

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, April 11, 2006
10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|-------------------|--|
| 1. | 410-68-BZ | <p>Sheldon Lobel, P.C. 85-05 Astoria Boulevard, QUEENS Reopening for extension of time to complete construction and to obtain a certificate of occupancy for an automotive service station, pursuant to Z.R. §11-412. The premise is located in an R3-2 zoning district. COMMUNITY BOARD #3Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 4/11/06</p> |
| 2. | 1038-80-BZ | <p>Davidoff Malito & Hutcher, LLP 31-07/09/11 Downing Street, QUEENS Reopening for extension of term of a special permit for an amusement arcade (UG 15) in an M2-1 zoning district which expired on January 6, 2006. COMMUNITY BOARD #7Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 4/11/06</p> |
| 3. | 263-98-BZ | <p>Rothkrug Rothkrug Weinberg Spector 118 Oxford Street, BROOKLYN Reopening for Extension of Time to complete construction pursuant to Special Permit Z.R. §73-622 for an enlargement of a single family home which expired on September 9, 2005; and for an amendment to the previously approved plans to add an elevator to the residence. The premise is located in an R3-1 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 4/11/06</p> |
| 4. | 280-01-BZ | <p>Stadtmauer Bailkin LLP & Cozin O’Connor 663/673 Second Avenue & 241/249 East 36th Street, MANHATTAN Reopening for extension of time to complete construction for a variance Z.R. §72-21 to permit a mixed use building located in a C1-9 zoning district. COMMUNITY BOARD #6M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 4/11/06</p> |

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| <i>SOC – CONTINUED HEARINGS</i> | | |
|--|-------------------|--|
| 5. | 1180-80-BZ | <p>SFS Associates 1 Tiffany Place, BROOKLYN Reopening for an amendment to the resolution to include superintendents’ apartment in the cellar of the existing building. The premise is located in an R6 zoning district. COMMUNITY BOARD #6BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 5/2/06</p> |
| 6. | 705-81-BZ | <p>Agusta & Ross, Esqs. 1433-37 York Avenue, MANHATTAN Reopening for an Extension of Term/Amendment/Waiver for a Variance ZR 72-21 to continue the operation of a physical culture establishment and to permit the change in hours of operation. The premise is located in an R-10 zoning district. COMMUNITY BOARD #8M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 5/2/06</p> |
| 7. | 173-94-BZ | <p>Rothkrug Rothkrug Weinberg Spector 159-15 Rockaway Boulevard, a/k/a 165-10 144th Road, QUEENS Reopening for an amendment of variance to permit the change in hours of operation of a freight transfer facility. The premise is located in a C2-2(R3-2) zoning district. COMMUNITY BOARD #13Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 4/25/06</p> |
| 8. | 132-97-BZ | <p>Alan R. Gaines, Esq. 227 Mansion Avenue, STATEN ISLAND Reopening for Extension of Term/Amendment/Waiver for an eating and drinking establishment with no entertainment or dancing and occupancy of less than 200 patrons, UG 6 located in a C-3 (SRD) zoning district. COMMUNITY BOARD #3SI</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 6/6/06</p> |

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| <i>SOC – CONTINUED HEARINGS</i> | | |
|--|-----------------|---|
| 9. | 24-06-A | Alan Gaines, Esq., 227 Mansion Avenue, STATEN ISLAND Proposed legalization of four on-site parking spaces for an eating and drinking establishment (Fiore Di Mare) located in the bed of a mapped street, is contrary to Section 35 of the General City Law. COMMUNITY BOARD #3SI |
| | | Examiner: Toni Matias (212) 788-8762 |
| | | Status: Continued Hearing – 6/6/06 |
| 10. | 83-00-BZ | Eric Palatnik, P.C. 87-11/21 Northern Boulevard, QUEENS Reopening for a waiver of the Rules of Practice and Procedure and for an extension of the term of the special permit which expired September 26, 2003; to operate a drive thru window for an eating and drinking establishment, (K.F.C.), located in a C1-2 zoning district. COMMUNITY BOARD #3Q |
| | | Examiner: Henry Segovia (212) 788-8757 |
| | | Status: Continued Hearing – 5/16/06 |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|------------------|---|
| 11. | 360-49-BZ | <p>Sheldon Lobel, P.C. 69-05 Eliot Avenue, QUEENS (Leemilt's Petroleum) Reopening for an extension of term of the previously granted variance permitting the use of the site as a gasoline service station with accessory uses which expired on February 25, 2005. The premises is located in an R4 zoning district. COMMUNITY BOARD #5Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 5/2/06</p> |
| 12. | 414-59-BZ | <p>Bryan Cave, LLP 1285 York Avenue, MANHATTAN (Royal Charter Properties) Reopening for an extension of term of a variance to allow 77 transient parking spaces at the first and cellar floors of an existing multiple dwelling accessory garage. The premise is located in an R-9 and R-10 zoning district. COMMUNITY BOARD #8M</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 4/25/06</p> |

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| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|-------------------|---|
| 13. | 370-05-BZY | <p>Kramer Levin Naftalis & Frankel, LLP 523 West 37th Street, MANHATTAN Proposed extension of time to complete construction pursuant to Z.R. §11-332 for a one story and mezzanine addition to an existing three-story building. COMMUNITY BOARD #4M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Withdrawn – 4/11/06</p> |
| 14. | 371-05-A | <p>Kramer Levin Naftalis & Frankel, LLP 523 West 37th Street, MANHATTAN An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to complete construction pursuant to Z.R. §11-332 for a one-story and mezzanine addition to an existing three-story building, previously located in a C6-2(CC) zoning district. The current zoning district is C6-2(HY), adopted on 01/19/2005. COMMUNITY BOARD #4M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 4/11/06</p> |

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| <i>APPEALS – CONTINUED HEARINGS</i> | | |
|--|-------------------|--|
| 15. | 173-05-A | <p>Stuart Klein 85-24 168th Place, QUEENS 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 R5 zoning district. Current Zoning District is R4A. COMMUNITY BOARD #8Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 6/6/06</p> |
| 16. | 350-05-BZY | <p>Eric Palatnik, P.C. 245 16th Street, BROOKLYN Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 for a multi family 4-story residential building under the prior R6 zoning. New zoning district is R6B as of November 16, 2005. COMMUNITY BOARD #7BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 4/11/06</p> |

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| <i>APPEALS – NEW CASES</i> | | |
|-----------------------------------|---|---|
| 17. | 92-05-A | <p>Sheldon Lobel, P.C. 43-36 Cornell Lane, QUEENS Proposed enlargement of an existing one family dwelling, not fronting on mapped street, is contrary to GCL§36, Article 3. Current R3-1 zoning district. COMMUNITY BOARD #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 4/25/06</p> |
| 18. | 374-05-BZY thru 399-05-BZY | <p>Eric Palatnik, P.C. Riga Street, Carmela Court, Mill Road, STATEN ISLAND (Carmel Homes LLC) Proposed extension of time to renew building permits and complete construction of a development pursuant to Z.R. §11-332. Prior R3-2 zoning district. Current R3-X zoning district. COMMUNITY BOARD #3SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 4/25/06</p> |
| 19. | 402-05-BZY thru 424-05-BZY | <p>Eric Palatnik, P.C. Tessa Court, Maxie Court, STATEN ISLAND (Grynes Hill Estates) Proposed extension of time to renew building permits and complete construction of a development pursuant to Z.R. §11-332. Prior R3-2 zoning district. Current R3-A zoning district. COMMUNITY BOARD #1SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 5/16/06</p> |
| 20. | 428-05-BZY thru 431-05-BZY | <p>Sheldon Lobel, P.C. 475, 473, 471, 470 Father Capodanno Boulevard, STATEN ISLAND Proposed extension of time to complete construction and renew building permits of a minor development pursuant to Z.R. §11-332. Current R3-X zoning district. COMMUNITY BOARD #2SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 5/2/06</p> |

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| 21. | 14-06-A | <p>Gary Lenhart, R.A. 54 Graham Place, QUEENS Proposed reconstruction and enlargement of an existing single family dwelling not fronting a mapped street, is contrary to GCL§36, Article 3. Current R-4 zoning district. COMMUNITY BOARD #14Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 4/11/06</p> |
| 22. | 20-06-A | <p>Gary Lenhart, R.A. 38 Kildare Walk, QUEENS Proposed reconstruction and enlargement of a single family dwelling not fronting a mapped street, contrary to GCL§36, Article 3. Upgrade existing private disposal system in the bed of the service road contrary to Building Department policy. Current R4 zoning district. COMMUNITY BOARD #13Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 4/11/06</p> |
| 23. | 30-06-A | <p>Eric Hecker, Esq. 50 South Bridge Street, STATEN ISLAND (Lamar Outdoor Advertising) An appeal of the Department of Buildings decision dated January 19, 2006 revoking Advertising Sign approvals and permits under Application Nos. 5000684324 and 500684315 in that it allows advertising signs that are not within ½ mile of the NYC boundary and as such are in violation of Z.R.§42-55. COMMUNITY BOARD #3SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 5/9/06</p> |

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| <i>BZ – DECISIONS</i> | | |
|------------------------------|------------------|--|
| 1. | 338-04-BZ | <p>Martyn & Don Weston 806/14 Coney Island Avenue, BROOKLYN Variance: 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: Granted – 4/11/06</p> |
| 2. | 373-04-BZ | <p>The Law Office of Fredrick A. Becker 57-69 69th Street, QUEENS Variance: 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. COMMUNITY BOARD #5Q</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Granted – 4/11/06</p> |
| 3. | 65-05-BZ | <p>Sheldon Lobel, P.C. 269-275 East Burnside Avenue, BRONX Special Permit: Z.R. §11-411 and §11-413 – to request the instatement of an expired, pre-1961, variance, and to request authorization to legalize the change of use from a gasoline service station with accessory automotive repairs, to an automotive repair facility without the sale of gasoline, located in a C1-4/R8 zoning district. COMMUNITY BOARD #5BX</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 4/11/06</p> |

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|------------------------------|------------------|---|
| 4. | 146-05-BZ | Howard Weiss, Esq. 900 Second Avenue, MANHATTAN Special Permit: Z.R. §73-36 - approval sought for a proposed physical cultural establishment located on a portion of the first floor of a 21-story mixed-use building. The PCE use will contain 2,300 square feet. The site is located in a C1-9 TA zoning district. COMMUNITY BOARD #6M |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Granted – 4/11/06 |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|------------------|---|
| 5. | 229-04-BZ | <p>Eric Palatnik, P.C. 202/04 Caton Avenue, BROOKLYN Variance: Z.R. §72-21 – the legalization of an existing physical culture establishment, occupying approximately 8000 square feet of floor area on the 1st and 2nd floor, located in an R-5 zoning (OPSD) zoning district. COMMUNITY BOARD #12BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 5/9/06</p> |
| 6. | 66-05-BZ | <p>Sheldon Lobel, P.C. 1236 Prospect Avenue, BRONX Special Permit: Z.R. §§11-411 and 11-413 – to request the “re-instatement” of an expired, pre-1961, variance, and to request authorization to legalize the change of use from a gasoline service station with accessory automotive repairs, to an automotive repair facility without the sale of gasoline, located in a C2-4/R7-1 zoning district. COMMUNITY BOARD #2BX</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Continued Hearing – 5/16/06</p> |
| 7. | 74-05-BZ | <p>Synder & Synder, LLP 1089 Rockland Avenue, STATEN ISLAND Special Permit: Z.R. §73-30 and §22-21 – to permit the proposed construction of a non-accessory radio tower for public utility wireless communications (disguised as a 50-foot tall flagpole), located in an R3-2 zoning district. COMMUNITY BOARD #2SI</p> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Closed, Decision – 5/16/06</p> |

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|---------------------------------------|----------------------------------|--|
| 8. | 89-05-BZ | <p>Stadtmauer Bailkin, LLP/ Steven M. Sinacori, Esq. 18 Heyward Street, BROOKLYN Variance: Z.R. §72-21 – to allow an enlargement of the rear portion of an existing five-story community facility/commercial building; site is located in an R6 district; contrary to Z.R. §24-11, §24-37 and §24-33. COMMUNITY BOARD #1BK Examiner: Jed Weiss (212) 788-8781 Status: Continued Hearing – 5/9/06</p> |
| 9. | 108-05-BZ & 109-05-BZ | <p>Rothkrug Rothkrug, Weinberg & Spector 224-22 Prospect Court, QUEENS Variance: Z.R. §72-21 – to permit the construction of a one-family semi attached dwelling that does not provide the required front yard, contrary to section 23-462 of the zoning resolution. The site is located in an R3-2 zoning district. The subject site is Tax Lot #74, the companion case, 109-05-BZ is Tax Lot #76 on the same zoning lot. COMMUNITY BOARD #13Q Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 5/16/06</p> |
| 10. | 132-05-BZ | <p>Sheldon Lobel, P.C. 220 West End Avenue, BROOKLYN Special Permit: Z.R. §73-622 – to request a special permit to allow the enlargement of a single family residence which exceeds the allowable floor area and lot coverage per Z.R. §23-141, a rear yard less than the maximum per Z.R. §23-31. The premise is located in an R3-1 zoning district. COMMUNITY BOARD #15BK Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 5/2/06</p> |

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| 11. | 133-05-BZ | Sheldon Lobel, P.C. 1231 East 21st Street, BROOKLYN Special Permit: Z.R. §73-622 – to allow enlargement of a single family residence which exceeds the allowable floor area and lot coverage per Z.R. §23-141 of the Zoning Resolution. The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK |
| | | Examiner: Henry Segovia (212) 788-8757 |
| | | Status: Granted – 4/11/06 |
| 12. | 321-05-BZ | Sheldon Lobel, P.C. 245-02 Horace Harding Expressway, QUEENS (Dunkin Donuts Drive-Through) Special Permit: Z.R. §73-243 – to legalize an existing accessory drive-through window in an existing as-of-right eating and drinking establishment. Z.R. §32-31 is the applicable section requested to be waived for the subject accessory drive-through window. The premise is located in a R3-2/C1-2 zoning district. COMMUNITY BOARD #11Q |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Adjourned Hearing – 6/20/06 |

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| 13. | 290-02-BZ thru 314-02-BZ and 374-03-BZ thru 376-03-BZ | <p>Rothkrug Rothkrug Weinberg & Spector 114-01/03/05/07/09/11/13/17/19/15/21/21/23/ 25/27/29/31/33/35/20/22/24/26/28/30/32/34 & 114-17/19/36-A Taipei Court , QUEENS (Taipei Court) Variance: Z.R. §72-21 – to permit the construction of 28 attached, three-story and cellar, two-family dwellings on a vacant site. The subject site is located in an M1-1 zoning district. The proposal would create 56 dwelling units and 56 parking spaces. The 28 proposed dwellings are intended to be part of a larger and substantially complete development which is located within the adjacent C3 zoning district. The proposed project has been designed to conform and comply with the C3 district regulations that govern the remainder of the subject property and which permits residential development in accordance with the C3 district’s equivalent R3-2 zoning district regulations (pursuant to Sections 32-11 and 34-112). The development as a whole is the subject of a homeowners’ association that will govern maintenance of the common areas, including the parking area, driveways, planted areas and the proposed park. The proposal is contrary to applicable use regulations pursuant to Z.R. Section 42-10. COMMUNITY BOARD #7Q Examiner: Rory Levy (212) 788-8749 Status: Continued Hearing – 6/6/06</p> |
| 14. | 249-04-BZ | <p>Harold Weinberg, P.E. 205 Parkside Avenue, BROOKLYN Variance: Z.R. §72-21 – to allow an enlargement of an existing non-complying UG 2 residential building in an R7-1 district, contrary to Z.R. §§23-121, 54-31, 23-462, 25-241 and 23-22. COMMUNITY BOARD #9BK Examiner: Jed Weiss (212) 788-8781 Status: Closed, Decision – 6/6/06</p> |

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|------------------------------|------------------|---|
| 15. | 293-05-BZ | <p>Sheldon Lobel, P.C. 8751 18th Avenue, BROOKLYN Special Permit: Z.R. §73-44 – to request a reduction of the required 36 parking spaces for an as-of-right office use (Use Group 6) The Special Permit allows the modification of Z.R. Section 36-21 in C8-1 districts for uses in parking requirement B1 in Use Group 6. The waiver would allow a reduction of 18 accessory off-street parking spaces. The premise is located in a C8-1 zoning district. COMMUNITY BOARD #11BK</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Continued Hearing – 5/2/06</p> |
| 16. | 19-06-BZ | <p>Sheldon Lobel, P.C. 745 Fox Street, THE BRONX (Cedars/MiCasa) Variance: Z.R. §72-21 – to permit the construction of a proposed eight-story and basement community facility/residential building which requires waivers of Z.R. §§23-145 (residential floor area), 23-633 (wall height, total height, and setbacks) 25-25c (parking), 23-851 (court regulations) and 23-861 (legal windows). The premise is located in an R7-1 zoning district. COMMUNITY BOARD #2BX</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Closed, Decision – 5/2/06</p> |

*****DISCLAIMER*****

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