

**NEW YORK CITY BOARD OF STANDARDS AND APPEALS**

**REGULAR MEETING**

**TUESDAY MORNING, April 4, 2006**

**10:00 A.M.**

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>148-03-BZ</b>	Francis R. Angelino, Esq. <b>111/113 West 28<sup>th</sup> Street, MANHATTAN</b> Reopening for an amendment to a previously approved five-story and penthouse mixed commercial and residential building to add a mezzanine in the residential penthouse, located in an M1-6 zoning district. <b>COMMUNITY BOARD #5M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status:   Granted – 4/4/06</b>

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

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<i><b>SOC – NEW CASES</b></i>		
<b>2.</b>	<b>540-53-BZ</b>	<p>Joseph P. Morsellino, Esq. <b>87-17 111<sup>th</sup> Street, QUEENS</b> Reopening for extension of term/waiver for an existing parking lot accessory to a commercial building. The premise is located in a C2-4 and R3-1 zoning district. <b>COMMUNITY BOARD #9Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/2/06</b></p>
<b>3.</b>	<b>295-77-BZ</b>	<p>Walter T. Gorman, P.E. <b>87-10 Northern Boulevard, QUEENS</b> Reopening for extension of term/waiver of a variance Z.R. §72-21 for the continued use of a gasoline service station which expired on October 1, 2003 for an additional ten (10) years; and an amendment to legalize the conversion of a portion of the service building from office/sales and attendant’s area to an accessory convenience store, the erection of a trash enclosure, air pump tower and car vacuum, a public telephone and wooden planter boxes. The premise is located in an C1-2 in R4 zoning district. <b>COMMUNITY BOARD #3Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 5/16/06</b></p>
<b>4.</b>	<b>545-78-BZ</b>	<p>Petraro &amp; Jones, LLP <b>901/903 Pine Street, BROOKLYN</b> Reopening for an extension of term of a variance for a commercial vehicle storage establishment. The term expired on March 27, 2002. The application also seeks a waiver of the Board’s rules of practice and procedure for an extension of term application filed more than one year, but less than two years, following expiration of the term. The premise is located in an R4 zoning district. <b>COMMUNITY BOARD #5BK</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Continued Hearing – 5/16/06</b></p>

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<b>APPEALS – DECISIONS</b>		
<b>5.</b>	<b>231-04-A</b>	Joseph P. Morsellino, Esq. <b>240-79 Depew Avenue, QUEENS</b> Proposed one-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. <b>COMMUNITY BOARD #11Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Deferred Decision – 5/16/06</b>

<b>APPEALS – CONTINUED HEARINGS</b>		
<b>6.</b>	<b>162-05-A</b>	Jay Segal <b>19-21 Beekman Place, MANHATTAN</b> An appeal of a final determination from the Department of Buildings dated June 15, 2005 in which they contend that the a privacy wall must be demolished because it exceeds the height limitation set by the Building Code and that the project engineer has failed to show that the Wall has been engineered and built according to code. <b>COMMUNITY BOARD #6M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision – 6/6/06</b>

<b>APPEALS – NEW CASES</b>		
<b>7.</b>	<b>364-05-A &amp; 365-05-A</b>	Sheldon Lobel, P.C. <b>87-30 and 87-32 167<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 R5 zoning district. Current Zoning District is R4A. <b>COMMUNITY BOARD #8Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 6/6/06</b>

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1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>359-04-BZ</b>	<p>Eric Palatnik, P.C. <b>1425 East 24<sup>th</sup> Street, BROOKLYN</b> Special Permit: Z.R. §73-622 – to permit the legalization of an enlargement to an existing single family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard, is contrary to Z.R. §23-141 and §23-47. <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/4/06</b></p>
<b>2.</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: 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> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Granted – 4/4/06</b></p>
<b>3.</b>	<b>136-05-BZ</b>	<p>Gerald J. Caliendo, R.A. <b>1901 Nereid Avenue, THE BRONX</b> Variance: Z.R. §72-21 – to construct a two-family, two-story dwelling which does not comply with the front yard requirement pursuant to Z.R. §23-45 and is less than the required lot width/lot area pursuant to Z.R. §23-32. The premise is located in an R4 zoning district. <b>COMMUNITY BOARD #10BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/4/06</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>4.</b>	<b>194-05-BZ</b>	David L. Businelli, R.A. <b>5525 Amboy Road, STATEN ISLAND</b> Variance: Z.R. §72-21 – re-establish variance which expired on November 6, 1997, to permit, in an R3-X zoning district, the continued use of a one-story building for retail sales with accessory parking. <b>COMMUNITY BOARD #3SI</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted – 4/4/06</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>5.</b>	<b>146-04-BZ</b>	<p>Joseph Margolis <b>191 Edgewater Street, STATEN ISLAND</b> Variance: Z.R. §72-21 – to allow the residential conversion of an existing manufacturing building located in an M3-1 district contrary to Z.R. §42-00. <b>COMMUNITY BOARD #1SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Adjourned Hearing – 5/16/06</b></p>
<b>6.</b>	<b>320-04-BZ</b>	<p>Harold Weinberg, P.E. <b>229 Coleridge Street, BROOKLYN</b> Special Permit: Z.R. §73-622 – proposed legalization for a two-story and rear enlargement of an existing one-family dwelling, Use Group 1, located in an R3-1 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, open space and rear yard, is contrary to Z.R. §23-141, §23-47 and §54-31. <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/16/06</b></p>
<b>7.</b>	<b>5-05-BZ</b>	<p>Sheldon Lobel, P.C. <b>59-25 Fresh Meadow Lane, QUEENS</b> Special Permit: Z.R. §73-53 – to permit the enlargement of an existing non-conforming manufacturing building located within a district designated for residential use (R3-2). The application seeks to enlarge the subject contractor’s establishment (Use Group 16) by 2,499.2 square feet. <b>COMMUNITY BOARD #11Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Closed, Decision – 5/16/06</b></p>

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<b>BZ – CONTINUED HEARINGS</b>		
<b>8.</b>	<b>26-05-BZ</b>	<p>Cozen O’Connor  <b>1702/28 East 9<sup>th</sup> Street, a/k/a 815 Kings Highway, BROOKLYN</b>                      Variance: Z.R. §72-21 – to permit the proposed bulk variance, to facilitate the new construction of an 89 room hotel on floors 4-6, catering facility on floors 1-3, ground floor retail and three levels of underground parking, which creates non-compliance with regards to floor area, rear yard, interior lot, permitted obstructions in the rear yard, setback, sky exposure plane, loading berths and accessory off-street parking spaces, is contrary to Z.R. §33-122, §33-26, §33-432, §36-21, §33-23 and §36-62, located in a C4-2, C8-2 zoning districts.  <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Withdrawn – 4/4/06</b></p>
<b>9.</b>	<b>47-05-BZ</b>	<p>Cozen O’Connor  <b>90-15 Corona Avenue, QUEENS</b>                      Variance: Z.R. §72-21 – to permit the proposed construction of a partial five-story and partial nine-story, mixed-use building. There will be five commercial spaces located on the ground floor of the five-story portion and 174 residential units on the second through fifth floors of the five-story portion and on the ground through ninth floors of the nine-story portion. There are proposed 160 accessory self-parking spaces in the cellar and partial sub-cellar. The site is located in an R6B zoning district, with a C2-3 overlay. The proposal is contrary to Z.R. §23-145 and §23-633.  <b>COMMUNITY BOARD #4Q</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Adjourned Hearing – 5/2/06</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>10.</b>	<b>100-05-BZ</b>	<p>Martyn &amp; Don Weston <b>223 Water Street, a/k/a 48 Bridge Street, BROOKLYN</b> Variance: Z. R. §72-21 – to permit the proposed conversion of the second and third floors, of a six-story manufacturing building, to residential use, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00. <b>COMMUNITY BOARD #2BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Continued Hearing – 6/6/06</b></p>
<b>11.</b>	<b>289-05-BZ</b>	<p>Eric Palatnik, P.C. <b>1106-1108 Utica Avenue, BROOKLYN</b> <i>Tabernacle of Praise</i> Special Permits: Z.R. §73-50 – to waive Z.R. §33-292 for the required 30 foot open area at the rear of the community facility. The second Special Permit pursuant to Z.R. §73-431 request a waiver of Z.R. §36-21 relating to the parking requirement. The premise is located in a C8-1 zoning district. <b>COMMUNITY BOARD #17BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Closed, Decision – 5/2/06</b></p>
<b>12.</b>	<b>339-05-BZ</b>	<p>Eric Palatnik, P.C. <b>3574 Nostrand Avenue, BROOKLYN</b> <i>Congregation Lev Bais Yaakov</i> Variance: Z.R. §72-21 – to permit the proposed construction of a Yeshiva. The proposal is contrary to Z.R. §§33-121 (floor area) and 33-431 (a) (front wall height and sky exposure plane). The premise is located in an R4/C1-2 zoning district. <b>COMMUNITY BOARD #14BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Continued Hearing – 5/2/06</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>13.</b>	<b>274-04-BZ</b>	<p>Harold Weinberg, P.E. <b>2114 Gravesend Neck Road, BROOKLYN</b> Variance: Z.R. §72-21 – in an R4 district and on a lot consists of 2,470 SF, permission sought to legalize the extension of a medical use to the second floor or an existing building consisting of two-stories. The use is contrary to yard requirements. <b>COMMUNITY BOARD #15BK</b></p> <hr/> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <hr/> <p><b>Status: Continued Hearing – 6/6/06</b></p>
<b>14.</b>	<b>340-05-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>270 West 17<sup>th</sup> Street, a/k/a 124-128 Eighth Avenue, MANHATTAN</b> Variance: Z.R. §72-21 – in C1-6A, C6-2A, R8B districts, permission sought to legalize a physical culture establishment (PCE), located in the portions of the cellar and first floor of an existing 22-story mixed-use building. The proposed use is contrary to district use regulations. <b>COMMUNITY BOARD #4M</b></p> <hr/> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <hr/> <p><b>Status: Closed, Decision – 5/2/06</b></p>
<b>15.</b>	<b>349-05-BZ</b>	<p>Law Offices of Howard Goldman, LLC <b>325 East 101<sup>st</sup> Street, MANHATTAN</b> Variance: Z.R. §72-21 – to allow a proposed eight (8) story residential building with community facility use on the 1<sup>st</sup> and 2<sup>nd</sup> floor in an R7A zoning district; contrary to Z.R. §23-145, located in an R7A district office. <b>COMMUNITY BOARD #11M</b></p> <hr/> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <hr/> <p><b>Status: Continued Hearing -6/6/06</b></p>

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