

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, March 20, 2007  
10:00 A.M.

<i><b>SOC – DECISIONS</b></i>		
<b>1.</b>	<b>1038-80-BZ</b>	<p>Davidoff Malito &amp; Hutcher <b>31-07/09/11 Downing Street, QUEENS</b> Extension of Term of a Special Permit for an amusement arcade (UG15) in an M2-1 zoning district. <b>COMMUNITY BOARD #7Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status:   Granted – 3/20/07</b></p>
<b>2.</b>	<b>98-05-BZ II</b>	<p>Friedman &amp; Gotbaum, LLP <b>46-48 Bond Street, MANHATTAN</b> Reopen and amend a variance which allowed a residential and ground floor retail use in an M1-5B district, contrary to use regulations (§42-10). Proposed modifications include minor reduction of the ground floor commercial floor area, increase in mechanical space on the ground floor; and creation of a 143 sq. ft. rooftop "storage cabin." <b>COMMUNITY BOARD #2M</b></p> <hr/> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <hr/> <p><b>Status:   Granted – 3/20/07</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>3.</b>	<b>619-83-BZ</b>	<p>Harold Weinberg, P.E.  <b>552-568 McDonald Avenue, BROOKLYN</b>                      Extension of term and waiver of the rules for an automotive repair facility (UG 16) with parking for more than five vehicles. R5 zoning district.  <b>COMMUNITY BOARD #12BK</b>  <b>Examiner: Carlo Costanza (212) 788-8739</b>  <b>Status: Continued Hearing – 4/17/07</b></p>
<b>4.</b>	<b>133-94-BZ</b>	<p>Alfonso Duarte  <b>166-11 Northern Boulevard, QUEENS</b>                      Z.R. §11-411 and §11-413 for the legalization in the change of use from automobile repair, truck rental and used car sales facility (UG16) to automobile sales (UG8) and to extend the term of use, which expired on September 27, 2005, for 10 years. The premise is located in a C1-2/R2 zoning district.  <b>COMMUNITY BOARD #7Q</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Continued Hearing – 4/24/07</b></p>
<b>5.</b>	<b>395-04-BZ</b>	<p>Moshe M. Friedman, P.E.  <b>1232 54<sup>th</sup> Street, BROOKLYN</b>                      Reopening and amendment to a previously-granted variance (§72-21) that allowed bulk waivers for a new house of worship in an R5 district. The proposed amendment includes (1) increase in floor area and FAR, (2) increase in perimeter wall height; and (3) minor reduction in front yard.  <b>COMMUNITY BOARD #12BK</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Closed, Decision – 4/17/07</b></p>

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<i><b>SOC – NEW CASES</b></i>		
<b>6.</b>	<b>947-80-BZII</b>	Sheldon Lobel, P.C. <b>154-158 West 18<sup>th</sup> Street, MANHATTAN</b> Extension of Time to complete construction for a Variance that was originally granted on February 17, 1981 to allow the conversion of an eight story building from commercial to residential use which expired on March 25, 2007 in a C6-2A zoning district. <b>COMMUNITY BOARD#4M</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Closed, Decision – 4/17/07</b>

<i><b>APPEALS – DECISIONS</b></i>		
<b>7.</b>	<b>182-06-A thru 211-06-A</b>	Stadtmauer Bailkin, LLP <b>Beach 5<sup>th</sup> Street, Beach 6<sup>th</sup> Street and Seagirt Avenue, 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 R5 zoning district. R4-A zoning district. <b>COMMUNITY BOARD #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 3/20/07</b>

<i><b>APPEALS – CONTINUED HEARINGS</b></i>		
<b>8.</b>	<b>292-06-A</b>	Sheldon Lobel, P.C. <b>128 Newtown Street, BROOKLYN</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 R6/M1-1. Current zoning is M1-2/R6A/MX-8. <b>COMMUNITY BOARD #1BK</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision – 4/17/07</b>

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<i><b>APPEALS – NEW CASES</b></i>		
<b>9.</b>	<b>229-06-A</b>	<p>Sheldon Lobel, P.C. <b>607 Bayside Drive, QUEENS</b> Appeal seeking to revoke permits and approvals for the reconstruction and enlargement of an existing one family dwelling. Appellant argues that proposal creates new zoning non-compliances, increases the degree of existing non-compliances, and violates provisions of the Building Code regarding access and fire safety. R4 – Zoning District. <b>COMMUNITY BOARD #14Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing – 5/15/07</b></p>
<b>10.</b>	<b>12-07-A</b>	<p>David L Businelli, R.A., AIA <b>25 Allergo Street, STATEN ISLAND</b> Proposed construction of a one-family dwelling not fronting on mapped street, contrary to Article 3, Section 36 of the General City Law. R3X Zoning District. <b>COMMUNITY BOARD #3SI</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing – 4/17/07</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>427-05-BZ</b>	<p>Eric Palatnik, P.C.  <b>133-47 39<sup>th</sup> Avenue, QUEENS</b>                      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.  <b>COMMUNITY BOARD #7Q</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status: Granted – 3/20/07</b></p>
<b>2.</b>	<b>67-06-BZ</b>	<p>Joseph P. Morsellino, Esq.  <b>2270 Clove Road, STATEN ISLAND</b>                      Variance (§72-21) to permit a proposed drugstore with less than the 59 parking spaces required in a C2-1 zoning district (§36-21) and to use the R2 portion of the zoning lot for accessory required parking.  <b>COMMUNITY BOARD #2SI</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Granted – 3/20/07</b></p>
<b>3.</b>	<b>115-06-BZ</b>	<p>Harold Weinberg  <b>1820 East 28<sup>th</sup> Street, BROOKLYN</b>                      Special Permit (§73-622) for the enlargement of a single family detached residence. This application seeks to vary open space, floor area and lot coverage (§23-141); side yard (§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: Granted – 3/20/07</b></p>
<b>4.</b>	<b>123-06-BZ</b>	<p>Rampulla Associates  <b>21 Cheshire Place, STATEN ISLAND</b>                      Variance (§72-21) to permit the legalization of one room, one-story addition which encroaches upon the required 30 foot rear yard (§23-47) of a single-family detached house. R3X SHPD/LOGMA zoning district.  <b>COMMUNITY BOARD #1SI</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Granted – 3/20/07</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>263-06-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>2801-2805 Avenue L, BROOKLYN</b>                      Special Permit (§73-622) for the enlargement of a single family residence, contrary to open space and floor area (§23-141(a)) in an R2 zoning district.  <b>COMMUNITY BOARD #14BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status:     Granted – 3/20/07</b></p>
<b>6.</b>	<b>283-06-BZ</b>	<p>Moshe M. Friedman  <b>1372 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 (§23-47) in an R2 zoning district.  <b>COMMUNITY BOARD #14BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status:     Granted – 3/20/07</b></p>
<b>7.</b>	<b>285-06-BZ</b>	<p>Sheldon Lobel, P.C.  <b>23 West 45<sup>th</sup> Street, MANHATTAN</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Serenity Wellbeing Spa</i>) on the third floor of an existing commercial building located in a C6-4.5 zoning district.  <b>COMMUNITY BOARD #5M</b>  <b>Examiner: Toni Matias (212) 788-8752</b>  <b>Status:     Granted – 3/20/07</b></p>
<b>8.</b>	<b>290-06-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel, LLP  <b>372 Lafayette Street, MANHATTAN</b>                      Variance (§72-21) to allow a six-story residential building containing ground floor retail and eight dwelling units, contrary to use regulations (§§42-00 and 42-14(d)(2)(b)). M1-5B zoning district.  <b>COMMUNITY BOARD #2M</b>  <b>Examiner: Jed Weiss (212) 788-8781</b>  <b>Status:     Deferred Decision – 4/17/07</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>9.</b>	<b>378-04-BZ</b>	<p>Sheldon Lobel, P.C.  <b>94 Kingsland Avenue, BROOKLYN</b>                      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.  <b>COMMUNITY BOARD #1BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 4/17/07</b></p>
<b>10.</b>	<b>302-05-BZ</b>	<p>Sheldon Lobel, P.C.  <b>262-276 Atlantic Avenue, BROOKLYN</b>                      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 and 101-41(b) (street wall height), 101-351 (curb cut), and 35-24 (setback).  <b>COMMUNITY BOARD #2BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 5/8/07</b></p>
<b>11.</b>	<b>98-06-BZ &amp; 284-06-A</b>	<p>Eric Palatnik, P.C.  <b>1045 Beach 9<sup>th</sup> Street, QUEENS</b>                      98-06-BZ: Variance (§72-21) to permit in a R4A zoning district, a four-story yeshiva which is contrary to floor area (§24-11), total height (§24-521), front yard (§23-34), side yard (§24-35), sky exposure plane (§24-521), setback requirements (§24-521), and yards (§24-531).                      284-06-A: Proposed yeshiva lies within the bed of a mapped street (Beach 9<sup>th</sup> Street), contrary to §35 of General City Law. R4A zoning district.  <b>COMMUNITY BOARD #14Q</b></p> <p><b>Examiner: Rory Levy 212-788-8749 / Toni Matias 212-788-8752</b></p> <p><b>Status: Continued Hearing – 5/8/07</b></p>

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<b>12.</b>	<b>136-06-BZ</b>	<p>Kenneth Fisher, Wolf Block, LLP  <b>11-15 Old Fulton Street, BROOKLYN</b>                      Variance (§72-21) to allow the residential conversion and one-story enlargement of existing three- and four-story buildings. The project would include ground floor retail space and 23 dwelling units and is contrary to use (§42-00), FAR (§43-12), and rear yard (§43-26 and §43-27) regulations. M2-1 zoning district.  <b>COMMUNITY BOARD #2BK</b></p>
		<b>Examiner: Jed Weiss (212) 788-8781</b>
		<b>Status: Closed, Decision – 4/24/07</b>

<b><i>BZ – NEW CASES</i></b>		
<b>13.</b>	<b>240-06-BZ thru 251-06-BZ</b>	<p>Manatt, Phelps &amp; Phillips, LLP  <b>147-04 to 147-30 Union Turnpike, QUEENS</b>                      Variance (§72-21) to permit the conversion of 12 existing residential buildings to community facility use (dormitory UG 3A) for <i>St. John’s University</i>, contrary to the front yard regulations (§24-34). R4 zoning district.  <b>COMMUNITY BOARD #8Q</b></p>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 4/10/07</b>
<b>14.</b>	<b>288-06-BZ</b>	<p>Sheldon Lobel, P.C.  <b>223-07 Hempstead Avenue, QUEENS</b>                      Variance (§72-21) to permit a two-story church in an R2 zoning district, contrary to regulations for floor area (§24-111), wall height, setback and sky exposure plane (§24-521), front yard (§24-34) and side yard (§24-35).  <b>COMMUNITY BOARD #13Q</b></p>
		<b>Examiner: Rory Levy (212) 788-8749</b>
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<b><i>BZ – NEW CASES</i></b>		
<b>15.</b>	<b>301-06-BZ</b>	Rothkrug Rothkrug & 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>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 5/8/07</b>
<b>16.</b>	<b>316-06-BZ</b>	Jesse Masyr, Esq., Wachtel & Masyr, LLP <b>2960 Webster Avenue, BRONX</b> Variance (§72-21) to permit an accessory, 825-space parking garage (UG4) in a new six-story structure for the <i>Bronx Botanical Gardens</i> . The proposal is requesting waivers to height and setback (§33-432) and parking (§36-11 and §36-12). C8-2 zoning district. <b>COMMUNITY BOARD #7BX</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 4/10/07</b>
<b>17.</b>	<b>334-06-BZ</b>	Law Office of Fredrick A. Becker <b>1119 East 23<sup>rd</sup> Street, BROOKLYN</b> Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to the regulations for open space and floor area (§23-141), and rear yard (§23-47) in an R-2 zoning district. <b>COMMUNITY BOARD #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 4/17/07</b>
<b>18.</b>	<b>1-07-BZ</b>	Law Office of Fredrick A. Becker <b>1792 West 11<sup>th</sup> Street, BROOKLYN</b> Special Permit (§73-622) for the enlargement of a single-family residence, contrary to floor area regulations (§23-141) in an R4-1 zoning district. <b>COMMUNITY BOARD #11BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
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