

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, December 6, 2005

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	595-44-BZ	<p>Joanne Seminara, Esq. 30 Central Park South, MANHATTAN Reopening for Extension of Term of a variance which expired on July 12, 2005, to permit in a residence use district the change in occupancy of an existing 15 story building from apartment hotel and accessory restaurant, to non-resident doctors' offices and restaurant (cabaret with no dancing). The premise is located in an R-10H zoning district. COMMUNITY BOARD #5M</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 12/6/05</p>
2.	289-79-BZ	<p>David L. Businelli 547 Midland Avenue, STATEN ISLAND Extension of Term/Waiver for the continued use of a commercial vehicle and storage establishment (UG 16). The premise is located in an R3-2 zoning district. COMMUNITY BOARD #2SI</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 12/6/05</p>
3.	886-82-BZ	<p>Blaise Parascondala, Esq. 1356 Nostrand Avenue, BROOKLYN Reopening fro an amendment to a variance Z.R. §72-21 to increase the floor area for a community use facility which increases the degree of non-compliance into the required rear yard. The premise is located in a C1-3 (R7-1) zoning district. COMMUNITY BOARD #8BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 12/6/05</p>
4.	146-02-BZ	<p>Anthony DiProperzio, R.A., R.A.J. 138-27 247th Street, QUEENS Reopening for extension of time to obtain a Certificate of Occupancy so as to permit within a C1-2/R3-2 zoning district for a two-story addition to an existing retail establishment. COMMUNITY BOARD #8Q</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 12/6/05</p>

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<i>SOC – CONTINUED HEARINGS</i>		
5.	109-93-BZ	<p>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</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 12/13/05</p>
6.	213-96-BZ III	<p>Slater & Beckerman, LLP 51-53 Christopher Street, a/k/a 113 Seventh Avenue South, MANHATTAN Extension of Term/Waiver for an eating and drinking establishment with entertainment and dancing. The application also seeks to reopen and amend the resolution in regard to the operating plan for the (UG 12) use. The premise is located in an C4-5 zoning district. COMMUNITY BOARD #2M</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 1/10/06</p>
7.	132-97-BZ	<p>Alan R. Gaines, Esq. 227 Mansion Avenue, STATEN ISLAND Reopening for Extension of Term/Amendment/Waiver for an eating and drinking establishment with no entertainment or dancing and occupancy of less than 200 patrons, UG 6 located in a C-3 (SRD) zoning district. COMMUNITY BOARD #3SI</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 2/14/06</p>

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<i>SOC – NEW CASES</i>		
8.	165-02-BZ 167-02-BZ 169-02-BZ 171-02-BZ 173-02-BZ 175-02-BZ 186-02-BZ 188-02-BZ 190-02-BZ	Steve Sinacori, Esq. 143-147 Classon Avenue, a/k/a 380-388 Park Avenue and 149-159 Classon Avenue, BROOKLYN 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 site premise is located in an M1-1 zoning district. COMMUNITY BOARD #2BK Examiner: Rory Levy (212) 788-8749 Status: Continued Hearing – 1/31/06

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9.	364-36-BZ	<p>Joseph P. Morsellino 31-70 31st Street, QUEENS Extension of Term/Waiver of a variance which expired on February 11, 2005 for an additional 15 year term of an automotive service station. The premise is located in a C1-4 and R6B zoning district. COMMUNITY BOARD #1Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 1/24/06</p>
10.	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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 12/13/05</p>
11.	7-51-BZ	<p>Eric Palatnik, P.C. 6717/35 Fourth Avenue, BROOKLYN Extension of Term/Waiver permitting in a business use district, Use Group 6, using more than the permitted area and to permit the parking of patron’s motor vehicles in a residence use portion of the lot. The subject premises is located in an R-6/R7-1 (C1-3) zoning districts. COMMUNITY BOARD #8BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 1/10/06</p>
12.	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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 12/13/05</p>

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<i>SOC – NEW CASES</i>		
13.	384-74-BZ	<p>Sheldon Lobel, P.C. 3120 Heath Avenue, The BRONX Extension of Term of a public parking lot and an Amendment of a Variance Z.R. §72-21 to increase the number of parking spaces and to change the parking layout on site. The premise is located in an R4A zoning district. COMMUNITY BOARD #8BX Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 1/10/06</p>
14.	386-74-BZ	<p>Stadtmauer Bailkin/Steve Sinacori 4184/4186 Park Avenue, THE BRONX Reopening for an amendment to Z.R. §72-21 to permit the erection of a one story building for use an automobile repair shop which is not a permitted use. The proposed amendment pursuant to Z.R. §52-35 for the change of use from one non-conforming use (Automotive Repair Shop) to another non-conforming use (Auto Laundry). The premise is located in C4-4 zoning district. COMMUNITY BOARD #6BX Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 1/10/06</p>
15.	122-93-BZ	<p>Adam Rothkrug 895/99 Broadway, MANHATTAN Waiver of Rules/Extension of term and amendment for a legalization of an enlargement to a physical cultural establishment that added 7,605 sq. ft. on the second floor and an addition of 743 sq. ft. on the first floor mezzanine. The premises is located in an M1-5(M) zoning district. COMMUNITY BOARD #5M Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 1/10/06</p>

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<i>SOC – NEW CASES</i>		
16.	62-96-BZ	<p>Law Office of Fredrick A. Becker 200 Madison Avenue, MANHATTAN Amendment to legalize on the first floor the enlargement of a physical culture establishment and to allow the change in ownership. The premise is located in C5-2 zoning district. COMMUNITY BOARD #5M</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 1/10/06</p>
17.	77-99-BZ	<p>The Agusta Group 255-39 Jamaica Avenue, QUEENS Extension of Term of the Special Permit for the operation of an existing auto laundry which expired on February 8, 2005 and an extension of time to obtain a Certificate of Occupancy which expired on July 22, 2005. The premise is located in C8-1 and R-2 zoning district. COMMUNITY BOARD #13Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 1/24/06</p>

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<i>APPEALS – DECISIONS</i>		
18.	231-04-A	<p>Joseph P. Morsellino, Esq. 240-79 Depew Avenue, QUEENS Proposed one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. COMMUNITY BOARD #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 1/24/06</p>
19.	106-05-A	<p>Department of Buildings 220-222 Sullivan Street, MANHATTAN Modification of Certificate of Occupancy No. 17004 issued on November 11, 1930 on the basis that a non-conforming restaurant use on the first story of the premises was not in operation for a period of more than two years and the first story was being used illegally as residences. Pursuant to Z.R. §52-61 the non-conforming use was discontinued and the use of the premises must now conform to those permitted in an R7-2 district, therefore the current Certificate of Occupancy improperly authorizes an impermissible use of the premises. COMMUNITY BOARD #2M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 12/6/05</p>
20.	208-05-A thru 282-05-A	<p>Stadtmauer Bailkin LLP 17 thru 67 Riverside Lane, 18 thru 30 Edgeview Lane, 16 thru 34 Openview Lane and 15 thru 33 Bayonne Court, STATEN ISLAND Proposal to construct 75 homes that does not front on the legally mapped street pursuant to Section 36, Article 3, of the General City Law. COMMUNITY BOARD #1SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 12/6/05</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
21.	25-04-A & 26-04-A	<p>Rothkrug Rothkrug Weinberg & Spector 506/510 Bradford Avenue, STATEN ISLAND Proposed construction of a 2 - one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. COMMUNITY BOARD #3SI Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 2/14/06</p>
22.	1-05-A	<p>Kathleen R. Bradshaw, Esq. 1426 and 1428 Shore Drive, THE BRONX Proposed construction of two one family homes in the bed of a mapped street (Shore Drive) which is contrary Section 35, Article 3 of the General City Law. Premises is located in a C3 within a R4 Zoning District. COMMUNITY BOARD #10BX Examiner: Toni Matias (212) 788-8752 Status: Granted – 12/6/05</p>

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<i>APPEALS – NEW CASES</i>		
23.	155-05-A	<p>Richard Kusack 81 East 3rd Street, MANHATTAN 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) in that it allows violations of the Zoning Resolution and Building Code regarding bulk, light, air, and permitted obstructions in rear yards. COMMUNITY BOARD #8M</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Adjourned Hearing – 1/24/06</p>
24.	162-05-A	<p>Jay Segal 19-21 Beekman Place, MANHATTAN 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. COMMUNITY BOARD #6M</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Continued Hearing – 2/7/06</p>
25.	191-05-A 192-05-A	<p>Eric Palatnik, P.C. 12-09 & 12-11 116th Street, QUEENS Proposed construction of a two-two story, two family dwellings which lies partially within the bed of a mapped street, is contrary to GCL §35, Article 3, located in a R4-1 zoning district. COMMUNITY BOARD #7Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Closed, Decision – 1/10/06</p>

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26.	200-05-A 201-05-A	<p>Joseph P. Morsellino, Esq. 20-17 and 20-21 Clintonville Street, QUEENS Proposed construction of two –two family dwellings in the bed of mapped 157th Street is contrary to GCL §35, Article 3, located in an R3-1 zoning district. COMMUNITY BOARD #7Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 1/24/06</p>
27.	203-05-A	<p>Joseph A. Sherry 39 Ocean Avenue, QUEENS Appeal of the Department of Buildings to enlarge an existing single family frame dwelling not fronting on a mapped street contrary to GCL §36, Article 3, located in an R4 zoning district. COMMUNITY BOARD #14Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 12/6/05</p>

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TUESDAY AFTERNOON, December 6, 2005

1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	296-04-BZ	<p>Sheldon Lobel, P.C. 135 Orchard Street, a/k/a 134 Allen Street, MANHATTAN Variance: Under Z.R. §72-21 – To permit bulk variance for the existing building at the premises, located within a C6-1 Zoning District, as altered, in regard to floor area ratio “(F.A.R.)” and lot coverage for a Quality Housing residential/mixed building, with a pre-existing retail use on the first floor; and, for a waiver of requirements for one of the two streets tree required. COMMUNITY BOARD #3M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 1/10/06</p>
2.	315-04-BZ thru 318-04-BZ	<p>Steve Sinacori, Esq./Stadtmauer Bailkin LLP 1732, 1734, 1736 and 1738 81st Street, BROOKLYN Variance: Under Z.R. §72-21 – To permit the proposed development which will contain four three-family homes (Use Group 2), within an M1-1 Zoning District which is contrary to Section 42-00 of the Resolution. COMMUNITY BOARD #11BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 12/6/05</p>
3.	70-05-BZ	<p>Lewis E. Garfinkel, R.A. 2905 Avenue M, BROOKLYN Special Permit: under Z.R. §73-622 to permit an enlargement of a single family home to vary sections Z.R. §23-141(a) for open space ratio and floor area, Z.R. §23-461 for minimum side yard requirement. The premise is located in a R-2 zoning district. COMMUNITY BOARD #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 12/6/05</p>

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<i>BZ – CONTINUED HEARINGS</i>		
4.	122-05-BZ	<p>Bryan Cave, LLP (Margery Perlmutter, Esq.) 525 Clinton Avenue, BROOKLYN Special Permit: under Z.R. §73-52 (Modification for Zoning Lots Divided by District Boundaries) to facilitate the development of a 13-story residential building containing 30 dwelling units, community facility space, and 41 accessory parking spaces; zoning lot located in an R6 and M1-1 district. COMMUNITY BOARD #2BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 12/6/05</p>
5.	397-03-BZ thru 405-03-BZ	<p>Sheldon Lobel, P.C. 1255, 1257, 1259, 1261, 1263, 1265, 1267, 1269, 1271 60th Street, BROOKLYN Variance: Under Z.R. §72-21 - to permit nine three- story plus attic residential buildings, located in an M1-1 district. Each structure will contain three dwelling units. COMMUNITY BOARD #12BK</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Withdrawn – 12/6/05</p>
6.	202-04-BZ	<p>Einbinder & Dunn, LLP 100 Jewel Street, BROOKLYN Variance: under Z.R. §72-21 to permit the proposed conversion of a vacant industrial building, into a 17 unit multiple dwelling, Use Group 2, located in an M1-1 zoning district, is contrary to Z.R. §42-10. COMMUNITY BOARD #1BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 1/24/06</p>
7.	373-04-BZ	<p>The Law Office of Fredrick A. Becker 57-69 69th Street, QUEENS Variance: under Z.R. §72-21 in an R4 district, permission sought to allow the construction of a two-story one-family dwelling on a 25' x 53.55' lot consisting of 1,338 SF. The structure does not comply with floor area allowed, open space, lot area, front yard. COMMUNITY BOARD #5Q</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Adjourned Hearing – 1/10/06</p>

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BZ – CONTINUED HEARINGS		
8.	26-05-BZ	<p>Cozen O’Connor 1702/28 East 9th Street, a/k/a 815 Kings Highway, BROOKLYN Variance: Under 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. COMMUNITY BOARD #15BK Examiner: Jed Weiss (212) 788-8781 Status: Continued Hearing – 1/31/06</p>
9.	127-05-BZ	<p>Sheldon Lobel, P.C. 9216 Church Avenue, BROOKLYN Special Permit: under Z.R. §73-243 to permit approval for a special permit to legalize an existing accessory drive through window for an eating and drinking establishment. The site is located in a C1-3/R5 zoning district. COMMUNITY BOARD #17BK Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 1/24/06</p>
10.	130-05-BZ	<p>Elise Wagner, Esq. c/o Kramer Levin 74-88 Avenue of the Americas, a/k/a 11-15 Thompson Street and 27-31 Grand Street, MANHATTAN Variance: under 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. COMMUNITY BOARD #2M Examiner: Roy Starrin (212) 788-8797 Status: Continued Hearing – 1/24/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
11.	185-05-BZ	Manatt, Phelps & Philips, LLP (Carol E. Rosenthal, Esq.) 62-02 Roosevelt Avenue, QUEENS Variance: under Z.R. §72-21 to allow a dance floor (Use Group 12) to be constructed in an existing eating and drinking establishment located in an R6/C1-2 zoning district, which is contrary to Z.R. §32-15. COMMUNITY BOARD #2Q
		Examiner: Jed Weiss (212) 788-8781
		Status: Closed, Decision – 1/10/06

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<i>BZ – NEW CASES</i>		
12.	40-05-BZ	<p>Petraro & Jones 1095 Second Avenue, MANHATTAN Special Permit: Under Z.R. §73-36 to permit a legalization of a physical cultural establishment to be located on the second floor of four story mixed use building. The PCE use will contain 285 sq. ft. to be used in conjunction with an existing physical cultural establishment on the second floor (988 sq. ft.) located at 1097 Second Avenue, the premises is located in an C2-8 (TA) zoning district. COMMUNITY BOARD #6M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 1/24/06</p>
13.	94-05-BZ	<p>Eric Palatnik, P.C. 1283 East 29th Street, BROOKLYN Special Permit: Under Z.R. §73-622 to permit the enlargement of a single family residence to vary ZR Sections 23-141 for the increase in floor area and open space, 23-461 for less than the required side yards and 23-47 for less than the required rear yard. 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 – 1/24/06</p>
14.	96-05-BZ	<p>Petraro & Jones 205 West 14th Street, MANHATTAN Special Permit: Under Z.R. §73-36 to permit a legalization of physical cultural establishment located on the second floor of a five story mixed-use building. The PCE use will contain 1,465 sq. ft. The site is located in an C6-3-A zoning district. COMMUNITY BOARD #4M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 1/10/06</p>

*****DISCLAIMER*****

This information is provided in draft form and is a public service courtesy only. Although the BSA endeavors to ensure that the information is as current and accurate as possible, errors do occasionally occur, and the schedule may change due to withdrawals and adjournments. Therefore, the BSA cannot guarantee the accuracy of the information. Readers should, where possible, verify the information before acting on it.

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, December 6, 2005

1:30 P.M.

<i>BZ – NEW CASES</i>		
15.	119-05-BZ	<p>Sheldon Lobel, P.C. 834 Sterling Place, BROOKLYN Variance: Under Z.R. §72-21 – To permit the proposed enlargement to an existing one and two-story warehouse building, with an accessory office, Use Group 16, located in a C4-3 and R6 zoning district, which does not comply with the zoning requirements for floor area, floor area ratio, perimeter wall height, parking and loading berths, is contrary to Z.R. §§52-41, 33-432, 36-21 and 36-62. COMMUNITY BOARD #8BK Examiner: Rory Levy (212) 788-8749 Status: Continued Hearing – 2/7/06</p>
16.	138-05-BZ	<p>Lewis Garfinkel 1227 East 27th Street, BROOKLYN Special Permit: Under Z.R. §73-22 to allow the enlargement of a single family residence which exceeds the allowable floor area and open space per Z.R. §23-141(a), the side yard Z.R. §23-461(a) and the rear yard Z.R. §23-47 is less than the minimum required. The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 1/24/06</p>
17.	150-05-BZ	<p>Henry & Dooley Architects, P.C. 1426 Fulton Street, BROOKLYN Special Permit: Proposed physical culture establishment located on the second and third floor in a mixed-use building. The PCE use will contain 2,006 square feet. The site is located in a C2-3/R6 zoning district. COMMUNITY BOARD #3BK Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 1/31/06</p>

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, December 6, 2005

1:30 P.M.

<i>BZ – NEW CASES</i>		
18.	187-05-BZ	Law Office of Fredrick A. Becker 78-20 67th Road, QUEENS Variance: Under Z.R. §72-21 – Propose 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. COMMUNITY BOARD #5Q
		Examiner: Jed Weiss (212) 788-8781
		Status: Continued Hearing – 1/24/06

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