

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, July 11, 2006  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>224-66-BZ</b>	Peter Hirshman <b>325-335 East 49<sup>th</sup> Street, aka 328-334 50<sup>th</sup> Street, MANHATTAN</b> Reopening for an Extension of Term & Waiver for the re-establishment of transient parking use within the existing garage of a multiple dwelling which expired on June 14, 2001. The proposed term of this filing is for ten (10) years. The premise is located in an R8B zoning district. <b>COMMUNITY BOARD #6M</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 7/11/06</b>
<b>2.</b>	<b>393-66-BZ</b>	Joseph P. Morsellino, Esq. <b>453 East Tremont Avenue, BRONX</b> Reopening for Extension of Time/Waiver-For the rules of procedure and a Certificate of Occupancy. <b>COMMUNITY BOARD #6BX</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 7/11/06</b>
<b>3.</b>	<b>335-88-BZ</b>	Eric Palatnik, P.C. <b>5808/28 Flatland Avenue, BROOKLYN</b> Reopening for an extension of term of variance which expired on July 3, 2005 and to Waive the Rules of Practice and Procedure to file more than 30 days after expiration. The use on site is for an automotive service station (Sunoco) with minor auto repairs and accessory convenience store. The premise is located in an R3-2 zoning district. <b>COMMUNITY BOARD #18BK</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 7/11/06</b>

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<b>4.</b>	<b>71-93-BZ</b>	<p>Paul F. Bonfilio <b>153-11 Bayside Avenue, QUEENS</b> Reopening for an Amendment to a previously granted Variance Z.R. §72-21 to construct an additional single family residence on one zoning lot that has been sub-divided into two tax lots. The proposed application does not have the required 15' front yard and is contrary to Z.R. §23-45. The premise is located in an R-2 zoning district. <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/11/06</b></p>
<b>5.</b>	<b>132-97-BZ &amp; 24-06-A</b>	<p>Alan R. Gaines, Esq. <b>227 Mansion Avenue, STATEN ISLAND</b> 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. Proposed legalization of four on-site parking spaces for an eating and drinking establishment (Fiore Di Mare) located in the bed of a mapped street, is contrary to Section 35 of the General City Law. <b>COMMUNITY BOARD #3SI</b></p> <p><b>Examiner: Henry Segovia 788-8757/Toni Matias 788-8752</b></p> <p><b>Status: Deferred Decision – 7/25/06</b></p>
<b>6.</b>	<b>83-00-BZ</b>	<p>Eric Palatnik, P.C. <b>87-11/21 Northern Boulevard, QUEENS</b> Reopening for a waiver of the Rules of Practice and Procedure and for an extension of the term of the special permit which expired September 26, 2003; to operate a drive thru window for an eating and drinking establishment, (K.F.C.), located in a C1-2 zoning district. <b>COMMUNITY BOARD #3Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>7.</b>	<b>499-29-BZ</b>	<p>Eric Palatnik, P.C. <b>248-70 Horace Harding Expressway, QUEENS</b> Reopening for an Extension of Term of an Automotive Service Station with an accessory automotive repair establishment located in a C1-2/R3-2 zoning district. The term expired on March 23, 2006. The application is seeking a 10 year extension. <b>COMMUNITY BOARD #11Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Closed, Decision – 8/8/06</b></p>

<b><i>SOC – NEW CASES</i></b>		
<b>8.</b>	<b>200-24-BZ</b>	<p>Stephen Ely <b>3030 Jerome Avenue, THE BRONX</b> Pursuant to Rules of Practice and Procedure to reopen and amend the resolution for the Extension of Time to Obtain a Certificate of Occupancy, for a bookstore and distribution, which expired on April 12, 2006. The premise is located in an R8 and C8-2 zoning district. <b>COMMUNITY BOARD #7BX</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 7/25/06</b></p>
<b>9.</b>	<b>739-76-BZ</b>	<p>Joseph P. Morsellino, Esq. <b>212-95 26th Avenue, QUEENS</b> Extension of Term for an amusement arcade which expired on 4/10/06. The premise is located in an C4-1 zoning district. <b>COMMUNITY BOARD #7Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 7/25/06</b></p>
<b>10.</b>	<b>45-90-BZ</b>	<p>Walter T. Gorman, P.E. <b>260 Hamilton Avenue, BROOKLYN</b> Application to consider dismissal for lack of prosecution. <b>COMMUNITY BOARD #6BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Dismissed – 7/11/06</b></p>

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<i><b>SOC – NEW CASES</b></i>		
<b>11.</b>	<b>129-93-BZ &amp; 130-93-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>151-155 / 157-161 East 86<sup>th</sup> Street, MANHATTAN</b> Pursuant to Z.R. §73-11 to re-open the BSA resolution for the 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 of the commercial building. The premise is located in an C2-8A and C5-1A zoning district. <b>COMMUNITY BOARD #8M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 8/22/06</b></p>
<b>12.</b>	<b>173-95-BZ</b>	<p>Stephen J. Rizzo, Esq. <b>30 East 85th Street, MANHATTAN</b> Pursuant to Z.R. §73-11 and §73-36 for the Extension of Term/Waiver of a Physical Culture Establishment (David Barton Gym) in a portion of the first floor and the entire second floor of a 30 story residential building. The premise is located in an C5-1MP zoning district. <b>COMMUNITY BOARD #8M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>
<b>13.</b>	<b>324-01-BZ</b>	<p>Sheldon Lobel, P.C. <b>1077 Bay Street, STATEN ISLAND</b> Amendment to a previously granted Variance Z.R. §72-21 to allow the conversion of three floors in a commercial building to residential use. The premise is located in an M2-1 zoning district. <b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/25/06</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>14.</b>	<b>231-04-A</b>	<p>Joseph P. Morsellino, Esq. <b>240-79 Depew Avenue, QUEENS</b> Proposed one-family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. <b>COMMUNITY BOARD #11Q</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status:     Granted – 7/11/06</b></p>
<b>15.</b>	<b>372-05-BZY &amp; 373-05-BZY</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector, LLP <b>28 &amp; 32 Webster Avenue (a/k/a 101 Stanley Avenue), STATEN ISLAND</b> Proposed extension of time to renew building permits and complete construction of a minor development pursuant to Z.R. §11-332. Current R3-A (HS) zoning district. <b>COMMUNITY BOARD #1SI</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status:     Granted – 7/11/06</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>16.</b>	<b>134-05-A</b>	<p>Rothkrug Rothkrug Weinberg Spector, LLP <b>53-31 67<sup>th</sup> Street, 53-33 67<sup>th</sup> Street and 67-02 53<sup>rd</sup> Road, QUEENS</b></p> <p>Proposed construction of three, two-family dwellings located in the bed of a mapped street (67<sup>th</sup> Street) is contrary to §35 of the General City Law.</p> <p><b>COMMUNITY BOARD #5Q</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 7/25/06</b></p>
<b>17.</b>	<b>299-05-A</b>	<p>Sheldon Lobel, P.C. <b>369 Wilson Avenue, STATEN ISLAND</b></p> <p>Proposed construction of one, two-story, one-family home located in the bed of a mapped street (Getz Avenue), contrary to §35 of the General City Law. Premises is located in an R3A (SRD) zoning district.</p> <p><b>COMMUNITY BOARD #3SI</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>
<b>18.</b>	<b>364-05-A &amp; 365-05-A</b>	<p>Sheldon Lobel, P.C. <b>87-30 and 87-32 167<sup>th</sup> Street, QUEENS</b></p> <p>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.</p> <p><b>COMMUNITY BOARD #8Q</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Adjourned Hearing – 7/25/06</b></p>

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TUESDAY AFTERNOON, July 11, 2006

1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>260-04-BZ thru 262-04-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>222/218 Wallabout Street, BROOKLYN</b>                      Variance: Z.R. §72-21 – to permit construction of two, four-story plus penthouse residential buildings, located in an M1-2 zoning district, contrary to Z.R. §42-00.  <b>COMMUNITY BOARD #1BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8797</b></p> <p><b>Status: Withdrawn – 7/11/06</b></p>
<b>2.</b>	<b>100-05-BZ</b>	<p>Martyn &amp; Don Weston  <b>223 Water Street, a/k/a 48 Bridge Street, BROOKLYN</b>                      Variance: Z. R. §72-21 – to permit the proposed conversion of the second and third floors of a six-story manufacturing building to residential use, Use Group 2, located in an M1-2 zoning district, contrary to Z.R. §42-00.                      Proposal was revised on 6/20/06 – proposed conversion to residential use is now limited to the third floor.  <b>COMMUNITY BOARD #2BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Withdrawn – 7/11/06</b></p>
<b>3.</b>	<b>132-05-BZ</b>	<p>Sheldon Lobel, P.C.  <b>220 West End Avenue, BROOKLYN</b>                      Special Permit: Z.R. §73-622 – to allow the enlargement of a single family residence which exceeds the allowable floor area and lot coverage per Z.R. §23-141, a rear yard less than the maximum per Z.R. §23-31. The premise is located in an R3-1 zoning district.  <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/18/06</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>4.</b>	<b>297-05-BZ</b>	<p>Law Office of Fredrick A. Becker, Esq.  <b>33 Vestry Street, MANHATTAN</b>                      Variance: Z.R. §72-21 – to allow a proposed nine story residential building containing seven dwelling units and eight accessory parking spaces located in an M1-5 district (Area B2) of the Special Tribeca Mixed Use District; contrary to Z.R. §42-00, §111-104(d) and §13-12.  <b>COMMUNITY BOARD #1M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status:     Granted – 7/11/06</b></p>
<b>5.</b>	<b>349-05-BZ</b>	<p>Law Offices of Howard Goldman, LLC  <b>325 East 101<sup>st</sup> Street, MANHATTAN</b>                      Variance: Z.R. §72-21 – to allow a proposed eight-story residential building with community facility use on the 1<sup>st</sup> and 2<sup>nd</sup> floor in an R7A zoning district; contrary to Z.R. §23-145.  <b>COMMUNITY BOARD #11M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status:     Granted – 7/11/06</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>290-04-BZ</b>	<p>Stuart A. Klein, Esq.  <b>341-349 Troy Avenue, BROOKLYN</b>                      Variance pursuant to Z.R. §72-21 – to permit the proposed construction of a six-story and penthouse mixed-use residential/commercial building with 34 dwelling units and 34 accessory parking spaces. The site is located in a R4 zoning district. The proposal is contrary to Z.R. §§22-00, 23-141(b), 23-631(b), 23-222, 25-23, 23-45 and 23-462(a).  <b>COMMUNITY BOARD#9BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Continued Hearing – 9/12/06</b></p>
<b>7.</b>	<b>328-04-BZ</b>	<p>Law Offices of Howard Goldman, LLC  <b>110 Franklin Avenue, BROOKLYN</b>                      Variance: Z.R. §72-21 – proposed construction of a six story 12-unit residential building, Use Group 2, located in an M1-1 zoning district, does not comply with zoning requirements for use, contrary to Z.R. §42-00.  <b>COMMUNITYBOARD#3BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8797</b></p> <p><b>Status: Continued Hearing – 9/12/06</b></p>
<b>8.</b>	<b>334-04-BZ</b>	<p>Sheldon Lobel, P.C.  <b>135-28 Roosevelt Avenue, QUEENS</b>                      Variance: Z.R. §72-21 – to permit the proposed construction of a seven-story mixed-use building containing retail, general office and community facility space. The site is located in a C4-2 zoning district. The proposal is contrary to Z.R. §36-21 (Required parking), §36-62 (Required loading berth), and §33-432(Sky exposure plane and setback requirements).  <b>COMMUNITY BOARD#7Q</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Adjourned Hearing – 8/8/06</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>9.</b>	<b>182-05-BZ</b>	<p>Eric Palatnik, P.C. <b>4 Park Avenue, MANHATTAN</b> Special Permit: Z.R. §73-36 – to allow the legalization of a physical culture establishment, located on first floor, mezzanine and second floor of a 21-story mixed use building in a C5-3 zoning district. <b>COMMUNITY BOARD #5M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>
<b>10.</b>	<b>303-05-BZ</b>	<p>Eric Palatnik, P.C. <b>428 East 75<sup>th</sup> Street, MANHATTAN</b> Variance: Z.R. §72-21 – to permit the legalization of the second floor of an existing two-story commercial structure for use as a physical culture establishment. Premises is located within the R8-B zoning district. <b>COMMUNITY BOARD #8M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>
<b>11.</b>	<b>351-05-BZ</b>	<p>The Law Offices of Howard Goldman/Emily Simons, Esq. <b>146 Conover Street, BROOKLYN</b> Variance: Z.R. §72-21 – to allow a proposed four-story residential building containing eight dwelling units in an M2-1 zoning district; contrary to Z.R. §42-00. <b>COMMUNITY BOARD #6BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 8/22/06</b></p>
<b>12.</b>	<b>22-06-BZ</b>	<p>Harold Weinberg, P.E. <b>8 Gotham Avenue, BROOKLYN</b> Variance: Z.R. §72-21 – to permit the enlargement of an existing single family dwelling on a pre-existing undersized lot. The proposed enlargement increases the degree of non-compliance at the front yard, rear yard and side yards (Z.R. §23-45, §23-47 and §23-48) and exceeds the allowable setback and is contrary to Z.R. §23-631. The premise is located in an R4 zoning district. <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>13.</b>	<b>131-05-BZ</b>	<p>The Law Office of Vincent L. Petraro  <b>72-01/72-11 Roosevelt Avenue, QUEENS</b>                      Variance: Z.R. §72-21 – to permit a five-story retail/banquet facility/office building, with 276 below-grade attended parking spaces, in a C4-3 zoning district. The proposal is contrary to floor area, front wall height, number of parking spaces, number of loading berths, and the distance from a residence district (Z.R. Sections §33-122, §33-432, §36-21, §36-62 and §32-21).  <b>COMMUNITY BOARD#4Q</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Continued Hearing – 9/12/06</b></p>
<b>14.</b>	<b>44-06-BZ</b>	<p>Rothkrug Rothkrug Weinberg Spector, LLP  <b>150-24 18<sup>th</sup> Avenue, QUEENS</b>                      Variance: Z.R. §72-21 – to permit the vertical enlargement of an existing single-family residence which exceeds the maximum permitted floor area, Z.R. §23-141, and does not provide the required side yard, Z.R. §23-461. The premise is located in an R3A zoning district.  <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>
<b>15.</b>	<b>46-06-BZ</b>	<p>Ellen Hay, Wachtel &amp; Masyr, LLP  <b>423 West 55<sup>th</sup> Street, MANHATTAN</b>                      Special Permit: Z.R. §73-03 and §73-36 – to permit a Physical Culture Establishment (Club H) on the first floor and mezzanine of a 12-story commercial building. The subject premises is located in a C6-2 zoning district/ Special Clinton District.  <b>COMMUNITY BOARD #4M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 7/25/06</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>16.</b>	<b>74-06-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1416 80th Street, BROOKLYN</b>                      Special Permit: Z.R. §73-622 – to permit the enlargement of single family residence which exceeds the allowable floor area ratio, lot coverage and open space, Z.R. §32-141, less than the minimum side yards, Z.R. §23-461 and rear yard, Z.R. §34-47. The premise is located in an R4 zoning district.  <b>COMMUNITY BOARD #11BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>
<b>17.</b>	<b>76-06-BZ</b>	<p>Friedman &amp; Gotbaum, LLP  <b>150 East 58<sup>th</sup> Street, MANHATTAN</b>                      Special Permit: Z.R. §73-36 – to permit a physical cultural establishment (Sitaras Fitness) on a portion of the 11<sup>th</sup> and 12<sup>th</sup> floor of a thirty-nine story commercial building. Premises is located within an C5-2 Zoning District.  <b>COMMUNITY BOARD #6M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 8/8/06</b></p>

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

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