

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, September 11, 2007

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	80-54-BZ II	Sheldon Lobel, P.C. 150 East 39th Street, MANHATTAN Extension of Term (§11-411) of a variance which expired on July 2, 2006 to permit commercial uses on the first floor and cellar of an existing residential building located in an R8B zoning district; Extension of Time to obtain a Certificate of Occupancy which expired on April 24, 2002 and a waiver of the Rules. COMMUNITY BOARD #6M
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 9/11/07
2.	1328-66-BZ	Sheldon Lobel, P.C. 165 West End Avenue, MANHATTAN Extension of Term for a variance, originally granted under Section 60(3) of the Multiple Dwelling Law. COMMUNITY BOARD #7M
		Examiner: Carlo Costanza (212) 788-8739
		Status: Granted – 9/11/07
3.	1330-66-BZ	Sheldon Lobel, P.C. 205 West End Avenue, MANHATTAN Extension of Time for a variance, originally granted under Section 60(3) of the Multiple Dwelling Law. COMMUNITY BOARD #7M
		Examiner: Carlo Costanza (212) 788-8739
		Status: Granted – 9/11/07
4.	1332-66-BZ	Sheldon Lobel, P.C. 185 West End Avenue, MANHATTAN Extension of Term for a variance, originally granted under Section 60(3) of the Multiple Dwelling Law. COMMUNITY BOARD #7M
		Examiner: Carlo Costanza (212) 788-8739
		Status: Granted – 9/11/07

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<i>SOC – DECISIONS</i>		
5.	7-00-BZ III	<p>Friedman & Gotbaum, LLP 90 Lafayette Street, MANHATTAN Extension of Time to Complete Construction for a variance which permits within an M1-5 zoning district an enlargement to a UG3 non-profit homeless shelter for men (<i>New York City Rescue Mission</i>) which expired on February 10, 2005. COMMUNITY BOARD #1M</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 9/11/07</p>

<i>SOC – CONTINUED HEARINGS</i>		
6.	671-56-BZ	<p>Walter T. Gorman, P.E. 1249-1265 Sutter Avenue, BROOKLYN 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. COMMUNITY BOARD #5BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 10/2/07</p>
7.	517-68-BZ	<p>Alfonso Duarte 1667 East Gun Hill Road, BRONX Extension of Term/Amendment/Waiver of a variance permitting in an R3-2 district automobile sales and repair (UG 16A) with accessory office. The application seeks to legalize the rental of automobiles and trucks (UG 8C). The term of the variance expired on October 7, 2005. COMMUNITY BOARD #12BX</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Closed, Decision – 9/25/07</p>

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<i>SOC – CONTINUED HEARINGS</i>		
8.	142-70-BZ	Barbara Hair, Esq. 8 St. Marks Place, MANHATTAN 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). COMMUNITY BOARD#3M Examiner: Carlo Costanza (212) 788-8739 Status: Closed, Decision – 10/16/07
9.	175-95-BZ	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 Examiner: Carlo Costanza (212) 788-8739 Status: Continued Hearing – 10/16/07

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<i>SOC – NEW CASES</i>		
10.	997-84-BZ	<p>Stadtmauer Bailkin, LLP 800 Union Street, BROOKLYN Extension of Term/Amendment/Waiver for a special permit which expired on September 10, 2005, to legalize an increase in the number of parking spaces from 149 to 288 in an R6A district. COMMUNITY BOARD#6BK</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Continued Hearing – 10/16/07</p>
11.	244-97-BZ	<p>Ellen Hay, Wachtel & Masyr, LLP 162 West 83rd Street, MANHATTAN Extension of Term/Time/Amendment/Waiver for a Physical Cultural Establishment (<i>Crunch Fitness</i>) for an extension of term which expires November 4, 2008; extension of time to obtain the Certificate of Occupancy; and an amendment for an enlargement of the total floor area within an existing two story commercial building, located in a C2-5/R-8B zoning district. COMMUNITY BOARD#7M</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Closed, Decision – 9/25/07</p>

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<i>APPEALS – DECISIONS</i>		
12.	70-06-A	<p>Eric Palatnik, P.C. 4 Rockwell Avenue, STATEN ISLAND Proposed construction of a two-story, three-family dwelling located within the bed of mapped street (Zev Place), contrary to General City Law §35. R3-2 Zoning District. COMMUNITY BOARD #1SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 9/11/07</p>
13.	219-06-A thru 225-06-A	<p>Rothkrug, Rothkrug and Spector 241-10/16/22/28/15/21/25 128th Drive, QUEENS Proposed construction of seven two-story, one-family dwellings within the bed of a mapped street (128th Drive), contrary to General City Law §35, and not fronting on a legally mapped street, contrary to Article 3, §36 of the General City Law. R-2 Zoning District. COMMUNITY BOARD #13Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Reopened, Continued Hearing – 10/2/07</p>
14.	67-07-A	<p>Kevin Finnegan, Esq. 515 East 5th Street, MANHATTAN 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. COMMUNITY BOARD #3M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 9/11/07</p>
15.	96-07-A	<p>Sheldon Lobel, P.C. 41-30/34 75th Street, QUEENS Appeal challenging Department of Buildings' determination that side setbacks per §24-551 are required. R5 zoning district. COMMUNITY BOARD #4Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Denied – 9/11/07</p>

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<i>APPEALS – DECISIONS</i>		
16.	154-07-A	<p>Troutman Sander, LLP 441 East 57th Street, MANHATTAN 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. COMMUNITY BOARD #6M</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Reopened, Continued Hearing – 10/30/07</p>

<i>APPEALS – NEW CASES</i>		
17.	73-07-A	<p>Fire Department of The City of New York 2169-2171 86th Street, BROOKLYN Application to modify Certificate of Occupancy to permit the Fire Department to require additional fire protection (automatic sprinkler system) for the occupied cellar of the commercial structure under the authority of Section 27-4265 of the Administrative Code. COMMUNITY BOARD#11BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 10/2/07</p>
18.	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> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 10/30/07</p>

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<i>BZ – DECISIONS</i>		
1.	161-06-BZ	<p>Eric Palatnik, P.C 3349 and 3365 Webster Avenue, BRONX Variance (§72-21) on behalf of the Doe Fund to permit the creation of two (2), eight (8)-story structures at the Premises located in a C8-2 zoning district. The proposal is contrary to §32-10. COMMUNITY BOARD #7BX</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 9/11/07</p>
2.	262-06-BZ	<p>Law Offices of Howard Goldman, LLC 71-13 60th Lane, QUEENS 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. COMMUNITY BOARD #5Q</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted – 9/11/07</p>
3.	264-06-BZ	<p>Law Office of Fredrick A. Becker 1632 East 28th Street, BROOKLYN 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)); lot coverage (§23-141(b)); side yard (§23-461) 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: Granted – 9/11/07</p>
4.	291-06-BZ	<p>Paul Bonfilio, AIA 68-60 Austin Street, QUEENS 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. COMMUNITY BOARD #6Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 9/11/07</p>

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5.	325-06-BZ	<p>Eric Palatnik, P.C. 100 Delancey Street, MANHATTAN Special Permit (§73-36) to allow a proposed physical culture establishment, contrary to §32-00. C6-1 district. COMMUNITY BOARD #1M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 9/11/07</p>
6.	10-07-BZ	<p>Kenneth Philogene 118 Graham Boulevard, STATEN ISLAND 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. COMMUNITY BOARD #2SI</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 9/11/07</p>
7.	54-07-BZ	<p>Sheldon Lobel, P.C. 1776 East 26th Street, BROOKLYN 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. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 9/11/07</p>
8.	98-07-BZ	<p>Eric Palatnik, P.C. 67 Amherst Street, BROOKLYN Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary open space, lot coverage and floor area (§23-141); rear yard (§23-47) and side yard (§23-461) in an R3-1 zoning district. COMMUNITY BOARD #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 9/11/07</p>

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<i>BZ – DECISIONS</i>		
9.	99-07-BZ	<p>Eric Palatnik, P.C. 170 Girard Street, BROOKLYN Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary floor area, open space and lot coverage (§23-141) and rear yard (§23-47) in an R3-1 zoning district. COMMUNITY BOARD #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 9/11/07</p>
10.	101-07-BZ	<p>Harold Weinberg, P.E. 2306 Avenue M, BROOKLYN 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. COMMUNITY BOARD #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 9/11/07</p>
11.	113-07-BZ	<p>Snyder & Snyder 155 Clay Pitt Road, STATEN ISLAND Special Permit (§73-30) for a non-accessory radio tower, which is a public utility wireless communication facility and will consist of an 82-foot stealth, together with antennas mounted therein and related equipment at the base thereof. R3-2 district. COMMUNITY BOARD #3SI</p> <hr/> <p>Examiner: Roy Starrin (212) 788-8797</p> <hr/> <p>Status: Granted – 9/11/07</p>
12.	120-07-BZ	<p>Bryan Cave, LLP 24 West 30th Street, MANHATTAN Variance (§72-21) to allow the partial conversion to residential use of an existing 12-story mixed-use building, contrary to use regulations (§42-00). M1-6 district. COMMUNITY BOARD #5M</p> <hr/> <p>Examiner: Jed Weiss (212) 788-8781</p> <hr/> <p>Status: Granted – 9/11/07</p>

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<i>BZ – CONTINUED HEARINGS</i>		
13.	25-06-BZ	<p>Dominick Salvati and Son Architects 2908 Nostrand Avenue, BROOKLYN Variance (§72-21) to allow an eight-story, 29-unit residential building with ground floor community facility use and 31 parking spaces, contrary to regulations for dwelling unit density (§ 23-22), street wall height (§ 23-631 & § 24-521), maximum building height (§ 23-631), front yard (§ 24-34), side yards (§ 24-35 & §24-551), FAR (§ 24-11, 24-162 & 23-141) and lot coverage (§ 23-141 & § 24-11). R3-2 district. COMMUNITY BOARD #15BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Closed, Decision – 10/16/07</p>
14.	212-06-BZ	<p>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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 10/30/07</p>
15.	33-07-BZ	<p>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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Adjourned, Continued Hearing – 10/2/07</p>
16.	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: Adjourned, Continued Hearing – 10/23/07</p>

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<i>BZ – CONTINUED HEARINGS</i>		
17.	53-07-BZ	<p>Wolf Block, Schorr & Solis-Cohen, LLP 1901 Eighth Avenue, BROOKLYN Variance (§72-21) to permit the redevelopment and conversion to residential use of an existing three-story factory/warehouse. The proposal is contrary to §42-00. M1-1 district. COMMUNITY BOARD #7BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 10/16/07</p>
18.	72-07-BZ	<p>Sheldon Lobel, P.C. 1941 East 26th Street, BROOKLYN 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. COMMUNITY BOARD#15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 9/11/07</p>
19.	112-07-BZ	<p>Law Office of Fredrick A. Becker 1089-1093 East 21st Street, BROOKLYN Variance (§72-21) to permit the construction of a synagogue in an R2 zoning district. The proposal is contrary to floor area ratio and lot coverage (§24-11), side yards (§24-35), rear yard (§24-36), wall height (§24-521) and parking (§25-31). COMMUNITY BOARD # 14BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 9/11/07</p>
20.	126-07-BZ	<p>Ellen Hay, Wachtel & Masyr, LLP 555 West 42nd Street, MANHATTAN Special Permit (§73-36) to legalize the operation of a physical culture establishment on a portion of the ground floor, second floor mezzanine, and second floor in a 43-story residential building. The proposal is contrary to §32-00. C6-4 zoning district. COMMUNITY BOARD #4M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 9/25/07</p>

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<i>BZ – CONTINUED HEARINGS</i>		
21.	128-07-BZ	Law Office of Fredrick A. Becker 1328 East 26th Street, BROOKLYN Special Permit (73-622) for the enlargement of an existing single family residence. This application seeks to vary open space and floor area (§23-141); less than the minimum side yards (§23-461 & §23-48) and rear yard (§23-47) in an R-2 zoning district. COMMUNITY BOARD #14BK
		Examiner: Henry Segovia (212) 788-8757
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<i>BZ – NEW CASES</i>		
22.	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: Postponed – 10/30/07</p>
23.	329-06-BZ	<p>Wholistic Healthworks, Inc. 34-34 Bell Boulevard, QUEENS Special Permit (§73-36) to legalize a physical culture establishment in C2-2/R2A/R4 zoning districts. The proposal is contrary to §32-00. COMMUNITY BOARD #11Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 10/16/07</p>
24.	58-07-BZ	<p>Rex Carner c/o Carner Associates 18-02 Clintonville Street, QUEENS Variance (§72-21) to permit a new two-family dwelling on a vacant lot. The Premises is located in an R3A zoning district and is contrary to lot area (§23-32), residential FAR (§23-141), and parking (§25-21). COMMUNITY BOARD#7Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 10/16/07</p>
25.	88-07-BZ	<p>Eric Palatnik, P.C., 1633 East 29th Street, BROOKLYN Special Permit (§73-622) for the enlargement of a single family residence. This application seeks to vary floor area and lot coverage (§23-141(b)); side yard (§23-461(a)) 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 – 10/16/07</p>

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<i>BZ – NEW CASES</i>		
26.	144-07-BZ	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
		Examiner: Henry Segovia (212) 788-8757
		Status: Continued Hearing – 10/23/07

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