

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, June 24, 2008  
10:00 A.M.

<i>SOC - DECISIONS</i>		
1.	774-55-BZ	Kramer Levin Naftalis & Frankel LLP <b>2155-2159 Newbold Avenue, Bronx</b> Extension of Term/Waiver of the rules for a previously granted variance to permit the operation of a (UG8) parking lot for more than five cars for employees and customers of a bank ( <i>Citibank</i> ) on the adjoining lot which expired on January 31, 2003 in R-5 and C1-2 zoning district. <b>Community Board #9BX</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted - 6/24/08</b>
2.	1149-62-BZ	Bryan Cave LLP <b>24-40 West 16<sup>th</sup> Street &amp; 31-35 West 15<sup>th</sup> Street, Manhattan</b> Amendment to a previously approved variance for a UG3 parochial school ( <i>Xavier High School</i> ). Amendment would permit an increase in zoning lot size. C6-2 zoning district. <b>Community Board #5M</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted - 6/24/08</b>
3.	164-94-BZ	Jeffrey A. Chester, Esq. <b>84 Hugh Grant Circle, Bronx</b> Extension of Time to obtain a Certificate of Occupancy/waiver for a Physical Culture Establishment (Lucille Roberts), in a C1-2/R-6 zoning district, which expired on April 19, 2006. <b>Community Board #9BX</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted - 6/24/08</b>

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<i><b>SOC - CONTINUED HEARINGS</b></i>		
<b>4.</b>	<b>788-89-BZ</b>	<p>Dominick Salvati &amp; Son Architects <b>187-17 Jamaica Avenue, Queens</b> Extension of Term/Waiver for a UG16 automobile repair shop and automobile sales which expired on November 19, 2006 in a C2-2 zoning district. <b>Community Board #12Q</b></p> <p style="margin-left: 20px;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="margin-left: 20px;"><b>Status: Continued Hearing - 7/29/08</b></p>
<b>5.</b>	<b>24-96-BZ</b>	<p>Rothkrug, Rothkrug &amp; Spector LLP <b>213 Madison Street, Manhattan</b> Extension of Term (§§11-411 &amp; 11-413) a variance, which expired on October 7, 2007, permitting commercial use in an R7-2 residential zoning district, and Amendment to a change the use from a retail store (UG 6) to an eating and drinking establishment (UG 6). <b>Community Board #3M</b></p> <p style="margin-left: 20px;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="margin-left: 20px;"><b>Status: Adjourned, Continued Hearing - 7/29/08</b></p>
<b>6.</b>	<b>340-03-BZ</b>	<p>Davidoff Malito &amp; Hutcher, LLP <b>408 Greenwich Street, a/k/a 22-24 Hubert Street, Manhattan</b> 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. <b>Community Board #1M</b></p> <p style="margin-left: 20px;"><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p style="margin-left: 20px;"><b>Status: Adjourned, Continued Hearing - 7/22/08</b></p>

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<i>SOC – NEW CASES</i>		
7.	709-55-BZIII	<p>Walter T. Gorman, P.E. <b>2000 Rockaway Parkway, Brooklyn</b> Extension of Time to obtain a Certificate of Occupancy for a gasoline service station (<i>Mobil</i>) which expired on January 9, 2003; waiver of the rules and an Amendment to legalize existing condition contrary to previous approved plans. C1-2/R4 zoning district <b>Community Board #18BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 7/29/08</b></p>
8.	615-57-BZII	<p>Sheldon Lobel, P.C. <b>154-11 Horace Harding Expressway, Queens</b> 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. <b>Community Board #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/22/08</b></p>
9.	286-86-BZ	<p>Sheldon Lobel, P.C. <b>100 7<sup>th</sup> Avenue, Brooklyn</b> 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. <b>Community Board #6BK</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Closed, Decision – 7/22/08</b></p>
10.	826-86-BZII thru 828-86-BZII	<p>Eric Palatnik, P.C. <b>269-10, 270-10, 271-10 Grand Central Parkway, Queens</b> Extension of Term for a Special Permit (§73-11) to permit non-accessory radio towers and transmitting equipment on the roof of an existing 23-story multiple dwelling; Extension of Time to obtain a Certificate of Occupancy; waiver of the rules and an Amendment to legalize additional transmitting equipment on the roof and to eliminate the condition that a new Certificate of Occupancy be obtained. R3-2 zoning district <b>Community Board #13Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 8/19/08</b></p>

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<i><b>APPEALS - CONTINUED HEARINGS</b></i>		
11.	306-05-BZY	Stuart A. Klein, Esq. <b>206A Beach 3<sup>rd</sup> Street, Queens</b> Extension of Time to complete construction (§11-331) under the prior zoning district regulations. <b>Community Board #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing - 8/26/08</b>
12.	162-06-A & 165-06-A	Adam Rothkrug, Esq. <b>2852 &amp; 2848 Faber Terrace, Queens</b> Proposed construction of a single-family home located partially within the bed of a mapped street (Edgewater Road) contrary to General City Law §35. R2 zoning district. <b>Community Board #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision - 7/1/08</b>
13.	39-07-A & 40-07-A	Sheldon Lobel, P.C. <b>3248, 3250 Wickham Avenue, Bronx</b> Proposed construction of two, three-story, three-family homes located within the bed of a mapped street, contrary to General City Law Section 35. R5 zoning district. <b>Community Board #12BX</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing - 8/19/08</b>
14.	163-07-A	Rothkrug, Rothkrug and Spector, LLP <b>11 Cliff Street, Staten Island</b> Proposed accessory parking lot located within the bed of a mapped street (Cliff Street) contrary to General City Law Section 35. R3-2 zoning district. <b>Community Board #1SI</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted - 6/24/08</b>

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<i><b>APPEALS - CONTINUED HEARINGS</b></i>		
15.	230-07-BZY	Rothkrug, Rothkrug & Spector, LLP <b>90-22 176<sup>th</sup> Street, Queens</b> Extension of time (§11-331) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on September 10, 2007. R4-1 zoning district. <b>Community Board #12Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing - 8/19/08</b>
16.	265-07-A	Stuart A. Klein <b>57 West 70<sup>th</sup> Street, Manhattan</b> An appeal challenging the Department of Building's interpretation that the rear yard structure (porch) is a permitted obstruction that complies with §23-44. R8B zoning district. <b>Community Board #7M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision - 8/19/08</b>
17.	47-08-A	Rothkrug, Rothkrug & Spector, LLP <b>7228 Thursby Avenue, Queens</b> Construction of a two-family dwelling located partially within the bed of a mapped street, contrary to General City Law Section 35. R3-2 zoning district. <b>Community Board #14Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing - 7/29/08</b>

<i><b>APPEALS - NEW CASES</b></i>		
18.	143-08-A	Zygmunt Staszewski <b>43 Beach 221<sup>st</sup> Street, Queens</b> Reconstruction and enlargement of an existing single family home not fronting a legally mapped street contrary to General City Law Section 36 and the proposed upgrade of the private disposal system contrary to DOB policy. R4 Zoning district. <b>Community Board #14Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing - 7/15/08</b>

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<i><b>BZ - DECISIONS</b></i>		
1.	39-06-BZ	<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: Deferred Decision - 8/26/08</b></p>
2.	114-07-BZ	<p>Joseph P. Morsellino, Esq. <b>7-05 152<sup>nd</sup> Street, Queens</b> Special Permit (§73-19) to allow a day-care center (UG3) in an M1-1 zoning district. <b>Community Board #7Q</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Deferred Decision - 7/29/08</b></p>
3.	23-08-BZ	<p>Sheldon Lobel, P.C. <b>182-69 80<sup>th</sup> Road, Queens</b> Variance (§72-21) to permit the construction of a UG4 community facility building (<i>Bokharian Communities Center</i>). The proposal is contrary to §§24-10 and 25-30. R1-2 district. <b>Community Board #7M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision - 7/15/08</b></p>
4.	30-08-BZ	<p>Slater &amp; Beckerman, LLP <b>4360 Hylan Boulevard, Staten Island</b> Special Permit (§73-30) to permit in an R3-1 district a 50-foot non-accessory radio tower as part of the NYC Department of Information Technology and Telecommunications/Wireless Network. <b>Community Board #3SI</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Granted - 6/24/08</b></p>

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<i>BZ - DECISIONS</i>		
5.	457-65-BZ	Slater & Beckerman, LLP <b>4360 Hylan Boulevard, Staten Island</b> Amendment to reopen for minor change to the site to include a non-accessory radio tower pursuant to ZR §73-30 and file under separate BSA application (30-08-BZ). <b>Community Board #3SI</b>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Granted - 6/24/08</b>

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<i><b>BZ - CONTINUED HEARINGS</b></i>		
<b>6.</b>	<b>74-07-BZ</b>	<p>Friedman &amp; Gotbaum, LLP <b>6-10 West 70<sup>th</sup> Street, Manhattan</b> <i>Congregation Shearith Israel</i> Variance (§72-21) to allow a nine-story residential/community facility building, contrary to regulations for lot coverage (§24-11), rear yard (§24-36), base height, building height and setback (§23-633) and rear setback (§23-663). R8B and R10A zoning districts. <b>Community Board #7M</b></p> <p style="color: green;"><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p style="color: red;"><b>Status: Closed, Decision - 8/26/08</b></p>
<b>7.</b>	<b>100-07-BZ</b>	<p>David L. Businelli <b>642 Barclay Avenue, Staten Island</b> Variance (§72-21) to allow a one-story and cellar community facility building (medical offices/UG4), contrary to front yard (§24-34) and side yard (§107-464) requirements. R3X district (Special South Richmond District). <b>Community Board #3SI</b></p> <p style="color: green;"><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p style="color: red;"><b>Status: Withdrawn - 6/24/08</b></p>
<b>8.</b>	<b>271-07-BZ</b>	<p>The Rizzo Group <b>213-219 West 23<sup>rd</sup> Street, Manhattan</b> 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. <b>Community Board #4M</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Adjourned, Continued Hearing - 7/22/08</b></p>
<b>9.</b>	<b>282-07-BZ thru 283-07-BZ</b>	<p>Sheldon Lobel, P.C. <b>774 Schenck Avenue &amp; 825 Hendrix Street, Brooklyn</b> Variance (§72-21) to allow two, two-family, two-story detached homes; contrary to front yard requirements (§23-45). R5 district. <b>Community Board #5BK</b></p> <p style="color: green;"><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p style="color: red;"><b>Status: Closed, Decision - 7/22/08</b></p>

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<i><b>BZ - CONTINUED HEARINGS</b></i>		
<b>10.</b>	<b>36-08-BZ</b>	<p>Lewis Garfinkel, R.A. <b>1177 East 23<sup>rd</sup> Street, Brooklyn</b> 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. <b>Community Board #14BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision - 7/22/08</b></p>
<b>11.</b>	<b>37-08-BZ</b>	<p>Slater &amp; Beckerman, LLP <b>100 Merrill Avenue, Staten Island</b> Special Permit (§73-30) to allow an extension to an existing non-accessory radio tower as part of the NYC Department of Information Technology and Telecommunications/Wireless Network. R3X zoning district. <b>Community Board #2SI</b></p> <hr/> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing - 8/19/08</b></p>
<b>12.</b>	<b>58-08-BZ</b>	<p>Fried, Frank Harris, Shriver &amp; Jacobson LLP <b>614-632 West 58<sup>th</sup> Street, Manhattan</b> Special Permit (§73-19) to allow the development of a six-story school (UG 3). The proposal is contrary to §42-12. M1-5 and C4-7 districts. <b>Community Board #4M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Closed, Decision - 7/29/08</b></p>

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<i><b>BZ – NEW CASES</b></i>		
<b>13.</b>	<b>281-06-BZ &amp; 282-06-A</b>	<p>Eric Palatnik, P.C. <b>232 Beaumont Street, Brooklyn</b> BZ: Special Permit (§73-622) for the legalization of existing floor area which exceeds the district requirement (§23-141) in an R3-1 zoning district. A: Appeal of Department of Buildings determination that portions of the building exceed permitted obstruction regulations under §27-335(A)(2). <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia 788-8757 / Toni Matias 788-8752</b></p> <p><b>Status: Continued Hearing – 8/19/08</b></p>
<b>14.</b>	<b>80-08-BZ</b>	<p>Dennis D. Dell’Angelo <b>1073 East 24<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/22/08</b></p>
<b>15.</b>	<b>86-08-BZ</b>	<p>Slater &amp; Beckerman, LLP <b>111-26 Corona Avenue, Queens</b> Special Permit (§73-30) to permit a non-accessory radio facility as part of the NYC Department of Information Technology and Telecommunications NYC Wireless Network. R6 zoning district. <b>Community Board #4Q</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Closed, Decision – 7/15/08</b></p>
<b>16.</b>	<b>90-08-BZ</b>	<p>Slater &amp; Beckerman, LLP <b>104-36 196<sup>th</sup> Street, Queens</b> Special Permit (§73-30) to permit a non-accessory radio facility as part of the NYC Department of Information Technology and Telecommunications NYC Wireless Network. R3X zoning district. <b>Community Board #12Q</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Closed, Decision – 7/15/08</b></p>

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17.	91-08-BZ	Slater & Becker, LLP <b>37-68 97<sup>th</sup> Street, Queens</b> Special Permit (§73-30) to permit a non-accessory radio facility as part of the NYC Department of Information Technology and Telecommunications NYC Wireless Network. R6A zoning district. <b>Community Board #3Q</b>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Closed, Decision - 7/15/08</b>
18.	102-08-BZ	Rothkrug, Rothkrug & Spector, LLP <b>103 Beachview Avenue, Staten Island</b> Variance (§72-21) for the construction of a one-family residence on a vacant undersized lot that does not provide sufficient side yards (§23-461) and required parking spaces (§25-22) within a R3-1/Low Density Growth Management district. <b>Community Board #2SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
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