

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, July 17, 2007  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>741-49-BZ</b>	<p>Carl A. Sulfaro, Esq. <b>241-15 Hillside Avenue, QUEENS</b> Z.R. §11-411 and §11-412 to extend the term of a variance for a gasoline service station with accessory uses for 10 year period from September 23, 2005 and an amendment to permit a portion of the building to be used as an accessory convenience store and to permit a metal canopy and new fuel pump. R-2 zoning district. <b>COMMUNITY BOARD #13Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 7/17/07</b></p>
<b>2.</b>	<b>52-55-BZ</b>	<p>Carl A. Sulfaro, Esq. <b>1255 East Gun Hill Road, BRONX</b> Amendment (§11-412) to a previously approved automotive service station with accessory uses located in a C1-2/R5 zoning district. Application seeks to permit a one-story enlargement to an existing building to be used as an accessory convenience store. <b>COMMUNITY BOARD #12BX</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 7/17/07</b></p>
<b>3.</b>	<b>189-96-BZ</b>	<p>John C. Chen <b>85-12 Roosevelt Avenue, QUEENS</b> Extension of Term for a Special Permit (§73-244) for a UG12 eating and drinking establishment with entertainment and dancing (<i>Flamingos</i>) which will expire on May 19, 2007; and to increase the number of occupancy from 190 to 200. C2-3/R-6 zoning district. <b>COMMUNITY BOARD #4Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/17/07</b></p>
<b>4.</b>	<b>199-00-BZ</b>	<p>John C. Chen <b>76-19 Roosevelt Avenue, QUEENS</b> Extension of Term of a Special Permit (73-244) for a UG12 eating and drinking establishment (Club Atlantis) in a C2-3/R-6 zoning district which expired March 13, 2007. <b>COMMUNITY BOARD #3Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/17/07</b></p>

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<b>SOC – CONTINUED HEARINGS</b>		
<b>5.</b>	<b>142-70-BZ</b>	<p>Barbara Hair, Esq. <b>8 St. Marks Place, MANHATTAN</b> Amendment to a variance which allowed commercial office space (UG 6) on the cellar level of a residential building located in a R7-2 zoning district. The application seeks a change of use from office to store (UG 6). <b>COMMUNITY BOARD#3M</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Continued Hearing – 9/11/07</b></p>
<b>6.</b>	<b>139-92-BZ</b>	<p>Samuel H. Valencia <b>52-15 Roosevelt Avenue, QUEENS</b> Extension of Term for a UG12 eating and drinking establishment with dancing located on the first floor of a three story, mixed use building with residences on the upper floors in a C2-2/R-6 zoning district. <b>COMMUNITY BOARD #2Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 8/21/07</b></p>
<b>7.</b>	<b>81-93-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector, LLP <b>2255 Bedford Avenue, BROOKLYN</b> Amendment of a previous grant to permit the re-establishment of residential use on the upper floors and a childcare center on the ground floor and portions of the cellar in a C8-2 district. Amendment would convert the cellar to artist studio space and portions of the first floor to residential use. <b>COMMUNITY BOARD #17BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Closed, Decision – 8/7/07</b></p>
<b>8.</b>	<b>102-95-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>50 West 17<sup>th</sup> Street, MANHATTAN</b> Extension of Term of a special permit (§73-244) for a previously granted UG12 eating and drinking establishment with dancing (<i>Splash Bar</i>) for a term of three years, which expired on March 5, 2007, in a C6-4A zoning district. <b>COMMUNITY BOARD #5M</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 8/7/07</b></p>

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<b>SOC – NEW CASES</b>		
<b>9.</b>	<b>671-56-BZ</b>	<p>Walter T. Gorman, P.E. <b>1249-1265 Sutter Avenue, BROOKLYN</b> Amendment to a previously granted variance to convert the existing service bays to an accessory convenience store, an area previously approved for a new bay to a mechanical room and to legalize (§11-412) a UG6 eating and drinking establishment (<i>Texas Chicken</i>); Extension of Time to complete construction and obtain a Certificate of Occupancy, and a Waiver of the Rules. C1-2/R-5 zoning district. <b>COMMUNITY BOARD #5BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 9/11/07</b></p>
<b>10.</b>	<b>844-84-BZ</b>	<p>Rothkrug, Rothkrug &amp; Spector, LLC <b>1828/1836 McDonald Avenue, BROOKLYN</b> Extension of Term of a Special Permit (§73-50) which expired on April 28, 1997 for the enlargement of a one-story building that encroaches into the open area required along a district boundary; an Amendment to legalize the change in use from an auto repair shop (UG16) and custom clothing manufacturer (UG11) to a billiard parlor (UG12) and eating and drinking establishment (UG6) and to permit the addition of a 979 sf mezzanine in the UG6 portion of the building; Extension of Time to obtain a Certificate of Occupancy which expired on May 4, 1999 and a Waiver of the Rules. C8-2 zoning district <b>COMMUNITY BOARD #11BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 8/21/07</b></p>
<b>11.</b>	<b>391-04-BZ III</b>	<p>Moshe M. Friedman <b>2610 Avenue L, BROOKLYN</b> Amendment to a Special Permit (§73-622) for a single family residence for an enlargement to second floor in an R-2 zoning district. <b>COMMUNITY BOARD #14BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 8/14/07</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>12.</b>	<b>287-05-A</b>	Evie Hantzopoulos <b>32-42 33<sup>rd</sup> Street, QUEENS</b> Appeal seeking to revoke the Department of Buildings’ adoption of Technical Policy and Procedure Notice #5/98 and associated permit for the installation of cellular equipment on the roof of the subject site. <b>COMMUNITY BOARD #1Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Deferred Decision – 7/24/07</b>

<b><i>APPEALS – NEW CASES</i></b>		
<b>13.</b>	<b>70-07-A</b>	John C. Chen, AIA <b>49-30 Galasso Place, QUEENS</b> Existing warehouse that does not front a legally mapped street, contrary to General City Law §36. M3-1 Zoning District. <b>COMMUNITY BOARD #4Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 7/17/07</b>
<b>14.</b>	<b>137-07-A</b>	Gary Lenhart, RA <b>19 Janet Lane, QUEENS</b> Reconstruct and enlargement of an existing single family home and the upgrade of an existing non-conforming private disposal system not fronting on a mapped street, contrary to General City Law §36. R4 Zoning District. <b>COMMUNITY BOARD #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 7/17/07</b>

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<i><b>APPEALS – NEW CASES</b></i>		
<b>15.</b>	<b>67-07-A</b>	<p>Kevin Finnegan, Esq. <b>515 East 5<sup>th</sup> Street, MANHATTAN</b></p> <p>An appeal seeking to revoke permits and approvals that allow the construction of a penthouse. Applicant argues that penthouse exceeds the permitted height limitations governed by ZR §23-692. R7-2 Zoning District.</p> <p><b>COMMUNITY BOARD #3M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 9/11/07</b></p>
<b>16.</b>	<b>154-07-A</b>	<p>Troutman Sander, LLP <b>441 East 57th Street, MANHATTAN</b></p> <p>Appeal seeking to revoke permits and approvals for a rooftop mechanical room. Applicant argues that it exceeds the maximum height permitted under §23-692(a) and is not listed as a permitted obstruction in §23-62. R10 Zoning district.</p> <p><b>COMMUNITY BOARD #6M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 9/11/07</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>29-06-BZ</b>	<p>Sheldon Lobel, P.C. <b>1803 Voorhies Avenue, BROOKLYN</b> Variance (§72-21) to allow a proposed multiple-family dwelling containing 14 dwelling units to violate applicable floor area, open space, lot coverage, density, height and setback, and front and side yards requirements (§23-141, §23-22, §23-45, §23-461 and §23-633). R4 zoning district. <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted – 7/17/07</b></p>
<b>2.</b>	<b>163-06-BZ</b>	<p>Sheldon Lobel, P.C. <b>72-36 and 72-38 43<sup>rd</sup> Avenue, QUEENS</b> Variance (§72-21) to permit the proposed construction of two, three-story, three-family buildings, contrary to open space ratio (§23-141c), front yard (§23-45), side yards (§23-462), and off-street parking (§25-22). R5 zoning district. <b>COMMUNITY BOARD#4Q</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 7/17/07</b></p>
<b>3.</b>	<b>215-06-BZ</b>	<p>Vassalotti Associates Architects, LLP <b>202-06 Hillside Avenue, QUEENS</b> Special Permit (§11-411) for the re-establishment and extension of term for an existing gasoline service station, which has been in continuous operation since 1955. C1-2/R2 zoning district. <b>COMMUNITY BOARD #12Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 7/17/07</b></p>
<b>4.</b>	<b>308-06-BZ</b>	<p>Eric Palatnik, P.C. <b>1458-1460 East 26<sup>th</sup> Street, BROOKLYN</b> Special Permit (§73-622) for the enlargement of two semi-attached single family homes to be converted to a detached single family-home, contrary to open space and floor area (§23-141(a)) and rear yard (§23-47) in an R2 zoning district. <b>COMMUNITY BOARD#14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 7/17/07</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>97-07-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>80-16 Cooper Avenue, QUEENS</b> Special Permit (§73-36) to legalize the operation of a physical culture establishment on the second floor of a two-story commercial building, contrary to the use regulations of §32-00. M1-1 zoning district. <b>COMMUNITY BOARD #5Q</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status:    Granted – 7/17/07</b></p>
<b>6.</b>	<b>104-07-BZ</b>	<p>Lewis E. Garfinkel, R.A. <b>1243 East 29<sup>th</sup> Street, BROOKLYN</b> Special Permit (§73-622) for the enlargement of a single-family residence. This application seeks to vary open space and floor area (§23-141(a)); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district. <b>COMMUNITY BOARD #14BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status:    Granted – 7/17/07</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>7.</b>	<b>39-06-BZ</b>	<p>Moshe M. Friedman, P.E. <b>245 Varet Street, BROOKLYN</b> Variance (§72-21) to allow the legalization of two dwelling units (UG 2) in an existing three-story industrial building. Ground floor would be retained as manufacturing space (UG17d). M1-2 district. <b>COMMUNITY BOARD #1BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 9/18/07</b></p>
<b>8.</b>	<b>75-06-BZ</b>	<p>Joseph P. Morsellino, Esq. <b>108-20 71<sup>st</sup> Avenue, QUEENS</b> Variance (§72-21) to allow a proposed 21-story residential building with ground floor retail and community facility uses contrary to FAR (§23-142 and §35-22), open space ratio (§23-142, §35-22, and §35-33) and sky exposure plane (§23-632) regulations. The proposed building would include 136 dwelling units and 146 parking spaces. The project site is located within an R7-1/C1-2 zoning district. <b>COMMUNITY BOARD #6Q</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 8/7/07</b></p>
<b>9.</b>	<b>108-06-BZ</b>	<p>Eric Palatnik, P.C. <b>143 West 30<sup>th</sup> Street, MANHATTAN</b> Variance (§72-21) to allow a proposed 15-story, 26-unit residential building containing ground floor retail use in an M1-6 district; contrary to use regulations (§42-00). <b>COMMUNITY BOARD #5M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 8/21/07</b></p>
<b>10.</b>	<b>152-06-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector, LLP <b>82 Lamberts Lane, STATEN ISLAND</b> Special Permit (§73-125) to allow a proposed two-story ambulatory diagnostic/treatment care facility with 14 parking spaces. The proposal is contrary to §22-14. R3X zoning district. <b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 8/14/07</b></p>

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<b>11.</b>	<b>262-06-BZ &amp; 59-07-A Heard 6/5</b>	<p>Law Offices of Howard Goldman, LLC <b>71-13 60<sup>th</sup> Lane, QUEENS</b> Variance (§72-21) to allow the residential conversion of an existing four-story industrial building. The proposed project would include 55 dwelling units and 27 accessory parking spaces and is contrary to requirements for minimum distance between legally required windows and walls or lot lines (§23-861). R6B zoning district. <b>COMMUNITY BOARD #5Q</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 8/21/07</b></p>
<b>12.</b>	<b>301-06-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>148 Fountain Avenue, BROOKLYN</b> Variance (§72-21) for the construction of a two-family dwelling, contrary to the regulations for side yards (§23-49) in an R5 zoning district. <b>COMMUNITY BOARD #5BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/14/07</b></p>
<b>13.</b>	<b>46-07-BZ</b>	<p>Sheldon Lobel, P.C. <b>1328 East 23<sup>rd</sup> Street, BROOKLYN</b> Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space and floor area (§23-141(a)); side yard (§23-461) and rear yard (§23-47) in an R-2 zoning district. <b>COMMUNITY BOARD #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 8/14/07</b></p>
<b>14.</b>	<b>54-07-BZ</b>	<p>Sheldon Lobel, P.C. <b>1776 East 26<sup>th</sup> Street, BROOKLYN</b> Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area, lot coverage and open space (§23-141), side yard (§23-461), and rear yard (§23-47) in an R3-2 zoning district. <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 8/14/07</b></p>

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<b>15.</b>	<b>72-07-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1941 East 26<sup>th</sup> Street, BROOKLYN</b>                      Special Permit (§73-622) for the enlargement of a single-family residence, contrary to open space, lot coverage and floor area (§23-141); side yard (§23-461); rear yard (§23-47) and perimeter wall height (§23-631) in an R3-2 zoning district.  <b>COMMUNITY BOARD#15BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 8/14/07</b></p>
<b>16.</b>	<b>101-07-BZ</b>	<p>Harold Weinberg, P.E.  <b>2306 Avenue M, BROOKLYN</b>                      Special Permit (§73-622) for the enlargement of an existing single-family detached residence. This application seeks to vary open space and floor area (§23-141) and side yard (§23-461) in an R-2 zoning district.  <b>COMMUNITY BOARD #14BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 8/14/07</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>17.</b>	<b>342-05-BZ &amp; 343-05-BZ</b>	<p>Gerald J. Caliendo, R.A., AIA  <b>1 – 6 Maya Drive, BRONX</b>                      Zoning variance (§72-21) to allow six three-family buildings (18 units) and six accessory parking spaces; contrary to regulations for use (§22-12), FAR (§23-141), lot coverage (§23-141), number of dwelling units (§23-22), building height (§23-631), side yards (§23-461), minimum number of accessory parking spaces (§25-23), and special requirements for developments with private roads (§26-21). R4A district.  <b>COMMUNITY BOARD #8BX</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Continued Hearing – 9/18/07</b></p>
<b>18.</b>	<b>126-06-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>1762 East 23<sup>rd</sup> Street, BROOKLYN</b>                      Special Permit (§73-622) for the enlargement of a single family residence. The application seeks to vary floor area and lot coverage (§23-141); side yards (§23-461) and rear yard (§23-47) in an R3-2 zoning district.  <b>COMMUNITY BOARD #15BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision – 8/7/07</b></p>
<b>19.</b>	<b>291-06-BZ</b>	<p>Paul Bonfilio, AIA  <b>68-60 Austin Street, QUEENS</b>                      Special Permit (§73-44) to allow the reduction in the number of required parking spaces for an enlargement to an existing community facility building (Ambulatory Diagnostic/Treatment Facility). The Premises is located in a C8-2 zoning district. The proposal is contrary to §36-21.  <b>COMMUNITY BOARD #6Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 8/21/07</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>20.</b>	<b>329-06-BZ</b>	Wholistic Healthworks, Inc. <b>34-34 Bell Boulevard, QUEENS</b> Special Permit (§73-36) to legalize a physical culture establishment in C2-2/R2A/R4 zoning districts. The proposal is contrary to §32-00. <b>COMMUNITY BOARD #11Q</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Postponed Hearing – 9/11/07</b>
<b>21.</b>	<b>10-07-BZ</b>	Kenneth Philogene <b>118 Graham Boulevard, STATEN ISLAND</b> Variance (§72-21) to construct a two story, one family home on an undersized vacant lot with less than the total required side yards (§23-48) in an R3-1 zoning district. <b>COMMUNITY BOARD #2SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 8/14/07</b>

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

**This information is provided in draft form and is a public service courtesy only. Although the BSA endeavors to ensure that the information is as current and accurate as possible, errors do occasionally occur, and the schedule may change due to withdrawals and adjournments. Therefore, the BSA cannot guarantee the accuracy of the information. Readers should, where possible, verify the information before acting on it.**

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