

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, August 22, 2006
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	565-57-BZ	<p>Arcadius Kaszuba 5832 Broadway, THE BRONX Pursuant to Z.R. §§11-411 and 11-412: Extension of term, amendment of approval for a convenience store under Section 11-412, and request a waiver of the Rules of Procedure for the expiration of the term on December 17, 2004. The premise is located in C2-5 in R7-1 district. COMMUNITY BOARD #8BX</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 8/22/06</p>
2.	998-83-BZ	<p>Rothkrug Rothkrug & Spector, LLP 2940/4 Victory Boulevard, STATEN ISLAND Reopening for an extension of term of variance permitting accessory parking to an eating and drinking establishment (UG-6) in an R3-2 zoning district, contrary to Z.R. §22-10. The current term expired on April 10, 2004. COMMUNITY BOARD #2SI</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 8/22/06</p>
3.	301-85-BZ	<p>Francis R. Angelino, Esq. 58 East 86th Street, MANHATTAN Reopening for an extension of term for a previously approved use variance which allowed ground floor retail in a R10(P1) zoning district and request for a waiver of the Board’s Rules and Procedures for the expiration of the term on February 11, 2006. COMMUNITY BOARD #8M</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 8/22/06</p>
4.	197-00-BZ II	<p>Rothkrug Rothkrug Weinberg & Spector 420 Lexington Avenue, MANHATTAN Pursuant to Z.R. §73-11 and Z.R. §73-36: Amendment to a previously granted Physical Culture Establishment (Equinox Fitness) for the increase of 4,527 sq. ft. in additional floor area. COMMUNITY BOARD #5M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 8/22/06</p>

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5.	59-02-A II 160-02-A II 27-06-A	<p>Carlos Aguirre 23-81/23-83/24-01 89th Street, QUEENS Reopen and amend previously granted waivers under Section 35 of the General City Law that allowed the construction of two, two-family homes located in the bed of mapped street (24th Avenue). Proposal seeks to add an additional two family dwelling in the bed of mapped street thereby making three two-family dwellings. Premises is located within an R3-2 Zoning District. COMMUNITY BOARD #3Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 8/22/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
6.	413-50-BZ	<p>Eric Palatnik, P.C. 691/703 East 149th Street, THE BRONX Extension of term of a gasoline service station-UG 16 (BP North America) for 10 years which expired on November 18, 2005, and an amendment to legalize modifications to the previously approved signage. The premise is located in a C2-4/R7-1 zoning district. COMMUNITY BOARD #15BX</p> <p style="margin-left: 20px;">Examiner: Henry Segovia (212) 788-8757</p> <p style="margin-left: 20px;">Status: Continued Hearing – 10/17/06</p>
7.	405-71-BZ	<p>Sheldon Lobel, P.C. 3355 East Tremont Avenue, THE BRONX Special Permit pursuant to ZR §73-11 for the proposed redevelopment of an existing automotive service station (Shell Station) with accessory uses (UG16) to a gasoline service station (Hess) with an accessory convenience store (UG16). The premise is located in an C2-2/R4A zoning district. COMMUNITY BOARD #10BX</p> <p style="margin-left: 20px;">Examiner: Henry Segovia (212) 788-8757</p> <p style="margin-left: 20px;">Status: Closed, Decision – 9/12/06</p>
8.	129-93-BZ & 130-93-BZ	<p>The Law Office of Fredrick A. Becker 151-155 / 157-161 East 86th Street, MANHATTAN Extension of term of a physical culture establishment (New York Sports Club) which occupies the fifth floor and mezzanine of a five-story commercial building, and to amend the grant to legalize the expansion of the establishment into the third and fourth floors. The premise is located in a C2-8A and C5-1A zoning district. COMMUNITY BOARD #8M</p> <p style="margin-left: 20px;">Examiner: Henry Segovia (212) 788-8757</p> <p style="margin-left: 20px;">Status: Closed, Decision – 9/12/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
9.	111-01-BZ	Eric Palatnik, P.C. 9001 Ditmas Avenue, BROOKLYN Extension of term for 10 years for an accessory drive thru facility at an eating and drinking establishment (<i>Wendy’s Restaurant</i>). The one-year term expired February 1, 2006. An amendment is also proposed to extend the hours of operation of the accessory drive-thru facility until 4 a.m. daily. The premise is located in a C1-2 / R-5 zoning district. COMMUNITY BOARD #17BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Continued Hearing – 2/26/06

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<i>SOC – NEW CASES</i>		
10.	308-64-BZ	<p>Sheldon Lobel, P.C. 747-751 Madison Avenue, a/k/a 30-38 East 65th Street, MANHATTAN Extension of term/waiver of a variance for the use of 15 surplus attended transient parking spaces within a multiple dwelling presently located in a C5-1/R8/MP zoning district. The original grant was made pursuant to Section 60(3) of the Multiple Dwelling Law. COMMUNITY BOARD #8M</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Continued Hearing – 9/12/06</p>
11.	670-83-BZ	<p>Eric Palatnik, P.C. 488 West 44th Street, MANHATTAN Extension of term for 10 years, amendment and waiver for a non-conforming talent agency (UG6) in the basement of a residential building. The premise is located in an R8 (Special Clinton District) zoning district. COMMUNITY BOARD #4M</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Closed, Decision – 9/26/06</p>
12.	144-89-BZ	<p>Law Offices of Howard Goldman, LLC 1800 Second Avenue, MANHATTAN Extension of time/waiver to complete construction on a 10-story residential building with retail on the ground floor which expired on December 15, 2003. The premise is located in a C2-8(TA) zoning district. COMMUNITY BOARD #8M</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Continued Hearing – 9/26/06</p>

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<i>SOC – NEW CASES</i>		
13.	331-98-BZ	<p>Sheldon Lobel, P.C. 1426-1428 Fulton Street, BROOKLYN Extension of term/waiver for a special permit under section 73-244 of the zoning resolution which permitted the operation of an eating and drinking establishment with entertainment and dancing with a capacity of more than 200 persons at the premises. The site is located in a C2-3/R6 zoning district. COMMUNITY BOARD #3BK</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Continued Hearing – 10/17/06</p>
14.	149-01-BZ	<p>Eric Palatnik, P.C. 88-90 Jane Street, MANHATTAN Extension of time to complete construction for the inclusion of the first and cellar floor areas of an existing six-story building for residential use and to obtain a Certificate of Occupancy which expired on June 18, 2006. The premise is located in an R6 zoning district. COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 9/19/06</p>

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<i>APPEALS – DECISIONS</i>		
15.	361-05-BZY & 366-05-A	<p>Greenberg & Traurig, LLP 1638 Eighth Avenue, BROOKLYN 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. COMMUNITY BOARD #7BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: 361-05-BZY - Granted – 8/22/06 366-05-A – Denied 8/22/06</p>
16.	364-05-A & 365-05-A	<p>Sheldon Lobel, P.C. 87-30 and 87-32 167th Street, 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: Closed, Decision – 9/19/06</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
17.	161-05-A	<p>Tottenville Civic Association 7194, 7196 Amboy Road, 26 Joline Avenue STATEN ISLAND Appeal challenging Department of Building's determination that the subject premises is comprised of two separate zoning lots based on Department of Building's interpretation of §ZR 12-10 (c) and (e). COMMUNITY BOARD#3SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 9/19/06</p>
18.	356-05-A & 357-05-A	<p>Fredrick A. Becker, Esq. 150 & 152 Beach 4th Street, 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. New zoning district is R3X as of September 15, 2005. COMMUNITY BOARD#14Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 9/19/06</p>

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<i>APPEALS – NEW CASES</i>		
19.	332-05-A & 333-05-A	<p>Rothkrug Rothkrug Weinberg & Spector 72 and 74 Summit Avenue, STATEN ISLAND Application to permit the construction of two one family dwellings within the bed of a mapped street (Enfield Place). Contrary to General City Law Section 35. Premises is located in an R4 Zoning district. COMMUNITY BOARD #2SI Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 9/26/06</p>
20.	346-05-A	<p>Joseph A. Sherry 51-17 Rockaway Beach Boulevard, QUEENS Application to permit an enlargement of a commercial structure located partially in the bed of a mapped street (Beach 52nd Street) contrary to the General City Law Section 35. Premises is located within the C8-1 Zoning district. COMMUNITY BOARD #14Q Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 9/12/06</p>
21.	57-06-A	<p>Willy C. Yuin, R.A. 141, 143, 145, 147 Storer Avenue, STATEN ISLAND Proposal to construct a two story commercial building not fronting on a mapped street contrary to General City Law Section 36. Premises is located in an M1-1 Zoning District. COMMUNITY BOARD #3SI Examiner: Toni Matias (212) 788-8752 Status: Granted – 8/22/06</p>

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1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	286-04-BZ & 287-04-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 85-78 & 85-82 Santiago Street, QUEENS 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. COMMUNITY BOARD #8Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 8/22/06</p>
2.	364-04-BZ	<p>Sheldon Lobel, P.C. 690/702 New Lots Avenue, BROOKLYN Variance: Z.R. §72-21 – to permit the construction of a one-story commercial building, for use as three retail (UG 6) stores. The site is located in an R5 residential district, and the development is contrary to district use regulations per Z.R. §22-00. COMMUNITY BOARD #5BK Examiner: Roy Starrin (212) 788-8797 Status: Withdrawn – 8/22/06</p>
3.	47-05-BZ	<p>Cozen O’Connor 90-15 Corona Avenue, QUEENS Variance: Z.R. §72-21 – to permit the proposed construction of a mixed-use six-story building with ground floor commercial, 138 residential units, and 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. COMMUNITY BOARD #4Q Examiner: Rory Levy (212) 788-8749 Status: Deferred Decision – 9/12/06</p>
4.	310-05-A & 311-05-BZ	<p>Joseph P. Morsellino, Esq. 165-18/28 Hillside Avenue, QUEENS Special Permit: Z.R. §73-27 – to legalize the existing second floor use in a funeral establishment located in a C4-2 zoning district. Request to reinstate the site’s expired A case (232-52-A) to allow use of the building for commercial purposes. COMMUNITY BOARD #12Q Examiner: Rory Levy (212)788-8749/Toni Matias (212)788-8752 Status: Granted – 8/22/06</p>

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<i>BZ – DECISIONS</i>		
5.	351-05-BZ	<p>The Law Offices of Howard Goldman/Emily Simons, Esq. 146 Conover Street, BROOKLYN Variance: Z.R. §72-21 – to allow a proposed four-story residential building containing eight dwelling units in a M2-1 zoning district; contrary to Z.R. §42-00. COMMUNITY BOARD #6BK</p> <p style="color: green;">Examiner: Jed Weiss (212) 788-8781</p> <p style="color: red;">Status: Granted – 8/22/06</p>
6.	32-06-BZ	<p>Stadtmauer Bailkin, LLP 5935 Broadway, THE BRONX <i>Manhattan College</i> Special permits: Z.R. §73-482 and §73-49 – to allow an accessory group parking facility in excess of 150 spaces and to allow roof-top parking. Zoning variance pursuant to Z.R. Section 72-21 is also proposed to allow proposed parking facility to violate applicable height and setback requirements of Z.R. Section 33-431. The site is located within an R6/C2-3 zoning district. COMMUNITY BOARD #8BX</p> <p style="color: green;">Examiner: Jed Weiss (212) 788-8781</p> <p style="color: red;">Status: Granted – 8/22/06</p>
7.	40-06-BZ	<p>The Law Office of Fredrick A. Becker 10 Hanover Square, MANHATTAN Special Permit: Z.R. §73-36 – to allow the operation of a physical culture establishment (PCE) on the cellar and sub-cellar levels in a 21-story mixed-use building. The premise is located in a C5-5 (LM) zoning district. The proposal requests a waiver of Z.R. Section 32-00 (Use Regulations). COMMUNITY BOARD #1M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted – 8/22/06</p>

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8.	66-06-BZ	Slater & Beckerman, LLP 22-40 90th Street, QUEENS <i>Vaughn College of Aeronautics and Technology</i> Variance: Z.R. §72-21 – to permit the construction of a new three-story college dormitory that does not conform to the use regulations of the M1-1 zoning district. COMMUNITY BOARD #3Q
		Examiner: Jed Weiss (212) 788-8781
		Status: Granted – 8/22/06

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<i>BZ – CONTINUED HEARINGS</i>		
9.	290-02-BZ thru 314-02-BZ and 374-03-BZ thru 376-03-BZ	<p>Rothkrug Rothkrug & 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 and 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. The subject site is located in an M1-1 zoning district, and the proposal would create 56 dwelling units and 56 parking spaces. The proposal is contrary to applicable use regulations pursuant to Z.R. §42-10. COMMUNITY BOARD #7Q</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Continued Hearing – 9/26/06</p>
10.	194-04-BZ thru 199-04-BZ	<p>Mitchell S. Ross, Esq. 9029-9039 Krier Place, BROOKLYN Variance: Z.R. §72-21 – to permit six two-family dwellings, contrary to Z.R. §42-10, located in an M1-1 zoning district. COMMUNITY BOARD #18BK</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Continued Hearing – 10/17/06</p>
11.	204-05-BZ	<p>Harold Weinberg 2211 Avenue T, BROOKLYN Special Permit: Z.R. §73-622 – for an enlargement which increases the degree of non-compliance for floor area, open space, lot coverage and side yards, contrary to Z.R. §§23-141 and 23-461. The application also proposes a change from a one-family dwelling to a two-family dwelling. COMMUNITY BOARD #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 9/12/06</p>
12.	313-05-BZ	<p>Sheldon Lobel, P.C. 26 East 2nd Street, MANHATTAN Variance: Z.R. §72-21 – to allow a proposed enlargement of an existing residential building located in C6-1 and R7-2 districts contrary to rear yard regulations (Z.R. § 23-47). COMMUNITY BOARD #3M</p> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Continued Hearing – 10/17/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
13.	10-06-BZ	Harold Weinberg 2251 East 12th Street, BROOKLYN Special Permit: Z.R. §73-622 – for the enlargement of a single family residence which increases the degree of non-compliance for lot coverage and side yards (Z.R. §§23-141 & 23-48), exceeds maximum permitted floor area (Z.R. §23-141) and proposes less than the minimum rear yard (Z.R. §23-47). The premise is located in an R4 zoning district. COMMUNITY BOARD #15BK
		Examiner: Henry Segovia (212) 788-8757
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<i>BZ – NEW CASES</i>		
14.	288-05-BZ	<p>Harold Weinberg, P.E. 1060 82nd Street, BROOKLYN Special Permit: Z.R. §73-622 – for an in-part legalization to a single family home which exceeds the allowable FAR and is less than the allowable open space (§23-141) and exceeds the maximum allowable perimeter wall height (§23-631). The premise is located in an R3-1 zoning district. COMMUNITY BOARD #10BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 9/26/06</p>
15.	336-05-BZ	<p>Stuart A. Klein, Esq. 495 Broadway, MANHATTAN Special permit: Z.R. §73-36 – to permit a physical culture establishment to occupy the third and a portion of the second floor of an existing building. The premise is located in M1-5B zoning district. The proposal is contrary to Z.R. §42-00. COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Closed, Decision – 9/12/06</p>
16.	56-06-BZ	<p>The Law Office of Fredrick A. Becker 1060 East 24th Street, BROOKLYN Special Permit: Z.R. §73-622 – for the enlargement of an existing one-family residence which exceeds the maximum allowed floor area and decreases the minimum allowed open space as per Z.R. §23-141 and has less than the minimum required rear yard as per Z.R. §23-47. The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 9/19/06</p>

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<i>BZ – NEW CASES</i>		
17.	72-06-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 1 Park Avenue, MANHATTAN Special Permit: Z.R. §73-36 – to permit proposed physical culture establishment within a portion of the first floor and the entire second floor of the existing 18-story commercial building. The premise is located in a C5-3 and C6-1 zoning district. COMMUNITY BOARD #5M Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 9/19/06</p>
18.	94-06-BZ	<p>Dennis D. Dell'Angelo 1221 East 29th Street, BROOKLYN Special Permit: Z.R. §73-622 – to permit a three story enlargement to an existing single family home contrary to regulations for open space and floor area ratio (Z.R. §23-141), rear yard (Z.R. §23-47) and side yards (Z.R. §23-48). The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/19/06</p>
19.	113-06-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 3030 Broadway, MANHATTAN Variance: Z.R. §72-21 – to allow a proposed 13-story academic building to be constructed on the campus of Columbia University, contrary to lot coverage and height and setback waivers (Z.R. §§24-11 and 24-522). COMMUNITY BOARD #8M Examiner: Jed Weiss (212) 788-8781 Status: Closed, Decision – 9/12/06</p>

*****DISCLAIMER*****

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