

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, June 20, 2006
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	289-58-BZ	<p>Eric Palatnik, P.C. 398-410 Kings Highway, BROOKLYN Reopening for an extension of term of a variance for ten years, which expired on November 25, 2005, for a gasoline service station (Sunoco). The premise is located in an C2-3/R-7A zoning district. COMMUNITY BOARD #11BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/20/06</p>
2.	540-84-BZ	<p>Kenneth H. Koons 341 Soundview Avenue, THE BRONX Reopening for an extension of term of variance to legalize the change in use of a custom cabinet workshop (UG16A) to auto repair shops (UG16B) and to extend the term of the variance for ten years. The previous term expired June 10, 2006. The premise is located in an R3-2 zoning district. COMMUNITY BOARD #9BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/20/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
3.	565-57-BZ	Arcadius Kaszuba 5832 Broadway, THE BRONX Application to consider dismissal for lack of prosecution. COMMUNITY BOARD #8BX
		Examiner: Carlo Costanza (212) 788-8739
		Status: Withdrawn from Dismissal – 6/20/06 New Case (SOC) – 8/8/06
4.	374-71-BZ	Rothkrug Rothkrug Weinberg & Spector 205-11 Northern Boulevard, QUEENS Pursuant to Z.R. §§72-01 and 72-22 for an extension of term of a variance permitting an automobile showroom with open display of new and used cars (UG16) in a C2-2 (R3-2) district. The application also seeks an amendment to permit accessory customer and employee parking in the previously vacant portion of the premises. COMMUNITY BOARD #11Q
		Examiner: Carlo Costanza (212) 788-8739
		Status: Closed, Decision – 7/18/06

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<i>SOC – NEW CASES</i>		
5.	393-66-BZ	<p>Joseph P. Morsellino, Esq. 453 East Tremont Avenue, BRONX Reopening for Extension of Time/Waiver-For the rules of procedure and a Certificate of Occupancy. COMMUNITY BOARD #6BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/11/06</p>
6.	169-93-BZ	<p>The Law Office of Fredrick A. Becker 246-248 West 80th Street, MANHATTAN Pursuant to Z.R. §73-11 for the Extension of Term for a Physical Culture Establishment (New York Sports Club) which expired on May 17, 2004. COMMUNITY BOARD #7M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 7/18/06</p>
7.	227-98-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 41-01 4th Avenue, BROOKLYN Pursuant to Z.R. §73-243 for the Extension of Term/Waiver of a Special Permit for an Eating and Drinking establishment (Burger King) with an accessory drive-through facility. COMMUNITY BOARD #7BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/18/06</p>
8.	197-00-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 420 Lexington Avenue, MANHATTAN Pursuant to Z.R. §73-11 and Z.R. §73-36 Amendment to a previously granted Physical Culture Establishment (Equinox Fitness) for the increase of 4,527 sq. ft. in additional floor area. COMMUNITY BOARD #5M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 8/8/06</p>

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<i>SOC – NEW CASES</i>		
9.	112-01-BZ	<p>Sheldon Lobel, P.C. 1402 59th Street, BROOKLYN Pursuant to Z.R. §72-01 and Z.R. §72-21 for an Extension of Time to obtain a Certificate of Occupancy which expired on November 20, 2003 for a Community Use Facility-Use Group 4 (Congregation Noam Emimelech) and an Amendment that seeks to modify the previously approved plans for floor area/FAR- Z.R. §24-11, front wall height- Z.R. §24-521, front yard- Z.R. §24-31, side yard- Z.R. §24-35, lot coverage- Z.R. §24-11 and Z.R. §23-141(b) and off-street parking requirement for dwelling units- Z.R. §25-22. COMMUNITY BOARD #12BK</p> <p style="margin-left: 20px;">Examiner: Henry Segovia (212) 788-8757</p> <p style="margin-left: 20px;">Status: Continued Hearing – 8/8/06</p>
10.	121-02-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 9215 4th Avenue, a/k/a 9216 5th Avenue, BROOKLYN Pursuant to Z.R. §73-11 for the proposed Extension of Term of Special Permit and Extension of Time to obtain a Certificate of Occupancy for a Physical culture Establishment (Harbor Fitness Club), which expired on January 1, 2006, contrary to Z.R. §32-10. COMMUNITY BOARD #10 BK</p> <p style="margin-left: 20px;">Examiner: Toni Matias (212) 788-8752</p> <p style="margin-left: 20px;">Status: Closed, Decision – 7/18/06</p>

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<i>APPEALS – DECISIONS</i>		
11.	173-05-A	<p>Stuart Klein 85-24 168th Place, QUEENS 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. COMMUNITY BOARD #8Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Denied – 6/20/06</p>
12.	360-05-BZY & 368-05-A	<p>Greenberg & Traurig, LLP 400 15th Street, BROOKLYN Proposed Extension of Time to complete construction of a minor development pursuant to Z.R. §11-331 for a five-story residential building. An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to continue development commenced under the prior R6 zoning. New zoning district is R6B as of November 16, 2005. COMMUNITY BOARD #7BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: 360-05-BZY – Denied – 6/20/06 368-05-A – Granted – 6/20/06</p>
13.	362-05-BZY & 367-05-A	<p>Greenberg & Traurig, LLP 639 Sixth Avenue, BROOKLYN Proposed Extension of Time to complete construction of a minor development pursuant to Z.R. §11-331 for a six-story residential building. An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to continue development commenced under the prior R6 zoning. New zoning district is R6B as of November 16, 2005. COMMUNITY BOARD #7BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: 362-05-BZY – Denied – 6/20/06 367-05-A – Granted – 6/20/06</p>

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APPEALS – DECISIONS

14.	8-06-A & 9-06-A	Victor K. Han 42-32& 42-34 149th Place, QUEENS Proposed construction of two two-family semi-detached homes located within the bed of a mapped street which is contrary to General City Law, Section 35. Premises is located within the R3-2 zoning district. COMMUNITY BOARD #7Q
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 6/20/06

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<i>APPEALS – CONTINUED HEARINGS</i>		
15.	263-03-A	<p>John W. Carroll 1638 Eighth Avenue, BROOKLYN Appeal challenging the Department of Building’s final determination dated August 13, 2003 that the applicant of said premises had satisfied all objections and that the permit is valid. COMMUNITY BOARD #7BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 7/18/06</p>
16.	361-05-BZY & 366-05-A	<p>Greenberg & Traurig, LLP 1638 Eighth Avenue, BROOKLYN Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 under the prior R5 zoning district. 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 R5B zoning district. COMMUNITY BOARD #7BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 7/18/06</p>
17.	355-05-BZY	<p>Rohtkrug Rothkrug Weinberg Spector, LLP 422 Prospect Avenue, BROOKLYN Proposed Extension of Time to complete construction of a minor development pursuant to Z.R. §11-331 for a multi family, 3-story residential building under the prior R5 zoning. New zoning district is R5B. COMMUNITY BOARD #7BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 7/18/06</p>
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 – 7/11/06</p>

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<i>APPEALS – NEW CASES</i>		
19.	356-05-A & 357-05-A	<p>Fredrick A. Becker, Esq. 150 & 152 Beach 4th Street, QUEENS An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to continue development commenced under the prior R5 zoning. New zoning district is R3X as of September 15, 2005. COMMUNITY BOARD#14Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 7/18/06</p>
20.	89-06-A	<p>Gary Lenhart, R.A. 19 Beach 220th Street, QUEENS Proposal to permit reconstruction and enlargement of an existing single family dwelling not fronting a mapped street is contrary to Section 36, Article 3 of the General City Law. Premises is located within an R-4 Zoning District. COMMUNITY BOARD#14Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 6/20/06</p>

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<i>BZ – DECISIONS</i>		
1.	14-05-BZ	<p>The Law Office of Fredrick Becker, Esq. 300 West 56th Street, BROOKLYN Special Permit: Z.R. §73-36 – to allow a physical culture establishment on second and third floor of a three story commercial building. Premises is located within the C6-4 (CL) zoning district. COMMUNITY BOARD #4M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 6/20/06</p>
2.	52-05-BZ	<p>Sheldon Lobel, P.C. 6209 11th Avenue, BROOKLYN Variance: Z. R. §72-21 – to permit the proposed development of a six-story and cellar building, with community use on floors one through three, residential use on floors three through six, and parking in the cellar, located in a C1-2/R5 zoning district, contrary to Z.R. §35-31, §35-33, §35-40, §35-62, §33-472, §35-53 and §35-61. COMMUNITY BOARD #10K</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Withdrawn – 6/20/06</p>
3.	89-05-BZ	<p>Stadtmauer Bailkin, LLP/ Steven M. Sinacori, Esq. 18 Heyward Street, BROOKLYN Variance: Z.R. §72-21 – to allow an enlargement of the rear portion of an existing five-story community facility/commercial building 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: Granted – 6/20/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
4.	146-04-BZ	<p>Joseph Margolis 191 Edgewater Street, STATEN ISLAND 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. COMMUNITY BOARD #1SI Examiner: Jed Weiss (212) 788-8781 Status: Adjourned Hearing – 7/25/06</p>
5.	124-05-BZ	<p>Greenberg Traurig LLP/Deirdre A. Carson, Esq. 482 Greenwich Street, MANHATTAN Variance: Z.R. §72-21 – to allow proposed 11-story residential building with ground floor retail located in a C6-2A zoning district; contrary to Z.R. §35-00, §23-145, §35-52, §23-82, §13-143, and §13-142(a). COMMUNITY BOARD #2M Examiner: Jed Weiss (212) 788-8781 Status: Closed, Decision – 9/12/06</p>
6.	128-05-BZ	<p>Law Office of Fredrick A. Becker 1406 East 21st Street, BROOKLYN 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. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 7/25/06</p>
7.	151-05-BZ	<p>The Law Office of Fredrick A. Becker 100 Varick Street, MANHATTAN Variance: Z.R. §72-21 – to allow a proposed ten-story residential building containing seventy-nine dwelling units located in an M1-6 district; contrary to Z.R. §42-00. COMMUNITY BOARD #2M Examiner: Jed Weiss (212) 788-8781 Status: Continued Hearing – 7/18/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
8.	202-05-BZ	<p>Eric Palatnik, P.C. 11-11 131st Street, QUEENS Special Permit: Z.R. §73-36 – to allow the proposed physical culture establishment in an M1-1 zoning district. COMMUNITY BOARD #7Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 7/18/06</p>
9.	321-05-BZ	<p>Sheldon Lobel, P.C. 245-02 Horace Harding Expressway, QUEENS Special Permit: Z.R. §73-243 – to legalize an existing accessory drive-through window in an as-of-right eating and drinking establishment (Dunkin Donuts), contrary to Z.R. §32-31. The premise is located in a R3-2/C1-2 zoning district. COMMUNITY BOARD #11Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Withdrawn – 6/20/06</p>
10.	334-05-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 933-945 Madison Avenue, 31-33 East 74th Street, MANHATTAN Variance: under Z.R. §72-21 – to facilitate the expansion of an existing museum complex (The Whitney) including the construction of a nine (9) 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). COMMUNITY BOARD #8M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Closed, Decision – 7/25/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
11.	352-05-BZ	Jeffrey A. Chester, Esq. 21-41 Mott Avenue, QUEENS Special Permit: Z.R. §73-243 – to permit the proposed re-establishment of a special permit (49-94-BZ) that expired on June 16, 2003 for an eating and drinking establishment with an accessory drive-through. The site is located in a C1-2 zoning district. COMMUNITY BOARD #14Q
		Examiner: Rory Levy (212) 788-8749
		Status: Closed, Decision – 7/18/06

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<i>BZ – NEW CASES</i>		
12.	11-06-BZ	<p>Law Office of Fredrick A. Becker 1245 East 22nd Street, BROOKLYN 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). COMMUNITY BOARD #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 7/25/06</p>
13.	338-05-BZ	<p>Eric Palatnik, P.C. 2224 East 14th Street, BROOKLYN Special Permit: Z.R. §73-622 – to permit the proposed enlargement of an existing single family home which creates non-compliances with respect to open space and floor area, Z.R. §23-141, side yards, Z.R. §23-461 and rear yard, Z.R. §23-47. COMMUNITY BOARD #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 8/8/06</p>
14.	16-06-BZ	<p>Eric Palatnik, P.C. 2253 East 14th Street, BROOKLYN Special Permit: Z.R. §73-622 – to permit the proposed enlargement of an existing single family home, which creates non-compliances with respect to open space and floor area (Z.R. §23-141), side yards (Z.R. §23-461) and rear yard (Z.R. §23-47). COMMUNITY BOARD #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 8/8/06</p>
15.	358-05-BZ	<p>Sheldon Lobel, P.C. 438 Port Richmond Avenue, STATEN ISLAND Variance: Z.R. §72-21 – to allow U.G. 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. COMMUNITY BOARD #1SI</p> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Closed, Decision – 7/25/06</p>

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16.	26-06-BZ	<p>Ellen Hay, Wachtel & Masyr, LLP 145 East Service Road, STATEN ISLAND 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. COMMUNITY BOARD #2SI</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 7/25/06</p>
17.	33-06-BZ	<p>Rampulla Associate Architects 1457 Richmond Road, STATEN ISLAND 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. COMMUNITY BOARD #2SI</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Closed, Decision – 7/25/06</p>
18.	62-06-BZ	<p>The Law Office of Frederick A. Becker 657 Logan Avenue, BRONX 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. COMMUNITY BOARD #10BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/25/06</p>

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