44 West 60th Street, east side of Ninth Avenue, between 58th Street and West 60th Street, Block 1049, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #4M**

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**727-59-BZ**

APPLICANT - Sheldon Lobel, P.C., for Square-Arch Realty Corp., owner; Garage Management Corp., lessee.

SUBJECT - Application July 13, 2001 - reopening for an extension of term of variance which expired July 12, 2001.

PREMISES AFFECTED - 2-8 Fifth Avenue, 14 Washington Square and 4-6 West 8th Street, Block 551, Lot 1, Borough of Manhattan.

**COMMUNITY BOARD #2M**

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**252-71-BZ**

APPLICANT - Alfonse Duarte, P.E., for Jacob Pearlstein, LLC, owner.

SUBJECT - Application July 10, 2001 - reopening for an extension of term of variance which expired July 13, 2001.

PREMISES AFFECTED - 190-18 Northern Boulevard, south side between 189th and 192nd Streets, Block 5513, Lot 22, Borough of Queens.

**COMMUNITY BOARD #11Q**

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**926-86-BZ**

APPLICANT - Sheldon Lobel, P.C., for Morton Manes, owner.

SUBJECT - Application July 5, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired November 4, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 217-07 Northern Boulevard, northeast corner of 217th Street, Block 6320, Lot 18, Borough of Queens.

**COMMUNITY BOARD #11Q**

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# CALENDAR

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## **416-87-BZ**

APPLICANT - Blythe S. Brewster, AIA, for Michael Abruzese, owner.

SUBJECT - Application June 18, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired June 1, 1999.

PREMISES AFFECTED - 547-551 West 133rd Street, northside 175' east of Broadway, Block 1987, Lot 9, Borough of Manhattan.

### **COMMUNITY BOARD #9M**

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## **271-98-BZ**

APPLICANT - Agusta & Ross, Esqs., for 432-434 Flushing F. Corp., owner.

SUBJECT - request for a withdrawal

PREMISES AFFECTED - 432-434 Flushing Avenue, south side of Flushing Avenue, 41' west of Bedford Avenue, Block 1886, Lot 38, Borough of Brooklyn.

### **COMMUNITY BOARD #3BK**

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## **338-98-BZ**

APPLICANT - Sheldon Lobel, P.C., for Flatlands and 107th Co., LLC, owner.

SUBJECT - Application August 10, 2001 - reopening for an extension of time to complete construction and to obtain a Certificate of Occupancy which expired July 11, 2001.

PREMISES AFFECTED - 901-949 East 107th Street, southeast corner of the intersection of 107th Street and Flatlands Avenue, Block 8215, Lot 22, Borough of Brooklyn.

### **COMMUNITY BOARD #18BK**

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## **127-99-BZ**

APPLICANT - Agusta & Ross, Esqs., for Congregation Tiferes Yissochor Ber, Inc., owner.

SUBJECT - request for a withdrawal

PREMISES AFFECTED - 118-120 South 4th Street, aka 364-368 Bedford Avenue, northwest corner of Bedford Avenue and South 4th Street, Block 2443, Lot 23, Borough of Brooklyn.

### **COMMUNITY BOARD #1BK**

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## **113-00-BZ thru 117-00-BZ**

APPLICANT - Sheldon Lobel, P.C., For Cong. Tehilo Leduvid and M & G Housing, owner.

SUBJECT - Application August 21, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 760 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26 (Tentative 125), Borough of Brooklyn.

762 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 126), Borough of Brooklyn.

764 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26 (Tentative 127), Borough of Brooklyn.

766 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 128), Borough of Brooklyn.

768 Kent Avenue, northwest corner of Flushing Avenue, Block 2260, Lot 26, (Tentative 129), Borough of Brooklyn.

### **COMMUNITY BOARD #1BK**

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**DECEMBER 18, 2001, 11:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday morning*, December 4, 2001, at 11 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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### **APPEALS CALENDAR**

#### **165-01-A thru 189-01-A**

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

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

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

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

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

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

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

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

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

20 Beard Street, west side, 568.51' north of Travis Avenue,

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# CALENDAR

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Block 2370, Lot 12, Borough of Staten Island.  
22 Beard Street, west side, 584.51' north of Travis Avenue,  
Block 2370, Lot 13, Borough of Staten Island.  
16 Beard Street, west side, 600.51' north of Travis Avenue,  
Block 2370, Lot 14, Borough of Staten Island.  
14 Beard Street, west side, 616.51' north of Travis Avenue,  
Block 2370, Lot 15, Borough of Staten Island.  
8 Beard Street, west side, 664.51' north of Travis Avenue,  
Block 2370, Lot 18, Borough of Staten Island.  
6 Beard Street, west side, 670.51' north of Travis Avenue,  
Block 2370, Lot 18, Borough of Staten Island.  
3 Beard Street, west side, 672.52' north of Travis Avenue,  
Block 2370, Lot 42, Borough of Staten Island.  
30 Monahan Avenue, south side, 72.18' east of Lewiston  
Street, Block 2370, Lot 208, Borough of Staten Island.  
28 Monahan Avenue, south side, 86.02' east of Lewiston  
Street, Block 2370, Lot 209, Borough of Staten Island.  
26 Monahan Avenue, south side, 99.85' east of Lewiston  
Street, Block 2370, Lot 210, Borough of Staten Island.  
24 Monahan Avenue, south side, 113.69' east of Lewiston  
Street, Block 2370, Lot 211, Borough of Staten Island.  
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Street, Block 2370, Lot 212, Borough of Staten Island.  
20 Monahan Avenue, south side, 161.35' east of Lewiston  
Street, Block 2370, Lot 213, Borough of Staten Island.  
18 Monahan Avenue, south side, 175.18' east of Lewiston  
Street, Block 2370, Lot 214, Borough of Staten Island.  
14 Monahan Avenue, south side, 202.85' east of Lewiston  
Street, Block 2370, Lot 216, Borough of Staten Island.  
12 Monahan Avenue, south side, 216.68' east of Lewiston  
Street, Block 2370, Lot 217, Borough of Staten Island.  
8 Monahan Avenue, south side, 244.35' east of Lewiston  
Street, Block 2370, Lot 219, Borough of Staten Island.  
6 Monahan Avenue, south side, 258.18' east of Lewiston  
Street, Block 2370, Lot 220, Borough of Staten Island.

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## **289-01-A**

APPLICANT - Gary Lenhart, R.A., for The Breezy Point  
Cooperative, Inc., owner; Dana and Joseph Henry, lessee.  
SUBJECT - Application October 18, 2001 - proposed  
alteration and enlargement to an existing one family  
dwelling, not fronting on a legally mapped street, located  
within the bed of a mapped street, and is contrary to  
Sections 35 and 36, Article 3 of the General City Law.  
PREMISES AFFECTED - 398-1/2 Sea Breeze Avenue,  
between Hillside and Sea Breeze Avenues, west of Beach  
182nd Street, Block 16340, Part of Lot 50, Borough of  
Queens.

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## **290-01-A**

APPLICANT - Gary Lenhart, R.A., for The Breezy Point  
Cooperative, Inc., owner; Marie and Daniel McCarthy,  
lessee.  
SUBJECT - Application October 18, 2001 - proposed  
alteration and enlargement, to an existing one family  
dwelling, not fronting on a legally mapped street, which is  
contrary to Section 36, Article 3 of the General City Law.  
PREMISES AFFECTED - 13 Beach 220th Street, southeast  
corner of Rockaway Point Boulevard, Block 16350, Part of  
Lot 400, Borough of Queens.

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## **291-01-A**

APPLICANT - Joseph A. Sherry, for Breezy Point  
Cooperative, Inc., owner; Thomas McDonald, lessee.  
SUBJECT - Application October 18, 2001 - proposed  
enlargement to an existing one family dwelling, not fronting  
on a legally mapped street, is contrary to Section 36, Article  
3 of the General City Law.  
PREMISES AFFECTED - 117 Beach 222nd Street, east side,  
320' south of Breezy Point Boulevard, Block 16350, Lot 400,  
Borough of Queens.

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## **296-01-A**

APPLICANT - Walter T. Gorman, P.E., for Breezy Point  
Cooperative, Inc., owner; Victor LaPlace, lessee.  
SUBJECT - Application October 24, 2001 - proposed  
enlargement of the existing first floor and the construction  
of a new second floor to an existing one family dwelling, not  
fronting on a legally mapped street, and also lies within the  
bed of a mapped street, which is contrary to Sections 35 and  
36, Article 3 of the General City Law.  
PREMISES AFFECTED - 171 Ocean Avenue, north side, 110'  
west of Breezy Point Boulevard, Block 16350, Part of Lot  
400, Borough of Queens.

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# CALENDAR

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**DECEMBER 18, 2001, 2:00 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, *Tuesday afternoon*, December 18, 2001, at 2 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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## ZONING CALENDAR

### **235-01-BZ**

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

SUBJECT - Application July 10, 2001 - under Z.R. §73-27 to permit the proposed funeral establishment, Use Group 7, located in a C1-2/R5 zoning district.

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

### **COMMUNITY BOARD #13BK**

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### **252-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Jose Perez, owner.

SUBJECT - Application August 10, 2001 - under Z.R. §72-21 to permit the legalization of an existing public parking lot, Use Group 8C, located in an R-8 (partially within a C4-4C zoning district) which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 2382-2388 Creston Avenue, between 184th and 188th Streets, Block 3165, Lot 7, Borough of The Bronx.

### **COMMUNITY BOARD #5BX**

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### **258-01-BZ**

APPLICANT - Sybil H. Pollet for Congregation Rodeph Sholom, owner.

SUBJECT - Application August 22, 2001 - under Z.R. §72-21 to permit the proposed expansion of the third and fourth floors and the addition of a floor within the envelope of the 23' high gymnasium, to be used for additional classroom space for an existing community facility (school), which creates non-compliance with respect to permitted obstructions in the rear yard and required rear yard equivalents, and is contrary to Z.R. §24-33(b), §24-36, §24-382 and §54-31.

PREMISES AFFECTED - 168/70 West 79<sup>th</sup> Street, a/k/a 165/67 West 78<sup>th</sup> Street, bounded by Amsterdam and Columbus Avenues, Block 1150, Lots 59 and 5, Borough of Manhattan.

**COMMUNITY BOARD #7M**

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### **286-01-BZ**

APPLICANT - Rampulla Associates, A.I.A., for Robert Rampulla, owner.

SUBJECT - Application October 15, 2001 - under Z.R. §72-21 to permit the proposed construction of a one family dwelling, located in an R2 zoning district, which creates non-compliance in respect to front yard is contrary Z.R. §23-45.

PREMISES AFFECTED - 165 Bryson Avenue, southeast corner of Waters Street, Block 1474, Lot 20, Borough of Staten Island.

### **COMMUNITY BOARD # 1S.I.**

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### **295-01-BZ**

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

SUBJECT - Application October 23, 2001 - under Z.R. §72-21 to permit the proposed construction and operation of a school (Use Group 3) located within an M2-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 1257/63 38<sup>th</sup> Street, between 12<sup>th</sup> and 13<sup>th</sup> Avenues, Block 5295, Lots 47, 48 and 49, Borough of Brooklyn.

### **COMMUNITY BOARD #12BK**

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### **322-01-BZ**

APPLICANT - Fischbein Badillo Wagner Harding, for Sephardic Foundation for Torah Studies, Inc., owner.

SUBJECT - Application November 2, 2001 - under Z.R. §72-21 to permit the proposed construction of a 23 unit multiple dwelling and synagogue, Use Group 4 and 2, in an R6A zoning district, which does not comply with the zoning requirements for floor area, side yard, base and building heights, is contrary to Z.R. §23-145, §23-633 and §23-51.

PREMISES AFFECTED - 402 Avenue "U", southern corner of East 2<sup>nd</sup> Street, Block 7129, Lot 1, Borough of Brooklyn.

### **COMMUNITY BOARD #15BK**

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*Pasquale Pacifico, Executive Director*

# MINUTES

**REGULAR MEETING  
TUESDAY MORNING, DECEMBER 4, 2001  
10:00 A.M.**

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

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, October 23, 2001, were approved as printed in the Bulletin of November 1, 2001, Volume 86, No. 38-39.

**SPECIAL ORDER CALENDAR**

**366-32-BZ**

APPLICANT - Rothkrug & Rothkrug, for Lorenzo Garcia, owner.

SUBJECT - Application March 20, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1385/95 Webster Avenue, west side of Webster Avenue, 772' north of East 169th Street, Block 2887, Lots 151 thru 155, Borough of The Bronx.

**COMMUNITY BOARD #4BX**

APPEARANCES -

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Rules of Practice and Procedures waived; application reopened and time to obtain a certificate of occupancy extended.

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedures and an extension of the time to obtain a certificate of occupancy; and

WHEREAS, a public hearing was held on this application on June 12, 2001, after due notice by publication in *The City Record*, laid over to July 10, 2001; August 14, 2001, then to September 25, 2001. On September 25, 2001 all hearings were postponed and this application was laid over till October 30, 2001, then to November 13, 2001; and then to December 4, 2001 for decision.

*Resolved*, that the Board of Standards and Appeals waives the Rules of Practice and Procedures and *reopens and amends* the resolution adopted on December 2, 1932 as amended through April 13, 1999 expiring April 13, 2000 only as to the time to obtain a certificate of occupancy, so that as amended this portion of the resolution shall read:

“That a new certificate of occupancy shall be obtained within one (1) year from the date of this amended resolution.”

Adopted by the Board of Standards and Appeals, December 4, 2001.

**1131-79-BZ**

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

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

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

**COMMUNITY BOARD #10BX**

APPEARANCES - None.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

**THE VOTE TO GRANT** -

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

Negative: Commissioner Caliendo.....1

**THE RESOLUTION** -

WHEREAS, the applicant has requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on August 7, 2001, after due notice by publication in *The City Record*; and laid over to October 16, 2001, November 13, 2001 and then to December 4, 2001 for decision; and

WHEREAS, pursuant to ZR §73-11 the applicant seeks permission to replace an existing 208' auxiliary radio tower with a radio tower of approximately 307'; and

WHEREAS, the auxiliary radio tower is located within an R3-2 zoning district on High Island; and

WHEREAS, High Island consists of approximately 286,674', is surrounded by water on all sides and is connected to the City Island section of the Bronx by a bridge; and

WHEREAS, the record indicates that for safety and security reasons, to prevent unauthorized access, High Island is completely fenced in and its access bridge is locked at all times; and

WHEREAS, the High Island zoning lot houses two towers, the main tower consisting of approximately 521', the subject auxiliary tower consisting of approximately 211' and accessory quarters for the caretaker of the equipment; and

WHEREAS, the zoning lot has been occupied by the main tower and its predecessor since prior to 1961; and

WHEREAS, erected in 1968, the auxiliary tower has occupied the zoning lot for more than 33 years; and

WHEREAS, the auxiliary tower is only used as back-up to the main tower and is only operated in the event the main tower needs repair or maintenance; and

WHEREAS, the record indicates that the main tower's insulators and guy wires are deteriorating and may not last

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through winter 2002 without repair or replacement of vital components; and

WHEREAS, the applicant represents that over the last 33 years the capacity of the auxiliary tower has been diminished by antiquated equipment hampering its ability to transmit at a back-up power level necessary to meet the needs of the tri-state area and the emergency broadcast system; and

WHEREAS, therefore, the applicant notes that the auxiliary tower and its accessory transmission equipment must be replaced before repairs can be performed on the main tower;

WHEREAS, the record indicates that the requested replacement will permit the radios stations using the subject site to have proper back-up capacity to broadcast to the tri-state area, if and when, the main tower is shut down for maintenance or repair; and

WHEREAS, in response to Board and concerns, regarding the potential for adverse health effects, by letter dated November 14, 2001, the applicant submitted evidence that the subject proposal complies fully with Federal Communications Commission regulations pertaining to radio frequency emissions; and

WHEREAS, in response to Board concerns regarding electronic interference and quality of life issues, the applicant has assigned a staff person to address issues raised by the community; and

WHEREAS, by letter dated July 5, 2001, the New York City Fire Department indicates that it has no objection to the applicant's proposal; and

WHEREAS, the record indicates that neither the erection of the replacement tower nor the repair of the main tower will increase the present emission levels.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §73-11, said resolution having been adopted on June 20, 1978 as amended through November 27, 1979 so that as amended this portion of the resolution shall read:

“To permit the replacement of an existing radio tower previously before the Board, *on condition*,”

THAT the premises shall be maintained in substantial with the proposed plans submitted with the application marked “Received, July 5, 2001”-(5) sheets; and that other than as herein amended the resolution above cited and all other relevant laws and regulations of the City of New York shall be complied with in all respects and that the substantial work shall be completed within two years of this amended resolution.

Adopted by the Board of Standards and Appeals, December 4, 2001.

**278-86-BZ**

APPLICANT - Carl A. Sulfaro, Esq. For White Castle

Systems, Inc., owner.

SUBJECT - Application June 5, 2001 - reopening for an extension of term of an variance which expires November 25, 2001.

PREMISES AFFECTED- 1677 Bruckner Boulevard, N/S Blockfront Between Metcalf Avenue Freley Avenue, Block 3721, Lot 1, Borough of The Bronx.

**COMMUNITY BOARD #9BX**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

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

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening, and an extension of the term of the special permit; and

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record*, laid over to December 4, 2001 for decision; and

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to § 73-01 §73-03 and 73-11 of the *Zoning Resolution*, adopted on November 25, 1986 as amended through April 7, 1992, expiring November 25, 2001, so that as amended this portion of the resolution shall read:

“to permit the continuation of the drive-thru facility use, on condition;

THAT the term of the special permit shall be limited to ten years from November 25, 2001 expiring November 25, 2011;

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

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received, May 15, 2001”-(5) sheets; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(N.B. 107/86)

Adopted by the Board of Standards and Appeals, December 4, 2001.

**122-92-A**

APPLICANT - Gary Lenhart, R.A., for Breezy Point

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Cooperative, Inc., owner, John & Kathleen Naus, Lessee.  
SUBJECT - Application July 30, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 236 Roxbury Avenue, southeast corner Roxbury Boulevard, Block 16340, Lots P/O 50, Borough of Queens.

## COMMUNITY BOARD #14Q

APPEARANCES - None.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the applicant requested an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record*, laid to December 4, 2001 for decision.

WHEREAS, the applicant proposes to amend the resolution by erecting a two-story enlargement to an existing one-family dwelling that does not front on a mapped street; and

WHEREAS, the applicant seeks to modify the approved plans to reflect the proposed new enlargement; and

WHEREAS, the record indicates that the work proposed under Department of Buildings application number 400245258 has been completed.

*Resolved*, that the Board of Standards and Appeals *reopens and amends* the resolution pursuant to §36 of the *General City Law*, said resolution having been adopted on September 30, 1992, so that as amended this portion of the resolution shall read:

“to permit the erection of a two-story enlargement to the existing and to modify the plans previously approved to reflect the proposed new enlargement; on condition that the proposed enlargement comply with applicable zoning regulations; that the above conditions shall appear on the Certificate of Occupancy and on further condition; that the premises shall be maintained free of graffiti and debris and in substantial compliance with the proposed conditions plan submitted with the application marked “Received, July 30, 2001”-(1) sheet and that other than herein amended, the above cited resolution shall be complied with in all respect and that construction shall be completed within eighteen months of the date of this amended resolution and a new certificate of occupancy shall be obtained.

(DOB 400245258)

Adopted by the Board of Standards and Appeals, December 4, 2001.

## 173-93-BZ

APPLICANT - Sheldon Lobel, P.C. for YMCA of Greater NY/Long Island City., owner

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

PREMISES AFFECTED - 32-23 Queens Boulevard, northeast corner of intersection at Queens Boulevard, Block 224, Lots 24(9,13,24), Borough of Queens.

## COMMUNITY BOARD # 2Q

APPEARANCES -

For Applicant: Lyra Altman.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

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

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

WHEREAS, a public hearing was held on this application on November 13, 2001, after due notice by publication in *The City Record*; and laid over to December 4, 2001, for decision; and

WHEREAS, the applicant proposes to expand a community facility an additional 29,440 square feet for a two and three story structure with parking on the first floor of the facility, multipurpose rooms on the second floor, a gymnasium on half of the third floor and a rooftop activity area.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to Z.R. §72-01 and §72-22, said resolution having been adopted on October 18, 1994 so that as amended this portion of the resolution shall read:

“To permit an enlargement of 29,440' of the existing community facility, *on condition*,

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

THAT all parking facilities shall be secured after hours;

THAT in accordance with Fire Department requests a fire alarm system and a fully automatic wet sprinkler be provided throughout the new addition;

THAT the premises shall be maintained in substantial with the proposed plans submitted with the application marked “Received, October 18, 2001”-(4); and that other than as herein amended the resolution above cited and all other relevant laws and regulations of the City of New York shall

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be complied with in all respects and that the substantial work shall be completed within two years of this amended resolution .

(ALT # 400419196)

Adopted by the Board of Standards and Appeals December 4, 2001.

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## 26-94-BZ

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

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

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

### COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Scrofani, Fire Department.

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

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

WHEREAS, the applicant requested a waiver of the Rules of Practice and Procedure a reopening, and an extension of the term of the special permit which expired March 5, 2001; and

WHEREAS, a public hearing was held on this application on August 7, 2001 after due notice by publication in *The City Record*, laid over to November 13, 2001, and then to December 4, 2001 for decision; and

*Resolved*, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure *and reopens and amends* the resolution pursuant to §73-242 of the *Zoning Resolution*, adopted on April 2, 1985, as amended through March 5, 1996 expiring March 5, 2001, so that as amended this portion of the resolution shall read:

“to extend the term of the special permit to five years from March 5, 2001 expiring March 5, 2006 on condition,”

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

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked “Received, April 13, 2001”-(4) sheets; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a

certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution.

(DOB # 1058/84)

Adopted by the Board of Standards and Appeals, December 4, 2001.

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## 205-98-BZ

APPLICANT - Philip P. Agusta, for Dr. Haresh Shah, D.D.S., owner.

SUBJECT - Application June 6, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 257-10/18 Union Turnpike, south side of Union Turnpike 75.65' east of 257<sup>th</sup> Street, Block 8694, Lots 27 and 28, Borough of Queens.

### COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Nelly Bravo.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Application reopened and resolution amended.

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION** -

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

WHEREAS, a public hearing was held on this application on August 14, 2001 after due notice by publication in *The City Record*, laid over to September 25, 2001, October 30, 2001, and then December 4, 2001 for decision; and

WHEREAS, the applicant seeks the redistribution of medical office and church facility space of the prior special permit to revise the plans to show a basement floor instead of a cellar, a decrease of approved floor area for the medical office, to eliminate the fire alarm, smoke alarm and sprinkler system, and to replace an elevator with a wheelchair-lift.

*Resolved*, that the Board of Standards and Appeals hereby *reopens and amends* the resolution pursuant to §73-11 of the *Zoning Resolution*, said resolution having been adopted on June 15, 1999, so that as amended this portion of the resolution shall read:

“to permit the redistribution of medical office and church facility space of the prior special permit to revise the plans to show a basement floor instead of a cellar, a decrease of approved floor area for the medical office, to eliminate the fire alarm, smoke alarm and sprinkler system, and to replace an elevator with a wheelchair-lift; on condition:

THAT in accordance with BSA approved plans a sprinkler be provided for the garage area connected to the

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domestic water line;

THAT the premises shall be maintained in substantial compliance with the proposed conditions plans submitted with the application marked "Received, October 16, 2001"-(5) sheets and "November 5, 2001"-(3) sheets; and that other than herein amended, the above cited resolution shall be complied with in all respect and that a certificate of occupancy shall be obtained within eighteen months of the date of this amended resolution".

(DOB.400813250)

Adopted by the Board of Standards and Appeals, December 4, 2001.

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## 245-32-BZ

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

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

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

### COMMUNITY BOARD #9Q

APPEARANCES -

For Applicant: Robert M. Blakeman, Michael Raso and Sian Hourizadeh.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to February 12, 2002, at 10 A.M., for continued hearing.

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## 234-56-BZ

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

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

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

### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 10 A.M., for decision, hearing closed.

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## 334-66-BZ

APPLICANT - Sullivan Chester & Gardner, LLP, for Newton

Avenue Realty, LLC, owner; Gotham Nightclub Association, Inc., lessee.

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

PREMISES AFFECTED - 30-07 Newton Avenue, between 30th and 31st Street, Block 598, Lot 73, Borough of Queens.

### COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Jeffrey Chester.

For Opposition: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 29, 2002, at 10 A.M., for continued hearing.

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## 440-68-BZ

APPLICANT - Sheldon Lobel, P.C., for Equiva Services, Inc., owner.

SUBJECT - Application August 8, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of time to obtain a Certificate of Occupancy which expired October 27, 1999.

PREMISES AFFECTED - 1896 Bruckner Boulevard, Bruckner Boulevard, southwest corner of White Plains Road, Block 3671, Lot 19, Borough of Bronx.

### COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Jon

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 10 A.M., for continued hearing.

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## 88-81-BZ

APPLICANT - Joseph M. Morace, R.A. for Antonio Palmiotto, President Antlor Corporation, owner.

SUBJECT - Application July 19, 2001 - reopening for an extension of term of variance which expired July 21, 2001.

PREMISES AFFECTED - 3309 Richmond Avenue, east side 264' north of Barlow Avenue, Block 5533, Lot 20, Borough of Staten Island.

### COMMUNITY BOARD #5SI

APPEARANCES -

For Applicant: Joseph Morace.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 10 A.M., for decision, hearing closed.

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## 837-85-A

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Dr. Stephen Gari, D.M.D., F.A.G.D., owner.

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SUBJECT - Application December 13, 2000 - reopening for an extension of the term of variance which expired December 17, 2000.

PREMISES AFFECTED - 166-18 73<sup>rd</sup> Avenue and 73-02 167<sup>th</sup> Street, southwest corner of 73<sup>rd</sup> Avenue and 167<sup>th</sup> Street, Block 6974, Lot 19, Borough of Queens.

**COMMUNITY BOARD #8Q**

APPEARANCES -

For Applicant: Nelly Bravo.

For Opposition: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to February 26, 2002, at 10 A.M., for continued hearing.

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**1345-88-BZ**

APPLICANT - Carl A. Sulfaro, Esq., for 1165 Gas Corp., owner.

SUBJECT - Application July 10, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired December 12, 2010 and for an amendment to the resolution.

PREMISES AFFECTED - 1165 Ogden Avenue, northeast corner of West 167<sup>th</sup> Street, Block 2528, Lot 35, Borough of The Bronx.

**COMMUNITY BOARD #4BX**

APPEARANCES -

For Applicant: Carl A. Sulfaro.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 10 A.M., for continued hearing.

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**45-90-BZ**

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

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

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

**COMMUNITY BOARD #6BK**

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 10 A.M., for continued hearing.

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**28-96-BZ**

APPLICANT - Sheldon Lobel, P.C., for Combined

Management Inc., owner.

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

PREMISES AFFECTED - 144 East 39<sup>th</sup> Street, between Lexington and Third Avenue, Block 894, Lot 56, Borough of Manhattan.

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Frances Angelino and Jon Peper.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 10 A.M., for continued hearing.

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**191-00-BZ**

APPLICANT - Fischbein Badillo Wagner Harding for NYC Industrial Development Agency, owner; 184 Kent Avenue Associates, lessee.

SUBJECT - Application June 25, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 184 Kent Avenue, northwest corner of intersection of N. 3rd Street and Kent Avenue, Block 2348, Lot 1, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Barbara Hair.

For Opposition: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 10 A.M., for decision, hearing closed.

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**222-01-A**

APPLICANT - Sheldon Lobel, P.C., for Forest Hills NY CVS, LLC, Long-term, lessee.

SUBJECT - Application June 25, 2001 - proposed building to be erected within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 101-110 Metropolitan Avenue, between 71st Avenue and 70th Drive, Block 3896, Lots 33 and 42, Borough of Queens.

APPEARANCES -

For Applicant: Janice Cahalane.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough

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Commissioner, dated June 21, 2001, acting on ALT 1. Application No. 401183376, reads:

- #1. Proposed building to be erected within the bed of Metropolitan Avenue, a mapped street that is presently proposed to be widened to a Width of 100', is contrary to General City Law Sec. 35.

WHEREAS, by the letter dated July 31, 2001, the Department of Transportation has reviewed the above project and has no objections; and

WHEREAS, by letter dated August 21, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, by letter dated November 5, 2001, the Department of Environmental Protection has reviewed the above project and finds it acceptable, with the following conditions:

That the proposed sheet piling will be installed to a depth of 29' below the existing sidewalk grade and will remain permanently after installation. That the steel sheet piling shall be put in place by vibration only and not by hammering, in addition, the 33" dia. combined sewer between MH#1 and MH#3 as shown in the attached sketch shall be televised by the applicant, in the presence of a representative from DEP, before and after the steel sheeting is installed. That tapes of this T.V. inspection shall be submitted to DEP for evaluation and assessment of any damage to the sewer due to the installation of steel sheeting. That if the sewer is damaged, it will be the applicant's responsibility to repair or replace the damaged sewer to DEP's satisfaction.

WHEREAS, the applicant has agreed to DEP's request and has noted the following conditions on their Proposed Site plan.

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated June 21, 2001, acting on ALT 1. Application No. 401183376, is modified under the power vested in the Board by §35 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that the applicant comply with the following measures; required by the Department of Environmental Protection:

- 1) That the proposed sheet piling will be installed to a depth of 29' below the existing sidewalk grade and will remain permanently after installation; and
- 2) That the steel sheet piling shall be put in place by vibration only and not by hammering, in addition, the 33" dia. combined sewer between

MH#1 and MH#3 as shown in the attached sketch shall be televised by the applicant, in the presence of a representative from DEP, before and after the steel sheeting is installed; and

- 3) That tapes of this T.V. inspection shall be submitted to DEP for evaluation and assessment of any damage to the sewer due to the installation of steel sheeting; and
- 4) That if the sewer is damaged, it will be the applicant's responsibility to repair or replace the damaged sewer to DEP's satisfaction; and

that construction shall substantially conform to the drawing filed with the application marked, "Received, November 20, 2001"-(1) sheet; and that the proposal comply with all applicable C1-2 /R3-2 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition

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

Adopted by the Board of Standards and Appeals, December 4, 2001.

## 225-01-A

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

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

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

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

**THE VOTE TO GRANT** -

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

Negative: .....0

**THE RESOLUTION**-

WHEREAS, the decision of the Queens Borough Commissioner, dated June 5, 2001, acting on ALT 1. Application No. 401212424, reads:

For Board of Standards & Appeals Only

A1- The site and building is not fronting on an

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

- A2- Approximately 8'0"x 27'6" second floor enlargement more than 100'00" from corner requires a 30'0" rear yard contrary to Section 23-47 Z.R.. The 100'0" requirement is measured in a parallel line to Oceanside Avenue.

WHEREAS, by the letter dated July 13, 2001, the Fire Department has reviewed the above project and has no objections; and

WHEREAS, this grant only addresses the objection that the site and building is not fronting on an official mapped street; and

WHEREAS, this decision does not address the non-compliance in the rear yard; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated June 5, 2001, acting on ALT 1. Application No. 401212424, Objections No. A1 is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "Received, June 26, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals, December 4, 2001.

## 248-01-A

APPLICANT - Joseph A. Sherry for Breezy Point Cooperative Inc., owner; Mary Leonard, lessee.

SUBJECT - Application August 7, 2001 - proposed enlargement to an existing one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 112 Beach 221st Street, west side, 200' south of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Appeal granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION-

WHEREAS, the decision of the Queens Borough Commissioner, dated July 10, 2001, acting on ALT 1. Application No. 401212521, reads:

For Board of Standards & Appeals only:

- A1- The site and building is not fronting on an official mapped street therefore no permit or Certificate of Occupancy can be issued as per Art. Sect. 36 of the General City Law; also no permit can be issued since proposed construction does not have at least 8% of the total perimeter of building fronting directly upon a legally mapped street or frontage space and therefore contrary to Section 27-291 of the Administrative Code of the City of New York.

WHEREAS, by the letter dated September 7, 2001, the Fire Department has reviewed the above project and has no objections; and

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

*Resolved*, that the decision of the Queens Borough Commissioner, dated July 10, 2001, acting on ALT 1. Application No. 401212521, is modified under the power vested in the Board by §36 of the General City Law, and that this appeal is granted, limited to the decision noted above, on condition that construction shall substantially conform to the drawing filed with the application marked, "August 7, 2001"-(1) sheet; and that the proposal comply with all applicable R4 zoning district requirements; that all applicable laws, rules, and regulations shall be complied with; on further condition;

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

Adopted by the Board of Standards and Appeals,

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# MINUTES

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December 4, 2001.

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**205-01-A**

APPLICANT - Edward Lauria for U-Haul International, owner.

SUBJECT - Application June 6, 2001 - an appeal for an interpretation of Use Group 16 of the Zoning Resolution, in which the Department of Buildings has categorized "Self Storage Facility".

PREMISES AFFECTED - 36-30 College Point Boulevard, west side, 347.08 south of Northern Boulevard, Block 4963, Lot 200, Borough of Queens.

APPEARANCES -

For Applicant: Edward Laura and Jim Anderson.

For Administration: Lisa Orrantia, Department of Buildings.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 11 A.M., for decision, hearing closed.

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**236-01-A**

APPLICANT - Sheldon Lobel, P.C., for Coland Real Estate, LLC, owner.

SUBJECT - Application July 13, 2001 - proposed construction of dry wells and paving treatment, within the bed of a mapped street, is contrary Section 35 of the General City Law.

PREMISES AFFECTED - 11-07 Redfern Avenue, between Beach 12<sup>th</sup> Street and approximately 140' east of Beach 11<sup>th</sup> Street, Block 15505, Lot 2, Borough of Queens.

APPEARANCES -

For Applicant: Jon Popin.

For Administration: John Scrofani, Fire Department.

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 11 A.M., for decision, hearing closed.

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Cooperative, Inc., owner; William D. Sciorba, lessee.

SUBJECT - Application August 7, 2001 - proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street and located partially within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 195 Reid Avenue, east side, 45.51' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Loretta Papa.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 11 A.M., for decision, hearing closed.

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**251-01-A**

APPLICANT - Gary Lenhart, R.A., for Breezy Point Cooperative Inc., owner; Tracey and Kevin Keane, lessees.

SUBJECT - Application August 10, 2001 - proposed first story enlargement and the addition of a second story to an existing one family dwelling, not fronting on a legally mapped street and located within the bed of a mapped street, which is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 37 Market Street, intersection of Beach 202nd Street and Rockaway-Breezy Boulevard, Block 16350, Part of Lot 300, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 11 A.M., for decision, hearing closed.

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**247-01-A**

APPLICANT - Joseph A. Sherry for Breezy Point

**262-01-A**

# MINUTES

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

SUBJECT - Application August 27, 2001 - proposed addition of a one family room and greenhouse to an existing one family dwelling which does not front on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 41 Roosevelt Walk, east side, 180' north of Breezy Point Boulevard, Block 16350, Part of Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Arthur Sullivan.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 11 A.M., for decision, hearing closed.

## 264-01-A

APPLICANT - Zygmunt Staszewski, for Breezy Point Co-op Inc., owner; Kenneth Wallace, lessee.

SUBJECT - Application August 28, 2001 - proposed alteration of a one family dwelling not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 23 Queens Walk, east side, 310' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

APPEARANCES -

For Applicant: Gary Lenhart.

For Administration: John Scrofani, Fire Department.

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 11 A.M., for decision, hearing closed.

*Pasquale Pacifico, Executive Director.*

Adjourned:

## REGULAR MEETING

TUESDAY AFTERNOON, DECEMBER 4, 2001

2:00 P.M.

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

## ZONING CALENDAR

### 290-00-BZ

#### CEQR # 00-BSA-063Q

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

SUBJECT - Application December 1, 2000 - under Z.R. §72-21, to permit the proposed erection and maintenance of accessory business signs, for and existing drug store use, located in a C1-1 and C2- 2 (in R3-2 zoning district), which is contrary to Z.R. §32-641 and §32-643.

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

#### COMMUNITY BOARD #7Q

APPEARANCES -

For Applicant: Joseph P. Morsellino.

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated April 1, 2001 acting on Applic. No. 401206798 regarding block 4660 and lot 10 reads:

“Proposed one illuminated wall signs for the above building located in a C2-2 (in R3-2) district is contrary to section 32-643.

Must be referred to the Board of Standards and Appeals.”; and

WHEREAS, the decision of the Borough Commissioner, dated April 20, 2001 acting on Applic. No. 401091224 regarding block 4660 and lot 38 reads:

“Proposed installation of a ground structure and illuminated non-advertising accessory sign on ground structure - inside property line. Contrary to Sections 32-641, 32-643 and must be referred to the Board of Standards and Appeals.”

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

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# MINUTES

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7, 2001, and October 16, 2001, and November 13, 2001 and then to December 4, 2001 for decision; and

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

WHEREAS, this is an application under Z.R. §72-21, to permit the proposed erection and maintenance of accessory business signs, for an existing drug store use, located in a C2-2 (in R3-2) and C1-2 zoning district, which is contrary to Z.R. §32-641 and §32-643; and

WHEREAS, the subject premises is an irregular site which runs through the middle of the block from the Cross Island Parkway service road to 14<sup>th</sup> Avenue; and

WHEREAS, the applicant represents that the lot is the largest lot on this block by far being approximately ten times the size of the average lot; and

WHEREAS, the site is occupied by a drug store, a permitted use in a C2 district; and

WHEREAS, the Zoning Resolution permits a small corner lot to have two times the signage because it is a corner lot and is credited with two frontages; and

WHEREAS, the applicant states that the subject lot does not receive credit for two frontages of the though lot even though it has frontages on both 14<sup>th</sup> Avenue and the Cross Island service road; and

WHEREAS, the applicant represents that vehicles passing the site along the service road side are traveling at a higher rate of speed and the service road is curved at this location and is a great distance from the building making it difficult far a passing car to see a sign on the building; and

WHEREAS, the customer cannot identify the location in time to enter the parking area without braking quickly or otherwise endangering motorists; and

WHEREAS, the applicant also represents the store at this location must have proper identification to maintain the volume of customers to stay in business; and

WHEREAS, the prior occupant obtained Building Department approval for signs that far exceed the proposed sign area; and

WHEREAS, a total of 560' of signs was previously approved, however, the applicant is proposing only 261' of wall signs: 172' for the existing wall sign and 89' for the free-standing sign; and

WHEREAS, evidence in the record reflects that maintaining a complying signage will be a practical difficulty for the applicant; and

WHEREAS, the applicant has responded to the Board's concerns and removed the zipper sign; and

WHEREAS, therefore, the Board finds that the site's history of development and existing conditions create an unnecessary hardship and a practical difficulty with the strict application of the Zoning Resolution; and

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

WHEREAS, the applicant represents that the variance will not negatively impact the commercial activity in the area; and

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

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

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

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

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

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

*Therefore, it is Resolved* that the Board of Standards and Appeals issues a Type II Determination, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and *grants* a variation in the application of the Zoning Resolution, limited to the objections cited, to permit the proposed erection and maintenance of accessory business signs, for an existing drug store use, located in a C1-1 and C2- 2 (in R3-2 zoning district), which is contrary to Z.R. §32-641 and §32-643, *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received, November 28, 2001"-(3) sheets; and *on further condition*;

THAT the pylon sign be no higher than twenty five feet; and

THAT the signage contain only the name of the business in operation at the site; and

THAT if the owner of the site wants to change the signage from containing only the name of the business in operation at the site then the owner must apply for approval of the Board of Standards and Appeals; and

THAT there be no zipper sign; and

THAT the total signage be no more than 261'; and

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning

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Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT a new certificate of occupancy be obtained within two years from the date of this resolution.

Adopted by the Board of Standards and Appeals, December 4, 2001.

**130-01-BZ**

**CEQR # 01-DCP-050M**

APPLICANT - Friedman & Gotbaum, LLP, by Shelly S. Friedman, Esq., for Memorial Sloan-Kettering Cancer Center, owner.

SUBJECT - Application May 25, 2001 - under Z.R. §§72-21 and 73-642 to permit in an R8 zoning district, the proposed construction of a new 23-story research building and seven-story addition to replace the existing 11-story building (Use Group 4) and a special permit to allow a temporary failure to comply for the two-year time period defined in this resolution.

PREMISES AFFECTED - 411/425 East 68th Street, mid-block portion bounded by East 68th and East 69th Streets, between First and York Avenues, Block 1463, Lots 5 (Part of) and 11, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCES -

For Applicant: Shelly Friedman.

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

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

Not Voting: Commissioner Korbey.....1

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner, dated March 15, 2001, acting on Alt. Applic. No. 102494329 reads:

1. A Proposed building exceeds maximum permitted lot coverage in an R-8 zone, set forth in Section Z.R. 24-11.
2. Proposed building exceeds maximum floor area permitted in an R-8 zone pursuant to Section Z.R. 24-11.
3. Proposed building does not comply with height and setback regulations of Section Z.R. 24-522 along East 68<sup>th</sup> Street and East 69<sup>th</sup> Street, because a portion of the building will penetrate the sky exposure place.

4. Proposed building does not comply with rear yard equivalent requirements of Section Z.R. 24-382 for through lots in an R-8 district.

WHEREAS, a public hearing was held on this application on July 10, 2001 after due notice by publication in *The City Record* and laid over to October 2, 2001, October 16, 2001, and closed on a motion to close the hearing on November 20, 2001, setting December 4, 2001 for decision; and

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

WHEREAS, this is an application for a variance under Z.R.72-21 to 1) address the need for lot coverage waivers to remedy Objection 1, 2) address the need for height and setback waivers on East 69<sup>th</sup> Street to remedy Objection 3 and 3) address the need for rear yard equivalency waivers to remedy Objection 4, all of which will permit in an R8 zoning district, the proposed construction of the New Research Building to be maintained as a community facility to replace the existing 11-story Use Group 4 building and for a special permit under Z.R. §73-03 and §73-642 (Temporary failure to comply) to address the temporary creation of excess zoning floor area, to remedy in part Objection 2 for the time period following the completion of Phase I and the demolition of the existing building on Lot 11; and

WHEREAS, the Board takes note of the fact that it has been informed by the Department of City Planning that the permanent noncompliance noted in Objection 2 and that part of Objection 3 which regards the noncompliance with height and setback along East 68<sup>th</sup> Street will be addressed by the City Planning Commission in its consideration of ULURP Applications 010548 ZMM and 010548 ZSM respectively, such applications having been approved by the City Planning Commission on November 28, 2001 but remain subject to City Council action; and

WHEREAS, the Board notes approval of City Planning Commission actions set forth above and the BSA actions as set forth in this application are all required for the development of the New Research Building proposed New Research Facility; and

WHEREAS, Memorial Sloan-Kettering Cancer Center ("MSKCC") is a nationally designated cancer center providing clinical care and research; and

WHEREAS, MSKCC currently operates the existing Kettering Laboratory on Block 1463, Lot 11 in connection with its research activity which is designated as a Use Group 4 use; and

WHEREAS, MSKCC has determined that the existing laboratory building is no longer suitable for its purposes due to its inadequate footprint, its lack of sufficient floor area and its aged infrastructure; and

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WHEREAS, MSKCC has purchased a portion of the adjacent Lot 5 from St. Catherine's of Sienna Church, said lot currently partially vacant and partially occupied by a Church and an attached Rectory; and

WHEREAS, MSKCC proposes to build a New Research Building utilizing the footprint of Lot 11 and the portions of Lot 5 which are either presently vacant or occupied by the Rectory, further incorporating the unused development right over the existing Church structure; and

WHEREAS, MSKCC is obligated to rebuild the Rectory which will be demolished on Lot 5 so as to locate it within the lower floors of the New Research Building; and

WHEREAS, MSKCC has proposed to build a New Research Building consisting of a 23-story community facility building for its research and the replacement Rectory on the footprint within Lot 5 not occupied by St. Catherine's of Sienna Church, which will also include a double-height main lobby, conference space, storage space, two enclosed loading bays, three floors of mechanical equipment and a cooling tower at the roof level (the "Phase I Building"), and a seven-story addition for research (the "Phase II Building") which will be built on Lot 11 after the completion of the Phase I Building, as more fully set forth and described in the plans submitted with this application; and

WHEREAS, MSKCC has demonstrated that its programmatic needs for future growth as a world renowned cancer center require the requested state-of-the-art laboratories and related equipment and office units which will provide for research and related clinical integration within the limited land which it has available for development in immediate proximity to its other clinical and research buildings; and

WHEREAS, MSKCC has demonstrated that its programmatic requirements require 16 floors in the New Research Building must provide per floor, 18 Lab Bench Modules, each with a minimum depth of 10'6"; and

WHEREAS, MSKCC has demonstrated that the Lab Bench Modules must be situated within the same building as other basic science labs, support space, administrative space and must also be in close proximity to the clinical treatment facilities located immediately across the street from Lots 5 and 11; and

WHEREAS, MSKCC has demonstrated that the proposed shaft ways, mechanical space and elevator banks must be located within the New Research Building so as to maximize the number of Lab Bench Modules and to provide for corresponding lab support and administrative space, while at the same time maximizing light and air to the surrounding area to the greatest extent possible; and

WHEREAS, MSKCC has demonstrated that the New Research Building's floorplates for the Lab Bench Modules must provide adequate natural light and air, as well as provide necessary square footage per unit to allow a safe,

healthy and uncrowded shared environment for researchers, physician/investigators, staff, graduate students, technicians and other support staff; and

WHEREAS, the application states that MSKCC intends to build the New Research Building in two phases so that the research currently being conducted on the existing building on Lot 11 can continue without interruption; and

WHEREAS, the application states that Phase I of the New Research Building is anticipated to require 42 months of construction and that Phase II of the New Research Building will require 26 months of construction; and

WHEREAS, the phasing of the Phase I and Phase II buildings must be timed so that the Phase I Building can be built and occupied by the uses in the existing laboratory building on Lot 11, and that only thereafter can the existing laboratory be demolished to provide the footprint for Phase II; and

WHEREAS, the schedule for phasing will create a temporary situation in which the Phase I Building and existing Church on Lot 5 and the existing laboratory building on Lot 11 will occupy the combined Lots; and

WHEREAS, MSKCC submitted plans to the Department of Buildings for permits to construct the New Research Building in conformity with the programmatic requirements set forth above; and

WHEREAS, the footprint of the New Research Building is located in an R8 zoning district, which permits an FAR of 6.5 for community facilities and provides for height and setback and yard regulations; and

WHEREAS, in conjunction with a comprehensive plan for the future development of its properties adjacent to these Lots, MSKCC has filed with the City Planning Commission a request for a zoning map amendment (010549 ZMM) which will, *inter alia*, modify the midblock zoning district in which Lots 5 and 11 are located from R8 to R9, thereby increasing the permitted floor area for a community facility to FAR 10, such application having been approved by the City Planning Commission on November 28, 2001 but remains subject to City Council action; and

WHEREAS, the lot coverage of New Research Building, upon completion of both Phases, when combined with the lot coverage of the existing Church which is to remain will be 73.9 percent, which exceeds the 65 percent maximum lot coverage requirement in an R8 district; and

WHEREAS, the configuration of Lots 5 and 11 as a single zoning lot results in a portion of the lot to be considered as a through lot and a portion of the lot to be considered as an interior lot for the purposes of rear yard requirements in R8 districts; and

WHEREAS, the rear yard equivalent for that portion of the combined Lots 5 and 11 which is deemed a through lot, upon completion of both Phases (which rear yard equivalent currently includes the existing Church, which is to remain

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and provides neither a yard nor a rear yard equivalent) will be insufficient to comply with the yard equivalent requirements in Z.R. §24-382 applicable to community facilities in an R8 district; and

WHEREAS, Lot 5 is a partially through lot with a frontage of 165' on the northern side of East 68<sup>th</sup> Street and a frontage of 23.8' on the southern side of East 69<sup>th</sup> Street; and

WHEREAS, its depth is 200.10' at its western lot line and 100.5' at the easternmost point of its eastern lot line; and

WHEREAS, the application states, and the Board agrees, that requiring MSKCC to build in compliance with Z.R. §24-382 and Z.R. §24-522 would create a hardship, in that the resulting development could not contain the necessary state-of-the-art Lab Bench Modules in the New Research Building, nor could it contain the support spaces that must accompany these Lab Bench Modules in close proximity; and

WHEREAS, furthermore, the application states, and the Board agrees, that MSKCC would suffer the following additional extreme hardship if the Temporary Failure to Comply was denied: MSKCC's critical research programs in the existing laboratory building would be completely disrupted and virtually halted, with grave consequences for both ongoing research and the ability to maintain clinical treatments in the adjacent hospital buildings for up to five years if the Board required the existing laboratory building to be demolished prior to construction of the New Research Building; and

WHEREAS, the application states and the Board agrees, that the New Research Building proposed in this application must be in close proximity to MSKCC staff residences and to hospital facilities; and

WHEREAS, the application states, and the Board agrees, that with no alternative developable site available, the New Research Building is the best available design to provide the number of Lab Bench Modules required by MSKCC to sustain its existing research and provide for room for additional research in accordance with its position as a leader in cancer research and treatment; and

WHEREAS, the numbers of unique of special spaces (i.e. wet and dry laboratories, support space and administrative offices, auditorium and conference space, and the replacement Rectory) require a specific amounts of floor area, spatial configurations, unique mechanical equipment and atypical floor-to-floor heights; and

WHEREAS, the application states, and the Board agrees, that the New Research Building's configuration results in maximized floor area for MSKCC's programmatic requirements, while at the same time maximizing the light and air to the surrounding area; and

WHEREAS, the application states that it would be completely impracticable and self defeating to consider an

alternative design scheme for the New Research Building that does not address these programmatic necessities; and

WHEREAS, the application states, and the Board agrees, that an interior reconfiguration of the proposed design for the New Research Building in such a manner as to decrease the size of the Lab Bench Modules cannot be successfully accomplished because the state-of-the-art research equipment demands a specific square footage and floor-to-floor heights; and

WHEREAS, with regard to minimal qualitative requests, the design for the New Research Building is the most efficient design that provides the maximum number of Lab Bench Modules; and

WHEREAS, therefore, in light of the physical boundaries of Lots 5 and 11, the existing buildings to remain on the site and the critical mission of MSKCC, the Board finds that it is impossible for MSKCC to build a research building on Lots 5 and 11 in strict conformity with strict conformity with the provisions of the Zoning Resolution; and

WHEREAS, the Board finds that the aforementioned physical conditions, including the requirements for adequate configuration of research laboratories create a practical difficulty for MSKCC in developing the site with a complying development for its mission; and

WHEREAS, the Board finds that the applicant need not address Z.R. §72-21(b) since MSKCC is a not-for-profit organization and the development will be in furtherance of its not-for-profit status; and

WHEREAS, the Board finds that the neighborhood in the vicinity of the New Research Building is atypical of the Upper East Side's midblocks; and

WHEREAS, the Board finds that MSKCC has chosen to construct a building that remains in proportion with the taller of the nearby community facility and residential buildings; and

WHEREAS, the Board finds that the requested variances represent a suitable trade-off among other provisions of the Zoning Resolution, which would be violated if an alternative development program was sought; and

WHEREAS, the site of the New Research Building is situated within an area intensively utilized by community facilities, many of which are MSKCC affiliates; and

WHEREAS, the block immediately to the south of the New Research Building is occupied entirely by MSKCC buildings and includes: 1) the Schwartz Building; 2) the Howard and Bobst Buildings; 3) the Radiation Oncology Building; 4) the Enid A. Haupt Pavillion; 5) the Norman and Rosetta Winston Surgical Pavillion; and 6) Memorial Hospital; and

WHEREAS, within the 400' radius of the New Research Building are buildings used by such other important

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community facilities as New York Hospital and Cornell Medical College and the Rockefeller University; and

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

WHEREAS, the Board finds that the practical difficulties or unnecessary hardships are inherent in Lots 5 and 11 lot and were not created by the applicant or its predecessor in title; and

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

WHEREAS, MSKCC also seeks approval of a Special Permit for a Temporary Failure to Comply (Z.R. §73-642) with applicable R8 zoning district floor area regulations because it will temporarily exceed the maximum allowable floor area on Lots 5 and 11 between the time of completion of Phase I of the New Research Building and the relocation of the research staff from the existing laboratory building on Lot 11 so that the existing laboratory building can be demolished to permit the Phase II structure; and

WHEREAS, the applicant assured the Board that the existing laboratory building on Lot 11 is scheduled for demolished within a stated period of time not to exceed two years after completion of Phase I of the New Research Building; and

WHEREAS, the Board shall prescribe as a condition of such permit that the existing laboratory buildings will be removed within a stated period of time not to exceed two years from the date of the issuance of a temporary certificate of occupancy for the entire Phase I of the New Research Building; and

WHEREAS, the Board finds that, MSKCC has provided the community with an essential service with respect to cancer research and cancer care for almost 150 years; and

WHEREAS, the existing laboratory building on Lot 11 is a community facility which is a conforming use as of the date of this application; and

WHEREAS, to require the demolition the existing laboratory on Lot 11 prior to completion of the New Research Building would disrupt and, in some cases, virtually halt important ongoing research of local, national and international importance; and

WHEREAS, the Board finds that the applicant has met the findings required to be made under Z.R. §73-642, and

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

WHEREAS, the New York City Department of City Planning ("NYC DCP"), as lead agency, has conducted an

environmental review of the proposed actions and has carefully considered all relevant areas of environmental concern and required the applicant to file an Environmental Impact Statement, which the Board has considered; and

WHEREAS, the Board finds that the proposed enlargement will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not have any significant adverse impacts upon the quiet, privacy, light and air of the surrounding neighborhood; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-642 and 73-03.

*Resolved* that the Board of Standards and Appeals adopts the Final Environmental Impact Statement (FEIS) approved by the NYC DCP on November 16, 2001 through a Notice of Completion under 6 NYCRR Part 617 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under Z.R. §§72-21 and 73-642 and grants to permit in an R8 zoning district, the proposed construction of a new 23-story research building and seven-story addition to replace the existing 11-story building (Use Group 4) and a special permit to allow a temporary failure to comply for the two-year time period defined in this resolution, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received, November 13, 2001"-(19) sheets; and *on further condition*;

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

THAT a certificate of occupancy shall be obtained within 2 years of this grant.

Adopted by the Board of Standards and Appeals, December 4, 2001.

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## **148-01-BZ CEQR # 01-BSA-133M**

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

SUBJECT - Application April 19, 2001 - under Z.R. §73-36, to permit the proposed operation of a physical culture establishment (Use Group 9) located on the fourth and fifth

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floors of a six story building, which requires a special permit under Z.R. §32-31.

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

**COMMUNITY BOARD #5M**

APPEARANCES -

For Applicant: Fredrick Becker.

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

**ACTION OF THE BOARD** - Application granted on condition.

THE VOTE TO GRANT -

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

Negative: .....0

THE RESOLUTION -

WHEREAS, the decision of the Borough Commissioner dated April 5, 2001 acting on Alt. Application number 102935512 reads;

- “1) Provide BSA approval for use indicated on application (Physical Culture Establishment) is only permitted by official permit as per section ZR 32-31 73-36 ZR.”;and

WHEREAS, a public hearing was held on this application on November 13, 2001 after due notice by publication in *The City Record* and laid over to December 4, 2001 for decision; and

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

WHEREAS, this is an application for under §73-36, to permit the proposed operation of a physical culture establishment (Use Group 9) located on the fourth and fifth floors of a six story commercial building, in a C6-4 zoning district, which requires a special permit under Z.R. §32-31; and

WHEREAS, the subject development includes the physical culture establishment which will be surrounded by commercial uses; and

WHEREAS, the subject physical culture establishment will occupy 7,290' of floor area; and

WHEREAS, the facility will be a traditional spa environment with hot and cold tubs, a steam room and sauna, and treatment rooms; and

WHEREAS, the treatment rooms will be used for such services as massage and aroma therapy and the staff will consist of licensed massage therapists; and

WHEREAS, the physical culture establishment will be completely enclosed within an existing building and located on the fourth and fifth floors of the premises; and

WHEREAS, the men's services will be located on one

floor and the women's services will be located on the other floor; and

WHEREAS, the applicant has agreed to comply with the Fire Department's requirements; and

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

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

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §§73-03 and 73-36; and

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

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

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

*Resolved* that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental quality Review and makes the required findings under §73-36, to permit the proposed operation of a physical culture establishment (Use Group 9) located on the fourth and fifth floors of a six story building, which requires a special permit under Z.R. §32-31, *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application marked “Received, April 19, 2001”-(2) sheets and “June 21, 2001”-(2) sheets; and on further condition;

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

THAT fire protection measures, including a fire alarm system and a smoke detection system with both systems connected to a Fire Department-approved central station, shall be provided and maintained in accordance with the BSA-approved plans;

THAT this special permit shall be limited to a term of ten years from the date of this grant;

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

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

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

Adopted by the Board of Standards and Appeals, December 4, 2001.

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## **71-99-BZ**

APPLICANT - Philip P. Agusta, R.A., M.U.P., for Maspeth Federal Savings Bank and Loan Center, owner.

SUBJECT - Application April 8, 1999 - under Z.R. §72-21, to permit the proposed second story enlargement to an existing bank (Use Group 6) located in a C1-2 within an R4-1 zoning district, which will not comply with rear yard requirements, exceeds the permitted floor area ratio and non-compliance regarding the required number of accessory parking spaces, and is contrary to Z.R. §33-121, §33-26, §33-27 and §36-21.

PREMISES AFFECTED - 56-05 69<sup>th</sup> Street, east side, 130.55' north of Grand Avenue, Block 2500, Lot 7, Borough of Queens.

### **COMMUNITY BOARD #5Q**

APPEARANCES -

For Applicant: Janice Cahalane.

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

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## **281-99-BZ**

APPLICANT - Jay A. Segal (Greenberg Traurig), for Enopac Holding LLC, owner.

SUBJECT - Application November 5, 1999 - under Z.R. §72-21, to permit the proposed mini-storage facility (Use Group 16) located in an R3-1 zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 6055 Strictland Avenue, west side of Strictland Avenue roughly between the prolongation of Mayfair Avenue and East 59<sup>th</sup> Place, Block 8470, Lots 1060, 1064, 1070, 1076, Borough of Brooklyn.

### **COMMUNITY BOARD #18BK**

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to February 12, 2002, at 2 P.M., for continued hearing.

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## **37-00-BZ**

APPLICANT - Leo Weinberger, Esq., for Pappco Holding Co., Ltd., owner; Harbans Singh Dhillon, lessee.

SUBJECT - Application February 28, 2000 - under Z.R. §§11-411 and 11-412, to permit the reestablishment of an expired variance previously granted under Cal. #613-56-BZ, which permitted an automotive service station Use Group 16 in a

C2-2 within an R3-2 zoning district.

PREMISES AFFECTED - 111-05/18 Van Wyck Expressway and 111-05/11 Lincoln Street, southwest corner, southwest corner, Block 11639, Lot 12, Borough of Queens.

### **COMMUNITY BOARD #10Q**

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 2 P.M., for continued hearing.

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## **97-00-BZ**

APPLICANT - Sheldon Lobel, P.C., for 1833 Nostrand Avenue Corp., owner.

SUBJECT - Application March 29, 2000 - under Z.R. §72-21, to permit the proposed change of use from a non-conforming automotive repair shop to a retail convenience store, located partially within an R6A district and partially within a C1-4 district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 502 Avenue P, Avenue P and East 5<sup>th</sup> Street, Block 6637, Lot 1, Borough of Brooklyn.

### **COMMUNITY BOARD #12BK**

APPEARANCES -

For Applicant: Eric Palatnik, Vince Ferrandino, Kevin Jennings and Chris Tartaglia.

For Opposition: Sol Wahba and David Sitt.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to January 29, 2002, at 2 P.M., for decision, hearing closed.

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## **208-00-BZ**

APPLICANT - Dominick Salvati & Son, Architects, for Blis Operating Co. Inc., owner; B & R Auto, lessee.

SUBJECT - Application August 24, 2000 - under Z.R. §22-10, to permit the automotive storage and parking, repairs, preparation and sales of used cars with accessory auto-related uses on the project site.

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PREMISES AFFECTED - 2739-2747 86th Street, northwest corner of West 10th Street, Block 7117, Lots 45-48, 50, 51, 52, Borough of Brooklyn.

**COMMUNITY BOARD #11BK**

APPEARANCES -

For Applicant: Peter Hirshman.

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

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 2 P.M., for continued hearing.

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**226-00-BZ**

APPLICANT - Agusta & Ross, for Simon Pollack, owner.

SUBJECT - Application October 5, 2000 - under Z.R. §72-21, to permit the proposed erection of a six story, 35 units multiple dwelling, upon a vacant lot, located in an M1-2 zoning district, which is contrary to Z.R. §42-10.

PREMISES AFFECTED - 210 Middleton Street, southeast corner of Throop Avenue, Block 2242, Lot 28, Borough of Brooklyn.

**COMMUNITY BOARD #1BK**

APPEARANCES -

For Applicant: Mitchell Ross.

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

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 2 P.M., for continued hearing.

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**8-01-BZ**

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

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

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

**COMMUNITY BOARD #1SI**

APPEARANCES -

For Applicant: Michael DeRuvo and Doreen Rizzi.

THE VOTE TO CLOSE HEARING -

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

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 2 P.M., for decision, hearing closed.

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**54-01-BZ**

APPLICANT - Sheldon Lobel, P.C., for Michael & Fran Koegel, owner.

SUBJECT - Application February 20, 2001 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling (Use Group 1) located in an R2 zoning district, which does not comply with the zoning requirements for F.A.R., O.S.R. and side yards and is contrary to Z.R. §23-141 & §23-461.

PREMISES AFFECTED - 2508 Avenue J, between Bedford Avenue and 26th Street, Block 7607, Lot 43, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

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

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 2 P.M., for decision, hearing closed.

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**134-01-BZ**

APPLICANT - Mark A. Levine, for 139 East 57th Street, LLC, owner; LiftGym, lessee.

SUBJECT - Application April 6, 2001 - under Z.R. §73-03 and §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the fifth through seventh, and ninth floors of an existing commercial and retail building, located in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 139 East 57th Street, northeast corner of Lexington Avenue, Block 1312, Lot 23, Borough of Manhattan.

**COMMUNITY BOARD #6M**

APPEARANCES -

For Applicant: Mark A. Levine.

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

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**138-01-BZ**

APPLICANT - Geroge E. Berger, for Love Fellowship Tabernacle Inc., owner.

SUBJECT - Application April 12, 2001 - under Z.R. §72-21, to permit the legalization of an existing church (Use Group 4) located in an M1-1 zoning district, also an increase in the

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size of the building which will penetrate the sky exposure plane and extend into the required open space is contrary to Z.R. §43-301 and §43-43.

PREMISES AFFECTED - 464/74 Liberty Avenue, a.k.a. 179/87 Bradford Street, southeast corner, Block 3708, Lot 11, Borough of Brooklyn.

**COMMUNITY BOARD #5BK**

APPEARANCES -

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

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 2 P.M., for continued hearing.

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**162-01-BZ**

APPLICANT - Jay Segal (Greenberg Traurig), for Greenwich Renwich, LLC, Contract Vendee.

OWNER OF PREMISES: Lava, LLC and Henry Murad.

SUBJECT - Application April 26, 2001 - under Z.R. §72-21, to permit the proposed construction of a fourteen story building, to be used almost exclusively for residential use, located in an M1-6 zoning district, which contrary to Z.R. §42-10.

PREMISES AFFECTED - 499 Greenwich Street, commences 40'-9" from the southeast intersection of Greenwich and Spring Streets, Block 594, Lots 29 and 37, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES -

For Applicant: Jay Segal, Jack Freeman and others.

For Opposition: Doris Diether, Community Board #2M; Kenneth McCallion, R. Hershlag and R. Barrett.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 2 P.M., for decision, hearing closed.

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**190-01-BZ**

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

SUBJECT - Application May 3, 2001 - under Z.R. §73-622 to permit proposed enlargement of an existing one family

dwelling, Use Group 1, located in an R2 zoning district, which creates non-compliance with respect to F.A.R. and open space ratio, contrary to Z.R.23-141.

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

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Lyra Altman.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 2 P.M., for decision, hearing closed.

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**197-01-BZ**

APPLICANT - Anthony M. Salvati, for George Dilis, owner.

SUBJECT - Application May 24, 2001 - under Z.R. §73-622 to permit the proposed one story enlargement at the rear of an existing one family dwelling, Use Group 1, located in an R4 zoning district, which does not comply with the zoning requirement for rear yard, which is contrary to Z.R. §23-00.

PREMISES AFFECTED - 951 81<sup>st</sup> Street, north side 223'-4" west of 10<sup>th</sup> Avenue, Block 5992, Lot 58, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

APPEARANCES -

For Applicant: Peter Hirshman.

For Opposition: Gloria Ippolita and Rudy Ippolito.

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

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**207-01-BZ**

APPLICANT - Sheldon Lobe, P.C., for 110 Greenwich Street Associates, LLC, owner; Dolphin Fitness Greenwich Inc., lessee.

SUBJECT - Application June 7, 2001 - under Z.R. §73-36, to permit the legalization of the cellar and first floor of an

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existing thirteen story building, for use as a physical culture establishment (Use Group 9) located in an C6-9 zoning district.

PREMISES AFFECTED - 110 Greenwich Street, a/k/a 2 Carlisle Street, west side, at the intersection of Carlisle Street, Block 53, Lot 33, Borough of Manhattan.

**COMMUNITY BOARD #1M**

APPEARANCES -

For Applicant: Lyra Altman.

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

**ACTION OF THE BOARD** - Laid over to February 12, 2002, at 2 P.M., for postponed hearing.

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**208-01-BZ**

APPLICANT - Moshe M. Friedman, P.E., for Yehuda Peretz, owner.

SUBJECT - Application June 8, 2001 - under Z.R. §72-21, to permit proposed extension to an existing two story, one family dwelling, (Use Group 1) which creates non-compliance with respect to floor area, O.S.R., side yard, front yard and height, which is contrary to Z.R. §23-141(a), §23-48, §23-45 & §23-63(a).

PREMISES AFFECTED - 2802 Avenue N, southeast corner of East 28<sup>th</sup> Street, Block 7682, Lot 46, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

APPEARANCES -

For Applicant: Moshe M. Friedman.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to December 18, 2001, at 2 P.M., for decision, hearing closed.

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**216-01-BZ**

APPLICANT - Rampulla Associates Architects, for Rampulla Planning and Development, Inc., owner; Rampulla Associates Architects, LLP, lessee.

SUBJECT - Application June 14, 2001 - under Z.R. §72-21 to permit the legalization of the premises as a professional

office (Use Group 6) located in an R3-1 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 155 3<sup>rd</sup> Street, northwest corner of Rose Avenue, Block 4195, Lot 1, Borough of Staten Island.

**COMMUNITY BOARD #2S.I.**

APPEARANCES -

For Applicant: Philip Rampulla.

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

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**224-01-BZ**

APPLICANT - Rosenman & Colin , LLP, for Soho Grand Centre, LLC, owner.

SUBJECT - Application October 22, 2001 - under Z.R. §72-21, to permit the proposed construction of a 12-story building, with a hotel on the first through 12<sup>th</sup> Floors, and retail use in the cellar and on the first floor, Use Group 5 and 6, located in an M1-5B zoning district, which does not comply with the zoning requirements for floor area, height, setback and use regulations, is contrary to Z.R. §43-12, §43-43 and §44-14(D)(2)(b).

PREMISES AFFECTED - 159 Grand Street, bounded by Grand, Lafayette, Howard and Centre Streets, Block 234, Lot 11, Borough of Manhattan.

**COMMUNITY BOARD # 2M**

APPEARANCES -

For Applicant: Gary Tarnoff.

For Opposition: Doris Diether, Community Board #2.

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

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for continued hearing.

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**237-01-BZ**

APPLICANT - Friedman and Gotbaum, LLP by Shelly S. Friedman, Esq., for The Spence School, owner.

SUBJECT - Application July 17, 2001 - under Z.R. §72-21, to permit the proposed addition to an existing fifth floor, in a

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five story community facility (school), Use Group 3, located in an R8B and C1-5/R10 zoning district, which will increase the extent of non-compliance with respect to the rear yard requirement, in the R8B portion of the yard, and is contrary to Z.R. §24-36.

PREMISES AFFECTED - 56 East 93rd Street, south side, between Madison and Park Avenue, Block 1504, Lot 47, Borough of Manhattan.

**COMMUNITY BOARD #8M**

APPEARANCE -

For Applicant - Shelly Friedman, Heida Blau and Arlene Gibson.

For Opposition: Howard Weiss, Patrick Jones, Norman Kearcus and Lo Van DaValk.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....07

**ACTION OF THE BOARD** - Laid over to January 8, 2002, at 2 P.M., for decision, hearing closed.

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SUBJECT - Application August 24, 2001 - under Z.R. §72-21 to permit the proposed enlargement to a nursing home community facility, located in an R4 zoning district, which does not comply with F.A.R., height of the front wall and side yard setback, is contrary to Z.R. §24-551 and 24-521.

PREMISES AFFECTED - 119-15 27<sup>th</sup> Avenue, bounded by 27<sup>th</sup> Avenue, 119<sup>th</sup> Street and 26<sup>th</sup> Avenue, Block 4291, Lot 20, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES -

For Applicant: Chris Wright.

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

THE VOTE TO CLOSE HEARING -

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

Negative: .....0

**ACTION OF THE BOARD** - Laid over to January 15, 2002, at 2 P.M., for decision, hearing closed.

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*Pasquale Pacifico, Executive Director.*

Adjourned: 5:25 P.M.

**260-01-BZ**

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

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