

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, December 12, 2006

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	441-65-BZ	<p>Sheldon Lobel, P.C. 2488 Hylan Boulevard, STATEN ISLAND Amendment to a previously granted special permit (§73-211) for the redevelopment of a gasoline service station, to construct an accessory convenience store (Hess Express), a new canopy, six pump islands with MPD dispensers, and one diesel fuel dispenser. C2-1/R3-2 zoning district. COMMUNITY BOARD #2SI Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/12/06</p>
2.	466-89-BZ	<p>Eric Palatnik, P.C. 526, 528 and 536 Sterling Place, BROOKLYN Amendment to a previously granted Variance (§72-21) for the enlargement of an existing funeral home (UG7) to allow the increase of 1,250 square feet to the existing structure in an R6 zoning district. COMMUNITY BOARD #8BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/12/06</p>
3.	17-93-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 160 Columbus Avenue, a/k/a 1992 Broadway, MANHATTAN Extension of term of a previously granted special permit (§73-36) for a physical cultural establishment (Reebok Sports Club/NY Ltd.) which expired on June 7, 2004; a waiver to file more than a year after the expiration of the term; extension of time to obtain a permanent certificate of occupancy and an amendment for the change in management/ownership and the hours of operation. C4-7(L) zoning district. COMMUNITY BOARD #7M Examiner: Henry Segovia (212) 788-8757 Status: Adjourned Decision – 1/9/07</p>
4.	139-95-BZ	<p>Rothkrug Rothkrug & Spector, LLP 250 East 54th Street, MANHATTAN Extension of Term for a Special Permit (§73-36) to allow a physical cultural establishment in a C1-9(TA) zoning district. COMMUNITY BOARD #6M Examiner: Carlo Costanza (212) 788-8739 Status: Granted – 12/12/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
5.	31-06-BZ	Sheldon Lobel 102-10 159th Road, QUEENS To consider dismissal. COMMUNITY BOARD #10Q Examiner: Jed Weiss (212) 788-8781 Status: Withdrawn – 12/12/06

<i>SOC – NEW CASES</i>		
6.	615-57-BZ	Sheldon Lobel, P.C. 154-11 Horace Harding Expressway, QUEENS Extension of term for 10 years, waiver of the rules for a gasoline service station (Exxon) which expired on June 5, 2003, and an extension of time to obtain a certificate of occupancy. R-4 zoning district. COMMUNITY BOARD #7Q Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 1/9/07
7.	304-82-BZ	Bryan Cave, LLP 36 East 22nd Street, MANHATTAN Reopen and amend an existing variance (§72-21) granted in 1984 for the conversion to residential for floors two through nine in a commercial building. M1-5M zoning district. COMMUNITY BOARD #5M Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 1/9/07
8.	16-95-BZ	Stadtmauer Bailkin, LLP 434 East 77th Street, MANHATTAN Extension of time to complete construction on a previously granted variance, which expired on October 23, 2003, for a UG8 parking garage with accessory auto repairs, and a proposed amendment to permit the legalization of ramps within existing parking garage and relocation of accessory office from the first floor to the second floor. R8B zoning district. COMMUNITY BOARD #8M Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 1/9/07

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<i>SOC – NEW CASES</i>		
9.	56-96-BZ	<p>Agusta & Ross 32-02 Linden Place, QUEENS Extension of term and waiver of the rules for Special Permit (§73-36) to allow a physical culture establishment (Fountain of Youth Health Spa) in an M1-1 zoning district which expired on March 1, 2006, and an amendment to permit a change in the hours of operation and a change in ownership/control of the PCE. COMMUNITY BOARD #7Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 1/9/07</p>
10.	395-04-BZ	<p>Moshe M. Friedman, P.E. 1232 54th Street, BROOKLYN Reopening and amendment to a previously-granted variance (§72-21) that allowed bulk waivers for a new house of worship in an R5 district. The proposed amendment includes (1) increase in floor area and FAR, (2) increase in perimeter wall height; and (3) minor reduction in front yard. COMMUNITY BOARD #12BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 1/23/07</p>
11.	48-05-BZ	<p>Wachtel & Masyr, LLP 469 West Street, a/k/a Bethune Street, MANHATTAN Reopening and amendment of a previously granted variance (§72-21) that allowed a 15- and 3-story residential building with ground floor retail (UG 6) and 60 accessory parking spaces in C1-7A and C1-6A zoning districts. The proposed amendment includes (1) change in ground floor use from retail to residential; (2) dwelling units to increase from 64 to 84; (3) minor increase in lot coverage; and (4) modifications to the building's height and setback. COMMUNITY BOARD #2M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 1/9/07</p>

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<i>APPEALS – DECISIONS</i>		
12.	85-06-BZY	<p>Eric Palatnik, P.C. 1623 Avenue “P”, BROOKLYN Proposed extension of time (§11-331) to complete construction of a minor development for a mixed-use building under the prior R6 zoning district. New zoning district is R4-1. COMMUNITY BOARD #14BK Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 1/23/06</p>
13.	117-06-A	<p>Eric Palatnik, P.C. 1373 East 13th Street, BROOKLYN 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 R6 Zoning District. R4-1 zoning district. COMMUNITY BOARD #14BK Examiner: Toni Matias (212) 788-8752 Status: Granted – 12/12/06</p>
14.	164-06-A	<p>Cozen O’Connor 148 East 63rd Street, MANHATTAN Appeal to the Order of Closure issued by the Department of Buildings on June 30, 2006 pursuant to Administrative Code Section 26-127.2 regarding the use of the basement, first, second and third floors of the subject premises for commercial use in a residential zoning district. COMMUNITY BOARD #8M Examiner: Toni Matias (212) 788-8752 Status: Denied – 12/12/06</p>
15.	270-06-A	<p>NYC Department of Buildings 148 East 63rd Street, MANHATTAN Application to revoke Certificate of Occupancy on the grounds that the non-conforming Use Group 5 of the premises has been discontinued for a period of two or more years and therefore has lapsed pursuant to §52-61. COMMUNITY BOARD #8M Examiner: Toni Matias (212) 788-8752 Status: Granted – 12/12/06</p>

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<i>APPEALS – DECISIONS</i>		
16.	231-06-BZY	Rothkrug Rothkrug and Spector 102 Greaves Avenue, STATEN ISLAND Extension of time to complete construction and obtain a Certificate of Occupancy for a minor development under (§11-332) for a single family home. R3-1 zoning district. COMMUNITY BOARD #3SI
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 12/12/06

<i>APPEALS – CONTINUED HEARINGS</i>		
17.	84-06-BZY	Eric Palatnik, P.C. 1472 East 19th Street, BROOKLYN Proposed extension of time to complete construction of a minor development (§11-331) for a four-story, mixed use building. Prior zoning was R6 and new zoning district is R4-1 as of April 5, 2006. COMMUNITY BOARD #14BK
		Examiner: Toni Matias (212) 788-8752
		Status: Continued Hearing – 1/23/07
18.	166-06-BZY	Eric Palatnik, P.C. 84-59 162nd Street, QUEENS Proposed extension of time (§11-331) to complete construction of a minor development for a multi-family building under the prior R4 zoning district. New zoning is R4-1. COMMUNITY BOARD #8Q
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 1/30/07
19.	182-06-A thru 211-06-A	Stadtmauer Bailkin, LLP Beach 5th Street, Beach 6th Street and Seagirt Avenue, 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. R4-A zoning district. COMMUNITY BOARD #14Q
		Examiner: Toni Matias (212) 788-8752
		Status: Continued Hearing – 1/23/07

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<i>APPEALS – NEW CASES</i>		
20.	139-06-A	<p>Gary Lenhart, R.A. 1 Irving Walk, QUEENS Proposed reconstruction and enlargement of an existing one-family dwelling located within the bed of mapped street (Oceanside Avenue), and the proposed upgrade of an existing private disposal system, contrary to §35 of the General City Law and the Department of Buildings Policy. R4 zoning district. COMMUNITY BOARD #14Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 12/12/06</p>
21.	169-06-A	<p>Timothy Costello 175 Oceanside Avenue, BROOKLYN Proposed reconstruction and enlargement of an existing one family dwelling located partially within the bed of mapped street (Oceanside Avenue) contrary to §35 of the General City Law. R4 zoning district. COMMUNITY BOARD #14BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 12/12/06</p>

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<i>BZ – DECISIONS</i>		
1.	290-04-BZ	<p>Stuart A. Klein, Esq. 341-349 Troy Avenue, BROOKLYN Variance (§72-21) to permit a six-story and penthouse mixed-use residential/commercial building with 34 dwelling units and 34 accessory parking spaces in a R4 zoning district. The proposal is contrary to use (§22-00), residential FAR, lot coverage and open space (§23-141(b)); residential perimeter and wall heights and sky exposure plane (§23-631(b)); residential parking (§23-222); residential lot area (§25-23), front yard (§23-45); and residential side yard (§23-462(a)). COMMUNITY BOARD #9BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Withdrawn – 12/12/06</p>
2.	175-05-BZ	<p>Eric Palatnik, P.C. 18-24 Luquer Street, BROOKLYN Variance (§72-21) to allow the construction of a proposed four story multi-family dwelling containing 16 dwelling units and eight accessory parking spaces. Project site is located in an M1-1 zoning district and is contrary to Z.R. §42-00. COMMUNITY BOARD #6BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Adjourned Decision – 1/9/07</p>
3.	359-05-BZ	<p>Sheldon Lobel, P.C. 1927-1933 Flatbush Avenue, BROOKLYN Special Permit (§73-211) to allow an existing gasoline station with accessory convenience store in an R5/C2-2 zoning district. COMMUNITY BOARD #18BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 12/12/06</p>
4.	51-06-BZ	<p>Sheldon Lobel, P.C. 188-02/22 Union Turnpike, QUEENS Variance (§72-21) to legalize a dance studio (§32-18) and permit the operation of a physical cultural establishment (§32-00) in a 13,384 SF one-story commercial structure in a C1-2/R2 district. COMMUNITY BOARD #8Q</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Granted – 12/12/06</p>

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<i>BZ – DECISIONS</i>		
5.	104-06-BZ	<p>Eric Palatnik, P.C. 3584 Bedford Avenue, BROOKLYN Special Permit (§73-622) to partially legalize and partially alter an enlargement to a single family residence which is contrary to §23-141 (floor area and open space) and §23-46 (side yard). R-2 zoning district. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/12/06</p>
6.	121-06-BZ	<p>Sheldon Lobel, P.C. 495 East 180th Street, THE BRONX Application to request the re-establishment (§11-411 and §11-12) of previously granted variance permitting the operation of an automotive service station in a R7-1 zoning district and to legalize certain minor amendments made to the previously approved plans. COMMUNITY BOARD #6BX Examiner: Carlo Costanza (212) 788-8739 Status: Granted – 12/12/06</p>
7.	132-06-BZ	<p>Fried Frank Harris Shriver & Jacobson, LLP 122-136 Greenwich Avenue, MANHATTAN Variance (§72-21) to allow an 11-story, 36-unit residential building with ground floor retail and community facility uses on a site zoned C6-2A and C1-6, contrary to floor area, lot coverage, rear yard, height and setback, inner court, and elevator bulkhead requirements (§§ 23-145, 35-31, 23-47, 35-24, 23-633, 23-851 and 33-42). COMMUNITY BOARD #2M Examiner: Jed Weiss (212) 788-8781 Status: Granted – 12/12/06</p>
8.	140-06-BZ	<p>Sheldon Lobel, P.C. 25-29 Belvidere Street, BROOKLYN Special Permit (§73-53) to allow proposed four-story enlargement of an existing and conforming four-story manufacturing building located in an M1-1 zoning district. The proposal is contrary to FAR §43-12, Wall height, total height, number of stories, setbacks, and sky exposure plane (§43-43). COMMUNITY BOARD #4BK Examiner: Rory Levy (212) 788-8749 Status: Granted – 12/12/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
9.	302-05-BZ	<p>Sheldon Lobel, P.C. 262-276 Atlantic Avenue, BROOKLYN Variance (§72-21) to allow a transient hotel (UG 5) in an R6A/C2-4 (DB) zoning district. Proposal is contrary to §§32-14 (use), 33-121 (FAR), 101-721 and 101-41(b) (street wall height), 101-351 (curb cut), and 35-24 (setback). COMMUNITY BOARD #2BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Adjourned Hearing – 2/6/07</p>
10.	128-06-BZ	<p>Juan D. Reyes III, Esq. 415 Washington Street, MANHATTAN Variance (§72-21) to allow a nine-story, 26-unit residential building with 26 parking spaces in an M1-5 district (Area B-2 of Special Tribeca Mixed Use District). The development would be contrary to use (§111-104(d) and 42-10), height and setback (§43-43), floor area ratio (§111-104(d) and 43-12), and parking regulations (§13-12). COMMUNITY BOARD #1M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 1/23/07</p>
11.	252-06-BZ	<p>Randolph Croxton 55 East 175th Street, BRONX Variance (§72-21) to permit the construction of a four-story (UG 4) community center facility, contrary to rear yard regulations (§24-36 and §24-393), in an R8 zoning district. COMMUNITY BOARD #5BX</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 1/9/07</p>

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<i>BZ – NEW CASES</i>		
12.	151-04-BZ	<p>Philips Nizer, LLP 1385 Commerce Avenue, BRONX Special Permit (§73-36) for the legalization of an existing physical culture establishment (Star Fitness) in an M3-1 zoning district. COMMUNITY BOARD #10BX</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 1/23/07</p>
13.	378-04-BZ	<p>Sheldon Lobel, P.C. 94 Kingsland Avenue, BROOKLYN Variance (§72-21) to permit the construction of a four-story residential building and a four-car garage located on a vacant lot in an M1-1 zoning district. The proposal is contrary to §42-00. COMMUNITY BOARD #1BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 2/6/07</p>
14.	111-06-BZ	<p>Sheldon Lobel, P.C. 136 Norfolk Street, BROOKLYN Special Permit (§73-622) for the in-part legalization of an enlargement to a single family residence. This application seeks to vary open space and floor area (§23-141); side yard (§23-48) and perimeter wall height (§23-631) regulations. R3-1 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 1/30/07</p>
15.	115-06-BZ	<p>Harold Weinberg 1820 East 28th Street, BROOKLYN Special Permit (§73-622) for the enlargement of a single family detached residence. This application seeks to vary open space, floor area and lot coverage (§23-141); side yard (§23-461) and rear yard (§23-47) in an R3-2 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 1/23/07</p>

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<i>BZ – NEW CASES</i>		
16.	124-06-BZ	<p>Law Office of Fredrick A. Becker 1078 East 26th Street, BROOKLYN Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141); side yard (§23-48) and rear yard (§34-47) regulations. R-2 zoning district. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 1/9/07</p>
17.	138-06-BZ	<p>Law Office of Fredrick A. Becker 3447 Bedford Avenue, BROOKLYN Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141(a)) and rear yard (§23-47) in an R-2 zoning district. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 1/30/07</p>
18.	214-06-BZ	<p>Walter T. Gorman, P.E. 196-25 Hillside Avenue, QUEENS Special Permit (§11-411) for the re-establishment and extension of term for an existing gasoline service station, which has been in continuous operation since 1953. R3-2 zoning district. COMMUNITY BOARD #8Q Examiner: Carlo Costanza (212) 788-8739 Status: Continued Hearing – 1/30/07</p>
19.	216-06-BZ	<p>Sheldon Lobel, P.C. 35-17 Junction Boulevard, QUEENS Special Permit (§11-411 & §11-412) for the re-establishment and extension of term for an existing automotive service station, which has been in continuous operation since 1961 and legalization of certain minor amendments to previously approved plans. C1-4/R6-A zoning district. COMMUNITY BOARD #4Q Examiner: Carlo Costanza (212) 788-8739 Status: Continued Hearing – 1/30/07</p>

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