

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, October 23, 2007
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	844-86-BZ	<p>Rothkrug, Rothkrug & Spector, LLC 1828/1836 McDonald Avenue, BROOKLYN 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. COMMUNITY BOARD #11BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 10/23/07</p>
2.	214-96-BZ	<p>Rampulla Associates Architects 2819 Hylan Boulevard, STATEN ISLAND Extension of Term of a previously granted variance (expires on April 7, 2008) to permit in an R3-1 zoning district a UG7 (<i>Colonial Funeral Home</i>) and accessory parking on adjacent lot which houses a conforming UG1 single family home. COMMUNITY BOARD #2SI</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 10/23/07</p>

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<i>SOC – NEW CASES</i>		
3.	390-61-BZ	<p>Peter Hirshman 148-150 East 33rd Street, MANHATTAN Extension of Term (§11-411) of a previously granted variance which will expire on March 3, 2008 for a UG8 parking garage (Rapid Park Industries) in an R8B zoning district. COMMUNITY BOARD #6M</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 1/15/08</p>
4.	1199-88-BZ	<p>Rothkrug, Rothkrug & Spector, LLP 29 Nelson Avenue, STATEN ISLAND Amendment pursuant to §§72-01 & 72-22 to permit within a C1-1/R3-1 (SRD) the enlargement of previously approved banquet hall (UG 9) and a change in use from offices (UG 6) to retail stores (UG 6). COMMUNITY BOARD #1SI</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Continued Hearing – 12/4/07</p>

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<i>SOC – DISMISSAL</i>		
5.	197-05-BZ	<p>NYC Board of Standards and Appeals Applicant: Marvin Mitzner, Blank & Rome 813-815 Broadway, MANHATTAN To consider dismissal for lack of prosecution – Variance (§72-21) for an 11-story residential building with ground floor retail, contrary to FAR (§23-145), height and setback (§35-24), 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: Withdrawn – 10/23/07, then Pubic Hearing – 12/11/07</p>
6.	347-05-A	<p>NYC Board of Standards and Appeals Applicant: Deidre Carson, Greenberg Traurig, LLP 242-22 61st Avenue, QUEENS To consider dismissal for lack of prosecution – Appeal of Department of Buildings’ determination that owner is not eligible to vest proposed development under earlier zoning designation. COMMUNITY BOARD #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Withdrawn – 10/23/07</p>
7.	109-06-BZ	<p>NYC Board of Standards and Appeals Applicant: Domenick Salvatti & Son Architects 1201 Avenue Z, BROOKLYN To consider dismissal for lack of prosecution – Variance (§72-21) for a three-story enlargement to an existing one-story building, contrary to bulk regulations. R5 district. COMMUNITY BOARD # 15BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Dismissed – 10/23/07</p>

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<i>SOC – DISMISSAL</i>		
8.	233-06-BZ	<p>NYC Board of Standards and Appeals Applicant: Kathleen Bradshaw 2342 Haviland Avenue, BRONX To consider dismissal for lack of prosecution – Variance (§72-21) for the legalization of an enlargement to a single family home, contrary to front yard (§23-47) and side yard (§23-461) regulations in an R5 zoning district. COMMUNITY BOARD # 9BX</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 10/30/07</p>
9.	293-06-BZ	<p>NYC Board of Standards and Appeals Applicant: Rothkrug, Rothkrug & Spector, LLP 54-07 254th Street, QUEENS To consider dismissal for lack of prosecution – Variance (§72-21) for the enlargement of an existing one-family dwelling, contrary to floor area (§23-145) and open space (§23-141) regulations in an R1-2 zoning district. COMMUNITY BOARD #11Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/20/07</p>
10.	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> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Continued Hearing – 11/20/07</p>

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<i>SOC – DISMISSAL</i>		
11.	304-06-BZ	<p>NYC Board of Standards and Appeals Applicant: Rothkrug, Rothkrug & Spector, LLP 106-02 Astoria Boulevard, QUEENS To consider dismissal for lack of prosecution – Variance (§72-21) for a detached single-family home, contrary to front yard (23-45(a) regulations in an R3-2 zoning district. COMMUNITY BOARD # 3Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Withdrawn – 10/23/07</p>
12.	324-06-A	<p>NYC Board of Standards and Appeals Applicant: Al Muhammad & Deborah Muhammad, owners. 1449 Rosedale Avenue, BRONX To consider dismissal for lack of prosecution – Appeal of the Department of Buildings’ determination that commercial use is not a pre-existing, non-conforming use in a residential zoning district. COMMUNITY BOARD #9BX</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Dismissed – 10/23/07</p>

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<i>APPEALS – DECISIONS</i>		
13.	326-06-A	<p>David L. Businelli, R.A. 1523 Richmond Road, STATEN ISLAND An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the R1-2 district regulations in effect prior to the zoning text change on September 9, 2004. COMMUNITY BOARD #2SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 10/23/07</p>
14.	157-07-BZY	<p>Sheldon Lobel, P.C. 55 Eckford Street, BROOKLYN Extension of time (§11-332) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on May 11, 2005. M1-2/R6A, M1-2/R6B, & MX-8 zoning districts. COMMUNITY BOARD#1BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 10/23/07</p>
15.	212-07-BZY	<p>Greenberg Traurig by Deirdre A. Carson, Esq. 163 Charles Street, MANHATTAN Extension of time (§11-332) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on October 11, 2005. R6A, C1-5 zoning district. COMMUNITY BOARD#2M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 10/23/07</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
16.	105-06-A	Rothkrug Rothkrug and Spector, LLP 240-23 128th Avenue, QUEENS Proposed single family home to be built partially in the bed of a mapped street (Hook Creek Boulevard), contrary to General City Law Section 35. R2 zoning district. COMMUNITY BOARD #13Q
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 10/23/07
17.	162-06-A	Adam Rothkrug, Esq. 2852 Faber Terrace, QUEENS Proposed construction of a single-family home located partially within the bed of a mapped street (Edgewater Road) contrary to General City Law Section 35. R2 zoning district. COMMUNITY BOARD #14Q
		Examiner: Toni Matias (212) 788-8752
		Status: Continued Hearing – 12/4/07
18.	165-06-A	Adam Rothkrug, Esq. 2848 Faber Terrace, QUEENS Proposed construction of a single-family home located partially within the bed of a mapped street (Edgewater Road) contrary to General City Law Section 35. R2 Zoning district. COMMUNITY BOARD #14Q
		Examiner: Toni Matias (212) 788-8752
		Status: Continued Hearing – 12/4/07

<i>APPEALS – NEW CASES</i>		
19.	105-07-A thru 108-07-A	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 (199 th Avenue), contrary to General City Law Section 35. R3-2 zoning district. COMMUNITY BOARD #11Q
		Examiner: Toni Matias (212) 788-8752
		Status: Continued Hearing – 12/4/07

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<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 Examiner: Rory Levy (212) 788-8749 Status: Deferred Decision – 12/11/07</p>
2.	80-07-BZ	<p>Sheldon Lobel, P.C. 319 West 94th Street, MANHATTAN Variance (§72-21) to permit a nine-story and cellar not-for-profit institution with sleeping accommodations and accessory supportive social service space. The proposal is contrary to floor area (§24-111), wall height, setback, and sky exposure plane (§24-522), rear yard (§24-36), and permitted reconstruction (§54-41). R8 zoning district. COMMUNITY BOARD # 7M Examiner: Rory Levy (212) 788-8749 Status: Granted – 10/23/07</p>
3.	188-07-BZ	<p>Friedman & Gotbaum, LLP Spa Chakra/Waldorf-Astoria, 301 Park Avenue, MANHATTAN Special Permit (§§73-03 & 73-36) to allow a physical culture establishment in portion of an existing building (19th floor and lobby level) in a C5-2.5/C5-3/C6-6 ZD. COMMUNITY BOARD #5M Examiner: Rory Levy (212) 788-8749 Status: Granted – 10/23/07</p>

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<i>BZ – CONTINUED HEARINGS</i>		
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: Closed, Decision – 11/20/07</p>
5.	52-07-BZ	<p>Lewis Garfinkel, R.A. 1576 East 27th Street, BROOKLYN Special Permit (§73-622) for the enlargement of an existing one-family detached residence. This application seeks to vary open space and floor area (§23-141); perimeter wall height (§23-361) and rear yard (§23-47) in an R3-2 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 11/27/07</p>
6.	78-07-BZ & 730-72-BZ	<p>Sheldon Lobel, P.C. 2515 McDonald Avenue, BROOKLYN Special Permit (§73-36) and SOC Amendment to allow the operation of a physical culture establishment on the first floor of a two-story commercial building, contrary to § 42-00. M1-1 district. COMMUNITY BOARD #15BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 10/30/07</p>
7.	144-07-BZ	<p>Sheldon Lobel, P.C. 3810 Bedford Avenue, BROOKLYN Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area, open space and lot coverage, (§23-141) and side yards (§23-461) in an R3-2 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 11/20/07</p>

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<i>BZ – NEW CASES</i>		
8.	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: Continued Hearing – 12/11/07
9.	110-07-BZ	Sheldon Lobel, P.C. 53 Crosby Street, MANHATTAN Special Permit (§73-63) to allow the enlargement of a non-residential building (Joint living-work quarters for artists). M1-5B district. COMMUNITY BOARD #2M
		Examiner: Jed Weiss (212) 788-8781
		Status: Closed (will reopen to take testimony from property owners within 400' radius), Decision – 11/20/07
10.	152-07-BZ	Eric Palatnik, P.C. 8701 Fourth Avenue, BROOKLYN Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on the second floor of a two-story commercial building. C4-2A zoning district. COMMUNITY BOARD #10BK
		Examiner: Rory Levy (212) 788-8749
		Status: Closed, Decision – 11/27/07
11.	159-07-BZ	Eric Palatnik, P.C. 2402 86th Street, BROOKLYN Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on the second floor of a two-story commercial building. C8-2 district. COMMUNITY BOARD #11BK
		Examiner: Rory Levy (212) 788-8749
		Status: Closed, Decision – 11/27/07

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<i>BZ – NEW CASES</i>		
12.	211-07-BZ	Eric Palatnik, P.C. 1149 East 22nd Street, BROOKLYN Special Permit (§73-622) for the enlargement of an existing single family home, contrary to open space and floor area (§23-141), side yard (§23-461) and rear yard (§23-47) regulations in an R-2 zoning district. COMMUNITY BOARD #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Continued Hearing – 11/27/07

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