

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, October 17, 2006
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	802-48-BZ	<p>Rothkrug Rothkrug Weinberg Spector, LLP 13-46 Beach Channel Drive, a/k/a 2118 Dix Place, QUEENS Extension of term of a UG 16 gasoline service station with automotive repair for a term of 10 years, to expire in June 24, 2015 and legalization of the conversion of two service bays to an accessory convenience store. The premise is located in an R5 zoning district. COMMUNITY BOARD #14Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/17/06</p>
2.	167-55-BZ	<p>Vassalotti Associates Architects 20-65 Clintonville Street, QUEENS Extension of term of variance (§11-411) and waiver of the rules for a gasoline service station (Gulf Station) with minor auto repair, which expired on October 7, 2005, and an amendment (§11-412) to permit the sale of used cars. The premise is located in R3-1 zoning district. COMMUNITY BOARD #7Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/17/06</p>
3.	229-84-BZ	<p>Cozen O’Connor 75-28 Queens Boulevard, QUEENS Extension of term/waiver for a physical culture establishment, located in an M1-1 zoning district, which was granted under Z.R. §73-36 and expired on November 27, 2004. COMMUNITY BOARD #4Q</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 10/17/06</p>
4.	144-89-BZ	<p>Law Offices of Howard Goldman, LLC 1800 Second Avenue, MANHATTAN Extension of time/waiver to complete construction on a 10-story residential building with retail on the ground floor which expired on December 15, 2003. The premise is located in a C2-8(TA) zoning district. COMMUNITY BOARD #8M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/17/06</p>

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5.	171-95-BZ	<p>Law Office of Howard Goldman, LLC 100 East End Avenue, MANHATTAN Z.R. §72-01 and §72-22 for an amendment to a not-for-profit all girls school (The Chapin School) for a three floor enlargement which increases the floor area and height of the building. The premise is located in an R8B/R10A zoning district. COMMUNITY BOARD #8M Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/17/06</p>
6.	228-96-BZ	<p>Sheldon Lobel, P.C. 1209 Zerega Avenue, BRONX Extension of term of a previously-granted special permit under §73-44 to allow the reduction in the number of required accessory off-street parking spaces from 40 to 25 for a vocational and educational counseling facility for individuals with disabilities (UG 6, Parking Requirement Category B1) located in an M1-1 zoning district. COMMUNITY BOARD #9BX Examiner: Carlo Costanza (212) 788-8739 Status: Granted – 10/17/06</p>
7.	111-01-BZ	<p>Eric Palatnik, P.C. 9001 Ditmas Avenue, BROOKLYN Extension of term for 10 years for an accessory drive thru facility at an eating and drinking establishment (Wendy’s Restaurant), which expired February 1, 2006, and an amendment to extend the hours of operation of the drive-thru facility until 4 a.m. daily. The premise is located in a C1-2 / R-5 zoning district. COMMUNITY BOARD #17BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/17/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
8.	866-49-BZ	<p>Carl A. Sulfaro, Esq. 200-01/07 47th Avenue, QUEENS Extension of term for 10 years for a gasoline service station (Shell Station) which expired on October 7, 2006, waiver of the rules, and an amendment to legalize the change in signage, new storefront and replacement of the wrought iron fencing with white vinyl fencing. The premise is located in an R3-X zoning district. COMMUNITY BOARD #11Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 11/14/06</p>
9.	413-50-BZ	<p>Eric Palatnik, P.C. 691/703 East 149th Street, THE BRONX Extension of term of a gasoline service station (BP North America) for 10 years which expired on November 18, 2005, and an amendment to legalize modifications to the previously approved signage. The premise is located in a C2-4/R7-1 zoning district. COMMUNITY BOARD #15BX</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 10/31/06</p>
10.	1888-61-BZ	<p>Alfonso Duarte 93-10 23rd Avenue, QUEENS Amendment to an eating and drinking establishment and catering hall to legalize an increase in floor area, separate entrance to the catering hall, and drive-thru at the front entrance. The premise is located in an R3-2 zoning district. COMMUNITY BOARD #3Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 10/24/06</p>

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<i>SOC – CONTINUED HEARINGS</i>		
11.	441-65-BZ	<p>Sheldon Lobel, P.C. 2488 Hylan Boulevard, STATEN ISLAND Amendment to a previously granted special permit (§73-211) for the redevelopment of a gasoline service station, to construct an accessory convenience store (Hess Express), a new canopy, six pump islands with MPD dispensers, and one diesel fuel dispenser. The site is located in C2-1/R3-2 zoning district. COMMUNITY BOARD #2SI</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/14/06</p>
12.	331-98-BZ	<p>Sheldon Lobel, P.C. 1426-1428 Fulton Street, BROOKLYN Extension of term and waiver of the rules for a special permit (§73-244) which permitted the operation of an eating and drinking establishment with entertainment and dancing with a capacity of more than 200 persons at the premises. The site is located in a C2-3/R6 zoning district. COMMUNITY BOARD #3BK</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Closed, Decision – 10/24/06</p>

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<i>SOC – NEW CASES</i>		
13.	459-73-BZ	<p>Sheldon Lobel, P.C. 2424-48 Flatbush Avenue, BROOKLYN Extension of term of a special permit (§73-50) allowing a waiver of the rear yard requirement for a lot located along district boundaries. The site is located within a C8-1 zoning district. COMMUNITY BOARD #18BK</p>
		Examiner: Carlo Costanza (212) 788-8739
		Status: Closed, Decision – 10/31/06
14.	1289-80-BZ	<p>Cozen O’Connor 298 West 231st Street, THE BRONX Extension of Term of a variance allowing the operation of a Physical Culture establishment in a C1-3/R6 zoning district. COMMUNITY BOARD #8BX</p>
		Examiner: Carlo Costanza (212) 788-8739
		Status: Closed, Decision – 10/24/06
15.	938-82-BZ	<p>Eric Palatnik. P.C. 2470 East 16th Street, BROOKLYN Extension of term and waiver of the rules for a one-story commercial office building (UG 6) in an R4 district; contrary to ZR Section 22-10. COMMUNITY BOARD #15BK</p>
		Examiner: Jed Weiss (212) 788-8781
		Status: Closed, Decision – 11/14/06

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<i>APPEALS – DECISIONS</i>		
16.	332-05-A & 333-05-A	<p>Rothkrug Rothkrug Weinberg & Spector 72 and 74 Summit Avenue, STATEN ISLAND Application to permit the construction of two one-family dwellings within the bed of a mapped street (Enfield Place), contrary to General City Law Section 35. Premises is located in an R4 Zoning district. COMMUNITY BOARD #2SI Examiner: Toni Matias (212) 788-8752 Status: Granted – 10/17/06</p>
17.	174-05-A	<p>Norman Siegel 60 Hudson Street, MANHATTAN Appeal by the Neighbors against N.O.I.S.E. to the Department of Buildings approval of a conditional variance of the New York City Administrative Code §27-829(b) (1) requirements for fuel oil storage at 60 Hudson Street. COMMUNITY BOARD #1M Examiner: Toni Matias (212) 788-8752 Status: Denied – 10/17/06</p>
18.	69-06-BZY	<p>Stuart A. Klein 1599 East 15th Street, BROOKLYN Proposed extension of time to complete construction of a minor development (§11-331) for a six-story mixed use building. Prior zoning district was R-6 and new zoning district is R5-B as of April 5, 2006. COMMUNITY BOARD #14BK Examiner: Toni Matias (212) 788-8752 Status: Granted – 10/17/06</p>
19.	120-06-A	<p>Eric Palatnik, P.C. 1427 East 17th Street, BROOKLYN 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 R6 zoning district. Premises is located in a R4-1 zoning district. COMMUNITY BOARD #14BK Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 10/31/06</p>

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APPEALS – CONTINUED HEARINGS

20.	63-06-A	Jay Segal, Greenberg Traurig LLP 160 East 83rd Street, MANHATTAN 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. COMMUNITY BOARD #8M
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 11/14/06
21.	81-06-A	Whitney Schmidt, Esq. 160 East 83rd Street, MANHATTAN 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. COMMUNITY BOARD #8M
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 11/14/06

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<i>APPEALS – NEW CASES</i>		
22.	91-06-A	<p>Gary Lenhart 38 Lincoln Walk, QUEENS Reconstruction and enlargement of an existing one-family dwelling located in the bed of a mapped street (Beach 211th Street), and the upgrade of an existing private disposal located in the bed of a mapped street and service lane (Lincoln/Marion Service Road), contrary to §35 of the General City Law and Buildings Department Policy. Premises is located within an R4 Zoning District. COMMUNITY BOARD #14Q</p> <p style="margin-left: 20px;">Examiner: Toni Matias (212) 788-8752</p> <p style="margin-left: 20px;">Status: Granted – 10/17/06</p>
23.	101-06-A	<p>Gary Lenhart 35 Market Street, QUEENS Reconstruction and enlargement of an existing one-family dwelling located in the bed of a mapped street, and the upgrade of an existing private disposal system located in the bed of mapped street, contrary to §35 of the General City Law. Premises is located within the R4 Zoning District. COMMUNITY BOARD #14Q</p> <p style="margin-left: 20px;">Examiner: Toni Matias (212) 788-8752</p> <p style="margin-left: 20px;">Status: Granted – 10/17/06</p>
24.	179-06-A	<p>Gary Lenhart 11 Beach 220th Street, QUEENS Reconstruction and enlargement of an existing one-family dwelling not fronting a mapped street, contrary to Article 3, §36 of the General City Law. Premise is located within the R 4 zoning district. COMMUNITY BOARD #14Q</p> <p style="margin-left: 20px;">Examiner: Toni Matias (212) 788-8752</p> <p style="margin-left: 20px;">Status: Granted – 10/17/06</p>
25.	154-06-A 155-06-A	<p>Cozen O,Connor 357 & 359 15th Street, BROOKLYN 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 R6 zoning district. Premises is located in a R6B zoning district. COMMUNITY BOARD #6BK</p> <p style="margin-left: 20px;">Examiner: Toni Matias (212) 788-8752</p> <p style="margin-left: 20px;">Status: Continued Hearing – 11/14/06</p>

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1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	290-02-BZ thru 314-02-BZ and 374-03-BZ thru 376-03-BZ	Rothkrug Rothkrug & 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 & 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, located in an M1-1 zoning district. The proposal would create 56 dwelling units and 56 parking spaces and is contrary to applicable use regulations (Z.R. §42-10). COMMUNITY BOARD #7Q Examiner: Rory Levy (212) 788-8749 Status: Granted – 10/17/06
2.	291-05-BZ	Joseph Morsellino, Esq. 10-13 Burton Street, QUEENS Variance (Z.R. §72-21) to allow for the development of a single family residence which has less than the required front yard (Z.R. §23-45). The premise is located in an R-2A zoning district. COMMUNITY BOARD #7Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/17/06
3.	338-05-BZ	Eric Palatnik, P.C. 2224 East 14th Street, BROOKLYN Special Permit (§73-622) to permit the proposed enlargement of an existing single-family home which creates non-compliance with respect to open space and floor area (§23-141), side yards (§23-461) and rear yard (§23-47). The premise is located in a R-4 zoning district. COMMUNITY BOARD #15BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/17/06

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4.	344-05-BZ	Rothkrug Rothkrug & Spector LLP 109-70 153rd Street, a/k/a 150-09 Brinkerhoff Avenue, QUEENS Variance (§72-21) to allow a two-family dwelling that does not provide one of the two front yards required for a corner lot (§23-45). The premise is located in an R4 zoning district. COMMUNITY BOARD #12Q
		Examiner: Rory Levy (212) 788-8749
		Status: Granted – 10/17/06
5.	369-05-BZ	Eric Palatnik, P.C. 908 Clove Road, STATEN ISLAND Variance (Z.R. §72-21) to allow a four-story multiple dwelling containing 30 units in an R3-2 (HS) zoning district; contrary to Z.R. §§23-141, 23-22, 23-631, 25-622, 25-632. COMMUNITY BOARD #1SI
		Examiner: Jed Weiss (212) 788-8781
		Status: Granted – 10/17/06

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<i>BZ – CONTINUED HEARINGS</i>		
6.	16-06-BZ	<p>Eric Palatnik, P.C. 2253 East 14th Street, BROOKLYN Special Permit (§73-622) to permit the proposed enlargement of an existing single family home which creates non-compliance with respect to open space and floor area (§23-141), side yards (§23-461) and rear yard (§23-47). The premise is located in a R-4 zoning district. COMMUNITY BOARD #15BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/17/06</p>
7.	112-06-BZ	<p>Sheldon Lobel, P.C. 507 East 176th Street, BRONX Variance (Z.R. §72-21) to permit the construction of a seven-story and cellar residential building with accessory supportive social services and ground floor commercial use, located in an M1-4 zoning district, contrary to use regulations (Z.R. §42-00). COMMUNITY BOARD #6BX Examiner: Rory Levy (212) 788-8749 Status: Granted – 10/17/06</p>
8.	149-06-BZ	<p>Sheldon Lobel, P.C. 3701 14th Avenue, BROOKLYN Variance (Z.R. §72-21) to permit the development of a not-for-profit ambulance/emergency vehicle garage, dispatch, and training facility (Hatzolah) located in an M2-1 zoning district. The proposal is contrary to regulations for floor area (Z.R. §43-12) and the number of parking spaces, (Z.R. §44-21). COMMUNITY BOARD #12BK Examiner: Rory Levy (212) 788-8749 Status: Granted – 10/17/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
9.	194-04-BZ thru 199-04-BZ	<p>Mitchell S. Ross, Esq. 9029-9039 Krier Place, BROOKLYN Variance (§72-21) to permit six two-family dwellings, contrary to Z.R. §42-10, located in an M1-1 zoning district. COMMUNITY BOARD #18BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 12/5/06</p>
10.	328-04-BZ	<p>Law Offices of Howard Goldman, LLC 110 Franklin Avenue, BROOKLYN Variance (§72-21) to permit a six story, 12-unit residential building located in an M1-1 zoning district contrary to Z.R. §42-00. COMMUNITYBOARD#3BK</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Closed, Decision – 11/21/06</p>
11.	33-05-BZ	<p>Sheldon Lobel, P.C. 1126/30/32/36/40 East 36th Street, BROOKLYN Variance (§72-21) to permit the expansion of an existing UG3 yeshiva (Tiferes Yisrael) in an R5 zoning district contrary to floor area ratio and lot coverage (Z.R. §24-11), side yard (Z.R. §24-35), rear yard (Z.R. §24-36), sky exposure plane (Z.R. §24-521), and front wall height (Z.R. §24-551). COMMUNITY BOARD #18BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 10/31/06</p>
12.	175-05-BZ	<p>Eric Palatnik, P.C. 18-24 Luquer Street, BROOKLYN Variance (§72-21) to allow the construction of a proposed four story multi-family dwelling containing 16 dwelling units and eight accessory parking spaces. Project site is located in an M1-1 zoning district and is contrary to Z.R. §42-00. COMMUNITY BOARD #6BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 11/21/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
13.	199-05-BZ	<p>Joseph Morsellino, Esq 299 Seventh Avenue, MANHATTAN Variance (§72-21) to allow a proposed 12-story residential building with ground floor retail containing 11 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: Closed, Decision – 10/24/06</p>
14.	313-05-BZ	<p>Sheldon Lobel, P.C. 26 East 2nd Street, MANHATTAN Variance (§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 (§ 23-47). COMMUNITY BOARD #3M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Closed, Decision – 10/31/06</p>
15.	363-05-BZ	<p>Dominick Salvati and Son 5717 108th Street, QUEENS Variance (§72-21) to allow a three-story residential building containing six dwelling units and three accessory parking spaces in an R5 district; contrary to §§23-141, 23-45(a), 23-462(a), 23-861, and 25-23. COMMUNITY BOARD #4Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 11/14/06</p>
16.	427-05-BZ	<p>Eric Palatnik, P.C. 133-47 39th Avenue, QUEENS Special Permit (§73-44) to permit proposed retail, community facility and office development (UG 6, parking requirement category B1) which provides less than the required parking and is contrary to §36-21. COMMUNITY BOARD #7Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 12/5/06</p>

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<i>BZ – CONTINUED HEARINGS</i>		
17.	56-06-BZ	<p>The Law Office of Fredrick A. Becker 1060 East 24th Street, BROOKLYN Special Permit (§73-622) for the enlargement of an existing one-family residence which exceeds the maximum allowed floor area and decreases the minimum allowed open space (§23-141) and has less than the minimum required rear yard (§23-47). The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 10/17/06</p>
18.	104-06-BZ	<p>Eric Palatnik, P.C. 3584 Bedford Avenue, BROOKLYN Special Permit (ZR §73-622) to partially legalize and partially alter an enlargement to a single family residence which is contrary to §23-141 (floor area and open space) and §23-46 (side yard). The premise is located in an R-2 zoning district. COMMUNITY BOARD #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/21/06</p>

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1:30 P.M.

<i>BZ – NEW CASES</i>		
19.	302-05-BZ	<p>Sheldon Lobel, P.C. 262-276 Atlantic Avenue, BROOKLYN Variance (§72-21) to allow a transient hotel (UG 5) in an R6A/C2-4 (DB) zoning district. Proposal is contrary to §§32-14 (use), 33-121 (FAR), 101-721 & 101-41(b) (street wall height), 101-351 (curb cut), and 35-24 (setback). COMMUNITY BOARD #2BK Examiner: Jed Weiss (212) 788-8781 Status: Continued Hearing – 12/12/06</p>
20.	82-06-BZ	<p>Eric Palatnik, P.C. 172-12 Northern Boulevard, QUEENS Variance (§72-21) to permit an eating and drinking establishment (UG 6) with an accessory drive-thru located in an R3-2 zoning district and contrary to §22-00. COMMUNITY BOARD #7Q Examiner: Rory Levy (212) 788-8749 Status: Continued Hearing – 11/21/06</p>
21.	132-06-BZ	<p>Fried Frank Harris Shriver & Jacobson, LLP 122-136 Greenwich Avenue, MANHATTAN Variance (§72-21) to allow an 11-story, 36-unit residential building with ground floor retail and community facility uses on a site zoned C6-2A and C1-6, contrary to floor area, lot coverage, rear yard, height and setback, inner court, and elevator bulkhead requirements (§§ 23-145, 35-31, 23-47, 35-24, 23-633, 23-851 and 33-42). COMMUNITY BOARD #2M Examiner: Jed Weiss (212) 788-8781 Status: Continued Hearing – 11/14/06</p>
22.	176-06-BZ	<p>Lewis E. Garfinkel, R.A. 1253 East 28th Street, BROOKLYN Special Permit (§73-622) for the enlargement of a single family home which proposes less than the minimum rear yard (§23-47), side yards (§23-461), open space (§23-141) and exceeds the permitted FAR (§23-141). The premise is located in an R2 zoning district. COMMUNITY BOARD #14BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 10/24/06</p>

*****DISCLAIMER*****

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