

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, December 11, 2007

10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|--|
| 1. | 175-95-BZ | <p>H. Irving Sigman 205-35 Linden Boulevard, Queens Extension of Term/Amendment/Waiver to permit at the first floor level the extension of an existing banquet hall/catering establishment (UG9) located in a C1-2/R3-2 zoning district. Community Board #12Q</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 12/11/07</p> |
| 2. | 299-06-BZ | <p>NYC Board of Standards and Appeals Applicant: Marvin Mitzner, Blank & Rome 1976 Crotona Parkway, Bronx To consider dismissal for lack of prosecution – Variance (§72-21) to legalize a public parking facility, contrary to use regulations (§22-10). R7-1 district. Community Board #6BX</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Withdrawn – 12/11/07, then Public Hearing – 2/5/08</p> |

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| <i>SOC – CONTINUED HEARINGS</i> | | |
|--|------------------|---|
| 3. | 426-83-BZ | <p>Glen V. Cutrona, AIA 1880 Hylan Boulevard, Staten Island Extension of Term (expired November 27, 2004) for an additional 20 years for a variance for existing retail stores on first floor and offices on the second floor (UG6) in a R3-1 zoning district; amendment to legalize a reduction in parking from 27 to 20 vehicles, approve change in parking layout, and amend signage. Community Board #2SI</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Closed, Decision – 1/8/08</p> |
| 4. | 16-92-BZ | <p>Stadtmauer Bailkin, LLP 115 King Street/78 Sullivan Street, Brooklyn Extension of term, amendment and waiver of the Board’s rules to permit the legalization of a change in use from auto repair and warehouse to a charity auto donation facility (UG16 automotive storage), container storage (UG 16), a woodworking and metal working company (UG 16) and a 2,420 square foot mezzanine addition. R5/C1-1 zoning district. Community Board #6BK</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Adjourned, Continued Hearing – 1/15/08</p> |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|------------------|---|
| 5. | 16-36-BZ | <p>Vassalotti Associates, Architects 1885 Westchester Avenue, Bronx Extension of Term of a previously granted variance for the operation of a gasoline service station (Exxon) which expired November 1, 2007 in a C2-2/R-5 zoning district. Community Board #9BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 1/15/08</p> |
| 6. | 673-81-BZ | <p>David L. Businelli 2075 Richmond Avenue, Staten Island Extension of Term of variance granted pursuant to §72-21 permitting, in an R3-2 zoning district, the erection of a one story and cellar retail store and office building with accessory parking in the open area. The application was previously approved for a 15 year term which expired on January 5, 1997. Community Board #2 SI</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Continued Hearing – 1/15/08</p> |
| 7. | 67-95-BZ | <p>Francis R. Angelino, Esq. 1591/1611 Broadway, Manhattan Extension of Term of a previously approved Special Permit granted pursuant to §73-36 allowing the operation of a physical culture establishment on the 14 & 15 floors of the Crowne Plaza Hotel located in a C6-7T (MID) zoning district. Community Board #5M</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 1/15/08</p> |

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| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|-----------------------------------|---|
| 8. | 105-07-A thru 108-07-A | <p>Paul Bonfilio Architect, P.C. 198-24 & 198-28 47th Avenue and 47-17 & 47-18 199th Street, Queens Proposed construction of four, two-family semi-detached dwellings located within the bed of mapped street (199th Avenue), contrary to General City Law Section 35. R3-2 zoning district. Community Board #11Q</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 12/11/07</p> |
| 9. | 147-07-BZY | <p>Cozen O’Connor Attorneys 144 North 8th Street, Brooklyn Extension of time (§11-332) to complete construction of a minor development commenced under the prior R6 (M1-2) district regulations. R6B Zoning District. Community Board #1BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 12/11/07</p> |

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| <i>APPEALS – CONTINUED HEARINGS</i> | | |
|--|----------------------------------|---|
| 10. | 2-07-A thru 5-07-A | <p>Sheldon Lobel, P.C. 3212, 3214, 3216, 3218 Tiemann Avenue, Bronx Proposed construction of four, three-story, two-family homes located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district. Community Board #12BX</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 1/29/08</p> |
| 11. | 39-07-A & 40-07-A | <p>Sheldon Lobel, P.C. 3248, 3250 Wickham Avenue, Bronx Proposed construction of two, three-story, three-family homes located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district. Community Board #12BX</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 1/15/08</p> |
| 12. | 138-07-A | <p>New York City Department of Buildings. 614 West 138th Street, Manhattan Appeal seeking to revoke Certificate of Occupancy that allowed the conversion of single room occupancy units to Class A apartments without obtaining a Certificate of No Harassment from NYC Dept of Housing Preservation and Development. R8 zoning district. Community Board #7M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Adjourned, Continued Hearing – 1/29/08</p> |
| 13. | 204-07-BZY | <p>Sheldon Lobel, P.C. 163-167 Washington Avenue, Brooklyn Proposed extension of time (§11-331) to complete construction of a 15-story mixed use building under the prior R6/C1-3 zoning district. Community Board #2BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 1/15/08</p> |

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| APPEALS – NEW CASES | | |
|----------------------------|-----------------|--|
| 14. | 155-07-A | Jorge F. Canepa 55 Chipperfield Court, Staten Island Proposed construction of a swimming pool, tennis court and changing room located within the bed of a mapped street (Tiber Place) contrary to General City Law Section 35. R1-2 Zoning District. Community Board #2SI |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Closed, Decision – 1/8/08 |
| 15. | 240-07-A | Sheldon Lobel, P.C. 1270 Bay Ridge Parkway, Brooklyn Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R4/C1-2 zoning district. R4-1 zoning district. Community Board #10BK |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Closed, Decision – 1/15/08 |

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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TUESDAY AFTERNOON, December 11, 2007

1:30 P.M.

| <i>BZ – DECISIONS</i> | | |
|------------------------------|------------------|---|
| 1. | 378-04-BZ | <p>Sheldon Lobel, P.C. 94 Kingsland Avenue, Brooklyn Variance (§72-21) to permit the construction of a four-story residential building and a four-car garage located on a vacant lot in an M1-1 zoning district. The proposal is contrary to §42-00. Community Board #1BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 12/11/07</p> |
| 2. | 426-05-BZ | <p>Sheldon Lobel, P.C. 57-02/08 39th Avenue and 39-02 58th Street, Queens Variance (§72-21) to allow a two-level enlargement of an existing one-story commercial building contrary to FAR regulations (§43-12). M1-1 district. Community Board #2Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Withdrawn – 12/11/07</p> |
| 3. | 331-06-BZ | <p>Stadtmauer Bailkin, LLP 3647 Palmer Avenue, Bronx Variance (§72-21) to allow a three-family dwelling to violate front yard (§ 23-45) and side yard (§ 23-462(a)) requirements. R4 zoning district. Community Board #13BX</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 12/11/07</p> |
| 4. | 16-07-BZ | <p>Juan D. Reyes, III 2614 Halperin Avenue, Bronx Special Permit (§73-44) to permit a reduction in required parking for a Use Group 4A ambulatory and diagnostic treatment center located in M1-1 and C1-2 (R2) zoning districts. Community Board #10BX</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 12/11/07</p> |

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|------------------------------|------------------|---|
| 5. | 33-07-BZ | Rothkrug Rothkrug & Spector, LLP 25 Carroll Street, Brooklyn Variance (§72-21) to permit the conversion of the upper four floors of an existing five-story manufacturing building for residential use in a M1-1 zoning district. The proposal is contrary to Section 42-00. Community Board #6BK Examiner: Rory Levy (212) 788-8749 Status: Granted – 12/11/07 |
| 6. | 135-07-BZ | Lewis E. Garfinkel, R.A. 920 East 24th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space (§23-141(a)); required side yards (§23-461) and required rear yard (§23-47). R-2 zoning district. Community Board #14BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/11/07 |
| 7. | 136-07-BZ | Lewis E. Garfinkel, R.A. 1275 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space (§23-141(a)); side yards (§23-461) and rear yard (§23-47). R-2 zoning district. Community Board #14BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 12/11/07 |
| 8. | 181-07-BZ | Omnipoint Communications Inc. 72-18 Amstel Boulevard, Queens Special Permit (§73-30) for a proposed 20-foot extension to an existing 50-foot non-accessory radio tower and related equipment. Community Board #14Q Examiner: Roy Starrin (212) 788-8797 Status: Granted – 12/11/07 |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|------------------|--|
| 9. | 31-06-BZ | <p>Sheldon Lobel, P.C. 102-10 159th Road, Queens Variance (§72-21) to allow the legalization of an automotive collision repair shop (Use Group 16) in an R3-1/C1-2 zoning district; proposed use is contrary to §22-00 and §32-00. Community Board #10Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 2/5/08</p> |
| 10. | 48-06-BZ | <p>Jack A. Adesso, PLLC 420 Morris Park Avenue, Bronx Variance (§72-21) to allow an eight-story residential building containing 70 dwelling units and 17 accessory parking spaces in an M1-1 district. Proposal is contrary to use regulations (§42-00). Community Board #6BX</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 2/12/08</p> |
| 11. | 134-06-BZ | <p>Sheldon Lobel, P.C. 241-15 Northern Boulevard, Queens Variance (§72-21) to allow a five-story residential building containing 40 dwelling units and 63 accessory parking spaces. Proposal is contrary to regulations for use (§22-12), FAR (§23-141), open space (§23-141), front yard (§23-45), height and setback (§23-631) and maximum number of dwelling units (§23-22). R1-2 district. Community Board # 11Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Adjourned, Continued Hearing – 2/5/08</p> |

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|---------------------------------------|------------------|---|
| 12. | 212-06-BZ | Jeffrey A. Chester 242-02 61st Avenue, Queens Variance (§72-21) to convert an existing supermarket (UG 6) into an electronics store with no limitation in floor area (UG 10), contrary to §22-10. R4 zoning district. Community Board #11Q |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Continued Hearing – 1/8/08 |
| 13. | 315-06-BZ | Eric Palatnik, P.C. 1739 Ocean Avenue, Brooklyn Variance (§72-21) to permit a three-story pre-school and accessory synagogue, contrary to Lot Coverage (§24-11), Front Yard (§24-34), Side Yard (§24-35), Rear Yard (§24-36), and Height & Setback (§24-521). R5B and R2 zoning districts. Community Board #14BK |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Closed, Decision – 1/15/08 |
| 14. | 48-07-BZ | Alfonso Duarte 7-12 126th Street, Queens Variance (§72-21) for the enlargement of an existing single-family residence, contrary to rear yard (§23-47) and lot coverage (§23-141(b)) regulations in an R2A zoning district. Community Board #7Q |
| | | Examiner: Henry Segovia (212) 788-8757 |
| | | Status: Closed, Decision – 1/8/08 |
| 15. | 151-07-BZ | Harold Weinberg, P.E. 1133 83rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, lot coverage, open space (§23-141) and rear yard (§23-47) in an R3-1 zoning district. Community Board #10BK |
| | | Examiner: Henry Segovia (212) 788-8757 |
| | | Status: Continued Hearing – 1/15/08 |

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| <i>BZ – NEW CASES</i> | | |
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| 16. | 197-05-BZ | <p>Blank Rome LLP 813/815 Broadway, Manhattan Variance (§ 72-21) to allow a 11-story residential building with ground floor retail; contrary to regulations for FAR and open space ratio (§ 23-142), front wall height, setback and sky-exposure plane (§ 33-432), and maximum number of dwelling units (§ 23-22). C6-1 district. Community Board #2M</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 2/5/08</p> |
| 17. | 233-06-BZ | <p>Kathleen R. Bradshaw 2342 Haviland Avenue, Bronx Variance (§72-21) for the legalization of an enlargement to a single family home. This application seeks to vary the front yard 23-45 and less than the required side yard 23-461 in an R-5 zoning district. This application also proposes to change the occupancy from a one family to a two family home. Community Board #9BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 1/29/08</p> |
| 18. | 169-07-BZ | <p>Jacqueline M. Cigliano 626 West 254th Street, Bronx Variance (§ 72-21) to allow a single-family home; contrary to regulations for minimum lot width (§ 23-32). R1-1(NA-2) district. Community Board #8BX</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Continued Hearing – 2/5/08</p> |
| 19. | 182-07-BZ | <p>Harold Weinberg, P.E, 229 Exeter Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary lot coverage, open space and floor area (23-141) in an R3-1 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 1/15/08</p> |

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| 20. | 200-07-BZ | Rampulla Associates Architects 3333 Hylan Boulevard, Staten Island Variance (§72-21) for new horizontal and vertical addition to existing commercial building for medical offices (UG 4). Proposal is contrary to section 22-14. R3-1 district within Special South Richmond District and Special Growth Management District. Community Board #3SI |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Continued Hearing – 2/26/08 |

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