

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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

<i>SOC – DECISIONS</i>		
1.	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 #10BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 1/10/06</p>
2.	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: Granted – 1/10/06</p>
3.	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 743sq.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: Granted – 1/10/06</p>

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<i>SOC – DECISIONS</i>		
4.	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> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 1/10/06</p>
5.	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> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 1/10/06</p>
6.	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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 1/10/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
7.	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 – 2/14/06</p>
8.	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: Closed, Decision – 1/31/06</p>

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<i>SOC – NEW CASES</i>		
9.	780-45-BZ	<p>Anthony G. Mango 1818-1820 Bleecker Street, QUEENS Pursuant to Z.R. §11-413 the legalization of the existing/proposed change of use within the same Use Group 16 from a beer storage of trucks to a plumbing contractor’s establishment with storage of plumbing tools, equipment, supplies and the storage of equipment vans. The premise is located in an R6B zoning district. COMMUNITY BOARD #5Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 2/14/06</p>
10.	1005-66-BZ	<p>Moshe M. Friedman, P.E. 320 West 30th Street, a/k/a 314-322 West 30th Street, MANHATTAN Request for a waiver of Rules of Procedure and reopening for the Extension of Term of a variance previously granted under Section 60(1b) of the Multiple Dwelling Law, which expired May 2, 2002, for transient parking of unused and surplus tenant spaces within the accessory garage. Transient parking is limited to twenty-two cars. The premise is located in an R8B zoning district. COMMUNITY BOARD #4M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 1/31/06</p>
11.	43-99-BZ	<p>Windels Marx Lane & MittenDorf, LLP 38-02 Northern Boulevard, QUEENS Reopening for Extension of Term/Waiver/Amendment to a previously granted special permit for a drive-through facility accessory to an eating and drinking establishment for an additional term of five years. The amendment is to install and electronic amplification menu board. The premise is located in a c C1-2 in an R-4 zoning district. COMMUNITY BOARD #3Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 2/14/06</p>

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<i>APPEALS – DECISIONS</i>		
12.	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: Granted – 1/10/06</p>
13.	191-05-A & 192-05-A	<p>Eric Palatnik 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> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 1/10/06</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
14.	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: Closed, Decision – 1/31/06</p>
15.	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: Closed, Decision – 1/31/06</p>

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<i>APPEALS – NEW CASES</i>		
16.	376-04-A & 377-04-A	<p>Robert A. Caneco, R.A. 238 and 240 Billiou Street, STATEN ISLAND To construct two one family homes not fronting a legally mapped street is contrary Section 36, Article 3 of the General City Law. COMMUNITY BOARD #3SI</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 1/24/06</p>
17.	319-05-A	<p>Gary Lenhart 5 Kildare Walk, QUEENS Proposed reconstruction and enlargement of an existing one family dwelling, not fronting on mapped street, is contrary to Section 36, Article 3 of the General City Law and the upgrade of an existing private disposal system located in the bed of a service lane is contrary to the Buildings Department Policy. COMMUNITY BOARD #14Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 1/24/06</p>

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<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: Granted – 1/10/06</p>
2.	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: Granted – 1/10/06</p>
3.	380-04-BZ	<p>Sheldon Lobel, P.C. 32-12 23rd Street, QUEENS Variance: Under Z.R. §72-21 – to permit the legalization of the conversion of one dwelling unit, in a new building, approved exclusively for residential use, to a community facility use, in an R5 zoning district, without two side yards, is contrary to Z.R. §24-35. COMMUNITY BOARD #1Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Withdrawn – 1/10/06</p>

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4.	399-04-BZ	<p>Greenberg Traurig, LLP 425/27 Broome Street, MANHATTAN Variance: Under Z.R. §§72-21 and Special Permit: Under Z.R. §§73-36 – proposed use of the subcellar for accessory parking, first floor and cellar for retail, and the construction of partial sixth and seventh stories for residential use, also a special permit to allow a physical culture establishment on the cellar level, of the subject premises, located in an M1-5B zoning district, is contrary to Z.R. §42-14(D), §13-12(a) and §73-36. COMMUNITY BOARD #2M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 1/10/06</p>
5.	48-05-BZ	<p>Wachtel & Masyr, LLP 469 West Street, MANHATTAN Variance: Under Z.R. §72-21 – to construct a 16- and 3-story mixed use development with 60 accessory parking spaces in an M1-5 district, contrary to Z.R. §42-00 and Z.R. §13-12. COMMUNITY BOARD #2M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 1/10/06</p>
6.	156-05-BZ	<p>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</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 1/10/06</p>
7.	185-05-BZ	<p>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</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 1/10/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
8.	269-04-BZ	<p>Law Offices of Howard Goldman, LLC 37 Bridge Street, BROOKLYN Variance: Under Z.R. §72-21 – to permit the proposed conversion of a partially vacant, seven-story industrial building into a 60 unit loft style residential dwelling in the Vinegar Hill/DUMBO section of Brooklyn. The site is located in M1-2 and M3-1 zoning districts. The proposal is contrary to Z.R. §§23-145 and 23-633. COMMUNITY BOARD #2BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 2/14/06</p>
9.	338-04-BZ	<p>Martyn & Don Weston 806/14 Coney Island Avenue, BROOKLYN Variance: Under Z.R. §72-21 – to permit the proposed construction of a one story and cellar extension to an as-of-right six story hotel, and to permit on grade accessory parking and below grade showroom/retail use, in an R5 zoning district, is contrary to Z.R. §22-00. COMMUNITY BOARD #12BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 3/14/06</p>
10.	361-04-BZ	<p>Eric Palatnik, P.C. 75-48 Parsons Boulevard, QUEENS Variance: Under Z.R. §72-21 – to permit the proposed erection of a partial two/partial three story residential development, located in an R4 district which does not comply with the zoning requirements for floor area, wall height, sky exposure plane, open space, lot coverage and the number of dwelling units, is contrary to Z.R. §23-141c, §23-631 and §23-22. COMMUNITY BOARD #8Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Closed, Decision – 2/14/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
11.	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 Examiner: Roy Starrin (212) 788-8797 Status: Continued Hearing – 2/7/06</p>
12.	386-04-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 22-44 119th Street, QUEENS Special Permit: under Z.R. §73-44 – to permit the proposed enlargement and development of an existing community facility, located in M1-1 zoning district, which does not comply with the zoning requirements for accessory off-street parking and is contrary to Z.R. §44-21. COMMUNITY BOARD #7Q Examiner: Rory Levy (212) 788-8749 Status: Closed, Hearing – 2/14/06</p>
13.	396-04-BZ	<p>Stroock & Stroock & Lavan, LLP, by Ross Moskowitz, Esq 180 West Broadway, MANHATTAN Variance: Under Z.R. §72-21 – to permit the proposed construction of a thirteen-story, mixed use building. There will be 39 residential units. No parking is proposed. The site is located in a C6-2A, TMU zoning district, which does not comply with the zoning requirements for floor area. The proposal is contrary to Z.R. §111-104, §23-145, §35-24(c)(d) and §28-12. COMMUNITY BOARD #1M Examiner: Rory Levy (212) 788-8749 Status: Adjourned Hearing – 2/7/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
14.	5-05-BZ	<p>Sheldon Lobel, P.C. 59-25 Fresh Meadow Lane, QUEENS Special Permit: Under 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. COMMUNITY BOARD #11Q Examiner: Carlo Costanza (212) 788-8739 Status: Continued Hearing – 3/7/06</p>
15.	81-05-BZ	<p>Bryan Cave, LLP (Margery Perlmutter, Esq.) 1061/71 52nd Street, BROOKLYN Variance: under Z.R. §72-21 – to construct a 7-story plus mezzanine residential building containing 39 dwelling units and 10 accessory parking spaces in an R6 district, contrary to Z.R. §§23-145, 23-632, 23-633, 25-23. COMMUNITY BOARD #12BK Examiner: Jed Weiss (212) 788-8781 Status: Continued Hearing – 3/14/06</p>
16.	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 Examiner: Toni Matias (212) 788-8752 Status: Granted 1/10/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
17.	147-05-BZ	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
		Examiner: Rory Levy (212) 788-8749
		Status: Granted – 1/10/06

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<i>BZ – NEW CASES</i>		
18.	164-04-BZ	<p>Moshe M. Friedman, P.E. 2241 Westchester Avenue, a/k/a 2101 Glebe Avenue, THE BRONX Special Permit: under Z.R. §73-36 – to permit the proposed physical culture establishment, located on the second floor of an existing two story commercial building, located in C2-2 within an R6 zoning district, is contrary to Z.R. §32-00. COMMUNITY BOARD #10BX</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 2/7/06</p>
19.	398-04-BZ	<p>Eric Palatnik, P.C. 2103 Avenue “M”, BROOKLYN Special Permit: under Z.R. §73-622 – proposed legalization of an enlargement of a single family residence which causes non-compliance to Z.R. §23-14 for open space and floor area. The premise is located in R2 zoning district. COMMUNITY BOARD #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 3/14/06</p>
20.	74-05-BZ	<p>Synder & Synder, LLP 1089 Rockland Avenue, STATEN ISLAND Special Permit: under Z.R. §73-30 and §22-21 – to permit the proposed construction of a non-accessory radio tower for public utility wireless communications (disguised as a 50-foot tall flagpole), located in an R3-2 zoning district. COMMUNITY BOARD #2SI</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 4/11/06</p>
21.	75-05-BZ	<p>Synder & Synder, LLP 2018 Richmond Avenue, STATEN ISLAND Special Permit: under Z.R. §73-30 and §22-21 – to permit the proposed construction of a non-accessory radio tower for public utility wireless communications (disguised as a 90-foot tall flagpole), located in an R3-2 zoning district. COMMUNITY BOARD #2SI</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Withdrawn – 1/10/06</p>

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BZ – NEW CASES		
22.	93-05-BZ	Eric Palatnik, P.C. 2621 Avenue “M”, BROOKLYN Special Permit: under Z.R. §73-622 – enlargement of a single family home to vary section Z.R. §23-141 for floor area and open space. The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 2/7/06
23.	180-05-BZ	Wachtel & Masyr 1511 Third Avenue, a/k/a 201 East 85th Street, MANHATTAN Special Permit: under Z.R. §73-03 and §73-36 – approval sought for the legalization of a physical cultural establishment located on the entire second floor portion of the third floor and the entire fourth floor with a total of 34,125 sq. ft. of floor area. The site is located in a C2-8 zoning district. COMMUNITY BOARD #8M
		Examiner: Toni Matias (212) 788-8752
		Status: Adjourned Hearing – 2/7/06

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