

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, April 25, 2006  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>414-59-BZ</b>	<p>Bryan Cave, LLP <b>1285 York Avenue, MANHATTAN (Royal Charter Properties)</b> 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. <b>COMMUNITY BOARD #8M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/25/06</b></p>
<b>2.</b>	<b>173-94-BZ</b>	<p>Rothkrug Rothkrug Weinberg Spector <b>159-15 Rockaway Boulevard, a/k/a 165-10 144<sup>th</sup> Road, QUEENS</b> 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. <b>COMMUNITY BOARD #13Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/25/06</b></p>
<b>3.</b>	<b>7-95-BZ</b>	<p>Francis R. Angelino, Esq. <b>153-37 Cross Island Parkway, QUEENS</b> Reopening for an extension of term and an amendment of a previously granted variance to permit, in a C1-2 (R3-2)/R3-2 district, a physical culture establishment (New York Sports Club) in a cellar and two-story building within a larger shopping center development, which does not conform to district use regulations. <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/25/06</b></p>

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<b>4.</b>	<b>165-02-BZ</b> <b>167-02-BZ</b> <b>169-02-BZ</b> <b>171-02-BZ</b> <b>173-02-BZ</b> <b>175-02-BZ</b> <b>186-02-BZ</b> <b>188-02-BZ</b> <b>190-02-BZ</b>	Steve Sinacori, Esq. <b>143-147 Classon Avenue, a/k/a 380-388 Park Avenue and 149-159 Classon Avenue, BROOKLYN</b> Application to reopen and amend the BSA resolution granted under calendar numbers 165-02-BZ, 167-02-BZ, 169-02-BZ, 171-02-BZ, 173-02-BZ, 175-02-BZ, 186-02-BZ, 188-02-BZ and 190-02-BZ. The application seeks to add 5 residential units to the overall development (encompassing lots 21 and 28) for a total of 37 units, increase the maximum wall height by 2’-0” and increase the number of underground parking spaces from 11 to 20, while remaining compliant with the FAR granted under the original variance. The premise is located in an M1-1 zoning district. <b>COMMUNITY BOARD #3BK</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status:      Granted – 4/25/06</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>5.</b>	<b>1888-61-BZ</b>	<p>Alfonso Duarte <b>93-10 23<sup>rd</sup> Avenue, QUEENS</b> Reopening for an Amendment to an eating and drinking establishment and catering hall for the further increase in floor area and to legalize the existing increase in floor area, the separate entrance to the catering hall and the drive thru at the front entrance. The premise is located in an R3-2 zoning district. <b>COMMUNITY BOARD #3Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 6/13/06</b></p>
<b>6.</b>	<b>374-71-BZ</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector <b>205-11 Northern Boulevard, QUEENS</b> Pursuant to Z.R. §§72-01 and 72-22 for an extension of term of a variance permitting an automobile showroom with open display of new and used cars (UG16) in a C2-2 (R3-2) district. The application also seeks an amendment to permit accessory customer and employee parking in the previously unused vacant portion of the premises. <b>COMMUNITY BOARD #11Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Continued Hearing – 5/16/06</b></p>
<b>7.</b>	<b>357-72-BZ</b>	<p>Law Office of Fredrick A. Becker <b>355 West 255<sup>th</sup> Street, BRONX</b> Reopening for amendment to a previously granted variance Z.R. §72-21 for a multiple dwelling and community facility complex to allow for the enclosure of an existing swimming pool and the enlargement of an accessory health and sports facility. The premise is located in an R-4 zoning district. <b>COMMUNITY BOARD #8BX</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 5/2/06</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>8.</b>	<b>43-99-BZ</b>	Windels Marx Lane & MittenDorf, LLP <b>38-02 Northern Boulevard, QUEENS</b> Reopening for Extension of Term/Waiver/Amendment to a previously granted special permit for a drive-through facility accessory to an eating and drinking establishment for an additional term of five years. The amendment is to install and electronic amplification menu board. The premise is located in a C1-2 in an R-4 zoning district. <b>COMMUNITY BOARD #3Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 5/16/06</b>

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TUESDAY MORNING, April 25, 2006  
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<i><b>SOC – NEW CASES</b></i>		
<b>9.</b>	<b>265-59-BZ</b>	<p>Martyn &amp; Don Weston <b>11 College Place, BROOKLYN</b> Reopening for extension of term for a variance to permit an eight-car garage located in a residential building. The premise is located in an R7-1/LH-1 zoning district. <b>COMMUNITY BOARD #2BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/9/06</b></p>
<b>10.</b>	<b>1233-88-A</b>	<p>Richard Bowers/Stadtmauer Bailkin <b>801 Narrow Road North, STATEN ISLAND</b> Extension of Time/Waiver to complete construction of a five-story (with basement) residential buiding of senior housing (Sunrise) for an additional twenty four months which expired on October 29, 2005. The premise is located in an R3-1 (Hillside Preservation District). <b>COMMUNITY BOARD#1SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/9/06</b></p>
<b>11.</b>	<b>143-05-A</b>	<p>Eric Palatnik, P.C. <b>47-05 Bell Boulevard, QUEENS</b> Reopening for an Extension of Time to complete construction and to obtain a Certificate of Occupancy. On November 29, 2005 BSA issued a resolution determining that the owner of the premises had obtained a vested right to continue construction under DOB permit No. 4021124879 and reinstated the permit for a period of six months to expire on May 29, 2006. The premise is located in a R2A zoning district. <b>COMMUNITY BOARD #11Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/16/06</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>12.</b>	<b>149-05-A</b>	<p>Eric Palatnik, P.C. <b>32-29 211<sup>th</sup> Street, QUEENS</b> Reopening for an Extension of Time to complete construction and to obtain a Certificate of Occupancy. On November 1, 2005 BSA issued a resolution determining that the owner of the premises had obtained a vested right to continue construction under DOB permit No. 401867618 and reinstated the permit for a period of six months to expire on May 1, 2006. The premise is located in a R2A zoning district. <b>COMMUNITY BOARD #11Q</b></p>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 5/16/06</b>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>13.</b>	<b>92-05-A</b>	<p>Sheldon Lobel, P.C. <b>43-36 Cornell Lane, QUEENS</b> 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. <b>COMMUNITY BOARD #11Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 4/25/06</b></p>
<b>14.</b>	<b>155-05-A</b>	<p>Richard Kusack <b>81 East 3<sup>rd</sup> Street, MANHATTAN</b> Appeal of the Department of Buildings decision dated May 27, 2005 rescinding its Notice of Intent to revoke the approvals and permit for Application No. 102579354 for a Community Facility (New York Law School). <b>COMMUNITY BOARD #8M</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Denied – 4/25/06</b></p>
<b>15.</b>	<b>374-05-BZY thru 399-05-BZY</b>	<p>Eric Palatnik, P.C. <b>Riga Street, Carmela Court, Mill Road, STATEN ISLAND</b> <i>Carmel Homes LLC</i> 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. <b>COMMUNITY BOARD #3SI</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 4/25/06</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>16.</b>	<b>317-05-A</b>	<p>Kevin Shea <b>4 East 3<sup>rd</sup> Street, MANHATTAN</b> Appeal challenging Department of Building’s interpretation that the construction of a 16-story mixed use building in an C6-1/R7-2 zoning district violates floor area, height and setback, open space and use regulations. <b>COMMUNITY BOARD #1M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Adjourned Hearing – 6/6/06</b></p>
<b>17.</b>	<b>353-05-BZY</b>	<p>Cozen &amp; O’Connor <b>614 7<sup>th</sup> Avenue, BROOKLYN</b> Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 for a 38-unit multiple dwelling and community facility under the prior R6 zoning. New zoning district is R6B as of November 16, 2005. <b>COMMUNITY BOARD #7BK</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 6/6/06</b></p>
<b>18.</b>	<b>354-05-BZY</b>	<p>Cozen &amp; O’Connor <b>182 15<sup>th</sup> Street, BROOKLYN</b> Proposed extension of time to complete construction of a minor development pursuant Z.R. §11-331 for a 62-unit, 11-story multiple dwelling under the prior R6 zoning. New zoning district is R6B/C2-3 as of November 16, 2005. <b>COMMUNITY BOARD #7BK</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 6/13/06</b></p>

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<i><b>APPEALS – NEW CASES</b></i>		
<b>19.</b>	<b>263-03-A</b>	<p>John W. Carroll <b>1638 Eighth Avenue, BROOKLYN</b> Appeal challenging the Department of Building’s final determination dated August 13, 2003 that the applicant of said premises had satisfied all objections and that the permit is valid. <b>COMMUNITY BOARD #7BK</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 6/6/06</b></p>
<b>20.</b>	<b>361-05-BZY &amp; 366-05-A</b>	<p>Greenberg &amp; Traurig, LLP <b>1638 Eighth Avenue, BROOKLYN</b> Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 under the prior R5 zoning district. 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 R5B zoning district. <b>COMMUNITY BOARD #7BK</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Continued Hearing – 6/20/06</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>160-04-BZ &amp; 161-04-A</b>	<p>Mitchell S. Ross, Esq. <b>73 Washington Avenue, BROOKLYN</b> Variance: 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></p> <p><b>Examiner: Rory Levy 212-788-8749 / Toni Matias 212-788-8752</b></p> <p><b>Status: Withdrawn - 4/25/06</b></p>
<b>2.</b>	<b>396-04-BZ</b>	<p>Stroock &amp; Stroock &amp; Lavan, LLP, by Ross Moskowitz, Esq <b>180 West Broadway, MANHATTAN</b> Variance: Z.R. §72-21 – to permit the proposed construction of a eleven-story, 30-unit mixed-use building, located in a C6-2A, TMU zoning district. The proposal is contrary to Z.R. §111-104 (FAR), 23-145 (Lot Coverage), 35-24(c)(d) (Setback), and 28-12 (Street Planting). Note that the revised proposal is for an eight-story mixed-use building with 16 residential units that is contrary to §23-145 (Lot Coverage). <b>COMMUNITY BOARD #1M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 5/16/06</b></p>
<b>3.</b>	<b>81-05-BZ</b>	<p>Bryan Cave, LLP (Margery Perlmutter, Esq.) <b>1061/71 52<sup>nd</sup> Street, BROOKLYN</b> Variance: Z.R. §72-21 – to construct a 7-story plus mezzanine residential building containing 39 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></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted – 4/25/06</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>4.</b>	<b>193-05-BZ</b>	The Law Office of Fredrick A. Becker <b>32 East 31<sup>st</sup> Street, MANHATTAN</b> Special Permit: Z.R. §73-36 – to allow the legalization of a physical culture establishment in the cellar, first floor and first floor mezzanine of a ten-story commercial building which is contrary to Z.R. §32-21. The premise is located within a C5-2 zoning district. <b>COMMUNITY BOARD #5M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 4/25/06</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>5.</b>	<b>194-04-BZ thru 199-04-BZ</b>	Mitchell S. Ross, Esq. <b>9029-9039 Krier Place, BROOKLYN</b> Variance: Z.R. §72-21 – to permit six two-family dwellings, contrary to Z.R. §42-10, located in an M1-1 zoning district. <b>COMMUNITY BOARD #18BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Adjourned Hearing – 6/13/06</b>
<b>6.</b>	<b>286-04-BZ &amp; 287-04-BZ</b>	Rothkrug Rothkrug Weinberg & Spector <b>85-78 &amp; 85-82 Santiago Street, QUEENS</b> Variance: Z.R. §72-21 – to permit a one family dwelling without the required lot width and lot area, contrary to Z.R. §23-32, located in an R1-2 zoning district. <b>COMMUNITY BOARD #8Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 6/13/06</b>
<b>7.</b>	<b>351-04-BZ</b>	The Agusta Group <b>210-08/12 Northern Boulevard, QUEENS</b> Special Permit: Z.R. §73-44 – to allow parking reduction for proposed enlargement of existing office building located in an R6B/C2-2. <b>COMMUNITY BOARD #11Q</b>
		<b>Examiner: Jed Weiss (212) 788-8781</b>
		<b>Status: Continued Hearing – 6/13/06</b>
<b>8.</b>	<b>398-04-BZ</b>	Eric Palatnik, P.C. <b>2103 Avenue “M”, BROOKLYN</b> Special Permit: Z.R. §73-622 – proposed legalization of an enlargement of a single family residence, contrary to Z.R. §23-14 for open space and floor area. The premise is located in R2 zoning district. <b>COMMUNITY BOARD #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Hearing – 5/16/06</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>9.</b>	<b>124-05-BZ</b>	<p>Greenberg Traurig LLP/Deirdre A. Carson, Esq. <b>482 Greenwich Street, MANHATTAN</b> Variance: Z.R. §72-21 – to allow proposed 11-story residential building with ground floor retail located in a C6-2A zoning district: contrary to Z.R. §35-00, 23-145, 35-52, 23-82, 13-143, and 13-142(a). <b>COMMUNITY BOARD #2M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 6/20/06</b></p>
<b>10.</b>	<b>187-05-BZ</b>	<p>Law Office of Fredrick A. Becker <b>78-20 67<sup>th</sup> Road, QUEENS</b> Variance: Z.R. §72-21 – proposal to build a two-family dwelling that will comply with all zoning requirements with the exception of two non-complying side yards and undersized lot area due to a pre-existing condition. <b>COMMUNITY BOARD #5Q</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted – 4/25/06</b></p>
<b>11.</b>	<b>202-05-BZ</b>	<p>Eric Palatnik, P.C. <b>11-11 131<sup>st</sup> Street, QUEENS</b> Special Permit: Z.R. §73-36 – to allow the proposed physical culture establishment in an M1-1 zoning district. <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Continued Hearing – 5/16/06</b></p>
<b>12.</b>	<b>323-05-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>488 Logan Street, BROOKLYN</b> Variance: Z.R. §72-21 – to allow a proposed two-family dwelling that does not provide a required side yard in an R5 zoning district, contrary to Z.R. §23-461(b). <b>COMMUNITY BOARD #5BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 6/6/06</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>13.</b>	<b>320-05-BZ</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector, LLP  <b>113/9 Fourth Avenue, a/k/a 101/117 East 12<sup>th</sup> Street,                      MANHATTAN</b>                      Special Permit: Z.R. §73-36 – to allow the proposed physical cultural establishment located on portion of the cellar and first floor of an existing eight-story mixed use building in a C6-1 zoning district.  <b>COMMUNITY BOARD #3M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 5/16/06</b></p>
<b>14.</b>	<b>351-05-BZ</b>	<p>The Law Offices of Howard Goldman/Emily Simons, Esq.  <b>146 Conover Street, BROOKLYN</b>                      Variance: Z.R. §72-21 – to allow a proposed four (4) story residential building containing eight (8) dwelling units in an M2-1 zoning district; contrary to Z.R. §42-00.  <b>COMMUNITY BOARD #6BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 7/11/06</b></p>
<b>15.</b>	<b>369-05-BZ</b>	<p>Eric Palatnik, P.C.  <b>908 Clove Road, STATEN ISLAND</b>                      Variance: Z.R. §72-21 – to allow a proposed four (4) story multiple dwelling containing thirty (30) dwelling units in an R3-2 (HS) zoning district; contrary to Z.R. §§23-141, 23-22, 23-631, 25-622, 25-632.  <b>COMMUNITY BOARD #1SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 6/13/06</b></p>

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

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