

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, May 13, 2008  
10:00 A.M.

<b>SOC - CONTINUED HEARINGS</b>		
1.	841-76-BZ	Anthony M. Salvati <b>651 Fountain Avenue, Brooklyn</b> Extension of term and amendment for a variance which permitted auto wrecking and yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted in an R4 zoning district. The amendment seeks to legalize the change in use to open commercial storage bus parking, repairs and sales (UG 16 & 6). <b>Community Board #5BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision - 7/15/08</b>
2.	78-79-BZ	Anthony M. Salvati <b>671 Fountain Avenue, Brooklyn</b> Extension of term and amendment for a variance which permitted auto wrecking and yard for auto parts (UG 18), sale of new and used cars and auto repair shop (UG 16), and sale of new and used parts (UG 6) not permitted in an R4 zoning district. The amendment seeks to legalize the change in use to open commercial storage bus parking, repairs and sales (UG 16 & 6). <b>Community Board #5BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision - 7/15/08</b>
3.	127-05-BZ	Sheldon Lobel, P.C. <b>9216 Church Avenue, Brooklyn</b> Extension of Term/Extension of Time to obtain Certificate of Occupancy for an accessory drive-thru facility (§73-243) at an existing eating and drinking establishment located in a C1-1/R5 zoning district. <b>Community Board #17BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision - 6/3/08</b>

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<b>SOC - NEW CASES</b>		
4.	718-56-BZ	Walter T. Gorman <b>741 Forest Avenue, Staten Island</b> Extension of Term/Waiver for the continued use of a gasoline service station ( <i>Mobil</i> ) which expired on July 2, 2002; an Extension of Time to obtain a Certificate of Occupancy which expired on July 27, 2000; and an Amendment to legalize the conversion of a restroom to office space and office/sales area to an accessory convenience store. C2-1/R3-2 zoning district. <b>Community Board #1SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing - 6/17/08</b>
5.	1334-66-BZ	Sheldon Lobel, P.C. <b>150 West End Avenue, Manhattan</b> Extension of term for a variance, which was originally granted under Section 60(3) of the Multiple Dwelling Law, which permits the operation of a transient parking garage in the cellar and sub-cellar of a building. R8 zoning district. <b>Community Board #7M</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision - 6/17/08</b>
6.	1098-83-BZ	Walter T. Gorman, P.E. <b>147-10 Northern Boulevard, Queens</b> Extension of Term/Waiver for the continued use of a gasoline service station ( <i>Mobil</i> ) which expired on April 3, 2004 and an Amendment to legalize the conversion of the sales area to an accessory convenience store, installation of planters, public telephone, fencing and the elimination of bollards. C1-2/R5 zoning district. <b>Community Board #7Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing - 6/17/08</b>

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<i>SOC – NEW CASES</i>		
7.	340-03-BZ	Davidoff Malito & Hutcher, LLP <b>408 Greenwich Street, aka 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>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Continued Hearing – 6/24/08</b>
8.	80-07-BZ	NYC Board of Standards and Appeals <b>319 West 94<sup>th</sup> Street, Manhattan</b> Review pursuant to Sec 1-10(f) of Board Rules and 666(8) of the Charter of a previously-granted variance that allows a nine-story and cellar not-for-profit institution with sleeping accommodations and accessory supportive social service space, contrary to regulations for wall height, setback, and sky exposure plane (24-522), rear yard (24-36), and permitted reconstruction (54-41). R8 zoning district. <b>Community Board #7M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 7/15/08</b>

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<i>APPEALS – DECISIONS</i>		
9.	123-07-A	Eric Palatnik, P.C. <b>723R Driggs Avenue, Brooklyn</b> Proposed construction of a single-family home not fronting on a legally mapped street, contrary to General City Law §36. R6 zoning district. <b>Community Board #1BK</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Withdrawn – 5/13/08</b>
10.	288-07-BZY & 289-07-BZY	Anthony J. Tucci, Esq. <b>421 and 425 Burgher Avenue, Staten Island</b> Extension of time (11-332) to complete construction of a minor development commenced prior to the amendment of zoning district regulations on December, 2005. R3-X zoning district. <b>Community Board #2SI</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 5/13/08</b>

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<i><b>APPEALS - CONTINUED HEARINGS</b></i>		
<b>11.</b>	<b>228-07-A &amp; 234-07-A</b>	<p>Rothkrug, Rothkrug, &amp; Spector LLP <b>29 Colon Avenue &amp; 20 Lindenwood Road, Staten Island</b> Proposed construction of two-, two-family dwellings located within the bed of a mapped street, contrary to General City Law §35. R3-2 Zoning District. <b>Community Board #3SI</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision - 5/20/08</b></p>
<b>12.</b>	<b>255-07-A</b>	<p>Eric Palatnik, P.C. <b>40-54 Francis Lewis Boulevard, Queens</b> Proposed construction of a daycare center located within the bed of mapped street (Francis Lewis Boulevard) contrary to General City Law Section 35. R3-2 Zoning district. <b>Community Board #11Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing - 6/17/08</b></p>
<b>13.</b>	<b>259-07-A</b>	<p>George N. Mihalios, Esq. <b>41-97 Parsons Boulevard, Queens</b> Proposed construction of an eight-story mixed use building with community facility and parking on the ground floor located within the bed of mapped street (Ash Drive) contrary to General City Law Section 35. R6 Zoning District. <b>Community Board #7Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision - 6/17/08</b></p>

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<i><b>APPEALS - NEW CASES</b></i>		
<b>14.</b>	<b>194-07-A</b>	Rothkrug Rothkrug & Spector, LLP <b>1447 Rosedale Avenue, Bronx</b> Appeal seeking a determination that the owner of the premises has acquired a common law vested right to continue development commenced under the prior R6 Zoning District. R5 Zoning District. <b>Community Board #9BX</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing - 6/17/08</b>
<b>15.</b>	<b>230-07-BZY</b>	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 - 6/24/08</b>
<b>16.</b>	<b>28-08-A</b>	Gary D. Lenhart <b>11 Devon Walk, Queens</b> Reconstruction and enlargement of an existing single family home not fronting on a legally mapped street, contrary to General City Law Section 36, and the upgrade of an existing non-conforming private disposal system partially in the bed of the service road, contrary to Department of Buildings Policy. R4 Zoning District. <b>Community Board #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted - 5/13/08</b>

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<i>BZ - DECISIONS</i>		
1.	250-07-BZ	Rothkrug, Rothkrug & Spector, LLP <b>837 Belmont Avenue, Brooklyn</b> Variance (§72-21) to allow a two-story, two-family home, contrary to front yard (§23-45) and side yard (§23-461(a)) requirements. R5 district. <b>Community Board #5BK</b>
		<b>Examiner: Jed Weiss (212) 788-8781</b>
		<b>Status: Granted - 5/13/08</b>
2.	272-07-BZ	Wachtel & Masyr, LLP <b>344 Amsterdam Avenue, aka 205 West 76<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow proposed Physical Culture Establishment (Equinox) on the cellar, ground, and second floors in a mixed-use building under construction. The proposal is contrary to §32-10. C2-7A and C4-6A districts. <b>Community Board #7M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted - 5/13/08</b>
3.	13-08-BZ	Bryan Cave LLP/Robert Davis <b>34-42 Charlton Street, Manhattan</b> Variance (§72-21) to permit an addition to an existing high school ( <i>Little Red School House</i> ), contrary to (§24-11) lot coverage and (§24-36) rear yard. R6/M1-6 districts. <b>Community Board #2M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted - 5/13/08</b>

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<i><b>BZ - CONTINUED HEARINGS</b></i>		
4.	100-07-BZ	<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><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Adjourned, Continued Hearing - 6/24/08</b></p>
5.	219-07-BZ	<p>Sheldon Lobel, P.C. <b>11 West 36<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the second floor of an existing building, contrary to §42-13. M1-6 zoning district. <b>Community Board #5M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision - 6/3/08</b></p>
6.	227-07-BZ	<p>Snyder &amp; Snyder <b>1595 Canarsie Road, Brooklyn</b> Special Permit (§73-30) to allow a proposed 52-foot non-accessory radio tower and related equipment at grade. <b>Community Board #18BK</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Closed, Decision - 6/3/08</b></p>
7.	242-07-BZ	<p>Sheldon Lobel, P.C. <b>1760 Gleason Avenue, Bronx</b> Variance (§72-21) to construct a two-story, two-family detached residence, contrary to required front yard (§23-45) in an R5 zoning district. <b>Community Board #9BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision - 6/17/08</b></p>

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<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> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Continued Hearing - 6/24/08</b></p>
<b>9.</b>	<b>9-08-BZ</b>	<p>Rampulla Associates Architects <b>555 Foster Road, Staten Island</b> Variance (§72-21) to construct a single family detached residence, contrary to minimum lot area (§107-42); side yard (§23-462) and front yard (§23-45) regulations in an R3-X (Special Richmond District/Special Growth Management District) zoning district. <b>Community Board #3SI</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing - 6/17/08</b></p>
<b>10.</b>	<b>14-08-BZ</b>	<p>Sheldon Lobel, P.C. <b>1958 East 13<sup>th</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to side yard (§23-46) and rear yard (§23-47) regulations in an R5 zoning district. <b>Community Board #15BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision - 6/3/08</b></p>
<b>11.</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: Continued Hearing - 6/24/08</b></p>

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<i><b>BZ - CONTINUED HEARINGS</b></i>		
<b>12.</b>	<b>44-08-BZ</b>	<p>Law Office of Fredrick A. Becker <b>1015 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)), and rear yard (§23-47) in an R-2 zoning district. <b>Community Board #14BK</b></p>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing - 6/3/08</b>

<i><b>BZ - NEW CASES</b></i>		
<b>13.</b>	<b>268-07-BZ</b>	<p>Eric Palatnik, P.C. <b>1644 48<sup>th</sup> Street, Brooklyn</b> Variance (§72-21) to permit the development of a synagogue (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. <b>Community Board #12BK</b></p>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Continued Hearing - 7/22/08</b>
<b>14.</b>	<b>274-07-BZ</b>	<p>Sheldon Lobel, P.C. <b>1157 83rd Street, Brooklyn</b> Special Permit (§73-522) for the enlargement of an existing single family residence. This application seeks to vary floor area, lot coverage and open space (§23-141) and side yards (§23-461) in an R3X zoning district. <b>Community Board #10BK</b></p>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
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<i><b>BZ - NEW CASES</b></i>		
<b>15.</b>	<b>24-08-BZ</b>	Snyder & Snyder <b>230-262 Arden Avenue, Staten Island</b> Special Permit (§73-30) for a 90-foot non-accessory radio tower and related equipment at grade. C1-3/R3-2/SRD district. <b>Community Board #3SI</b>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Closed, Decision - 6/17/08</b>
<b>16.</b>	<b>31-08-BZ</b>	Slater & Beckerman, LLP <b>2043 Richmond Avenue, Staten Island</b> Special Permit (§73-30) for a 110-foot non-accessory radio tower as part of the NYC Department of Information Technology and Telecommunications/Wireless Network. R3-2 zoning district. <b>Community Board #2SI</b>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Closed, Decision - 6/3/08</b>
<b>17.</b>	<b>456-85-BZ</b>	Slater & Beckerman, LLP <b>2043 Richmond Avenue, Staten Island</b> Amendment to previously-granted variance for commercial office use to allow a non-accessory radio tower, pursuant to §73-30 (filed under BSA 31-08-BZ). R3-2 district <b>Community Board #2SI</b>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Closed, Decision - 6/3/08</b>
<b>18.</b>	<b>37-08-BZ</b>	Slater & 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>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
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<i>BZ - NEW CASES</i>		
19.	38-08-BZ	Jay A. Segal, Greenberg Traurig, LLP <b>40 Broad Street (a/k/a 34-40 New Street) Manhattan</b> Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the second and third floors of an existing 25-story commercial building. The proposal is contrary to §32-10. C5-5/ Special Lower Manhattan District. <b>Community Board #1M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
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