

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, June 6, 2006
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	32-38-BZ	<p>Steven M. Sinacori, Esq. 88 Third Avenue, BROOKLYN Reopening for an amendment to the resolution to eliminate the twenty year (20) term for the change in occupancy from Manufacturing (UG17) to Office (UG6) in a four story and cellar building located in an R6 zoning district, as adopted by the Board of Standards and Appeals on March 16, 1993. COMMUNITY BOARD #2BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/6/06</p>
2.	295-77-BZ	<p>Walter T. Gorman, P.E. 87-10 Northern Boulevard, QUEENS Reopening for extension of term/waiver of a variance Z.R. §72-21 for the continued use of a gasoline service station which expired on October 1, 2003 for an additional ten (10) years; and an amendment to legalize the conversion of a portion of the service building from office/sales and attendant’s area to an accessory convenience store, the erection of a trash enclosure, air pump tower and car vacuum, a public telephone and wooden planter boxes. The premise is located in an C1-2 in R4 zoning district. COMMUNITY BOARD #3Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/6/06</p>
3.	545-78-BZ	<p>Petraro & Jones, LLP 901/903 Pine Street, BROOKLYN Reopening for an extension of term of a variance for a commercial vehicle storage establishment. The term expired on March 27, 2002. The application also seeks a waiver of the Board’s rules of practice and procedure for an extension of term application filed more than one year, but less than two years, following expiration of the term. The premise is located in an R4 zoning district. COMMUNITY BOARD #5BK</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 6/6/06</p>

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<i>SOC – DECISIONS</i>		
4.	26-94-BZ	Rampulla Associates Architects 141 Mansion Avenue, STATEN ISLAND Reopening for an Extension of Term for a Special Permit renewal for an eating and drinking establishment (UG6), located in a C3A zoning district. COMMUNITY BOARD #3SI
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 6/6/06

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<i>SOC – CONTINUED HEARINGS</i>		
5.	132-97-BZ & 24-06-A	<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. 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. COMMUNITY BOARD #3SI</p> <hr/> <p style="color: green;">Examiner: Henry Segovia 788-8757/Toni Matias 788-8752</p> <hr/> <p style="color: red;">Status: Closed, Decision – 7/11/06</p>
6.	111-01-BZ	<p>Eric Palatnik, P.C. 9001 Ditmas Avenue, BROOKLYN <i>Wendy’s Restaurant</i> Reopening for an extension of term for ten years for an accessory drive thru facility at an eating and drinking establishment which one-year term expired February 1, 2006. An amendment is also proposed to extend the hours of operation of the accessory drive-thru facility to operate until 4 a.m. daily. The premise is located in a C1-2 / R-5 zoning district. COMMUNITY BOARD #17BK</p> <hr/> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p style="color: red;">Status: Continued Hearing – 7/18/06</p>

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<i>SOC – NEW CASES</i>		
7.	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) and an Amendment to legalize a small convenience store as accessory to the UG16-Automotive Service Station. 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: Closed, Decision – 6/20/06</p>
8.	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: Closed, Decision – 6/20/06</p>
9.	335-88-BZ	<p>Eric Palatnik, P.C. 5808/28 Flatland Avenue, BROOKLYN 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. COMMUNITY BOARD #18BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/11/06</p>

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<i>APPEALS – DECISIONS</i>		
10.	263-03-A	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
		Examiner: Toni Matias (212) 788-8752
		Status: Continued Hearing – 6/20/06
11.	162-05-A	Jay Segal 19-21 Beekman Place, MANHATTAN An appeal of a final determination from the Department of Buildings dated June 15, 2005 that a privacy wall exceeds the height limit and engineering requirements established by the Building Code. COMMUNITY BOARD #6M
		Examiner: Toni Matias (212) 788-8752
		Status: Denied – 6/6/06
12.	294-05-A thru 296-05-A	Rothkrug Rothkrug Weinberg & Spector, LLP 146-34, 36, 38 Pleasant Place, QUEENS Proposed construction of three, two-family homes not fronting on a mapped street is contrary to §36, Article 3 of the General City Law. Premises is located in an R3-2 zoning district. COMMUNITY BOARD #13Q
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 6/6/06
13.	353-05-BZY	Cozen & O’Connor 614 7th Avenue, BROOKLYN Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 for a 38-unit multiple dwelling and community facility under the prior R6 zoning. New zoning district is R6B as of November 16, 2005. COMMUNITY BOARD #7BK
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 7/18/06

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<i>APPEALS – CONTINUED HEARINGS</i>		
14.	134-05-A	<p>Rothkrug Rothkrug Weinberg Spector, LLP 53-31 67th Street, 53-33 67th Street and 67-02 53rd Road, QUEENS Proposed construction of three, two-family dwellings located in the bed of a mapped street (67th Street) is contrary to §35 of the General City Law. COMMUNITY BOARD #5Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 7/11/06</p>
15.	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: Closed, Decision – 6/20/06</p>
16.	317-05-A	<p>Kevin Shea 4 East 3rd Street, MANHATTAN Appeal challenging Department of Building’s interpretation that the construction of a 16-story mixed use building in an C6-1/R7-2 zoning district violates floor area, height and setback, open space and use regulations. COMMUNITY BOARD #1M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 7/18/06</p>
17.	355-05-BZY	<p>Rothkrug 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> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 6/20/06</p>

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<i>APPEALS – NEW CASES</i>		
18.	364-05-A & 365-05-A	<p>Sheldon Lobel, P.C. 87-30 and 87-32 167th Street, 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: Adjourned Hearing – 7/11/06</p>
19.	400-04-A	<p>Sheldon Lobel, P.C. 42-01 and 42-03 249th Street, QUEENS Proposed construction of two, two-story, semi-detached two family homes which lie in the bed of a mapped street, (Depew Avenue), contrary to General City Law, Section 35. Premises is located in an R3-1 Zoning District. COMMUNITY BOARD #11Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 6/6/06</p>
20.	299-05-A	<p>Sheldon Lobel, P.C. 369 Wilson Avenue, STATEN ISLAND Proposed construction of one, two-story, one-family home which lies in the bed of a mapped street (Getz Avenue), contrary to General City Law, Section 35. Premises is located in an R3A (SRD) zoning district. COMMUNITY BOARD #3SI</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 7/11/06</p>
21.	345-05-A	<p>Marcus Marino, AIA 81 White Plains Avenue, STATEN ISLAND Proposed construction of a three story, two-family dwelling not fronting on a mapped street is contrary to General City Law, Section 36. Premises is located within an R3-A Growth Management Area. COMMUNITY BOARD #1SI</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 6/6/06</p>

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<i>APPEALS – NEW CASES</i>		
22.	8-06-A and 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: Closed, Decision – 6/20/06

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<i>BZ – DECISIONS</i>		
1.	249-04-BZ	<p>Harold Weinberg, P.E. 205 Parkside Avenue, BROOKLYN Variance: Z.R. §72-21 – to allow an enlargement of an existing non-complying UG 2 residential building in an R7-1 district, contrary to Z.R. §§23-121, 54-31, 23-462, 25-241 and 23-22. COMMUNITY BOARD #9BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Adjourned Decision – 7/18/06</p>
2.	323-05-BZ	<p>Rothkrug Rothkrug & Spector LLP 488 Logan Street, BROOKLYN Variance: Z.R. §72-21 – to allow a proposed two-family dwelling that does not provide a required side yard in an R5 zoning district, contrary to Z.R. §23-461(b). COMMUNITY BOARD #5BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 6/6/06</p>

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BZ – CONTINUED HEARINGS		
3.	290-02-BZ thru 314-02-BZ and 374-03-BZ thru 376-03-BZ	<p>Rothkrug Rothkrug Weinberg & Spector 114-01/03/05/07/09/11/13/17/19/15/21/21/23/25/27/29/31/33/35/ 20/22/24/26/28/30/32/34 and 114-17/19/36-A Taipei Court, QUEENS (Taipei Court) Variance: Z.R. §72-21 – to permit the construction of 28 attached, three-story and cellar, two-family dwellings on a vacant site. The subject site is located in an M1-1 zoning district, and the proposal would create 56 dwelling units and 56 parking spaces. The proposal is contrary to applicable use regulations pursuant to Z.R. §42-10. COMMUNITY BOARD #7Q Examiner: Rory Levy (212) 788-8749 Status: Adjourned Hearing – 7/18/06</p>
4.	274-04-BZ	<p>Harold Weinberg, P.E. 2114 Gravesend Neck Road, BROOKLYN Variance: Z.R. §72-21 – to legalize the extension of a medical use to the second floor of an existing building consisting of two-stories, contrary to yard requirements. The site is located in an R4 zoning district COMMUNITY BOARD #15BK Examiner: Roy Starrin (212) 788-8797 Status: Withdrawn – 6/6/06</p>
5.	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 Examiner: Jed Weiss (212) 788-8781 Status: Closed, Decision – 6/20/06</p>

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6.	100-05-BZ	<p>Martyn & Don Weston 223 Water Street, a/k/a 48 Bridge Street, BROOKLYN 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. COMMUNITY BOARD #2BK</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Closed, Decision – 7/11/06</p>
7.	119-05-BZ	<p>Sheldon Lobel, P.C. 834 Sterling Place, BROOKLYN Variance: 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 (Z.R. §§52-41, 33-432, 36-21 and 36-62). COMMUNITY BOARD #8BK</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Adjourned Hearing – 7/25/06</p>
8.	132-05-BZ	<p>Sheldon Lobel, P.C. 220 West End Avenue, BROOKLYN 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. COMMUNITY BOARD #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 7/11/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
9.	297-05-BZ	<p>Law Office of Fredrick A. Becker, Esq. 33 Vestry Street, MANHATTAN 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. COMMUNITY BOARD #1M</p> <p>Examiner: Jed Weiss (212) 788-8781 Status: Closed, Decision – 7/11/06</p>
10.	314-05-BZ	<p>Law Office of Fredrick A. Becker, Esq. 1670 East 23rd Street, BROOKLYN Special Permit Z.R. §73-622 – for an enlargement to a single family residence that increases the degree of non-compliance with respect to floor area ratio and open space/lot coverage as per Z.R. §23-141b, less than the total required side yards as per Z.R. §23-361a and a rear yard less than the required rear yard as per Z.R. §23-47. The premise is located in an R3-2 zoning district. COMMUNITY BOARD#15BK</p> <p>Examiner: Henry Segovia (212) 788-8752 Status: Closed, Decision – 7/18/06</p>
11.	349-05-BZ	<p>Law Offices of Howard Goldman, LLC 325 East 101st Street, MANHATTAN Variance: Z.R. §72-21 – to allow a proposed eight-story residential building with community facility use on the 1st and 2nd floor in an R7A zoning district; contrary to Z.R. §23-145. COMMUNITY BOARD #11M</p> <p>Examiner: Jed Weiss (212) 788-8781 Status: Closed, Decision – 7/11/06</p>

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<i>BZ – NEW CASES</i>		
12.	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: Closed, Decision – 6/20/06</p>
13.	199-05-BZ	<p>Joseph Morsellino, Esq. 99 Seventh Avenue, MANHATTAN Variance: Z.R. § 72-21 – to allow a proposed twelve 12-story residential building with ground floor retail containing eleven dwelling units in an M1-6 Zoning District; contrary to ZR § 42-00. COMMUNITY BOARD #5M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 7/18/06</p>
14.	303-05-BZ	<p>Eric Palatnik, P.C. 428 East 75th Street, MANHATTAN 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. COMMUNITY BOARD #8M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 7/11/06</p>

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15.	313-05-BZ	<p>Sheldon Lobel, P.C. 26 East 2nd Street, MANHATTAN Variance: Z.R. §72-21 – to allow a proposed enlargement of an existing residential building located in C6-1 and R7-2 districts to violate applicable rear yard regulations; contrary to Section 23-47. COMMUNITY BOARD #3M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 7/25/06</p>
16.	22-06-BZ	<p>Harold Weinberg, P.E. 8 Gotham Avenue, BROOKLYN 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) the proposed enlargement also exceeds the allowable setback and is contrary to Z.R. §23-631. The premise is located in an R4 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8752</p> <p>Status: Continued Hearing – 7/11/06</p>

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