

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, December 13, 2005

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	871-46-BZ	<p>Joseph P. Morsellino, Esq. 97-45 Queens Boulevard, QUEENS Extension of Time/Waiver to obtain a Certificate of Occupancy which expired December 11, 2002. The premise is located in a C4-2 zoning district. COMMUNITY BOARD #6Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/13/05</p>
2.	436-53-BZ	<p>Vassalotti Associates 141-50 Union Turnpike, QUEENS Reopening for Extension of Term/Waiver for the operation of a gasoline service station which expired in February 24, 2004. The premise is located in an R3-2 zoning district. COMMUNITY BOARD #8Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/13/05</p>
3.	643-60-BZ	<p>Kenneth H. Koons 2443 Poplar Street, THE BRONX Extension of Term of variance for an existing public parking lot. The premise is located in an R4 zoning district. COMMUNITY BOARD #11BX Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/13/05</p>
4.	926-86-BZ	<p>Sheldon Lobel, P.C. 217-07 Northern Boulevard, QUEENS Extension of Term of Variance for the continued use of the existing automotive dealership for the sale and service of automobiles with repairs. The premise is located in R6B/C2-2 and R3X zoning district. COMMUNITY BOARD #11Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/13/05</p>

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<i>SOC – DECISIONS</i>		
5.	109-93-BZ	H. Irving Sigman 189-11 Northern Boulevard, QUEENS Reopening for Extension of Term/Amendment/Waiver for the continued UG 6 use on the first floor of residential building. Amend to change the use on the first floor from UG6 (Offices) to UG6 eating and drinking establishment with accessory food preparation and storage in the basement. The premise is located in an R3-2 zoning district. COMMUNITY BOARD #11Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 12/13/05

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<i>SOC – NEW CASES</i>		
6.	1016-84-BZ	<p>Martyn & Don Weston 790-798 Coney Island Avenue, BROOKLYN Reopening for Extension of Term of a previously approved variance for the operation of an auto repair shop (UG 12) with accessory uses and an Amendment to reestablish and legalize auto body and fender work on site. The premise is located in a C8-2 and R-5 OP zoning district. COMMUNITY BOARD #12BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 1/10/06</p>
7.	4-95-BZ	<p>Harry Meltzer, R.A. 21/23 Hillside Avenue, MANHATTAN Reopening for the Extension of Term of a Use Group 8 public parking lot for 48 cars. The premise is located in an R7-2 zoning district. COMMUNITY BOARD #12M Examiner: Henry Segovia (212) 788-8757 Status: Postponed Hearing – 1/24/06</p>
8.	337-03-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 340 Madison Avenue, a/k/a 16 East 44th Street, MANHATTAN Reopening for an amendment to a previously approved variance which permitted the enlargement of the 21-story office, retail and church building. The applicant is requesting a proposed modification of plans. The site is located in a C5-3 zoning district. COMMUNITY BOARD #5M Examiner: Roy Starrin (212) 788-8797 Status: Closed, Decision – 1/24/06</p>
9.	206-04-BZ	<p>Steven M. Sinacori/Stadtmauer Bailkin, LLP 1901 Ocean Parkway, BROOKLYN Reopening for an amendment to reflect the installation of additional security measures, the relocation of an outdoor play area, waiver of required parking and loading berths, changes to landscaping and a building projection. The premise is located in an R5 within Ocean Parkway Special District. COMMUNITY BOARD #15BK Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 1/10/06</p>

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<i>APPEALS – DECISIONS</i>		
10.	53-04-A thru 62-04-A	<p>New York City Department of Buildings OWNER OF RECORD: Thomas Huang 140-26A/28/28A/30/30A/32/32A/34/34A/36 34th Avenue, QUEENS</p> <p>Application to Revoke Certificate of Occupancies on the basis that the Certificate of Occupancies allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code. COMMUNITY BOARD #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 12/13/05</p>
11.	103-05-A	<p>Rothkrug Rothkrug Weinberg & Spector, LLP 366 Nugent Street, STATEN ISLAND</p> <p>Application for an Appeal of the Department of Buildings decision dated April 22, 2005 refusing to lift the “Hold” on Application #500584799, and renew a building permit on approved plans for alteration to an existing one-family dwelling, based on a determination by the Department of City Planning dated February 2, 2005 that CPC approval of a restoration plan is required pursuant to Section 105-45 of the Zoning Resolution. Premises is located in an R1-2(NA-1) zoning district COMMUNITY BOARD #2SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Denied – 12/13/05</p>
12.	116-05-BZY	<p>Fredrick A. Becker, Esq. 22-08 43rd Avenue, QUEENS</p> <p>Proposed extension of time to complete construction for a two family home for a period of six months pursuant to Z.R. §11-331 under prior R3-2 zoning district. As of April 12, 2005 the new Zoning District is R3-X. COMMUNITY BOARD #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 12/13/05</p>

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13.	117-05-BZY	Fredrick A. Becker, Esq. 43-05 222nd Street, QUEENS Proposed extension of time to complete construction for a two family home for a period of six months pursuant to Z.R. §11-331 under prior R3-2 zoning district. As of April 12, 2005 the new Zoning District is R3-X. COMMUNITY BOARD #11Q
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 12/13/05

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<i>APPEALS – NEW CASES</i>		
14.	53-05-A	<p>The Agusta Group 62-41 Forest Avenue, QUEENS Proposed construction of a three story residential and a four story mixed use building fronting Forest Avenue, which lies partially in the bed of a mapped street (Greene Avenue) which is contrary to Section 35 of the General City Law. COMMUNITY BOARD #5Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 1/10/06</p>
15.	160-05-A	<p>Gary Lenhart, R.A. 458½ Hillcrest Walk, QUEENS Appeal to Department of Buildings to reconstruct and enlarge an existing single family frame dwelling situated in the bed of a mapped street contrary to General City Law Article 3, Section 35 and upgrading an existing non-conforming private disposal system which is contrary to Department of Buildings policy premise is located within an R4 zoning district. COMMUNITY B BOARD #14Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 12/13/05</p>
16.	144-05-BZY	<p>Alfonso Duarte 143-53/55 Poplar Avenue, QUEENS Proposed extension of time to complete construction pursuant to Z.R. §11-331 for two two-family attached dwellings. COMMUNITY BOARD #7Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Adjourned Hearing – 1/31/06</p>
17.	145-05-BZY	<p>Krzysztof Rostek 135 North 9th Street, BROOKLYN Proposed extension of time to complete construction pursuant to Z.R. §11-331 for a six family house. COMMUNITY BOARD #3BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 1/24/06</p>

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<i>APPEALS – NEW CASES</i>		
18.	324-05-BZY/ 348-05-A	<p>Kramer Levin Naftalis & Frankel, LLP 164-172 Perry Street, MANHATTAN Proposed extension of time to complete construction pursuant to Z.R. §11-332 for 2-story residential addition to an existing 6-story commercial building. Appeal case is seeking a determination that the owner of said premises has acquired a common-law vested right to continue development commenced under the prior C6-2 zoning district. Current Zoning District is R6A (C1-5) and (C1-7). COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 1/10/06</p>
	326-05-BZY/ 328-05-A	<p>Greenberg Traurig, LLP 163 Charles Street, MANHATTAN Proposed extension of time to complete construction pursuant to Z.R. §11-331 for the alteration and enlargement of the building. Appeal case is seeking a determination that the owner of said premises has acquired a common-law vested right to continue development commenced under the prior C6-2 zoning district. Current Zoning District is R6A (C1-5). COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 1/10/06</p>

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TUESDAY AFTERNOON, December 13, 2005

1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	156-03-BZ	<p>Law Offices of Howard Goldman, PLLC 135-35 Northern Boulevard, QUEENS Pursuant to Z.R. §72-21 a variance application to permit the construction of a seventeen-story (7.5 FAR) mixed-use building (Use Groups 2, 4 and 6) with a ground level retail use, a second floor community facility, and 200 residential units. There are proposed 229 parking spaces. The site is located in an R6 within a C2-2 overlay zoning district. The proposal is contrary to Z.R. §23-145, §35-31, §35-25, §36-331 and §36-21. COMMUNITY BOARD #7Q Examiner: Rory Levy (212) 788-8749 Status: Granted – 12/13/05</p>
2.	154-04-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 63 Rapeleye Street, BROOKLYN Variance: Under Z.R. §72-21 - to permit the proposed construction of a four family dwelling, Use Group 2, located in M1-1 zoning district. COMMUNITY BOARD #6BK Examiner: Roy Starrin (212) 788-8797 Status: Granted – 12/13/05</p>
3.	160-04-BZ & 161-04-A	<p>Mitchell S. Ross, Esq. 73 Washington Avenue, BROOKLYN Variance: Under 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. COMMUNITY BOARD #2BK Examiner: Rory Levy 212-788-8749 / Toni Matias 212-788-8752 Status: Continued Hearing – 3/14/06</p>

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<i>BZ – DECISIONS</i>		
4.	360-04-BZ	<p>Marcus Marino Architects. 38 Zephyr Avenue, STATEN ISLAND Variance: Under Z.R. §72-21 to permit the proposed enlargement of an existing one family dwelling, located in an R3X zoning district, which does not comply with the zoning requirements for side yards and lot width, is contrary to Z.R. §107-42 and §107-462. COMMUNITY BOARD #3SI</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 12/13/05</p>
5.	375-04-BZ	<p>Greenberg Traurig, LLP 1527, 1529 and 1533 60th Street, BROOKLYN Pursuant to Z.R. §72-21 a variance application to approve the proposed expansion of an existing jewelry manufacturer and wholesaler establishment. The site is located in an M1-1 zoning district. The proposal is contrary to Z.R. §§ 43-12, 43-302, and 43-43. COMMUNITY BOARD #12BK</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Granted – 12/13/05</p>
6.	42-05-BZ	<p>Sheldon Lobel, P.C. 1982 Bronxdale Avenue, BRONX Special Permit: under Z.R. §11-411 of the zoning resolution, to request an extension of term of the previously granted variance, which permitted the maintenance of a gasoline service station with accessory uses located in a R3-2 zoning district. The grant expired on April 26, 2004. COMMUNITY BOARD #11BX</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Granted – 12/13/05</p>

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<i>BZ – DECISIONS</i>		
7.	99-05-BZ	<p>Sheldon Lobel, P.C., for 500 Turtles, LLC, owner. 39 Downing Street, a/k/a 31 Bedford Street, MANHATTAN Variance: Under Z.R. §72-21 to permit the proposed enlargement of an existing restaurant, which is a legal non-conforming use, located on the first floor of a six-story mixed-use building, situated in an R6 zoning district, is contrary to Z.R. §22-10. COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Granted – 12/13/05</p>
8.	102-05-BZ	<p>Rothkrug Rothkrug Weinberg Spector 259 Vermont Street a/k/a 438 Glenmore Avenue, BROOKLYN Variance: Under Z.R. §72-21 to permit the proposed construction of a two family dwelling on a corner lot that does not provide one of the required front yards, to vary section ZR §23-45. The vacant lot is located in an R-5 zoning district. COMMUNITY BOARD #13BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 12/13/05</p>

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<i>BZ – CONTINUED HEARINGS</i>		
9.	260-04-BZ thru 262-04-BZ	<p>The Law Office of Fredrick A. Becker 222/218 Wallabout Street, BROOKLYN Variance: Under Z.R. §72-21 – to permit the construction of two four story, plus penthouse, three-family dwelling, located in an M1-2 zoning district, is contrary to Z.R. §42-00. COMMUNITY BOARD #1BK</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Continued Hearing – 2/28/06</p>
10.	344-04-BZ	<p>Alfonso Duarte, P.E. 202-01 Northern Boulevard, QUEENS Pursuant to Z.R. §72-21 a variance application to approve the proposed use of an open lot for the sale of new and used automobiles. The site is located in C2-2 within a R3-2 zoning district. The proposal is contrary to Z.R. §32-25. COMMUNITY BOARD #11Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 1/10/06</p>
11.	47-05-BZ	<p>Cozen O’Connor 90-15 Corona Avenue, QUEENS Variance: Under 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, §23-633 and §35-24. COMMUNITY BOARD #4Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 1/31/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
12.	72-05-BZ	Harold Weinberg, P.E. 245 Hooper Street, BROOKLYN Variance: under Z.R. §72-21 to permit the proposed erection of a synagogue and yeshiva, with accessory residences, Use Groups 2 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and open space ratio and is contrary to Z.R. §24-11, §23-142, §24-36 and §24-12. COMMUNITY BOARD #1BK
		Examiner: Rory Levy (212) 788-8749
		Status: Closed, Decision – 1/31/06
13.	156-05-BZ	Charles Rizzo and Associates (CR&A) 1 Seventh Avenue South, MANHATTAN Variance: under Z.R. §72-21 to allow a proposed six-story residential building with ground floor retail containing four (4) dwelling units in a C2-6 Zoning District; contrary to Z.R. §23-145, §23-22, §35-24 and §35-31. COMMUNITY BOARD #2M
		Examiner: Jed Weiss (212) 788-8781
		Status: Closed, Decision – 1/10/06

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<i>BZ – NEW CASES</i>		
14.	280-04-BZ & 281-04-A 282-04-BZ & 283-04-A	<p>Gerald Caliendo, R.A. 34-28 214th Place, QUEENS Variance: under Z.R. §72-21 – to permit the proposed two temporary air supported structures to cover 10 tennis courts accessory to non-commercial club contrary to Section 52-22 Z.R. & Section 52-30 Z.R. and also located in the bed of a mapped street contrary to General City Law Section 35 in an R-2A zoning district. COMMUNITY BOARD #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 2/7/06</p>
15.	89-05-BZ	<p>Stadtmauer Bailkin, LLP/ Steven M. Sinacori, Esq. 18 Heyward Street, BROOKLYN Variance: under 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</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 2/14/06</p>
16.	147-05-BZ	<p>Sheldon Lobel, P.C. 2402 Avenue “P”, BROOKLYN Variance: under Z.R. §72-21 – the proposed enlargement, of a two-story building, housing a synagogue and Rabbi’s apartment, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, side and front yards and front setback, is contrary to Z.R. §23-141, §24-11, §24-34, §24-35, and §24-521. COMMUNITY BOARD #15BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 1/10/06</p>

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17.	135-05-BZ	<p>Bryan Cave, LLP/Judith M. Gallent, Esq. 217 West 147th Street, MANHATTAN Variance: under Z.R. §72-21 – to allow the residential conversion of an existing non-comply building previously used as a school (former PS 90) located in an R7-2 district. The proposed conversion is contrary to Z.R. §23-142, §23-533 and §23-633. COMMUNITY BOARD #10M</p>
		Examiner: Jed Weiss (212) 788-8781
		Status: Closed, Decision – 1/24/06

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