

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, July 25, 2006  
10:00 A.M.

| <b><i>SOC – DECISIONS</i></b> |                                |  |
|-------------------------------|--------------------------------|--|
| <b>1.</b>                     | <b>200-24-BZ</b>               | <p>Stephen Ely<br/><b>3030 Jerome Avenue, THE BRONX</b><br/>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.<br/><b>COMMUNITY BOARD #7BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/25/06</b></p>   |
| <b>2.</b>                     | <b>739-76-BZ</b>               | <p>Joseph P. Morsellino, Esq.<br/><b>212-95 26th Avenue, QUEENS</b><br/>Extension of Term for an amusement arcade which expired on 4/10/06. The premise is located in an C4-1 zoning district.<br/><b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/25/06</b></p>   |
| <b>3.</b>                     | <b>132-97-BZ &amp; 24-06-A</b> | <p>Alan R. Gaines, Esq.<br/><b>227 Mansion Avenue, STATEN ISLAND</b><br/>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.<br/>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.<br/><b>COMMUNITY BOARD #3SI</b></p> <p><b>Examiner: Henry Segovia 788-8757/Toni Matias 788-8752</b></p> <p><b>Status: BSA Cal. # 132-97-BZ – Granted – 7/25/06</b><br/><b>BSA Cal. #24-06-A – Withdrawn – 7/25/06</b></p> |
| <b>4.</b>                     | <b>324-01-BZ</b>               | <p>Sheldon Lobel, P.C.<br/><b>1077 Bay Street, STATEN ISLAND</b><br/>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.<br/><b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/25/06</b></p>   |

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| <b>SOC – CONTINUED HEARINGS</b> |                  |  |
|---------------------------------|------------------|--|
| <b>5.</b>                       | <b>203-92-BZ</b> | Sullivan, Chester & Gardner, P.C.<br><b>70-20 Austin Street, QUEENS</b><br>Reopening for Extension of Term/Amendment/Waiver for a physical culture establishment. The premise is located in an C8-2 zoning district.<br><b>COMMUNITY BOARD #6Q</b> |
|                                 |                  | <b>Examiner: Henry Segovia (212) 788-8757</b>  |
|                                 |                  | <b>Status: Continued Hearing – 8/15/06</b>   |

| <b>SOC – NEW CASES</b> |                  |   |
|------------------------|------------------|---|
| <b>6.</b>              | <b>106-76-BZ</b> | Carl A. Sulfaro, Esq.<br><b>129-15 North Conduit Avenue, QUEENS</b><br>Pursuant to Z.R. §72-01 to open and amend the BSA resolution to construct a new one-story accessory convenience store, replace existing metal canopy, pumps and pump islands, and replace two curb cuts with one curb cut. The premise is located in an R3-2 zoning district.<br><b>COMMUNITY BOARD #10Q</b> |
|                        |                  | <b>Examiner: Henry Segovia (212) 788-8757</b>   |
|                        |                  | <b>Status: Closed, Decision – 8/15/06</b>   |
| <b>7.</b>              | <b>998-83-BZ</b> | Rothkrug Rothkrug & Spector, LLP<br><b>2940/4 Victory Boulevard, STATEN ISLAND</b><br>Reopening for an extension of term of variance permitting accessory parking to an eating and drinking establishment (UG-6) in an R3-2 zoning district, contrary to Z.R. §22-10. The current term expired on April 10, 2004.<br><b>COMMUNITY BOARD #2SI</b>                                    |
|                        |                  | <b>Examiner: Carlo Costanza (212) 788-8739</b>  |
|                        |                  | <b>Status: Closed, Decision – 8/22/06</b>   |

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| <i><b>SOC – NEW CASES</b></i> |                  |   |
|-------------------------------|------------------|---|
| <b>8.</b>                     | <b>291-00-BZ</b> | Sheldon Lobel, P.C.<br><b>2316-2324 Coney Island Avenue, BROOKLYN</b><br>Extension of Time to complete construction of a Special Permit (UG 3) for a yeshiva (Torah Academy High School) which expired on April 9, 2006. The premise is located in an C8-2 zoning district.<br><b>COMMUNITY BOARD #15BK</b><br><b>Examiner: Henry Segovia (212) 788-8757</b><br><b>Status: Closed, Decision – 8/15/06</b>   |
| <b>9.</b>                     | <b>189-03-BZ</b> | Sheldon Lobel, P.C.<br><b>836 East 233<sup>rd</sup> Street, BRONX</b><br>Extension of Time/Waiver to complete construction and obtain a Certificate of Occupancy for an automotive service station with an accessory convenience store which expired on October 21, 2005. The premise is located in a C2-2/R-5 zoning district.<br><b>COMMUNITY BOARD #12BX</b><br><b>Examiner: Henry Segovia (212) 788-8757</b><br><b>Status: Closed, Decision – 8/15/06</b> |
| <b>10.</b>                    | <b>362-03-BZ</b> | Sheldon Lobel, P.C.<br><b>428 West 45<sup>th</sup> Street, MANHATTAN</b><br>Extension of Time to obtain a Certificate of Occupancy for an accessory parking lot to a commercial use group which expired on May 11, 2006. The premise is located in an R8 zoning district.<br><b>COMMUNITY BOARD #4M</b><br><b>Examiner: Henry Segovia (212) 788-8757</b><br><b>Status: Closed, Decision – 8/15/06</b>   |

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| <b><i>APPEALS – DECISIONS</i></b> |                   |   |
|-----------------------------------|-------------------|---|
| <b>11.</b>                        | <b>134-05-A</b>   | <p>Rothkrug Rothkrug Weinberg Spector, LLP<br/><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><br/>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.<br/><b>COMMUNITY BOARD #5Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Granted – 7/25/06</b></p> |
| <b>12.</b>                        | <b>354-05-BZY</b> | <p>Cozen &amp; O'Connor<br/><b>182 15<sup>th</sup> Street, BROOKLYN</b><br/>Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 for a 62-unit, 11-story multiple dwelling under the prior R6 zoning. New zoning district is R6B/C2-3 as of November 16, 2005.<br/><b>COMMUNITY BOARD #7BK</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Denied – 7/25/06</b></p>               |

| <b><i>APPEALS – CONTINUED HEARINGS</i></b> |                                |   |
|--|--------------------------------|---|
| <b>13.</b>                                 | <b>364-05-A &amp; 365-05-A</b> | <p>Sheldon Lobel, P.C.<br/><b>87-30 and 87-32 167<sup>th</sup> Street, QUEENS</b><br/>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.<br/><b>COMMUNITY BOARD #8Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 8/22/06</b></p> |

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| <b><i>APPEALS – NEW CASES</i></b> |                |  |
|-----------------------------------|----------------|--|
| <b>14.</b>                        | <b>63-06-A</b> | <p>Jay Segal, Greenberg Traurig LLP<br/><b>160 East 83<sup>rd</sup> Street, MANHATTAN</b><br/>Appeal seeking to revoke permits and approvals for the enlargement of an existing dwelling on grounds that enlargement fails to provide the required yards (Z.R. § 23-47) and adequate building frontage pursuant to the Administrative Code Section 27-291.<br/><b>COMMUNITY BOARD #8M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Postponed Hearing – 8/15/06</b></p> |
| <b>15.</b>                        | <b>81-06-A</b> | <p>Whitney Schmidt, Esq.<br/><b>160 East 83<sup>rd</sup> Street, MANHATTAN</b><br/>Appeal seeking to revoke permits and approvals for the enlargement of an existing dwelling on grounds that enlargement which fails to provide the required yards (Z.R. § 23-47) and adequate building frontage pursuant to the Administrative Code Section 27-291.<br/><b>COMMUNITY BOARD #8M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Postponed Hearing – 8/15/06</b></p>      |

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, July 25, 2006

1:30 P.M.

| <b><i>BZ – DECISIONS</i></b> |                                      |  |
|------------------------------|--------------------------------------|--|
| <b>1.</b>                    | <b>286-04-BZ &amp;<br/>287-04-BZ</b> | <p>Rothkrug Rothkrug Weinberg &amp; Spector<br/> <b>85-78 &amp; 85-82 Santiago Street, QUEENS</b><br/>                     Variance: Z.R. §72-21 – to permit a one family dwelling without the required lot width and lot area, contrary to Z.R. §23-32, located in an R1-2 zoning district.<br/> <b>COMMUNITY BOARD #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Deferred Decision – 8/22/06</b></p>  |
| <b>2.</b>                    | <b>334-05-BZ</b>                     | <p>Kramer Levin Naftalis &amp; Frankel, LLP<br/> <b>933-945 Madison Avenue, 31-33 East 74<sup>th</sup> Street,<br/>                     MANHATTAN</b><br/>                     Variance: Z.R. §72-21 – to facilitate the expansion of an existing museum complex (The Whitney) including the construction of a nine-story structure located in C5-1 (MP) and R8B (LH-1A) zoning districts. The proposed variance would allow modifications of street wall height, street wall recess, height and setback, mandatory use, and sidewalk tree regulations (Z.R. §§24-591, 99-03, 99-051, 99-052, 99-054, 99-06).<br/> <b>COMMUNITY BOARD #8M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted – 7/25/06</b></p> |
| <b>3.</b>                    | <b>358-05-BZ</b>                     | <p>Sheldon Lobel, P.C.<br/> <b>438 Port Richmond Avenue, STATEN ISLAND</b><br/>                     Variance: Z.R. §72-21 – to allow UG 6 commercial use (open accessory parking for retail) in an R3A zoned portion of the subject zoning lot (site is split between C8-1 and R3A zoning districts); contrary to Z.R. §22-00.<br/> <b>COMMUNITY BOARD #1SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted – 7/25/06</b></p>   |

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| <b>4.</b>                    | <b>26-06-BZ</b> | <p>Ellen Hay, Wachtel &amp; Masyr, LLP,<br/><b>145 East Service Road, STATEN ISLAND</b><br/>Special Permit: Z.R. §§73-03 and 73-36 – to operate a 51,609 square foot Physical Culture Establishment (LA Fitness) in an existing vacant one-story building located in an M1-1 zoning district.<br/><b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 7/25/06</b></p>   |
| <b>5.</b>                    | <b>33-06-BZ</b> | <p>Rampulla Associate Architects<br/><b>1457 Richmond Road, STATEN ISLAND</b><br/>Variance: Z.R. §72-21 – to allow a horizontal and vertical enlargement of an existing one-story retail building (UG 6) located in an R1-2 district; contrary to Z.R. §22-00.<br/><b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted – 7/25/06</b></p>  |
| <b>6.</b>                    | <b>46-06-BZ</b> | <p>Ellen Hay, Wachtel &amp; Masyr, LLP<br/><b>423 West 55<sup>th</sup> Street, MANHATTAN</b><br/>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.<br/><b>COMMUNITY BOARD #4M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 7/25/06</b></p> |
| <b>7.</b>                    | <b>62-06-BZ</b> | <p>The Law Office of Frederick A. Becker<br/><b>657 Logan Avenue, BRONX</b><br/>Variance: Z.R. §72-21 – to allow the addition of a second floor and attic to an existing one story, one family residence. The enlargement will increase the degree of non-compliance for the rear yard, side yards and exceed the permitted floor area.<br/><b>COMMUNITY BOARD #10BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/25/06</b></p>          |

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|---------------------------------------|---|---|
| <b>8.</b>                             | <b>146-04-BZ</b>                        | <p>Joseph Margolis<br/><b>191 Edgewater Street, STATEN ISLAND</b><br/>Variance: Z.R. §72-21 – to allow the residential conversion of an existing manufacturing building located in an M3-1 district contrary to Z.R. §42-00.<br/><b>COMMUNITY BOARD #1SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 9/12/06</b></p>   |
| <b>9.</b>                             | <b>194-04-BZ<br/>thru<br/>199-04-BZ</b> | <p>Mitchell S. Ross, Esq.<br/><b>9029-9039 Krier Place, BROOKLYN</b><br/>Variance: Z.R. §72-21 – to permit six two-family dwellings, contrary to Z.R. §42-10, located in an M1-1 zoning district.<br/><b>COMMUNITY BOARD #18BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Continued Hearing – 8/22/06</b></p>   |
| <b>10.</b>                            | <b>381-04-BZ</b>                        | <p>Sheldon Lobel, P.C.,<br/><b>83 Bushwick Place a/k/a 225-227 Boerum Street, BROOKLYN</b><br/>Variance: Z.R. §72-21 - to permit the construction of a four-story building to contain 20 residential units with 10 parking spaces. The site is currently an undeveloped lot in an M1-1 zoning district. The proposal is contrary to district use regulations pursuant to Z.R. Section 42-00.<br/><b>COMMUNITY BOARD #1BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Continued Hearing – 9/12/06</b></p> |
| <b>11.</b>                            | <b>119-05-BZ</b>                        | <p>Sheldon Lobel, P.C.<br/><b>834 Sterling Place, BROOKLYN</b><br/>Variance: Z.R. §72-21 – to permit the proposed enlargement to an existing one and two-story warehouse building, with an accessory office (UG 16), located in a C4-3 and R6 zoning district, contrary to floor area ratio, perimeter wall height, parking and loading berths (Z.R. §§52-41, 33-432, 36-21 and 36-62).<br/><b>COMMUNITY BOARD #8BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Withdrawn – 7/25/06</b></p>              |

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| <b>12.</b>                            | <b>128-05-BZ</b> | <p>Law Office of Fredrick A. Becker<br/> <b>1406 East 21<sup>st</sup> Street, BROOKLYN</b><br/>                     Variance: Z.R. §73-622 – to permit the proposed enlargement of an existing single family residence which does not comply with the zoning requirements for floor area, open space ratio, side and rear yard (Z.R. §23-141, §23-461 and §23-47), located in an R2 zoning district.<br/> <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 8/15/06</b></p> |
| <b>13.</b>                            | <b>313-05-BZ</b> | <p>Sheldon Lobel, P.C.<br/> <b>26 East 2<sup>nd</sup> Street, MANHATTAN</b><br/>                     Variance: Z.R. §72-21 – to allow a proposed enlargement of an existing residential building located in C6-1 and R7-2 districts contrary to rear yard regulations (Z.R. § 23-47).<br/> <b>COMMUNITY BOARD #3M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 8/22/06</b></p>  |
| <b>14.</b>                            | <b>11-06-BZ</b>  | <p>Law Office of Fredrick A. Becker<br/> <b>1245 East 22<sup>nd</sup> Street, BROOKLYN</b><br/>                     Special Permit: Z.R. §73-622 – to permit the enlargement to an existing single family residence, located in an R-2 zoning district, which does not comply with the zoning requirements for floor area ratio, open space ratio and rear yard (Z.R. §23-141 and §23-47).<br/> <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 8/15/06</b></p>           |

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| <b>15.</b>                   | <b>364-04-BZ</b> | <p>Sheldon Lobel, P.C.<br/> <b>690/702 New Lots Avenue, BROOKLYN</b><br/>                     Variance: Z.R. §72-21 – to permit the construction of a one-story commercial building, for use as three retail (UG 6) stores. The site is located in an R5 residential district, and the development is contrary to district use regulations per Z.R. §22-00.<br/> <b>COMMUNITY BOARD #5BK</b></p> <hr/> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <hr/> <p><b>Status: Closed, Decision – 8/22/06</b></p>   |
| <b>16.</b>                   | <b>298-05-BZ</b> | <p>Rampulla Associates Architects<br/> <b>1390 Richmond Avenue, STATEN ISLAND</b><br/>                     Variance: Z.R. §72-21 – to construct a new two-story office building (UG 6) with accessory parking for 39 cars. The premises is located in an R3X zoning district. The proposal is contrary to the district use regulations pursuant to Z.R. §22-00.<br/> <b>COMMUNITY BOARD #2SI</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Closed, Decision – 9/12/06</b></p>   |
| <b>17.</b>                   | <b>10-06-BZ</b>  | <p>Harold Weinberg<br/> <b>2251 East 12<sup>th</sup> Street, BROOKLYN</b><br/>                     Special Permit: Z.R. §73-622 – for the enlargement of a single family residence which increases the degree of non-compliance for lot coverage and side yards (Z.R. §§23-141 &amp; 23-48), exceeds maximum permitted floor area (Z.R. §23-141) and proposes less than the minimum rear yard (Z.R. §23-47). The premise is located in an R4 zoning district.<br/> <b>COMMUNITY BOARD #15BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 8/22/06</b></p> |

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|------------------------------|------------------|---|
| <b>18.</b>                   | <b>55-06-BZ</b>  | <p>Rampulla Associates Architects<br/><b>31 Nadine Street, STATEN ISLAND</b><br/>Variance: Z.R. §72-21 – to allow a proposed office building in an R3-2/C1-1 (NA-1) contrary to rear yard regulations (Z.R. §§33-26 and 33-23). Special Permit is also proposed pursuant to Z.R. §73-44 to allow reduction in required accessory parking spaces.<br/><b>COMMUNITY BOARD #2SI</b></p> <hr/> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <hr/> <p><b>Status: Continued Hearing – 9/12/06</b></p>           |
| <b>19.</b>                   | <b>127-06-BZ</b> | <p>Stadtmauer Bailkin, LLP<br/><b>129 West 67<sup>th</sup> Street, MANHATTAN</b><br/>Variance: Z.R. §72-21 – to enlarge an existing community facility building (<i>Elaine Kaufman Cultural Center</i>). Proposal is non-compliant regarding floor area ratio and rear yard (Z.R. §33-123 and §33-26). The site is located within a C4-7(L) zoning district.<br/><b>COMMUNITY BOARD #7M</b></p> <hr/> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <hr/> <p><b>Status: Closed, Decision – 8/15/06</b></p> |

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

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