

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, March 28, 2006  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>645-59-BZ</b>	<p>Vassalotti Associate Architects, LLP <b>10824 Flatlands Avenue, BROOKLYN</b> Reopening for an Extension of Term of a variance for an additional 10 years for the existing gasoline service station with accessory convenience store which expired on October 7, 2005. The premise is located in a C2-1/R5 zoning district. <b>COMMUNITY BOARD #18BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 3/28/06</b></p>
<b>2.</b>	<b>240-90-BZ</b>	<p>Joseph P. Morsellino, Esq. <b>210-12 48<sup>th</sup> Avenue, QUEENS</b> Reopening for an Extension of Term/Amendment of variance of an Agricultural Nursery and Truck Garden which expires on May 14, 2006. It is requested to extend the term from a 10 year term to a 20 year term and to amend to allow overnight parking for 10 vehicles. The premise is located in a R4B zoning district. <b>COMMUNITY BOARD #11Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 3/28/06</b></p>
<b>3.</b>	<b>139-92-BZ</b>	<p>Samuel H. Valencia <b>52-15 Roosevelt Avenue, QUEENS</b> Reopening for an Extension of Term/Waiver for an eating and drinking establishment, with dancing, which expired on March 7, 2004, located on the first floor of a three-story, mixed use building with residences on the upper floors. The premise is located in a C2-2/R-6 zoning district. <b>COMMUNITY BOARD #2Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 3/28/06</b></p>
<b>4.</b>	<b>136-01-BZ</b>	<p>Eric Palatnik, P.C. <b>11-11 44<sup>th</sup> Drive, QUEENS</b> Reopening for an amendment to the resolution to extend the time to complete construction which expires June 11, 2006. The premise is located in a M1-4/R7A zoning district. <b>COMMUNITY BOARD #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 3/28/06</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>5.</b>	<b>410-68-BZ</b>	<p>Sheldon Lobel, P.C., for Alessandro Bartellino, owner. <b>85-05 Astoria Boulevard, QUEENS</b> Reopening for extension of time to complete construction and to obtain a certificate of occupancy for an automotive service station, pursuant to Z.R. §11-412. The premise is located in a R-4 zoning district. <b>COMMUNITY BOARD #3Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 4/11/06</b></p>
<b>6.</b>	<b>357-72-BZ</b>	<p>Law Office of Fredrick A. Becker <b>355 West 255<sup>th</sup> Street, BRONX</b> Reopening for amendment to a previously granted variance Z.R. §72-21 for a multiple dwelling and community facility complex to allow for the enclosure of an existing swimming pool and the enlargement of an accessory health and sports facility. The premise is located in an R-4 zoning district. <b>COMMUNITY BOARD #8BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 4/25/06</b></p>
<b>7.</b>	<b>1038-80-BZ</b>	<p>Davidoff Malito &amp; Hutcher, LLP <b>31-07/09/11 Downing Street, QUEENS</b> Reopening for extension of term of a special permit for an amusement arcade (UG 15) in an M2-1 zoning district which expired on January 6, 2006. <b>COMMUNITY BOARD #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 4/11/06</b></p>

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<b>8.</b>	<b>7-95-BZ</b>	<p>Francis R. Angelino, Esq. <b>153-37 Cross Island Parkway, QUEENS</b> Reopening for an extension of term and an amendment of a previously granted variance to permit, in a C1-2 (R3-2)/R3-2 district, a physical culture establishment, New York Sports Club, in a cellar and two-story building within a larger shopping center development, which does not conform to district use regulations. <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 4/25/06</b></p>
<b>9.</b>	<b>280-01-BZ</b>	<p>Stadtmauer Bailkin LLP &amp; Cozin O’Connor <b>663/673 Second Avenue &amp; 241/249 East 36<sup>th</sup> Street, MANHATTAN</b> Reopening for extension of time to complete construction for a variance Z.R. §72-21 to permit a mixed use building located in a C1-9 zoning district. <b>COMMUNITY BOARD #6M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 4/11/06</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>10.</b>	<b>144-05-BZY</b>	Alfonso Duarte <b>143-53/55 Poplar Avenue, QUEENS</b> Proposed extension of time to complete construction pursuant to Z.R. §11-331 for two two-family attached dwellings. <b>COMMUNITY BOARD #7Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision – 5/9/06</b>
<b>11.</b>	<b>155-05-A</b>	Richard Kusack <b>81 East 3<sup>rd</sup> Street, MANHATTAN</b> Appeal of the Department of Buildings decision dated May 27, 2005 rescinding its Notice of Intent to revoke the approvals and permit for Application No. 102579354 for a Community Facility (New York Law School). <b>COMMUNITY BOARD #8M</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision – 4/25/06</b>
<b>12.</b>	<b>190-05-A</b>	Statmauer Bailkin, LLP <b>28-32 215<sup>th</sup> Street, QUEENS</b> 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 R2 zoning district. Current zoning district is R2A. <b>COMMUNITY BOARD #11Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision – 5/16/06</b>

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<b><i>APPEALS – NEW CASES</i></b>		
<b>13.</b>	<b>222-04-A thru 224-04-A</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector, LLC <b>486 Arthur Kill Road, and 120/122 Pemberton Avenue, STATEN ISLAND</b></p> <p>To permit construction of three, one-family dwellings in the bed of a final mapped street (Pemberton Avenue) contrary to Article 3, Section 35 of the General City Law. Premises is located within an R3-1 (SRD) zoning district.</p> <p><b>COMMUNITY BOARD #3SI</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing – 5/9/06</b></p>
<b>14.</b>	<b>370-04-A</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector, LLC <b>1511 Egmont Place, QUEENS</b></p> <p>To permit construction of a one family dwelling in the bed of a final mapped street (Edgewater Road) contrary to Article 3, Section 35 of the General City Law. Premises is located within an R2 zoning district.</p> <p><b>COMMUNITY BOARD #14Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing – 5/9/06</b></p>
<b>15.</b>	<b>370-05-BZY &amp; 371-05-A</b>	<p>Kramer Levin Naftalis &amp; Frankel, LLP <b>523 West 37<sup>th</sup> Street, MANHATTAN</b></p> <p>Proposed extension of time to complete construction pursuant to Z.R. §11-332 for a one story and mezzanine addition to an existing three-story building. An appeal seeking a determination that the owner of said premises has acquired a common law vested rights to complete construction pursuant to Z.R. §11-332 for a one-story and mezzanine addition to an existing three-story building, previously located in a C6-2(CC) zoning district. The current zoning district is C6-2(HY), adopted on 01/19/2005.</p> <p><b>COMMUNITY BOARD #4M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 4/11/06</b></p>

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1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>245-04-BZ</b>	<p>Mitchell S. Ross, Esq.  <b>102/04 Franklin Avenue, BROOKLYN</b>                      Pursuant to Z.R. §72-21 – a variance application to permit the proposed five-story, seven unit multiple dwelling (Use Group 2). One parking space is proposed. The site is located in an M1-1 zoning district. The proposal is contrary to Z.R. §§42-10 and 23-145.  <b>COMMUNITY BOARD #3BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Granted – 3/28/06</b></p>
<b>2.</b>	<b>179-05-BZ</b>	<p>Harold Weinberg, P.E.  <b>139 Langham Street, BROOKLYN</b>                      Special Permit: Z.R. §73-622 – for a two-story rear enlargement to a single family semi-detached home to vary Z.R. §23-14 for floor area and open space, Z.R. §23-47 for less than the required rear yard, Z.R. §23-641 for less than the required side yard and Z.R. §23-631 for total height. The premise is in an R3-1 zoning district.  <b>COMMUNITY BOARD #15BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 3/28/06</b></p>
<b>3.</b>	<b>187-05-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>78-20 67<sup>th</sup> Road, QUEENS</b>                      Variance: Z.R. §72-21 – proposal to build a two-family dwelling that will comply with all zoning requirements with the exception of two non-complying side yards and undersized lot area due to a pre-existing condition.  <b>COMMUNITY BOARD #5Q</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Continued Hearing – 4/25/06</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>4.</b>	<b>285-05-BZ</b>	Rothkrug Rothkrug Weinberg Spector <b>34 Duncan Road, STATEN ISLAND</b> Variance: Z.R. §72-21 – proposed enlargement of an existing one-family dwelling that will not provide the required front yard, Z.R. §23-45 and rear yard, Z.R. §23-47. The premise is located in an R1-2(HS) Hillside Preservation District. <b>COMMUNITY BOARD #1SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 3/28/06</b>
<b>5.</b>	<b>301-05-BZ</b>	Sheldon Lobel, P.C. <b>410 8<sup>th</sup> Avenue, MANHATTAN</b> Special Permit: Z.R. §73-36 – to permit the operation of a Physical Culture Establishment on the second floor mezzanine of a building located within a C6-3X zoning district. <b>COMMUNITY BOARD #5M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 3/28/06</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>72-05-BZ</b>	<p>Harold Weinberg, P.E.  <b>245 Hooper Street, BROOKLYN</b>  <u><b>Congregation Shomlou</b></u>                      Variance: Z.R. §72-21 – to permit the proposed erection of a synagogue and yeshiva, with accessory residences, Use Groups 2 and 4, located in an R6 zoning district, which does not comply with the zoning requirements for floor area ratio, lot coverage, rear yard and open space ratio and is contrary to Z.R. §24-11, §23-142, §24-36 and §24-12.  <b>COMMUNITY BOARD #1BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 5/2/06</b></p>
<b>7.</b>	<b>119-05-BZ</b>	<p>Sheldon Lobel, P.C.  <b>834 Sterling Place, BROOKLYN</b>                      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, is contrary to Z.R. §§52-41, 33-432, 36-21 and 36-62.  <b>COMMUNITY BOARD #8BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Adjourned Hearing – 6/6/06</b></p>
<b>8.</b>	<b>124-05-BZ</b>	<p>Greenberg Traurig LLP/Deirdre A. Carson, Esq.  <b>482 Greenwich Street, MANHATTAN</b>                      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).  <b>COMMUNITY BOARD #2M</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Adjourned Hearing – 4/25/06</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>9.</b>	<b>128-05-BZ</b>	Law Office of Fredrick A. Becker <b>1406 East 21<sup>st</sup> Street, BROOKLYN</b> 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, which is contrary to Z.R. §23-141, §23-461 and §23-47, located in an R2 zoning district. <b>COMMUNITY BOARD #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 5/9/06</b>

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<b><i>BZ – NEW CASES</i></b>		
<b>10.</b>	<b>129-05-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>1161 East 21<sup>st</sup> Street, BROOKLYN</b>                      Special Permit: Z.R. §§73-622 – to allow the enlargement of a single family residence which is contrary to Z.R. §23-141 for floor area and open space and Z.R. §23-47 for rear yard waiver. The premise is located in an R2 zoning district.  <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Withdrawn – 3/28/06</b></p>
<b>11.</b>	<b>163-05-BZ</b>	<p>Harold Weinberg, P.E.  <b>1134 East 28<sup>th</sup> Street, BROOKLYN</b>                      Special Permit: Z.R. §73-622 – for the enlargement of single family home which seeks to vary Z.R. §23-141 for increase in floor space ratio, Z.R. §23-47 for less than the required side yard. The premise is located in an R2 zoning district.  <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/2/06</b></p>
<b>12.</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: Continued Hearing – 5/2/06</b></p>
<b>13.</b>	<b>193-05-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>32 East 31<sup>st</sup> Street, MANHATTAN</b>                      Special Permit: Z.R. §73-36 – to allow the legalization of a physical culture establishment in the cellar, first floor and first floor mezzanine of a ten story commercial building which is contrary to Z.R. §32-21. The premise is located within a C5-2 zoning district.  <b>COMMUNITY BOARD #5M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 4/25/06</b></p>

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<b>14.</b>	<b>323-05-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>488 Logan Street, BROOKLYN</b>                      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).  <b>COMMUNITY BOARD #5BK</b></p>
		<b>Examiner: Jed Weiss (212) 788-8781</b>
		<b>Status: Continued Hearing – 4/25/06</b>
<b>15.</b>	<b>202-05-BZ</b>	<p>Eric Palatnik, P.C.  <b>11-11 131<sup>st</sup> Street, QUEENS</b>                      Special Permit: Z.R. §73-36 – to allow the proposed Physical Culture Establishment in a Manufacturing (M1-1) zoning district.  <b>COMMUNITY BOARD #7Q</b></p>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 4/25/06</b>

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