

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, July 22, 2008
10:00 A.M.

<i>SOC - DECISIONS</i>		
1.	853-53-BZ	<p>Walter T. Gorman, P.E. 2402/16 Knapp Street, Brooklyn Extension of Term/waiver to permit the continued operation of a gasoline service station (<i>Mobil</i>) which expired on October 23, 1999 and an Extension of Time to obtain a Certificate of Occupancy which expired on April 1, 1996 in R3-2/C2-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted - 7/22/08</p>
2.	615-57-BZ	<p>Sheldon Lobel, P.C. 154-11 Horace Harding Expressway, Queens Extension of Time to obtain a Certificate of Occupancy and waiver of the rules for a Gasoline Service Station (<i>Exxon</i>) which expired on October 9, 2007. C1-3/R5B zoning district. Community Board #7Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted - 7/22/08</p>
3.	579-68-BZ	<p>Sheldon Lobel, P.C. 152-160 East 88th Street, Manhattan Extension of Term to permit the operation of a transient parking garage in the cellar of a building originally granted under Section 60(3) of the Multiple Dwelling Law. C1-8X zoning district. Community Board #8M</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted - 7/22/08</p>
4.	406-82-BZ	<p>Joseph P. Morsellino, Esq. 2411 86th Street, Brooklyn Extension of Term/waiver for a Special Permit (§73-243) eating and drinking establishment (<i>McDonald's</i>) with accessory drive-thru which expired on January 18, 2008; and an Extension of Time to obtain a Certificate of Occupancy which expired on January 1, 2006 in an C1-3/R05 zoning district. Community Board #11BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted - 7/22/08</p>

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5.	286-86-BZ	<p>Sheldon Lobel, P.C. 100 7th Avenue, Brooklyn Extension of Term to allow the continued use of a Physical Cultural Establishment previously granted pursuant to §72-21 of the zoning resolution. R6A/C1-3 zoning district. Community Board #6BK</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted - 7/22/08</p>
6.	151-90-BZ	<p>Mitchell S. Ross 115-49 118th Street, 115-70 Lefferts Boulevard, Queens Amendment to allow legalization of existing office use to replace approved governmental office use. R3-2 zoning district. Community Board #10Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted - 7/22/08</p>
7.	268-06-BZ	<p>Slater & Beckerman, LLP 80-35 Pitkin Avenue, Queens Reopening for an Amendment to previously approved Special Permit (§73-30) to permit a 90-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New York City Wireless Network (“NYCWiN”). Community Board #10Q</p> <p style="color: green;">Examiner: Roy Starrin (212) 788-8797</p> <p style="color: red;">Status: Granted - 7/22/08</p>
8.	302-06-BZ	<p>Harold Weinberg, P.E. 1791 Ocean Parkway, Brooklyn Amendment to variance to permit a yeshiva; amendment would correct floor area calculation errors and permit a minor increase in floor area. Community Board #15BK</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted - 7/22/08</p>

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<i>SOC - CONTINUED HEARINGS</i>		
9.	546-82-BZ	<p>Pasquale Carpentiere 148-15 89th Avenue, Queens Extension of Term for a UG8 parking lot which expires on June 14, 2008 in an R7A/DJ zoning district. Community Board #12Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing - 8/26/08</p>
10.	16-92-BZ	<p>Sheldon Lobel, P.C. 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 (UG16), a woodworking and metal working company (UG16) 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: Closed, Decision - 8/26/08</p>
11.	340-03-BZ	<p>Davidoff Malito & Hutcher, LLP 408 Greenwich Street, a/k/a 22-24 Hubert Street, Manhattan Amendment to variance to allow in a mixed use building the change of the use on the fifth floor from commercial use (UG6) to residential use (UG2). M1-5 zoning district/Tribeca Mixed Use District. Community Board #1M</p> <hr/> <p>Examiner: Roy Starrin (212) 788-8797</p> <hr/> <p>Status: Adjourned, Continued Hearing - 8/26/08</p>

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SOC - NEW CASES		
12.	728-29-BZ	Walter T. Gorman, P.E. 154-04 Horace Harding Expressway, Queens Extension of Time to obtain a Certificate of Occupancy and Waiver of the rules for a UG16 Gasoline Service Station (<i>Mobil</i>), in an R-4 zoning district, which expired on May 15, 2003. Community Board #8Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision - 7/29/08
13.	713-55-BZ	Walter T. Gorman, P.E. 181-05 Horace Harding Expressway, Queens Extension of Time to obtain a Certificate of Occupancy/waiver for a gasoline service station (<i>Mobil</i>), in a C2-2/R3-2 zoning district, which expired on May 22, 2003. Community Board #11Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision - 7/29/08
14.	7-04-BZ	Lawrence Whiteside 2208 Boller Avenue, Bronx Extension of Time to Complete Construction of a UG4 Church/Community Outreach Center (<i>Co-Op City Baptist Church</i>), in an R3A zoning district, which expired on June 8, 2008. Community Board #10BX
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision - 8/19/08
15.	180-07-BZ	Sheldon Lobel, P.C. 47 West 13th Street, Manhattan Extension of Time to obtain a Certificate of Occupancy for a previously granted physical culture establishment (<i>Silk Day Spa</i>), in a C6-2/C6-2M zoning district, which expired on May 20, 2008. Community Board #2M
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision - 8/19/08

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<i>APPEALS - CONTINUED HEARINGS</i>		
16.	68-08-A	<p>Sheldon Lobel, P.C. 135-23 82nd Avenue, Queens An appeal seeking a determination that the property owner has acquired a common law vested right to continue construction commenced under the prior R6A zoning. R5D Zoning District. Community Board #8Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision - 8/19/08</p>

<i>APPEALS - NEW CASES</i>		
17.	251-07-A thru 254-07-A	<p>Eric Palatnik, P.C. 63 & 65 Houston Street, 104 & 106 Willowbrook Road, Staten Island Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior R3A zoning district. R3X zoning district. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing - 9/9/08</p>
18.	34-08-A	<p>Kevin Christopher Shea 144 North 8th Street, Brooklyn Appeal seeking to revoke permit and approvals for construction of a 16-story building, under contention that the building is in violation of ZR §23-142 and ZR §12-10. Community Board #1BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Postponed Hearing - 7/29/08</p>

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<i>BZ - DECISIONS</i>		
1.	143-07-BZ	<p>Moshe M. Friedman 6404 Strickland Avenue, Brooklyn Variance (§72-21) to permit the construction of a three-story and cellar synagogue and religious pre-school. The proposal is contrary to §24-111 (a) and §23-141 (a) (floor area), §24-11 (open space and lot coverage), §24-521 (front wall and sky exposure plane), §24-34 (front yard), §24-35 (side yard), §25-31 (parking). R2 zoning district. Community Board #18BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted - 7/22/08</p>
2.	282-07-BZ & 283-07-BZ	<p>Sheldon Lobel, P.C. 774 Schenck Avenue & 825 Hendrix Street, Brooklyn Variance (§72-21) to allow two, two-family, two-story detached homes; contrary to front yard requirements (§23-45). R5 district. Community Board #5BK</p> <p>Examiner: Jed Weiss (212) 788-8781</p> <p>Status: Granted - 7/22/08</p>
3.	36-08-BZ	<p>Lewis Garfinkel, R.A. 1177 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary regulations for open space and floor area (§23-141(a)); side yards (§23-461) and rear yard (§23-47) in an R-2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted - 7/22/08</p>
4.	80-08-BZ	<p>Dennis D. Dell'Angelo 1073 East 24th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary the open space ratio and floor area (§23-141); side yards (§23-46) and rear yard requirement (§23-47) in an R-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted - 7/22/08</p>

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5.	144-08-BZ	Rizzo Group 225 5th Avenue, Manhattan Special Permit (§73-36) for proposed Physical Culture Establishment (<i>24 Hour Fitness</i>) on portions of the first and cellar floors. The proposal is contrary to ZR §32-10. C5-2 district. Community Board #5M
		Examiner: Rory Levy (212) 788-8749
		Status: Granted - 7/22/08

<i>BZ - CONTINUED HEARINGS</i>		
6.	268-07-BZ	Eric Palatnik, P.C. 1644 48th Street, Brooklyn Variance (§72-21) to permit the development of a synagogue (<i>Congregation Adath Jacob</i>) (UG4) with two accessory apartments. The proposal is contrary to §24-11 (Total Floor Area and Lot Coverage), §24-35 (Side Yard), §24-36 (Rear Yard), §24-551 (Setback), and §25-31 (Community facility parking). R5 district. Community Board #12BK
		Examiner: Rory Levy (212) 788-8749
		Status: Adjourned, Continued Hearing - 9/16/08
7.	271-07-BZ	The Rizzo Group 213-219 West 23rd Street, Manhattan Special Permit (§73-36) to legalize a Physical Culture Establishment (<i>David Barton Gym</i>) and a variance to allow the facility within the R8A portion of the zoning lot, contrary to §§22-10 and 32-18. C2-7A and R8A zoning district. Community Board #4M
		Examiner: Rory Levy (212) 788-8749
		Status: Continued Hearing - 8/26/08

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<i>BZ - CONTINUED HEARINGS</i>		
8.	44-08-BZ	<p>Law Office of Fredrick A. Becker 1015 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary regulations for open space and floor area (§23-141(a)), and rear yard (§23-47) in an R-2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision - 8/26/08</p>
9.	66-08-BZ	<p>Sheldon Lobel, P.C. 1497 East 21st 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(a)) and less than the required rear yard (§23-47) in an R2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision - 8/26/08</p>

<i>BZ - NEW CASES</i>		
10.	42-08-BZ	<p>Eric Palatnik, P.C. 182 Girard Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing two family residence and conversion to a single family residence. This application seeks to vary floor area, lot coverage, open space (§23-141(b)) and rear yard (§23-47) in an R3-1 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing - 9/9/08</p>

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<i>BZ - NEW CASES</i>		
11.	59-08-BZ	<p>Sheldon Lobel, P.C. 591 Forest Avenue, Staten Island Special Permit (§73-36) to allow the operation of a Physical Culture Establishment (<i>Planet Fitness</i>) on the first and second floors of an existing building. The proposal is contrary to §32-10. C2-1 within R3X district. Community Board #1SI</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Continued Hearing - 8/26/08</p>
12.	84-08-BZ	<p>Walter T. Gorman, P.E. 67-24 Main Street, a/k/a 68-12 Main Street, Queens Special Permit filed pursuant to §§11-411, 11-412 & 73-01 (d) to reinstate and amend the variance granted under Cal# 410-48-BZ for an automotive service station with accessory uses located in a C1-2/R4 zoning district. Community Board #8Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Continued Hearing - 8/26/08</p>
13.	165-08-BZ	<p>Ellen Hay, Wachtel & Masyr, LLP 11 Penn Plaza, a/k/a 166 West 32nd Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Bally Sports Club</i>) on four levels in an existing 26-story building. The proposal is contrary to ZR §32-10. C6-6 & C6-4.5 MiD districts. Community Board #5M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Postponed Hearing - 9/23/08</p>
14.	167-08-BZ	<p>Sheldon Lobel, P.C. 253 5th Avenue, Manhattan Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Garden Retreat & Spa</i>) on the second floor of an existing seven-story building. The proposal is contrary to ZR §32-10. C5-2 district. Community Board #5M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Continued Hearing - 8/26/08</p>

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