

# MINUTES

## BOARD OF STANDARDS AND APPEALS.

### REGULAR MEETING

TUESDAY MORNING, MAY 22, 1934.

Present: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney.

The minutes of the regular meeting of the board held on Tuesday morning, May 15, 1934, and the minutes of the regular meeting of the board held on Tuesday afternoon, May 15, 1934, were approved as printed in Bulletin No. 21, Vol. XIX.

### BUILDING ZONE CASES.

7-34-BZ.

APPLICANT—Henry C. Brucker, for Salzi Homes, Inc., owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit partly in a business district and partly in a residence district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—Southeast corner of Rocky Hill road and 221st place (Block No. 1726, Lot No. 16), Inglewood, Borough of Queens.

APPEARANCES—

For Applicant: Henry C. Brucker.

For Opposition: George L. Knott, Mrs. C. Stutz, Alderman Edward E. Buhler, David S. Ward.

ACTION OF BOARD—Laid over to June 5, 1934, at 2 p. m., for report of committee of inspection. No further argument.

56-34-BZ.

APPLICANT—Lama and Proskauer, for Joseph Caferio, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business district the erection and maintenance of a petroleum storage plant.

PREMISES AFFECTED—2117-2127 Neptune avenue, northeast corner of West 22nd street (Block No. 6991, part of Lot No. 41), Borough of Brooklyn.

APPEARANCES—

For Applicant: Alfred A. Lama.

For Opposition: John H. Borrie.

ACTION OF BOARD—Laid over to June 5, 1934, at 2 p. m., on request of attorney for objectors.

993-26-BZ.

APPLICANT—Jacob A. Freedman, for Leo Schumger, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 21 of the building zone resolution, to permit in a business district the erection and maintenance of a gasoline service station (reopened March 27, 1934).

PREMISES AFFECTED—5911-5921 22nd avenue (Bay parkway), east side, 20 ft. north of 60th street (Block No. 6548, part of Lot No. 1), Borough of Brooklyn.

APPEARANCES—

For Applicant: Minnie Transky.

For Opposition: Alderman Isnardi, William G. Linder.

ACTION OF BOARD—Laid over to June 5, 1934, at 10 a. m., on request of attorney for applicant.

331-33-BZ.

APPLICANT—Emil Guterman, for Litvan Holding Corporation, owner.

SUBJECT—Request for reopening—reconsideration under new facts—re Application (decision of the commissioner of buildings under section 21 of the building zone resolution, to permit in a business district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—1241-1251 East New York avenue and 1420-1426 Pitkin avenue (Block No. 1477, Lot Nos. 32, 33, 34, 35 and 48), Borough of Brooklyn.

APPEARANCES—

For Applicant: None.

ACTION OF BOARD—Request to reopen denied.

THE VOTE TO REOPEN—

Affirmative ..... 0

Negative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4

Absent: Commissioner Peppe ..... 1

1024-27-BZ.

APPLICANT—I. L. Crausman, for 174th street and Jerome Avenue Realty Corp., owner.

SUBJECT—Application for reopening—amendment of resolution to permit an alcove gasoline service station—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1650-1664 Jerome avenue and 1-9 East 174th street, northeast corner (Block No. 2848, Lot No. 1), Borough of The Bronx.

APPEARANCES—

For Applicant: I. L. Crausman.

ACTION OF BOARD—Application reopened, to be set for calendar call.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4

Negative ..... 0

Absent: Commissioner Peppe ..... 1

717-28-BZ.

APPLICANT—Frank J. Schefcik, for Theodore Ornstein, owner.

SUBJECT—Application for reopening—amendment—re Application (decision of the superintendent of buildings) under sections 7e and 21 of the building zone resolution, permitting in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—152-164 East 87th street (Block No. 1515, Lot Nos. 46, 47, 49, 50 and 51), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank J. Schefcik and Theodore Ornstein.

ACTION OF BOARD—Application reopened, calendar call waived and set for hearing June 12, 1934, at 10 a. m.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4

# MINUTES

Negative ..... 0  
Absent: Commissioner Peppe..... 1

108-26-BZ.

APPLICANT—Eugene De Rosa, for Emerdyck Realty Corporation, owner.

SUBJECT—Application for reopening—rehearing on revised plans—(re decision of commissioner of buildings) under sections 7(b) and 21 of the building zone resolution, to permit the extension from a business district into a residence district of a proposed theatre building.

PREMISES AFFECTED—4913-4923 Broadway (Block No. 2241, Lot Nos. 25, 26 and part of Lot No. 28), Borough of Manhattan.

APPEARANCES—

For Applicant: Eugene De Rosa.

ACTION OF BOARD—Application reopened, calendar call waived and set for hearing June 12, 1934, at 10 a. m.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief

Kidney ..... 4  
Negative ..... 0  
Absent: Commissioner Peppe..... 1

84-34-BZ.

APPLICANT—Koch & Wagner, for Lincoln Savings Bank, owner.

SUBJECT—Application (re decision of the commissioner of buildings) under section 7c of the building zone resolution, to permit partly in a business district and partly in a residence district, the erection and maintenance of a business building (bank).

PREMISES AFFECTED—7423-7427 Fifth avenue, northeast corner of Bay Ridge parkway (Block No. 5931, Lot Nos. 1, 2 and 85), Borough of Brooklyn.

APPEARANCES—

For Applicant: Frederick Weisbrod and Arthur R. Koch.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief

Kidney ..... 4  
Negative ..... 0  
Absent: Commissioner Peppe..... 1

THE RESOLUTION—

(84-34-BZ)

WHEREAS, Koch & Wagner, for Lincoln Savings Bank, owner, filed March 30, 1934, an application under the building zone resolution to permit partly in a business district and partly in a residence district, the erection and maintenance of a business building (bank); premises: 7423-7427 Fifth avenue, northeast corner of Bay Ridge parkway (Block No. 5931, Lot Nos. 1, 2 and 85), Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, May 22, 1934, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 5th avenue is in a business district, Bay Ridge parkway is in a residence district; and

WHEREAS, the decision of the commissioner of buildings, rendered March 13, 1934, re: Applic. No. 2116-1934, reads:

"Proposition is contrary to article 2, section 3 of building zone resolution, as proposed business building extends partly into a residential district."

and

WHEREAS, the proposed building is to be of fireproof construction two (2) stories in height, with a frontage of 46 ft. 1 in. on 5th avenue and 98 ft. on Bay Ridge parkway, to be occupied as a business building (bank). A small triangular portion approximately 7 ft. 6 in. by 19 ft. in area of the proposed building is in the residence use district; and

WHEREAS, the Board deemed that it was empowered to act under Section 7-c of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is granted under Section 7-c, permitting the proposed building as indicated on plans filed with this application to extend into the residence zone for a distance of, approximately, 7 ft. 6 in. as indicated, waiving the requirements for unbuilt-upon yard or court space, on condition that the building shall comply with all the laws and regulations applicable thereto other than as permitted by this variance of the zoning resolution.

528-31-BZ.

APPLICANT—Thomas O'Rourke Gallagher, for George W. Horr, owner.

SUBJECT—Application for extension of permit—re Application (decision of the superintendent of buildings) permitting in a business district the erection and maintenance of a gasoline service station, this application originally filed under section 21, but granted under section 7f of the building zone resolution (reopened April 27, 1934).

PREMISES AFFECTED—70-52 Kissena boulevard, northwest corner of 70th road (Block No. 2235, Lot No. 1), Flushing, Borough of Queens.

APPEARANCES—

For Applicant: Thomas O'Rourke Gallagher.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief

Kidney ..... 4  
Negative ..... 0  
Absent: Commissioner Peppe..... 1

THE RESOLUTION—

(528-31-BZ)

WHEREAS, this application affecting premises 70-52 Kissena boulevard, northwest corner of 70th road (Block No. 2235, Lot No. 1), Borough of Queens, was granted by the Board March 18, 1932, under section 7, subdivision F, for a temporary period of two years, on certain conditions; and

WHEREAS, on April 17, 1934 (after the time limit had expired), a request was made for an extension of time and on April 27, 1934, the Board reopened the application, waived the Calendar Call and set the case for a public hearing on May 22, 1934; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals at its regular meeting May 22, 1934, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, it appears that there has been no change in the surrounding conditions.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is granted, reaffirming the resolution adopted by the Board on March 18, 1932, for a temporary period of two (2) years from the date of this action, under Section 7-F.

# MINUTES

108-26-BZ.

APPLICANT—Eugene De Rosa, for Emerdyck Realty Corp., owner.

SUBJECT—Application reopened May 22, 1934 (re decision of the commissioner of buildings) for an amendment of resolution as to area of proposed theatre building—re Application, under sections 7b and 21 of the building zone resolution, to permit the extension from a business district into a residence district of a proposed theatre building.

PREMISES AFFECTED—4913-4923 Broadway (Block No. 2241, Lot Nos. 25, 26 and part of Lot No. 28), Borough of Manhattan.

APPEARANCES—

For Applicant: Eugene De Rosa, F. W. Pinner and C. S. Crystal.

For Opposition: Helen C. Williams and Millicent C. Barringer.

ACTION OF BOARD—Application granted, on condition THE VOTE—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney .....	4
Negative .....	0
Absent .....	0

THE RESOLUTION—

(108-26-BZ)

WHEREAS, this application affecting premises 4915-4923 Broadway (Block No. 2241, Lot Nos. 25, 26, 28 and 30), Borough of Manhattan, was granted by the board December 14, 1926, on certain conditions, but time to erect the building having expired, applicant requests a reopening of the case and an amendment of the resolution to permit the construction of a building with a frontage of 80 ft. and a depth of 150 ft. instead of a frontage of 163 ft. and a depth of 138 ft. as originally proposed, and affecting only lot Nos. 25 and 26 and part of Lot No. 28; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 12, 1934, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that Broadway is a business district and Cooper street is a residence district; and

WHEREAS, the decision of the commissioner of buildings, rendered April 26, 1934, in acting on N. B. Application, No. 39-1934, reads:

"1. Westerly portion of building to be used for business purposes may not extend into residence district zone resolution, section 3."

and

WHEREAS, the proposed building is to be of fireproof construction, two stories in height, 80 ft. by 150 ft. in area, to be occupied as theatre and stores, the rear portion of the building extending into the residence district 25 ft.; and

WHEREAS, the board deemed that applicant had substantiated his basis of appeal under sections 7b and 21 of the building zone resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is granted, permitting the construction of a motion picture theatre, as indicated on the revised plans marked "Received May 11, 1934" and covering a revised plot area 80 ft. in width by 150 ft. in depth, being the northerly portion of the plot formerly under appeal, and permitting the construction as indicated within the area zoned for residence, on condition that in the rear 12 ft. the building shall not exceed the height of 23 ft. at rear line above the Broadway curb, as indicated; that the entire rear of building shall be constructed of light face brick; that there shall be no openings in the rear

walls of building facing west; that a retaining wall shall be constructed on rear property line up to the grade of the property to the west; that, other than this use variance in a residential area, all laws, rules and regulations applying to this building shall be complied with; and that all permits shall be obtained within six months and any work involved shall be completed within one year from the date of this action.

717-28-BZ

APPLICANT—Frank J. Schefcik, for Theodore Ornstein, present owner.

SUBJECT—Application reopened May 22, 1934 (re decision of the commissioner of buildings) to amend the resolution to permit the erection of a pent house for additional car storage—re Application, under sections 7e and 21 of the building zone resolution, permitting in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—152-164 East 87th street (Block No. 1515, Lot Nos. 46, 47, 49, 50 and 51), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank J. Schefcik and Theodore Ornstein.

For Opposition: None.

ACTION OF BOARD—Resolution amended.

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney .....	4
Negative .....	0
Absent .....	0

THE RESOLUTION—

(717-28-BZ)

WHEREAS, this application affecting premises 152-164 East 87th street (Block No. 1515, Lot Nos. 46, 47, 49, 50 and 51), Borough of Manhattan, was granted by the board January 29, 1929, on certain conditions, and applicant requests an amendment of the resolution to permit the erection of a pent house, 129 ft. 3 in. by 67 ft. in area, to be occupied for the storage of motor vehicles; and

WHEREAS, a public hearing was held on this application by the Board of Standards and Appeals, at its regular meeting, June 12, 1934, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the decision of the commissioner of buildings, rendered May 4, 1934, in acting on alteration No. 931-1934, reads:

"1. Proposed extension of garage use in a business district is contrary to sections 4 and 6 of zone resolution."

Resolved, that the Board of Standards and Appeals does hereby amend resolution adopted by the board on January 29, 1929, as amended by resolutions adopted on March 5, 1929, April 5, 1930 and May 27, 1930, to permit the construction of a new pent-house story as indicated on plans filed marked "Received May 31, 1934" and permitting this new pent-house story to be used as part of the public garage, on condition that the construction of the proposed story shall be completely fireproof; that the present elevators in the pent-house shall not be extended in height; that the roof of this new pent-house story shall be so constructed as to preclude any storage of cars thereon; that the standpipe fireline system shall be extended to comply with the requirements of the Standpipe Fireline Rules of the Board of Standards and Appeals; that the requirements of the zoning law as to setbacks and height shall be complied with; that there shall be no windows or other openings in the wall of this pent-house story to the east or west; that all other windows and doors shall be

# MINUTES

fireproof, self-closing; that, other than as amended herein, this additional story shall comply with all laws, rules and regulations applicable thereto; and that all permits shall be obtained within six months and any work involved completed within one year from the date of this action.

340-31-BZ.

APPLICANT—Conroy and Hardy, for Edward W. Cropsey, James L. Cropsey and C. & M. Holding Co., owners.

SUBJECT—Application for reopening—extension of time—re Application (re decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a business district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—2402-2418 Cropsey avenue, southwest corner of 24th avenue (Block No. 6927, Lot Nos. 47 and 48), Borough of Brooklyn.

APPEARANCES—

For Applicant: R. S. Hardy.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE RESOLUTION—

(340-31-BZ)

WHEREAS, this application affecting premises 2402-2418 Cropsey avenue, southwest corner of 24th avenue (Block No. 6927, Lot Nos. 47 and 48), Borough of Brooklyn, was granted by the board July 22, 1932, on certain conditions, time extended June 13, 1933, and applicant requests an extension of the time limit imposed.

Resolved, that the resolution adopted by the board on July 22, 1932, be and it hereby is amended, only so far as it has to do with the completion of work, so that as amended, the clause relating thereto will read:

"that in view of statement by applicant that all permits have been obtained, all work shall be complied with within one year from the date of this amended resolution and that the resolution other than as amended herein shall be complied with in all respects."

262-33-BZ.

APPLICANT—Wood and Marshall, for John Wild and Mary C. Wild, owners.

SUBJECT—Application for reopening—extension of time—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business district the erection and maintenance of a gasoline service station.

PREMISES AFFECTED—Southwest corner of Merrick road and 125th avenue (Block No. 3208, Lot Nos. 122, 124 and 126), South Jamaica, Borough of Queens.

APPEARANCES—

For Applicant: Clifford B. Marshall.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE RESOLUTION—

(262-33-BZ)

WHEREAS, this application affecting premises southwest corner of Merrick road and 125th avenue (Block No. 3208, Lot No. 122, 124 and 126), Jamaica, Borough of Queens, was granted by the board December 12, 1933, on certain conditions, and applicant requests an extension of the time limit imposed.

Resolved, that the resolution adopted by the board on December 12, 1933, be and it hereby is amended, only so far as it refers to the obtaining of permits and completion of work, so that as amended, that clause of the resolution will read:

"that in view of statement by applicant that plans have been approved by the commissioner of buildings, that all permits shall be obtained within two months and all work completed within six months from the date of this amended resolution on condition that the resolution other than as amended herein shall be complied with in all other respects."

190-27-BZ.

APPLICANT—Eugene De Rosa, for Tagmont Holding Corporation, owner.

SUBJECT—Application for reopening—amendment—re (decision of superintendent of buildings) under section 7-c of the building zone resolution, to permit in a business district extending into a residence district, the alteration of a building occupied as stores and restaurant, under a variance granted by the board, into a motion picture theatre.

PREMISES AFFECTED—1401-1405 Kings highway (Block No. 6777, Lot No. 50), Borough of Brooklyn.

APPEARANCES—

For Applicant: Eugene De Rosa.

ACTION OF BOARD—Application reopened and resolution amended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE VOTE TO AMEND RESOLUTION—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE RESOLUTION—

(190-27-BZ)

WHEREAS, this application affecting premises 1401-1405 Kings highway (Block No. 6777, Lot No. 50), Borough of Brooklyn, was granted by the Board May 31, 1927, on certain conditions, amended June 19, 1928, and applicant requests an amendment of the resolution.

Resolved, that the resolution adopted by the board on May 31, 1927, as amended by resolution adopted on June 19, 1928, and permitting the existing building erected in

# MINUTES

717-28-BZ.

**APPLICANT**—William F. Doyle, substituted for Edward P. Doyle, for Stanhope Estates, Inc., owner.

**SUBJECT**—Application (re decision of the fire commissioner) under sections 7c and 21 of the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

**PREMISES AFFECTED**—152-164 East 87th street, Manhattan.

**APPEARANCES**—

For Applicant: William F. Doyle.  
For Opposition: Abraham Wilson, John A. Mullen, David D. Glanz, David Oppenheim, Louis C. Bock, M. Neuman and Charles A. Collins.

**ACTION OF BOARD**—Application granted on condition.

**THE VOTE**—

Affirmative: Chairman Walsh, Commissioners Connell, Holland and Guilfoyle and Chief Kenlon ..... 5  
Negative ..... 0  
Absent ..... 0

**THE RESOLUTION**—

(717-28-BZ)

WHEREAS, William F. Doyle, substituted for Edward P. Doyle, for Stanhope Estates, Inc., owner, filed, September 7, 1928, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five motor vehicles; premises 152-164 East 87th street, Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the board of standards and appeals, at its regular meeting, January 29, 1929, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 87th street, east of a point 100 ft. west of Lexington avenue, is in a business district; East 87th street, west of a point 100 ft. west of Lexington avenue, is in a residence district; Lexington avenue is in a business district, and Third avenue is in a business district; and

WHEREAS, the decision of the fire commissioner, rendered September 7, 1928 (re Plan No. 2741-28), reads:

"1. Garage for more than five (5) cars may not be permitted at this location, which is in a business district. Section 4, Building Zone Resolution."

and

WHEREAS, the decision of the superintendent of buildings, rendered January 23, 1929 (N. B. Application No. 38-1929), reads:

"1. Proposed garage use is unlawful in a business district. Section 4 of Building Zone Resolution."

and

WHEREAS, the proposed building is to be of fireproof construction, six stories in height, with a frontage of 154 ft. 9 in. and a depth of 100 ft. 8 1/2 in.; to be occupied as a garage for the storage of more than five motor vehicles; and

WHEREAS, in accordance with the provisions of section 7, subdivision c, of the building zone resolution, applicant has filed with this board documentary proof of the existence of a stable for more than five horses on the same street between two intersecting streets; and

WHEREAS, the street is otherwise occupied by non-conforming business use district occupancies, the board deems that a denial of this application would develop a hardship upon the applicant within the purview of section 21 of the building zone resolution.

Resolved, that the board of standards and appeals does hereby make a variation in the application of the use dis-

trict regulations of the building zone resolution, and that the application be and it hereby is granted, only so far as it affects the use of the premises for the erection and operation of a public garage, on condition that the requirements of the building zone resolution shall be complied with in all other respects; that the building shall not be built within 20 ft. of the easterly lot line; that the front elevation shall be designed in attractive architectural treatment; that the front walls shall be finished with face brick and architectural terra cotta or natural stone trim; that there shall be no advertising signs of any nature or description displayed on the exterior of these premises other than one projecting electric sign, indicating the name and title of the business conducted therein; that there shall be no portable gasoline pumps maintained or operated outside the building; that the easterly gable wall shall be unpierced throughout its entire height and length; that the entrance to the ascending ramp from the first story shall set back not less than 10 ft. from front of building on the grade with sidewalk; that the architect shall make a return of the drawings to the board for approval before submission to the bureau of buildings; that all permits required shall be obtained within six months and all work involved thereby completed within eighteen months from the date of this action.

656-28-BZ.

**APPLICANT**—Emil Guterman, for Salvatore Esposito and Frank Buoniconto, owners.

**SUBJECT**—Application (re decision of the superintendent of buildings) under section 7c of the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

**PREMISES AFFECTED**—5913-5923 13th avenue and 1801-1811 60th street, northeast corner, Brooklyn.

**APPEARANCES**—

For Applicant: Emil Guterman.  
For Opposition: Benjamin F. Maged.

**ACTION OF BOARD**—Application granted on condition.

**THE VOTE**—

Affirmative: Chairman Walsh, Commissioners Connell, Holland and Guilfoyle and Chief Kenlon ..... 5  
Negative ..... 0  
Absent ..... 0

**THE RESOLUTION**—

(656-28-BZ)

WHEREAS, Emil Guterman, for Salvatore Esposito and Frank Buoniconto, owners, filed, August 6, 1928, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five motor vehicles; premises 5913-5923 13th avenue and 1801-1811 60th street, northeast corner, Borough of Brooklyn; and

WHEREAS, a public hearing was held on this application by the board of standards and appeals, at its regular meeting, January 29, 1929, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that 13th avenue is in a business and unrestricted district; 60th street is in a business district, and 59th street is in a residence and unrestricted district; and

WHEREAS, the decision of the superintendent of buildings, rendered July 26, 1928 (re Applic. No. 12270-28), reads:

"Proposition contrary to the Zoned Resolution, Art. II, Sec. 4(a), subdivision 15.

"The erection of a garage for more than five motor vehicles in a business district."

and

WHEREAS, the proposed building is to be of non-fireproof construction, one story in height, with a frontage of 100 ft. and a depth of 100 ft. 2 1/2 in.; to be occupied as a garage for the storage of more than five motor vehicles; and



# MINUTES

"The erection of a building to be used as stores in residential district.";

WHEREAS, the premises consist of an irregular shaped plot of ground having a frontage of 12 ft. 6½ in. on Ocean Parkway, 117 ft. 6½ in. on Church avenue and a distance of 34 ft. across the westerly rear; it is proposed to demolish the existing stores and gasoline service station now on the plot and to replace same with a one-story non-fire-proof structure 85 ft. 6 in. on Church avenue by 23 ft. 10 in. on Ocean Parkway; building to be set back 30 ft. from Ocean Parkway and to be occupied for six stores; the westerly 10 ft. of the plot is in the business district, the remainder is in the residence district; and

WHEREAS, the premises are now occupied by a business use existing prior to and continued since the adoption of the building zone resolution; and

WHEREAS, it is proposed to demolish and remove the existing structure, substituting therefor a modern structure of attractive architectural design; and

WHEREAS, the board is empowered under the provisions of section 7, subdivision c, of the building zone resolution, to grant a variation under the existing circumstances and deems that applicant is entitled to relief under section 21 of the building zone resolution and that a denial of this application would constitute unnecessary hardship and practical difficulty.

Resolved, that the board of standards and appeals does hereby make a variation in the application of the use district regulations, and that the application be and it hereby is granted, only so far as it affects the first story, street grade, of any structure erected on the premises, on condition that the facade of the building shall be finished in attractive architectural design with parapet of substantial height; that there shall be no door opening for business use or operation maintained on the Ocean Parkway frontage; that no part of the premises shall be maintained or conducted as a meat market or fish store; that no merchandise shall be exposed or displayed outside the building line; that there shall be no advertising of any nature or description displayed on the Ocean Parkway frontage of the premises; that any advertising displayed on the Church avenue frontage shall be restricted to that of flat lettering affixed to the plate glass show windows of the store front; that the show windows shall have a marble sub-base and metal core supports; that a return of the drawings shall be made to this board for approval before submission to the superintendent of buildings; that all permits required shall be obtained within six months and all work involved thereby completed within one year from the date of this action.

## APPROVAL OF PLANS

717-28-BZ. \*  
APPLICANT—William F. Doyle, substituted for Edward P. Doyle, for Stanhope Estates, Inc., owner.

SUBJECT—Approval of plans, in accordance with resolution adopted by the board under date of January 29, 1929.

PREMISES AFFECTED—152-164 East 87th street, Manhattan.

APPEARANCES—None.

ACTION OF BOARD—Chairman read report of engineer; report adopted and plans approved.

THE VOTE TO APPROVE PLANS—

Affirmative: Chairman Walsh, Commissioners  
Connell, Holland and Guilfoyle..... 4  
Negative ..... 0  
Absent: Chief Kenlon..... 1

## AREAS FIXED.

(672-28-BZ)

The chairman presented and read a communication from James T. Hallinan, requesting the board to fix an area deemed affected and within which to obtain consents to permit in a business district the erection and maintenance of a gasoline service station; premises northerly junction between Lincoln avenue and Van Wyck boulevard, Borough of Queens.

The following area was approved by the board:

Both sides of Lincoln avenue from a point 100 ft. southwest of 111th avenue to a point 400 ft. northeast of premises in question; both sides of Van Wyck boulevard from a point 100 ft. southeast of 111th avenue to a point 400 ft. northwest of premises in question; both sides of 139th street from 111th avenue to Lincoln avenue.

(897-28-BZ)

The chairman presented and read a communication from J. Nelson Cooper, requesting the board to fix an area deemed affected and within which to obtain consents to permit in a one and one-half times height district and "B" area district the erection and maintenance of the street wall of a building in excess of the height permitted under the zone resolution and, also, the maintenance of a rear yard of less area than required under the zone resolution; premises 120 West 107th street, Borough of Manhattan.

The following area was approved by the board:

Both sides of West 107th street from Amsterdam avenue to Columbus avenue, and also the property at the rear and within 50 ft. of the side lot lines of the premises in question.

Adjourned 1.15 p. m.

WILLIAM J. O'GORMAN, Secretary.

# MINUTES

## BOARD OF STANDARDS AND APPEALS

### REGULAR MEETING

TUESDAY AFTERNOON, MARCH 5, 1929.

Present: Chairman Walsh, Commissioners Connell, Holland and Guilfoyle and Chief Kenlon.

### PETITIONS FOR VARIATIONS

853-28-S.

PETITIONER—Philip J. Sinnott, substituted for John H. Duncan, for Estate of Ogden Goellet, owner.  
SUBJECT—Variation of the labor law as cited in decision of the superintendent of buildings.

PREMISES AFFECTED—9-11 East 19th street and 10 East 20th street and 897-899 Broadway, Manhattan.

APPEARANCES—

For Petitioner: Philip J. Sinnott.

ACTION OF BOARD—Laid over to March 19, 1929, at 2 p. m., to obtain information from bureau of buildings.

420-28-S.

PETITIONER—Edgar C. Rowe Realty Corp., owner.  
SUBJECT—Variation of the labor law as cited in orders of the fire commissioner.

# MINUTES

Appeals. Sec. 4, Building Zone Resolution.";

and  
WHEREAS, the decision of the superintendent of buildings, rendered January 14, 1929 (re Plan No. N. B. 2820-1928), reads:

"Gas station not permitted in a business district. Contrary to Zoning Regulations.";

and

WHEREAS, it is proposed to erect a cement block office, 24 ft. by 24 ft., bury six 550-gallon tanks and erect six pumps for the purpose of conducting a gasoline service station within a business district; and

WHEREAS, the applicant filed 87 per cent of consents of affected property owners in favor of the application and the board deems that denial of the application would constitute an unnecessary hardship; and

WHEREAS, this application was granted by the board at its meeting, October 29, 1929, on certain conditions, and E. A. Schnakenberg, president of the owner corporation, requested an extension of the time limit imposed.

Resolved, that the board of standards and appeals does hereby make a variation in the application of the use district regulations of the building zone resolution and that the application be and it hereby is granted on condition that the sit shall be restricted in area to a frontage of 80 ft. on Amboy road and 80 ft. on Richmond avenue; that a brick wall of approved masonry, not less than 8 ft. in height, shall be constructed on the northwesterly and southwesterly property lines, coped with architectural terra cotta or natural stone trimming; that not more than one building shall be erected on the premises, limited in area to 24 ft. square, finished on the exterior with face brick, trimmed with architectural terra cotta or natural stone; that the roof shall be of hip design, finished with Spanish tile or variegated slate; that no pump shall be installed within 10 ft. of the building line; that there shall be not more than two vehicular entrances on either street front, not exceeding a width of 10 ft. each; that the curb cuts shall not exceed a width of 10 ft.; that there shall be constructed on the building line of both street fronts a concrete curbing not less than 12 in. in height above grade; that no portable gasoline tanks shall be maintained or operated on the premises; that all permits required shall be obtained within six months and the work involved shall be completed within one year from the date of this action—April 15, 1930.

717-28-BZ

APPLICANT—William F. Doyle, substituted for Edward P. Doyle, for Stanhope Estates, Inc., owner.

SUBJECT—Application for reopening—extension of time to procure permits and complete work—re Application (decision of the fire commissioner), under sections 7-c and 21 of the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—152-164 East 87th street, Manhattan.

APPEARANCES—

For Applicant: William F. Doyle.

For Opposition: None.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN AND EXTEND TIME—

Affirmative: Chairman Walsh, Commissioners Connell, Holland and Guilfoyle and Deputy Chief McElligott

Negative

Absent

THE RESOLUTION:

(717-28-BZ)

WHEREAS, William F. Doyle, substituted for Edward P. Doyle, for Stanhope Estates, Inc., owner, filed, September

7, 1928, an application, under the building zone resolution, to permit in a business district the erection and maintenance of a garage for the storage of more than five motor vehicles; premises 152-164 East 87th street, Borough of Manhattan; and

WHEREAS, a public hearing was held on this application by the board of standards and appeals, at its regular meeting, January 29, 1929, after due notice by publication in the Bulletin of the Board of Standards and Appeals; and

WHEREAS, the use district maps accompanying the building zone resolution show that East 87th street, east of a point 100 ft. west of Lexington avenue, is in a business district; East 87th street, west of a point 100 ft. west of Lexington avenue, is in a residence district; Lexington avenue is in a business district, and Third avenue is in a business district; and

WHEREAS, the decision of the fire commissioner, rendered September 7, 1928 (re Plan No. 2744-28), reads:

"1. Garage for more than five (5) cars may not be permitted at this location, which is in a business district. Section 4, Building Zone Resolution.";

and

WHEREAS, the decision of the superintendent of buildings, rendered January 25, 1929 (N. B. Application No. 88-1929), reads:

"1. Proposed garage use is unlawful in a business district. Section 4 of Building Zone Resolution.";

and

WHEREAS, the proposed building is to be of fireproof construction, six stories in height, with a frontage of 154 ft. 9 in. and a depth of 100 ft. 8 1/2 in.; to be occupied as a garage for the storage of more than five motor vehicles; and

WHEREAS, in accordance with the provisions of section 7, subdivision e, of the building zone resolution, applicant has filed with this board documentary proof of the existence of a stable for more than five horses on the same street between two intersecting streets; and

WHEREAS, the street is otherwise occupied by non-conforming business use district occupancies, the board deems that a denial of this application would develop a hardship upon the applicant within the purview of section 21 of the building zone resolution; and

WHEREAS, this application was granted by the board at its meeting, January 29, 1929, on certain conditions, and applicant requested a modification of the time limit imposed, the matter having been before the court on a writ of certiorari.

Resolved, that the board of standards and appeals does hereby make a variation in the application of the use district regulations of the building zone resolution, and that the application be and it hereby is granted, only so far as it affects the use of the premises for the erection and operation of a public garage, on condition that the requirements of the building zone resolution shall be complied with in all other respects; that the building shall not be built within 20 ft. of the easterly lot line; that the front elevation shall be designed in attractive architectural treatment; that the front walls shall be finished with face brick and architectural terra cotta or natural stone trim; that there shall be no advertising signs of any nature or description displayed on the exterior of these premises, other than one projecting electric sign, indicating the name and title of the business conducted therein; that there shall be no portable gasoline pumps maintained or operated outside the building; that the easterly gable wall shall be unperced throughout its entire height and length; that the entrance to the ascending ramp from the first story shall set back not less than 10 ft. from front of building on the grade with sidewalk; that the architect shall make a return of the drawings to the board for approval before submission to the bureau of buildings; that all permits required shall be obtained within six months and all work involved thereby completed within eighteen months from the date of this action—April 15, 1930.

# MINUTES

of more than five motor vehicles.  
**PREMISES AFFECTED**—1172 Castle Hill Avenue, east side, 53.06 feet south of Gleason Avenue, Block 3820, Lots 5, 6 and 12, Borough of The Bronx.

## APPEARANCES—

For Applicant: Frederick A. Ketcher.  
**ACTION OF BOARD**—Application reopened and time to complete work extended.

## THE VOTE—

Affirmative: Chairman Murdock, Vice Chairman Keating, Commissioner Kleinert and Commissioner Sleeper 4  
 Negative: ..... 0  
 Absent: Commissioner Foley ..... 1

## THE RESOLUTION—

WHEREAS, this application was granted by the Board on December 11, 1956, on certain conditions; and  
 WHEREAS, the applicant requested on extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on December 11, 1956, only as to the time within which to obtain permits and complete the work, so that as amended this portion of the resolution shall read:

"that all permits required, including a certificate of occupancy, shall be obtained and all work completed within the requirements of Section 22A of the Zoning Resolution from the date of this amended resolution."  
 (Alt. App. 585/56)

## 136-57-BZ

**APPLICANT**—Leonard F. Rothkrug, for Wil-Sel Realty Corp., new owner; New York Lien Corp., former owner.

**SUBJECT**—Application for consideration—reopening for extension of time to complete which expired October 22, 1958—re Application, decision of the Borough Superintendent; previously granted on condition, under sections 7e and 7h of the Zoning Resolution, permitting in a residence use district, the erection and maintenance of a one story building for retail stores with accessory patron and employee parking on part of the unbuilt upon portion of the premises for a term of 20 years.

**PREMISES AFFECTED**—4025-4045 Laconia Avenue, 1059-1067 East 227th Street, northwest corner and 1062-1072 East 228th Street, southwest corner of Laconia Avenue, Block 4874, Lots 4, 7, 8 and part of Lot 1, Borough of The Bronx.

## APPEARANCES—

For Applicant: Leonard F. Rothkrug.  
**ACTION OF BOARD**—Application reopened and time to complete work extended.

## THE VOTE—

Affirmative: Chairman Murdock, Vice Chairman Keating, Commissioner Kleinert and Commissioner Sleeper 4  
 Negative: ..... 0  
 Absent: Commissioner Foley ..... 1

## THE RESOLUTION—

WHEREAS, this application was granted by the Board on October 22, 1957, on certain conditions; and

WHEREAS, the applicant requested an extension of time to obtain permits and complete the work.

Resolved, that the Board of Standards and Appeals does hereby amend the resolution adopted on October 22, 1957, only as to the time within which to obtain permits and complete the work, so that as amended this portion of the resolution shall read:

"that in view of the statement by the applicant that plans have been approved by the Department of Buildings, that all permits required, including a certificate of occupancy, shall be obtained and all work completed within the requirements of Section 22A of the Zoning Resolution from the date of this amended resolution."  
 (N.B. 1860/56)

## 717-28-BZ—Vol. II

**APPLICANT**—Jules Lewis, for Theodore Ornstein, owner.  
**SUBJECT**—Application for consideration—reopening as Vol. II, subject to regular procedure—re Application, decision of the Borough Superintendent; previously granted on condition, under sections 7e and 21 of the Zoning Resolution, permitting in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

**PREMISES AFFECTED**—152-162 East 87th Street, south side, 25 feet, 2 5/16 inches east of Lexington Avenue, Block 1515, Lots 47 to 51, Borough of Manhattan.

## APPEARANCES—

For Applicant: Jules Lewis.  
**ACTION OF BOARD**—Application reopened as Vol. II, subject to regular procedure.

## THE VOTE—

Affirmative: Chairman Murdock, Vice Chairman Keating, Commissioner Kleinert and Commissioner Sleeper 4  
 Negative: ..... 0  
 Absent: Commissioner Foley ..... 1

## 752-29-BZ—Vol. IV

**APPLICANT**—Leonard F. Rothkrug, for Walbell Real Estate Corp., owner.

**SUBJECT**—Application for consideration—reopening as Vol. IV subject to regular procedure—re Application, decision of the Borough Superintendent; previously granted on condition, under Section 7f of the Zoning Resolution, permitting in a business and unrestricted use district, the erection and maintenance of a building to be used as an automobile showroom display and sale of auto accessories and parts and motor vehicle repair shop incidental to authorized auto dealer's use and permitting a gasoline service station, for a term of 10 years (previously granted by the Board for parking and storage of more than 5 motor vehicles).

**PREMISES AFFECTED**—8801-8809 4th Avenue south-east corner of 88th Street, Block 6065, Lot 6, Borough of Brooklyn.

## APPEARANCES—

For Applicant: Leonard F. Rothkrug.  
**ACTION OF BOARD**—Application reopened as Vol. IV, subject to regular procedure.

## THE VOTE—

Affirmative: Chairman Murdock, Vice Chairman Keating, Commissioner Kleinert and Commissioner Sleeper 4  
 Negative: ..... 0  
 Absent: Commissioner Foley ..... 1

## 449-44-BZ

**APPLICANT**—Peter J. Hartmann, owner.

**SUBJECT**—Application for consideration—reopening for extension of time to complete and obtain Certificate of Occupancy, which has expired June 11, 1955—re Application, decision of the Borough Superintendent; previously granted on condition under section 7c of the Zoning Resolution, permitting in a business use district, the reconstruction of three (3) buildings, two of which are two stories in height, occupied as garages for more than five motor vehicles, and one 1-story in height, occupied as a garage for five motor vehicles, into one (1) building, one story in height, to be occupied as a garage for more than five motor vehicles.

**PREMISES AFFECTED**—238-242 Vanderbilt Avenue, west side, 208 feet, 7 inches north of DeKalb Avenue, Block 2092, Lots 53, 54 and 55, Borough of Brooklyn.

## APPEARANCES—

For Applicant: Thomas F. Lawler.  
**ACTION OF BOARD**—Application reopened and set for hearing on December 2, 1958, in view of time to complete having expired on June 11, 1955, subject to the regular procedure, waiving all requirements except a new decision of the Borough Superintendent which has been filed, and two publications in the Bulletin as notice.



# MINUTES

tee on Slum Clearance and Samuel Bodian, Triborough Bridge & Tunnel Authority.  
ACTION OF BOARD—Laid Over to September 15, 1959, at 10 A.M. for decision; hearing closed.

399-58-A

APPLICANT—Hurley, Kearney & Lane, for Emilie Otavino, owner.

SUBJECT—Application June 27, 1958—Appeal from a decision of the Borough Superintendent re: live load.

PREMISES AFFECTED—7914-7920 3rd Avenue, west side, 53 feet 9 inches west of 80th Street, Block 5978, Lot 46, Borough of Brooklyn.

APPEARANCES—

For Applicant: R. S. Hardy.

For Opposition: None.

ACTION OF BOARD—Laid over to September 29, 1959, at 2 P.M. for decision; applicant to work out plan for strengthening floor and submit plan to Department of Buildings.

95-28-BZ—Vol. IV

APPLICANT—George A. Diamond—Reisner & Diamond, for Free Greek Community Three Hierarchs Greek-Orthodox Church, owner.

SUBJECT—Application reopened May 19, 1959 as Volume IV—decision of the Borough Superintendent, under section 21 of the Zoning Resolution, to permit in an E area district, the erection of a class one masonry building, part three story and basement and part one story as an adjunct to an existing church and occupying more than the permitted area with less than the required setback.

PREMISES AFFECTED—1714 Avenue P (official)—1706 Avenue P (displayed) southwest corner of East 18th Street, Block 6780, Lots 6, 4 and 3, Borough of Brooklyn.

APPEARANCES—

For Applicant: George A. Diamond.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Sleeper, Commissioner Fox and Commissioner Becker ..... 5

Negative: ..... 0

THE RESOLUTION—

WHEREAS, this application was reopened as Vol. IV on May 19, 1959 subject to regular procedure; and

WHEREAS, a public hearing was held on this application on July 21, 1959 after due notice by publication in the Bulletin; and

WHEREAS, the decision of the Borough Superintendent, dated March 23, 1959 acting on N.B. Applic. No. 757-59, reads:

"1. The proposed structure exceeds in area that permitted by Art. IV Sec. 15(c) of the Zoning Resolution.

2. No portion of the proposed building may be erected closer than 10 feet from the building line under Art. IV, Sec. 15(d) of the Zoning Resolution"; and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board and the committee recommended that the application should be granted on condition; and

WHEREAS, the Board found that the applicant had substantiated a basis to warrant exercise of discretion to grant under Section 21 of the Zoning Resolution, and is therefore entitled to relief as to area on the grounds of practical difficulty and unnecessary hardship.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the area district regulations of the Zoning Resolution and that the application be and it hereby is granted under Section 21 to permit in an E area district, the erection of a class one masonry building, part three-story and basement and part one-story, as an adjunct to an existing Church and occupying more than the permitted area, with less than the required

setback on condition that the work be done in accordance with drawings filed with this application marked "Received April 17, 1959", 8 sheets; that in all other respects all laws, rules and regulations applicable shall be complied with; and that all permits shall be obtained, all work completed and a certificate of occupancy obtained within the provisions of Section 22A of the Zoning Resolution.

717-28-BZ—Vol. II

APPLICANT—Jules Lewis for 160 E. 87th Street Realty Co., owner.

SUBJECT—Application reopened November 12, 1958 as Vol. II—appeal from a decision of the Borough Superintendent, under Section 7c of the Zoning Resolution, to permit in a retail use district, in an existing six story building used as public garage, the erection of a seventh story to protect the cars presently parked on the existing roof, the rear columns of the building project beyond the zoning envelope of the building.

PREMISES AFFECTED—152-162 East 87th Street, south side, 35 feet 2 5/16 inches east of Lexington Avenue, Block 1515, Lots 47 to 51, Borough of Manhattan.

APPEARANCES—

For Applicant: Jules Lewis.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Sleeper, Commissioner Fox and Commissioner Becker ..... 5

Negative: ..... 0

THE RESOLUTION—

WHEREAS, this application was reopened as Vol. II on November 12, 1958 subject to regular procedure; and

WHEREAS, a public hearing was held on this application on July 14, 1959 after due notice by publication in the Bulletin; laid over to July 24, 1959, for inspection and decision; hearing closed; and

WHEREAS, the decision of the Borough Superintendent, dated October 1, 1958 acting on Alt. Applic. No. 1409-58, reads:

"1. Proposed addition of 7th story for garage for more than five autos, for pleasure cars exclusively in a retail district is an extension of a non-conforming use contrary to Sec. 6 & 4-A of Z.R.

5. Rear wall columns project beyond zoning envelope contrary to Sec. 12(a) of Z.R."

and,

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and the committee recommended that the application should be granted on condition; and

WHEREAS, the Board found that this was an appropriate case in which to exercise discretion to grant under Section 7, Subdivision c of the Zoning Resolution, as to use, and that the applicant had substantiated a basis to warrant exercise of discretion to grant under Section 21, and is therefore entitled to relief, as to area, on the grounds of practical difficulty.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use and area district regulation of the Zoning Resolution and that the application be and it hereby is granted under Sections 7c and 21 to permit in a retail use district, in an existing six story building used as a public garage, the erection of a seventh story to protect the cars presently parked on the existing roof, the rear columns of the building to project beyond the zoning envelope of the building, on condition that the work shall be done in accordance with drawings filed with this application dated October 16, 1958, 8 sheets; that where not inconsistent with the terms of this resolution, the requirements of the resolution adopted under Volume One shall be complied with; that in all other respects all laws, rules and regulations applicable shall be complied with; and that all permits shall be obtained, all work completed

# MINUTES

and a certificate of occupancy obtained within the requirements of Section 22A of the Zoning Resolution.

30-59-A

APPLICANT—Jules Lewis for 160 East 87th Street Realty Company, Incorporated, owner.

SUBJECT—Application October 16, 1958—appeal from a decision of the Borough Superintendent—re-open walls, 3-hour roof construction, stairs to lead to new roof.

PREMISES AFFECTED—152-162 East 87th Street, south side, 35 feet 2 1/8 inches east of Lexington Avenue, Block 1515, Lots 47 to 51, Borough of Manhattan.

APPEARANCES—

For Applicant: Jules Lewis.

ACTION OF BOARD—Appeal granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Sleeper, Commissioner Fox and Commissioner Becker . . . . . 5

Negative: . . . . . 0

THE RESOLUTION—

WHEREAS, the decision of the Borough Superintendent, dated October 1, 1958 on Alt. Applic. 1409/58, reads:

"3. Provide 3 hour roof construction as per C26-239.0 Adm. Code.

4. Stairs to lead to new roof as per 6.4.1.11h B.C."

and

WHEREAS, the applicant states that the building is 129 feet 9 inches by 100 feet 8 1/2 inches in area, 6 stories, 69 feet 8 inches high, class 1 construction, located in retail use, B area, class 1 1/2 height district, used and occupied since 1930 as a garage; that use and occupancy is further described in Calendar Number 717-28-BZ, Volume II; that it is proposed to enclose present parking roof by construction of an "umbrella" roof of incombustible material; that the girders of this "umbrella" will be fireproofed with one inch vermiculite plaster over wire lath; that the 4 foot on center beams will be unprotected; that present exits consist of one interior 3 foot 8 inch wide fireproof stairs with self-closing kalamein doors; that the second egress consists of a rear fire escape leading through the 1st floor to the street; and

WHEREAS, the applicant proposes to extend the fire escape to the new roof and to extend present fireproof stair by an iron ladder through a scuttle in the new roof; and

WHEREAS, the premises was inspected by a committee of the Board and the committee recommended that the application should be granted on condition.

Resolved, that the decision of the Borough Superintendent, dated October 1, 1958, acting on Alt. App. 1409-58 be and it hereby is modified and that the appeal be and it hereby is granted on condition that the work be done in accordance with drawings filed with this appeal marked "Received October 16, 1958", 2 sheets, and "June 9, 1959", 3 sheets; that the new story and new roof shall be of not less than one and one-half hour approved, Class 2, construction; and that in all other respects all laws, rules and regulations applicable shall be complied with.

744-28-BZ—Vol. II

APPLICANT—Fred C. Dahlem, for Sidjack Realty Corp., owner.

SUBJECT—Application reopened June 2, 1959 as Vol. II—decision of the Borough Superintendent, under section 7h of the Zoning Resolution, to permit in a residence use district, the maintenance of a parking lot for the parking and storage of more than five (5) motor vehicles.

PREMISES AFFECTED—1674-1676 Longfellow Avenue, northeast corner of East 173rd Street, Block 3010, Lots 1, 2 and 3, Borough of The Bronx.

APPEARANCES—

For Applicant: Fred C. Dahlem, Harry Kobrin and Harry Appleman.

For Opposition: None.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Foley, Vice Chairman Kleinert, Commissioner Sleeper, Commissioner Fox and Commissioner Becker . . . . . 5

Negative: . . . . . 0

THE RESOLUTION—

WHEREAS, this application was reopened as Vol. II on June 2, 1959 subject to regular procedure; and

WHEREAS, a public hearing was held on this application on July 7, 1959 after due notice by publication in the Bulletin; laid over to July 24, 1959, for inspection and decision; hearing closed; and

WHEREAS, the decision of the Borough Superintendent, dated May 13, 1959 acting on Alt. Applic. No. 429-59, reads:

"1. In a residence district the proposed parking and storage of motor vehicles is contrary to Sect. 3, Art. II of the Zoning Resolution and is therefore denied."

and

WHEREAS, the premises and surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board found that this was an appropriate case in which to exercise discretion to grant under Section 7, Subdivision h of the Zoning Resolution.

Resolved, that the Board of Standards and Appeals does hereby make a variation in the application of the use district regulations of the Zoning Resolution and that the application be and it hereby is granted under Section 7h, to permit in a residence use district, the maintenance of a parking lot for the parking and storage of more than five motor vehicles of the pleasure type only, for a term of ten years, on condition that the work be done as shown on drawings filed with this application marked, "Received May 15, 1959," 2 sheets; that the plot be paved with clean cinders or gravel, treated with a binder and properly graded and rolled; that all necessary retaining walls be provided to the satisfaction of the Borough Superintendent; that the entrance shall be omitted on Longfellow Avenue and the entrance located on East 173 Street; that all laws, rules and regulations applicable shall be complied with; and that all permits, including a Certificate of Occupancy shall be obtained and all work completed within the requirements of Section 22A of the Zoning Resolution.

510-39-BZ—Vol. III

APPLICANT—Leonard F. Rothkrug, and Herbst & Rusciano, for Robert Levine, William F. Walsh and Alfred Marer, owners; Shell Oil Company, lessee.

SUBJECT—Application reopened May 5, 1959 as Volume III—decision of the Borough Superintendent, under sections 7i, 7j and 7e of the Zoning Resolution, to permit in a business and unrestricted use district, the elimination of existing parking and storage of more than five (5) motor vehicles and in place thereof, erect and maintain a gasoline service station with accessory lubrication, non-automatic car washing, minor motor vehicle repairs with hand tools only, office, storage and sale of auto accessories and parking on a portion of the premises, all for a temporary term of fifteen (15) years.

PREMISES AFFECTED—251-263 West 238th Street and 5821-5839 Broadway, northwest corner, Block 3414, Lots 334, 336 and 340, Borough of the Bronx.

APPEARANCES—

For Applicant: Leonard F. Rothkrug.

For Opposition: None.

ACTION OF BOARD—Application denied.

THE VOTE TO GRANT—

Affirmative: . . . . . 0

Negative: Chairman Foley, Vice Chairman Kleinert, Commissioner Sleeper, Commissioner Fox and Commissioner Becker . . . . . 5

THE RESOLUTION—

WHEREAS, this application was reopened as Vol. III on May 5, 1959 subject to regular procedure; and

WHEREAS, a public hearing was held on this application on July 7, 1959 after due notice by publication in the Bulletin;

# MINUTES

Inspection by the committee on December 6, 1934, disclosed in addition a community of houses, consisting of forty or fifty, within a radius of 500 ft. Some of the houses appear to have cost from \$8,000 to \$10,000.

A sign on this plot announces that a store building will be constructed, for a tenant.

Buses run on Eastchester road; there are a parochial school and church three blocks away in addition to the public school on Mace and Seymour avenues.

The Committee cannot find that the site falls within the meaning of section 7-F, under which the board may exercise its discretion in granting the variance sought. Even if section 7-F was broad enough to permit the board to exercise discretion in this case, the committee would recommend that the application be denied as being against the interest of owners who have purchased property and built homes in reliance on the zoning law that nonconforming uses will be excluded.

The Committee recommends denial.

(Signed) HARRIS H. MURDOCK,

Chairman,  
BERNARD A. SAVAGE,  
CHARLES M. BLUM,

Committee of Inspection.

and

WHEREAS, this report recommended the denial of this application and the board deemed that applicant had not substantiated the basis of his application under section 7-F of the building zone resolution.

Resolved, that the decision of the commissioner of buildings be and it hereby is *affirmed* and that the application be and it hereby is *denied*.

541-32-BZ.

APPLICANT—Robert C. Weissmantel & Son, Inc. (lessee), for Tisdale Lumber Co., owner.

SUBJECT—Application for reopening—extension of time—re Application (decision of the superintendent of buildings) under section 21 of the building zone resolution, permitting in a residence district the change of occupancy of an existing building to a salesroom, motor vehicle repair shop and service station.

PREMISES AFFECTED—East side of 130th street, 330 ft. south of Jamaica avenue (Block No. 234, Lot No. 79), Richmond Hill, Borough of Queens.

APPEARANCES—

For Applicant: Robert C. Weissmantel.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief  
Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief  
Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE RESOLUTION—

(541-32-BZ)

WHEREAS, this application affecting premises east side of 130th street, 330 ft. south of Jamaica avenue (Block No. 234, Lot No. 79), Richmond Hill, Borough of Queens, was granted by the board March 3, 1933, under certain conditions, which conditions were amended July 18, 1933, January 30, 1934, and July 10, 1934, and applicant requests a further amendment of the resolution.

Resolved, that the resolution adopted by the board on March 3, 1933, as amended by resolution of July 18, 1933, as further amended by resolution of January 30, 1934, and July 10, 1934, be and it hereby is *amended*, in view of the statement made by the applicant that all permits have been obtained and that the brick fire wall has been commenced and partially constructed and will be completed as soon as funds are available, to extend the period of time within which to complete work for six months from the date of this amended resolution, *on condition* that other than as amended herein the resolution adopted by the board on March 3, 1933, shall be complied with in all respects.

717-28-BZ.

APPLICANT—Frank J. Schefcik, for Theodore Ornstein, owner.

SUBJECT—Application for reopening—extension of time—re Application (decision of the commissioner of buildings) amending the resolution permitting the erection of a pent house for additional car storage—re Application, under sections 7e and 21 of the building zone resolution, permitting in a business district the erection and maintenance of a garage for the storage of more than five (5) motor vehicles.

PREMISES AFFECTED—152-164 East 87th street (Block No. 1515, Lot Nos. 46, 47, 49, 50 and 51), Borough of Manhattan.

APPEARANCES—

For Applicant: Frank J. Schefcik.

ACTION OF BOARD—Application reopened and time extended.

THE VOTE TO REOPEN—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief  
Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE VOTE TO EXTEND TIME—

Affirmative: Chairman Murdock, Commissioners Savage and Blum and Assistant Chief  
Kidney ..... 4  
Negative ..... 0  
Absent ..... 0

THE RESOLUTION—

(717-28-BZ)

WHEREAS, this application affecting premises 152-164 East 87th street (Block No. 1515, Lot Nos. 46, 47, 49, 50 and 51), Borough of Manhattan, was granted by the Board, January 29, 1929, on certain conditions amended June 12, 1934, and owner through his architect requests an extension of time.

Resolved, that the resolution adopted by the Board on June 12, 1934, be and it hereby is *amended*, only so far as it refers to the obtaining of permits and completion of work, so that as amended this portion of the resolution will read:

"that all permits shall be obtained within six months and all work involved completed within one year from the date of this amended resolution *on condition* that other than as amended herein the resolution adopted by the Board on June 12, 1934, shall be complied with in all respects."

8-34-BZ.

APPLICANT—Kennedy & Ellner, for Wardell Holding Corporation, owner.

SUBJECT—Application for reopening—amendment—re Application (decision of the commissioner of buildings) under section 21 of the building zone resolution, permitting in a business district the erection and maintenance of a gasoline service station.