

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, November 1, 2005

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>952-66-BZ</b>	<p>Gerald J. Caliendo, RA  <b>88-14 101<sup>st</sup> Street, QUEENS</b>                      Amendment/Extension of Time/Waiver to a gasoline service station with minor auto repair. The amendment is to convert the auto repair building to a convenience store accessory to the gasoline service station. And extension of time to obtain a certificate of occupancy. The premise is located in a C2-2 in R-5 zoning district.  <b>COMMUNITY BOARD #9Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status:     Granted – 11/1/05</b></p>
<b>2.</b>	<b>248-78-BZ</b>	<p>Eric Palatnik, P.C.  <b>60-50 Woodhaven Boulevard, QUEENS</b>                      Extension of Time to obtain a C of O/Amendment to install a new retaining wall, replace underground tanks, pump islands and fuel dispensers. The premise is located in C2-2 in an R-6 zoning district.  <b>COMMUNITY BOARD #6Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status:     Granted – 11/1/05</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>3.</b>	<b>723-84-BZ</b>	<p>Sheldon Lobel, P.C.  <b>241-02 Northern Boulevard, QUEENS</b>                      Amendment of a variance Z.R. §72-21 of the use restriction conditioned in a prior grant to permit a gastroenterologist’s office in a portion of the ground floor of the existing building. The premise is located in a R1-2 zoning district.  <b>COMMUNITY BOARD #11Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 11/22/05</b></p>
<b>4.</b>	<b>926-86-BZ</b>	<p>Sheldon Lobel, P.C.  <b>217-07 Northern Boulevard, QUEENS</b>                      Extension of Term of Variance for the continued use of the existing automotive dealership for the sale and service of automobiles with repairs. The premise is located in R6B/C2-2 and R3X zoning district.  <b>COMMUNITY BOARD #11Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 11/22/05</b></p>
<b>5.</b>	<b>19-94-BZ</b>	<p>Andrew Schwarwsin, Esq.  <b>37-18 75<sup>th</sup> Street, QUEENS</b>                      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.  <b>COMMUNITY BOARD #3Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 11/15/05</b></p>
<b>6.</b>	<b>62-96-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>200 Madison Avenue, MANHATTAN</b>                      Amendment to legalize on the first floor the enlargement of a physical culture establishment and to allow the change in ownership. The premise is located in C5-2 zoning district.  <b>COMMUNITY BOARD #5M</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Postponed Hearing – 12/6/05</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>7.</b>	<b>213-96-BZ III</b>	Slater & Beckerman, LLP <b>51-53 Christopher Street, a/k/a 113 Seventh Avenue South, MANHATTAN</b> Extension of Term/Waiver for an eating and drinking establishment with entertainment and dancing. The application also seeks to reopen and amend the resolution in regard to the operating plan for the (UG 12) use. The premise is located in an C4-5 zoning district. <b>COMMUNITY BOARD #2M</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 12/6/05</b>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>8.</b>	<b>149-05-A</b>	<p>Eric Palatnik, P.C.  <b>32-29 211<sup>th</sup> Street, QUEENS</b>                      An appeal seeking a determination that the owner of said premises has acquired a common-law vested right to continue development commenced under the prior R2 zoning district. Current Zoning District is R2A.  <b>COMMUNITY BOARD #11Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status:     Granted – 11/1/05</b></p>

<b><i>APPEALS – NEW CASES</i></b>		
<b>9.</b>	<b>43-04-A</b>	<p>New York City Board of Standards and Appeals  <b>39-04 Stuart Lane, Douglaston, QUEENS</b>                      To dismiss the application for lack of prosecution.  <b>COMMUNITY BOARD #11Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status:     Dismissed – 11/1/05</b></p>
<b>10.</b>	<b>283-05-A</b>	<p>Zygmunt Staszewski  <b>22 Pelham Walk, QUEENS</b>                      Proposal to reconstruct and enlarge a single family dwelling not fronting on a mapped street contrary to General City Law ,Article 3, Section 36 and the upgrade of a private disposal system located in the bed of a service lane contrary to Building Department Policy .                      .Premises is located within an R-4 Zoning District.  <b>COMMUNITY BOARD #14BK</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status:     Granted – 11/1/05</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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TUESDAY AFTERNOON, November 1, 2005

1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>36-04-BZ &amp; 37-04-BZ</b>	Petraro & Jones, LLP <b>30 &amp; 32 Carlton Avenue, BROOKLYN</b> Variance: Under Z.R. §72-21 – to permit the proposed construction of two eight family dwellings, on two currently vacant lots, located in an M1-2 zoning district. <b>COMMUNITY BOARD #2BK</b> <b>Examiner: Roy Starrin (212) 788-8797</b> <b>Status: Withdrawn – 11/1/05</b>
<b>2.</b>	<b>175-04-BZ thru 177-04-BZ</b>	Joseph P. Morsellino <b>7-05/09/13 130<sup>th</sup> Street, QUEENS</b> Variance: Under Z.R. §72-21 – proposed construction of two, three-story, three family dwellings, which do not comply with FAR, perimeter wall height, and minimum distance between buildings in a single zoning lot. The site is located in an R3-2 district. <b>COMMUNITY BOARD #7Q</b> <b>Examiner: Roy Starrin (212) 788-8797</b> <b>Status: Withdrawn – 11/1/05</b>
<b>3.</b>	<b>375-04-BZ</b>	Greenberg Traurig, LLP <b>1527, 1529 and 1533 60<sup>th</sup> Street, BROOKLYN</b> Pursuant to Z.R. §72-21 – a variance application to approve the proposed expansion of an existing jewelry manufacturer and wholesaler establishment. The site is located in an M1-1 zoning district. The proposal is contrary to Z.R. §43-12, §43-302, and §43-43. <b>COMMUNITY BOARD #12BK</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Closed, Decision – 11/22/05</b>
<b>4.</b>	<b>395-04-BZ</b>	Moshe M. Friedman, P.E. <b>1232 54<sup>th</sup> Street, BROOKLYN</b> Variance: Under Z.R. §72-21 – to permit the proposed synagogue and rectory, Use Group 4, located in an R5 zoning district, which does not comply with the zoning requirements for front wall, sky exposure, side and front yards, also parking, is contrary to Z.R. §24-521, §24-35(a), §24-34 and §25-31. <b>COMMUNITY BOARD #12BK</b> <b>Examiner: Jed Weiss (212) 788-8781</b> <b>Status: Granted – 11/1/05</b>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>68-05-BZ</b>	Sheldon Lobel, P.C. <b>4911 17<sup>th</sup> Avenue, BROOKLYN</b> Variance: Under Z.R. §72-21 – to permit the proposed enlargement of a three story plus attic building, currently housing a synagogue, with accessory residential on the second, third, and attic floors, which does comply with the zoning requirements for floor area ratio, side and front yards, is contrary to Z.R. §24-11, §24-162, §24-35, §24-34 and §23-141. <b>COMMUNITY BOARD #12BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted – 11/1/05</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>160-04-BZ &amp; 161-04-A</b>	<p>Mitchell S. Ross, Esq.  <b>73 Washington Avenue, BROOKLYN</b>                      Variance: Under Z.R. §72-21 – to permit, in an M1-2 zoning district, the residential conversion of an existing four-story commercial loft building into eight dwelling units, contrary to Z.R. §42-10 and modification of the Building Code Section 27 MDL regarding light and air.  <b>COMMUNITY BOARD #2BK</b>  <b>Examiner: Rory Levy 212-788-8749 / Toni Matias 212-788-8752</b>  <b>Status: Closed, Decision – 12/13/05</b></p>
<b>7.</b>	<b>234-04-BZ</b>	<p>Sheldon Lobel, P.C.  <b>255 McKibbin Street, BROOKLYN</b>                      Variance: Under Z.R. §72-21 – To permit in a M1-1 and M1-2 district, approval sought to legalize residential occupancy of 73 dwelling units in a four-story and basement industrial building, which was constructed in 1931. The legal use is listed artist loft space for the 73 units. There are proposed 18 parking spaces on the open portion of the lot, which consists of 25,620 SF in its entirety. The use is contrary to district use regulations.  <b>COMMUNITY BOARD #1BK</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Closed, Decision – 11/22/05</b></p>
<b>8.</b>	<b>355-04-BZ</b>	<p>Slater &amp; Beckerman, LLP  <b>302/10 North Seventh Street, a/k/a 289 North Sixth Street, BROOKLYN</b>                      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.  <b>COMMUNITY BOARD #1BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 11/15/05</b></p>

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<b>9.</b>	<b>83-05-BZ</b>	<p>Bryan Cave, LLP  <b>214-218 West Houston Street/50-56 Downing Street, MANHATTAN</b>                      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.  <b>COMMUNITY BOARD #2M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 11/15/05</b></p>
<b>10.</b>	<b>98-05-BZ</b>	<p>Friedman &amp; Gotbaum LLP  <b>46-48 Bond Street, MANHATTAN</b>                      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.  <b>COMMUNITY BOARD #2M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 11/15/05</b></p>
<b>11.</b>	<b>118-05-BZ</b>	<p>Sheldon Lobel, P.C.  <b>2072 Ocean Parkway, BROOKLYN</b>                      Special Permit: Under Z.R. §73-622 – the enlargement of a single residence to vary Z.R. §23-141 (open space and floor area), §23-46 (side yard) and §23-47 (rear yard). The premise is located in an R-5 (OP) zoning district.  <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 11/22/05</b></p>
<b>12.</b>	<b>126-05-BZ</b>	<p>Eric Palatnik, P.C.  <b>1282 East 27<sup>th</sup> Street, BROOKLYN</b>                      Special Permit: Under Z.R. §73-622 – the enlargement of a single family residence to vary Z.R. §23-141 (open space and floor area), §23-46 (side yard) and §23-47 (rear yard). The premise is located in an R-2 zoning district.  <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 11/1/05</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>13.</b>	<b>373-04-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>57-69 69<sup>th</sup> Street, QUEENS</b>                      Variance: under Z.R. §72-21 – in an R4 district, permission sought to allow the construction of a two-story one-family dwelling on a 25’ x 53.55’ lot consisting of 1,338 SF. The structure does not comply with floor area allowed, open space, lot area, front yard.  <b>COMMUNITY BOARD #5Q</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Continued Hearing – 12/6/05</b></p>
<b>14.</b>	<b>70-05-BZ</b>	<p>Lewis E. Garfinkel, R.A.  <b>2905 Avenue M, BROOKLYN</b>                      Special Permit: under Z.R. §73-622 – to permit an enlargement of a single family home to vary sections Z.R. §23-141(a) for open space ratio and floor area, Z.R. §23-461 for minimum side yard requirement. The premise is located in a R-2 zoning district.  <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 12/6/05</b></p>
<b>15.</b>	<b>72-05-BZ</b>	<p>Harold Weinberg, P.E.  <b>245 Hooper Street, BROOKLYN</b>                      Variance: under Z.R. §72-21 – to permit the proposed erection of a synagogue and yeshiva, with accessory residences, Use Groups 2 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and open space ratio and is contrary to Z.R. §§24-11, 23-142, 24-36 and 24-12.  <b>COMMUNITY BOARD #1BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Continued Hearing – 12/13/05</b></p>

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<b>16.</b>	<b>81-05-BZ</b>	<p>Bryan Cave, LLP (Margery Perlmutter, Esq.)  <b>1061/71 52<sup>nd</sup> Street, BROOKLYN</b>                      Variance: under Z.R. §72-21 – to construct a 7-story plus mezzanine residential building containing 39 dwelling units and 10 accessory parking spaces in an R6 district, contrary to Z.R. §§23-145, 23-632, 23-633, 25-23.  <b>COMMUNITY BOARD #12BK</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Continued Hearing – 1/10/06</b></p>
<b>17.</b>	<b>127-05-BZ</b>	<p>Sheldon Lobel, P.C.  <b>9216 Church Avenue, BROOKLYN</b>                      Special Permit: under Z.R. §73-243 – to permit approval for a special permit to legalize an existing accessory drive through window for an eating and drinking establishment. The site is located in a C1-3/R5 zoning district.  <b>COMMUNITY BOARD #17BK</b>  <b>Examiner: Toni Matias (212) 788-8752</b>  <b>Status: Continued Hearing – 12/6/05</b></p>
<b>18.</b>	<b>185-05-BZ</b>	<p>Manatt, Phelps &amp; Philips, LLP (Carol E. Rosenthal, Esq.)  <b>62-02 Roosevelt Avenue, QUEENS</b>                      Variance: under Z.R. §72-21 to allow a dance floor (Use Group 12) to be constructed in an existing eating and drinking establishment located in an R6/C1-2 zoning district, which is contrary to Z.R. §32-15.  <b>COMMUNITY BOARD #2Q</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Continued Hearing – 12/6/05</b></p>

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<b>19.</b>	<b>207-05-BZ</b>	<p>Eric Palatnik, P.C.  <b>407 Allen Avenue, BROOKLYN</b>                      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.  <b>COMMUNITY BOARD #5BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision - 11/15/05</b></p>
<b>20.</b>	<b>130-05-BZ</b>	<p>Elise Wagner, Esq. c/o Kramer Levin  <b>74-88 Avenue of the Americas, a/k/a 11-15 Thompson Street and 27-31 Grand Street, MANHATTAN</b>                      Variance: under Z.R. §72-21 to permit the development of a mixed-use, nine-story building with ground level retail, and a small amount of community facility space, and approximately 25 residential units on the upper floors within an M1-5B zoning district.  <b>COMMUNITY BOARD #2M</b></p> <hr/> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <hr/> <p><b>Status: Continued Hearing – 12/6/05</b></p>

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