

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, November 15, 2005

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	1058-46-BZ	Petraro & Jones, LLP 254-07 74th Avenue, QUEENS Reopening for Amendment to construct a third floor to multiple existing two family dwellings which is contrary to the Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district. COMMUNITY BOARD #13Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 11/15/05
2.	929-47-BZ	Petraro & Jones, LLP 255-09 and 260-66 73rd Avenue, QUEENS Reopening for Amendment to construct a third floor to multiple existing two family dwellings which is contrary to Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district. COMMUNITY BOARD #13Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 11/15/05
3.	185-48-BZ	Petraro & Jones, LLP 255-17 73rd Avenue, 254-07 74th Avenue, 254-18, 255-14 and 260-28 75th Avenue, 260-46, 264-27 and 264-52 Langston Avenue, QUEENS Reopening for Amendment to construct a third floor to multiple existing two family dwellings which is contrary to the Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district. COMMUNITY BOARD #13Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 11/15/05

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<i>SOC – DECISIONS</i>		
4.	16-49-BZ	Petraro & Jones, LLP 260-43 and 261-15 Langston Avenue, QUEENS Reopening for Amendment to construct a third floor to multiple existing two family dwellings which is contrary to the Z.R. §23-631 for minimum perimeter wall height and setback. The premises are located in an R3-2 zoning district. COMMUNITY BOARD #13Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/15/05
5.	878-80-BZ	Kim Lee Vauss 141 West 24th Street, MANHATTAN Reopening for an amendment to previous granted variance to convert the existing commercial UG6 on the second and fourth floors to residential/studio UG 2 and 9. The premise is located in an M1-6 zoning district. COMMUNITY BOARD #4M
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/15/05
6.	983-83-BZ	Sullivan, Chester & Gardner, P.C. 134-42/60 Guy R. Brewer Boulevard, QUEENS Reopening for an amendment to a variance to enlarge a portion of the existing building by 700 sq. ft. and eliminate the single use on site to house four(4) commercial tenants. The subject premise is located in an R3-2 zoning district. COMMUNITY BOARD #12Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/15/05
7.	19-94-BZ	Andrew Schwarwsin, Esq. 37-18 75th Street, QUEENS Extension of Term/Waiver for a Use Group 8 public parking lot of which a portion of the lot lies in a residential zoning district. The premise is located in a C4-3/R-5 zoning district. COMMUNITY BOARD #3Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/15/05

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<i>SOC – CONTINUED HEARINGS</i>		
8.	523-58-BZ	Walter T. Gorman, P.E. 117-30/48 Farmers Boulevard, QUEENS Reopening for Extension of Term/Waiver for a gasoline service station with accessory uses. The premise is located an C1-2/R3-2 and R3-2 zoning district. COMMUNITY BOARD #12Q Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 11/29/05
9.	203-92-BZ	Sullivan, Chester & Gardner, P.C. 70-20 Austin Street, QUEENS Reopening for Extension of Term/Amendment/Waiver for a physical culture establishment. The premise is located in an C8-2 zoning district. COMMUNITY BOARD #6Q Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 1/24/06

<i>SOC – NEW CASES</i>		
10.	595-44-BZ	Joanne Seminara, Esq. 30 Central Park South, MANHATTAN Reopening for Extension of Term of a variance which expired on July 12, 2005, to permit in a residence use district the change in occupancy of an existing 15 story building from apartment hotel and accessory restaurant, to non-resident doctors’ offices and restaurant (cabaret with no dancing). The premise is located in an R-10H zoning district. COMMUNITY BOARD #5M Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 12/6/05

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<i>SOC – NEW CASES</i>		
11.	212-50-BZ	Vassalotti Associates Architects, LLP 29-16/44 Francis Lewis Boulevard, QUEENS To reopen and to extend the term of the variance for an additional ten years for an existing gasoline service station. The premise is located in an R-2 zoning district. COMMUNITY BOARD #8Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 11/29/05
12.	289-79-BZ	David L. Businelli 547 Midland Avenue, STATEN ISLAND Extension of Term/Waiver for the continued use of a commercial vehicle and storage establishment (UG 16). The premise is located in an R3-2 zoning district. COMMUNITY BOARD #2SI
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 12/6/05
13.	886-82-BZ	Blaise Parascondala, Esq. 1356 Nostrand Avenue, BROOKLYN Reopening fro an amendment to a variance Z.R. §72-21 to increase the floor area for a community use facility which increases the degree of non-compliance into the required rear yard. The premise is located in a C1-3 (R7-1) zoning district. COMMUNITY BOARD #8BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 12/6/05
14.	146-02-BZ	Anthony DiProperzio, R.A., R.A.J. 138-27 247th Street, QUEENS Reopening for extension of time to obtain a Certificate of Occupancy so as to permit within a C1-2/R3-2 zoning district for a two-story addition to an existing retail establishment. COMMUNITY BOARD #8Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 12/6/05

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<i>APPEALS – CONTINUED HEARINGS</i>		
15.	116-05-BZY	<p>Fredrick A. Becker, Esq. 22-08 43rd Avenue, QUEENS Proposed extension of time to complete construction for a two family home for a period of six months pursuant to Z.R. §11-331 under prior R3-2 zoning district. As of April 12, 2005 the new Zoning District is R3-X. COMMUNITY BOARD #11Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 11/29/05</p>
16.	117-05-BZY	<p>Fredrick A. Becker, Esq. 43-05 222nd Street, QUEENS Proposed extension of time to complete construction for a two family home for a period of six months pursuant to Z.R. §11-331 under prior R3-2 zoning district. As of April 12, 2005 the new Zoning District is R3-X. COMMUNITY BOARD #11Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 11/29/05</p>

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<i>APPEALS – NEW CASES</i>		
1.	106-05-A	<p>Department of Buildings 220-222 Sullivan Street, MANHATTAN Modification of Certificate of Occupancy No. 17004 issued on November 11, 1930 on the basis that a non-conforming restaurant use on the first story of the premises was not in operation for a period of more than two years and the first story was being used illegally as residences. Pursuant to Z.R. §52-61 the non-conforming use was discontinued and the use of the premises must now conform to those permitted in an R7-2 district, therefore the current Certificate of Occupancy improperly authorizes an impermissible use of the premises. COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 12/6/05</p>
2.	208-05-A thru 282-05-A	<p>Stadtmauer Bailkin LLP 17 thru 67 Riverside Lane, 18 thru 30 Edgeview Lane, 16 thru 34 Openview Lane and 15 thru 33 Bayonne Court, STATEN ISLAND Proposal to construct 75 homes that does not front on the legally mapped street pursuant to Section 36, Article 3, of the General City Law. COMMUNITY BOARD #1SI</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 12/6/05</p>

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<i>BZ – DECISIONS</i>		
3.	219-04-BZ	<p>Eric Palatnik, P.C. 2162/70 University Avenue, THE BRONX Variance: Under Z.R. §72-21 – To permit the legalization of a portion of the required open space of the premises, for use as parking spaces (30 spaces), which are to be accessory to the existing 110 unit multiple dwelling, located in an R7-1 zoning district, is contrary to Z.R. §25-64 and §23-142. COMMUNITY BOARD #5BX</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Withdrawn – 11/15/05</p>
4.	245-04-BZ	<p>Mitchell S. Ross, Esq. 102/04 Franklin Avenue, BROOKLYN Pursuant to Z.R. §72-21 a variance application to permit the proposed five-story, seven unit multiple dwelling (Use Group 2). One parking space is proposed. The site is located in an M1-1 zoning district. The proposal is contrary to Z.R. §§42-10 and 23-145. COMMUNITY BOARD #3BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Deferred Decision – 1/24/06</p>
5.	355-04-BZ	<p>Slater & Beckerman, LLP 302/10 North Seventh Street, a/k/a 289 North Sixth Street, BROOKLYN Pursuant to Z.R. §72-21 a variance application to approve the proposed residential conversion of a portion of an existing three-story manufacturing building, and the construction of a four-story residential enlargement atop said building. There are 71 residential units and 42 parking spaces. The site is located in an M1-2(R6) zoning district within the special mixed-use MX-8 district. The proposal is contrary to Z.R. §23-633, §23-942 and §123-64. COMMUNITY BOARD #1BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 11/15/05</p>

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6.	80-05-BZ	<p>Fredrick A. Becker, Esq. 49 West 33rd Street, MANHATTAN Special Permit: Under Z.R. §73-36 - Approval sought for a proposed physical cultural establishment to be located on a portion of the cellar, first floor, and second floor of a 4-story commercial building. The proposed PCE use will contain 11,600 gross square feet. The site is located in a C6-6 Special Midtown District. COMMUNITY BOARD #5M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 11/15/05</p>
7.	83-05-BZ	<p>Bryan Cave, LLP 214-218 West Houston Street/50-56 Downing Street, MANHATTAN Variance: Under Z.R. §72-21 – to allow construction of a 6-story, Use Group 3 residential health care facility in an R6 district; contrary to Z.R. §24-11, 24-382 and 24-522. COMMUNITY BOARD #2M</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Granted – 11/15/05</p>
8.	98-05-BZ	<p>Friedman & Gotbaum LLP 46-48 Bond Street, MANHATTAN Variance: Under Z.R. §72-21 – to construct a 12-story residential building with ground floor retail in an M1-5B district, contrary to Z.R. §42-00 and Z.R. §42-14(D)(2)(b) and Z.R. §43-43. COMMUNITY BOARD #2M</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Granted – 11/15/05</p>
9.	207-05-BZ	<p>Eric Palatnik, P.C. 407 Allen Avenue, BROOKLYN Variance: under Z.R. §73-622 to legalize the existing enlargement to a single family, semi-detached home which seeks to vary Z.R. §23-141 for floor area and lot coverage and Z.R. §23-461 for side yard and Z.R. §23-47 for less than the minimum rear yard. The premise is located in an R4 zoning district. COMMUNITY BOARD #5BK</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Granted – 11/15/05</p>

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<i>BZ – CONTINUED HEARINGS</i>		
10.	260-04-BZ & 262-04-BZ	<p>The Law Office of Fredrick A. Becker 222/218 Wallabout Street, BROOKLYN Variance: Under Z.R. §72-21 – to permit the construction of two four story, plus penthouse, three-family dwelling, located in an M1-2 zoning district, is contrary to Z.R. §42-00. COMMUNITY BOARD #1BK</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Continued Hearing – 12/13/05</p>
11.	289-04-BZ	<p>Sheldon Lobel, P.C. 341 Canal Street, MANHATTAN Variance: Under Z.R. §72-21 – to permit the proposed construction of a six-story mixed-use building, with retail use on the ground floor, and residential (UG2) use (34 units) on the upper floors. The proposed development is contrary to M1-5B district use regulations. COMMUNITY BOARD #2M</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Continued Hearing – 1/24/06</p>
12.	290-04-BZ	<p>Stuart A. Klein, Esq. 341-349 Troy Avenue, BROOKLYN Variance: Under Z.R. §72-21 – To permit, in an R4 zoning district, the conversion of an existing one-story warehouse building into a six-story and penthouse mixed-use residential/commercial building, which is contrary to Z.R. §§22-00, 23-141(b), 23-631(b), 23-222, 25-23, 23-45 and 23-462(a). COMMUNITY BOARD #9BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 5/16/06</p>
13.	338-04-BZ	<p>Martyn & Don Weston 806/14 Coney Island Avenue, BROOKLYN Variance: Under Z.R. §72-21 – to permit the proposed construction of a one story and cellar extension to an as-of-right six story hotel, and to permit on grade accessory parking and below grade showroom/retail use, in an R5 zoning district, is contrary to Z.R. §22-00. COMMUNITY BOARD #12BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 1/10/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
14.	344-04-BZ	<p>Alfonso Duarte, P.E. 202-01 Northern Boulevard, QUEENS Pursuant to Z.R. §72-21 a variance application to approve the proposed use of an open lot for the sale of new and used automobiles. The site is located in C2-2 within a R3-2 zoning district. The proposal is contrary to Z.R. §32-25. COMMUNITY BOARD #11Q</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Continued Hearing – 12/13/05</p>
15.	360-04-BZ	<p>Marcus Marino Architects. 38 Zephyr Avenue, STATEN ISLAND Variance: Under Z.R. §72-21 to permit the proposed enlargement of an existing one family dwelling, located in an R3X zoning district, which does not comply with the zoning requirements for side yards and lot width, is contrary to Z.R. §§107-42 and 107-462. COMMUNITY BOARD #3SI</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 12/13/05</p>
16.	361-04-BZ	<p>Eric Palatnik, P.C. 75-48 Parsons Boulevard, QUEENS Variance: Under Z.R. §72-21 – To permit the proposed erection of a partial two/partial three story residential development, located in an R4 district which does not comply with the zoning requirements for floor area, wall height, sky exposure plane, open space, lot coverage and the number of dwelling units, is contrary to Z.R. §23-141c, §23-631 and §23-22. COMMUNITY BOARD #8Q</p> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Continued Hearing – 1/10/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
17.	38-05-BZ	Eric Palatnik, P.C. 80-01 Eliot Avenue, QUEENS Variance: Under Z.R. §72-21 – to reduce the number of required accessory parking spaces pursuant to Z.R. §36-21 (38 required, 25 proposed) and to eliminate the required loading berth pursuant to Z.R. §36-62 for a new Use Group 6 drug store (Walgreen’s) located within an R4/C1-2 district. COMMUNITY BOARD #5Q
		Examiner: Jed Weiss (212) 788-8781
		Status: Continued Hearing – 1/24/06

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<i>BZ – NEW CASES</i>		
18.	386-04-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 22-44 119th Street, QUEENS Special Permit: under Z.R. §73-44 to permit the proposed enlargement and development of an existing community facility, located in M1-1 zoning district, which does not comply with the zoning requirements for accessory off-street parking and is contrary to Z.R. §44-21. COMMUNITY BOARD #7Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 1/10/06</p>
19.	42-05-BZ	<p>Sheldon Lobel, P.C. 1982 Bronxdale Avenue, BRONX Special Permit: under Z.R. §11-411 of the zoning resolution, to request an extension of term of the previously granted variance, which permitted the maintenance of a gasoline service station with accessory uses located in a R3-2 zoning district. The grant expired on April 26, 2004. COMMUNITY BOARD #11BX</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 12/13/05</p>
20.	52-05-BZ	<p>Sheldon Lobel, P.C. 6209 11th Avenue, BROOKLYN Variance: under Z. R. §72-21 – to permit the proposed development of a six-story and cellar building, with community use on floors one through three, residential use on floors three through six, and with parking in the cellar, located in a C1-2 within an R5 zoning district, which is contrary to Z.R. §35-31, §35-33, §35-40, §35-62, §33-472, §35-53 and §35-61. COMMUNITY BOARD #10K</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 1/24/06</p>

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<i>BZ – NEW CASES</i>		
21.	84-05-BZ	<p>Sheldon Lobel, P.C. 165-15 Hillside Avenue, QUEENS Special Permit: under Z.R. §73-211 to authorize the redevelopment of an existing gasoline service station with an accessory convenience store located in an R5/C2-2 zoning district. COMMUNITY BOARD #8Q</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Withdrawn – 11/15/05</p>
22.	122-05-BZ	<p>Bryan Cave, LLP (Margery Perlmutter, Esq.) 525 Clinton Avenue, BROOKLYN Special Permit: under Z.R. §73-52 (Modification for Zoning Lots Divided by District Boundaries) to facilitate the development of a 13-story residential building containing 30 dwelling units, community facility space, and 41 accessory parking spaces; zoning lot located in an R6 and M1-1 district. COMMUNITY BOARD #2BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Closed, Decision – 12/6/05</p>
23.	156-05-BZ	<p>Charles Rizzo and Associates (CR&A) 1 Seventh Avenue South, MANHATTAN Variance: under Z.R. §72-21 to allow a proposed six-story residential building with ground floor retail containing four (4) dwelling units in a C2-6 Zoning District; contrary to Z.R. §23-145, §23-22, §35-24 and §35-31. COMMUNITY BOARD #2M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 12/13/05</p>

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