

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, November 18, 2008

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	94-58-BZ	Walter T. Gorman, P.E. 22-55/25-75 Brooklyn Queens Expressway, Queens Extension of Term/waiver for the continued operation of a gasoline service station (<i>Mobil</i>), in an R-4 zoning district, which expired on September 30, 2003. Community Board #3Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/18/08
2.	141-58-BZ	Kenneth H. Koons 201-203 East 202nd Street, Bronx Extension of Term of a UG7 Funeral Home in an R8C/Special Grand Concourse Preservation zoning district which expired on July 15, 2008. Community Board #7BX
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/18/08
3.	739-76-BZ	Joseph P. Morsellino, Esq. 212-95 26th Avenue, Queens Extension of Term & Extension Time to obtain a Certificate of Occupancy for a (UG15) Amusement Arcade, in a C4-1 zoning district, which will expire on April 10, 2009. Community Board #7Q
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/18/08
4.	115-94-BZ	Martyn & Don Weston 2470-2480 Bedford Avenue, Brooklyn Extension of Term/Waiver for an Automotive Repair Shop located in an R6 zoning district which expired on July 30, 2006. Community Board #14BK
		Examiner: Carlo Costanza (212) 788-8739
		Status: Granted – 11/18/08

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5.	24-96-BZ	<p>Rothkrug, Rothkrug & Spector LLP 213 Madison Street, Manhattan Extension of Term (§11-411 & §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 (UG6) to an eating and drinking establishment (UG6). Community Board #3M</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 11/18/08</p>
6.	170-96-BZ	<p>Martyn & Don Weston 8501 Flatlands Avenue, Brooklyn Extension of Term/Amendment/Waiver (§72-01 & §72-22) to reopen the term of 10 years for an automobile repair facility located in an R5 zoning district. Community Board #18BK</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 11/18/08</p>
7.	20-02-BZ	<p>The Law Office of Fredrick A. Becker 303 Park Avenue South, Manhattan Extension of Term/Amendment for a Physical Culture Establishment (<i>NY Sports Club</i>) and change in hour of operation. Community Board #5M</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 11/18/08</p>
8.	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> <p style="color: green;">Examiner: Roy Starrin (212) 788-8797</p> <p style="color: red;">Status: Withdrawn – 11/18/08</p>

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SOC – CONTINUED HEARINGS

9.	736-45-BZ	Walter T. Gorman, P.E. 3740 Broadway, Manhattan Extension of Term/waiver for a previously granted variance for the operation of a gasoline service station (<i>Mobil</i>), in a C2-4/R8 zoning district, which expired on March 17, 1999, and an Extension of Time to obtain a Certificate of Occupancy which expired on May 8, 2000. Community Board #12M
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 12/16/08
10.	117-97-BZ	Vito J. Fossella, P.E. (LPEC) 1112 Forest Avenue, Staten Island Extension of Term of a previously-granted Variance (§72-21) for the continued operation of a legal non-conforming (UG6) eating and drinking establishment (<i>Basille's</i>) in an R3-2 zoning district which expired on September 15, 2008. Community Board #1SI
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 12/9/08

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<i>SOC – NEW CASES</i>		
11.	863-48-BZ	<p>Alfonso Duarte 259-16 Union Turnpike, Queens Extension of Term of a previously granted variance for a (UG16A) auto repair establishment, in an R-2 zoning district, which will expire on November 25, 2008. Community Board #13Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 12/16/08</p>
12.	297-99-BZ	<p>Walter T. Gorman, P.E. 45-05 Bell Boulevard, Queens Extension of Time to Obtain a Certificate of Occupancy for a (UG16) Gasoline Service Station (<i>Mobil</i>), in a C2-2/R6B zoning district, which will expire on February 12, 2009. Community Board #11Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 12/9/08</p>
13.	159-07-BZ	<p>Eric Palatnik, P.C. 2402 86th Street, Brooklyn Extension of Time to complete construction for the legalization of a physical culture establishment on the second floor of a two-story commercial building (<i>Stillwell Sports Center</i>) and an Extension of Time to Obtain a Certificate of Occupancy, in a C8-2 zoning district, which expired on May 27, 2008. Community Board #11BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 12/9/08</p>

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<i>APPEALS – DECISIONS</i>		
14.	168-07-A	Law Office of Fredrick A. Becker 1479 Rosedale Avenue, Bronx Appeal seeking a determination that the owner of the premises has acquired a common law vested right to continue the development commenced under the prior R6 Zoning District. Community Board #9BX
		Examiner: Toni Matias (212) 788-8752
		Status: Withdrawn – 11/18/08
15.	266-07-A	Stuart A. Klein 1610 Avenue S, Brooklyn An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 district regulations. R4-1 Zoning District. Community Board #15BK
		Examiner: Toni Matias (212) 788-8752
		Status: Deferred Decision – 12/9/08
16.	191-08-BZY	Stuart A. Klein 1610 Avenue S, Brooklyn Extension of time to complete construction (§11-331) of a minor development commenced prior to the amendment of the zoning district regulations. R4-1 Zoning District. Community Board #15BK
		Examiner: Toni Matias (212) 788-8752
		Status: Deferred Decision – 12/9/08

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APPEALS – CONTINUED HEARINGS

17.	229-06-A	<p>Sheldon Lobel, P.C. 607 Bayside Drive, Queens Appeal seeking to revoke Department of Building's permits and approvals for an existing one-family home. Appellant argues that the proposal creates new zoning non-compliances, increases the degree of existing zoning non-compliances, and violates provisions of the Building Code regarding access and fire safety. R4 zoning district. Community Board #14Q Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 1/13/09</p>
18.	140-07-A	<p>Rothkrug, Rothkrug & Spector, LLP 607 Bayside Drive, Queens Appeal seeking to reverse the Department of Building's decision to revoke permits and approvals for a one-family home based on non-compliance with front yard regulations (§23-45). R4 zoning district. Community Board #14Q Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 1/13/09</p>
19.	39-07-A & 40-07-A	<p>Sheldon Lobel, P.C. 3248, 3250 Wickham Avenue, Bronx 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. Community Board #12BX Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 12/9/08</p>
20.	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 Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 12/16/08</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
21.	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> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Closed, Decision – 12/9/08</p>
22.	70-08-A & 72-08-A	<p>Eric Palatnik, P.C. 215C, 215B, 215A Van Name Avenue, Staten Island An appeal seeking a determination that the property owner has acquired a common law vested right to continue construction commenced under the prior zoning district regulations. R3A Zoning District. Community Board #1SI</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 12/16/08</p>
23.	73-08-A & 75-08-A	<p>Eric Palatnik, P.C. 345A, 345B, 345C Van Name, Staten Island An appeal seeking a determination that the property owner has acquired a common law vested right to continue construction under the prior zoning district regulations. R3A zoning district. Community Board #1SI</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 12/16/08</p>
24.	168-08-A	<p>Cozen O’Connor 63 Brighton 2nd Place, Brooklyn Legalization of an existing building not fronting on a legally mapped street contrary to General City Law Section 36. R6 (OP) zoning district. Community Board #13BK</p> <hr/> <p>Examiner: Toni Matias (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 12/16/08</p>

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<i>APPEALS – NEW CASES</i>		
25.	60-08-A	<p>Eric Palatnik, P.C. 101-20 39th Avenue (formerly 101-20, 101-22 & 101-24 103rd Street, Queens Proposed construction of a four-story community facility located within the bed of a mapped street (102nd Street) contrary to General City Law, Section 35. R6B (C1-4) zoning district. Community Board #3Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Continued Hearing – 1/13/09</p>
26.	121-08-A thru 132-08-A	<p>Philip L. Rampulla 80, 70, 60, 59, 79, 15, 25, 39, 55, 50, 40, 30, Gallant Loop, Staten Island Proposed construction of 12 homes not fronting a legally mapped street contrary to General City Law, Section 36. R3x (SSRD). Community Board #3SI</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Granted – 11/18/08</p>
27.	149-08-A	<p>Jack Lester 808 Columbus Avenue, Manhattan Appeal seeking to revoke Department of Building permits and approvals for a 30-story mixed use building on the grounds that zoning regulations for open space, parking, curb cuts and use group classification have been violated. R7-2/C1-5 zoning districts. Community Board #7M</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Postponed Hearing – 12/16/08</p>
28.	231-08-A	<p>Gerard E. Meyer 118 Beach 221st Street, Queens Reconstruction and enlargement of an existing single family home not fronting on a legally mapped street contrary to General City Law, Section 36. R4 zoning district. Community Board #14Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Postponed Hearing – 12/9/08</p>

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<i>BZ – DECISIONS</i>		
1.	51-07-BZ	<p>Sheldon Lobel, P.C. 70-44 to 58 Kissena Boulevard, Queens Variance (§72-21) to allow a one-story retail building (UG 6); contrary to use regulations (§22-00). R4 zoning district. Community Board #8Q</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Granted – 11/18/08</p>
2.	171-07-BZ	<p>Sheldon Lobel, P.C. 167 Norfolk Street, Brooklyn Special Permit (§73-622) to allow legalization of an enlargement to a single-family residence which exceeds allowable floor area, lot coverage and less than the minimum open space (§23-141); less than the minimum required rear yard (§23-47) and side yards (§23-461) in an R3-1 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Withdrawn – 11/18/08</p>
3.	76-08-BZ	<p>Eric Palatnik, P.C. 621 Beach 9th Street, Queens Variance (§72-21) to permit the legalization of a UG4 not-for-profit ambulance/emergency garage (<i>Hatzolah</i>), dispatch and training facility, contrary to rear yard §24-36 regulations. R5 district. Community Board #14Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 11/18/08</p>
4.	158-08-BZ	<p>Law Office of Fredrick A. Becker 1814 East 27th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, lot coverage and open space (§23-141); perimeter wall height (§23-631); less than the minimum side yards (§23-461) and less than the minimum 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 – 11/18/08</p>

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5.	189-08-BZ	The Law Office of Fredrick A. Becker 232 Mercer Street, Manhattan Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment (<i>New York Sports Club</i>) in the cellar, first and second floors in the six-story mixed-use building, contrary to §32-10. C6-2 district. Community Board #2M
		Examiner: Rory Levy (212) 788-8749
		Status: Granted – 11/18/08
6.	214-08-BZ	Harold Weinberg, P.E. 1855 East 24th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing family residence. This application seeks to vary floor area, lot coverage and open space (§23-141); less than the minimum side yard (§23-461) and less than minimum required rear yard (§23-47) in an R3-2 zoning district. Community Board #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 11/18/08

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<i>BZ – CONTINUED HEARINGS</i>		
7.	11-07-BZ	<p>Dominick Salvati and Son Architects 41-06 Junction Boulevard, Queens Variance (§72-21) to allow a five (5) story office building with ground floor retail, contrary to use regulations (§22-00). R6B district. Community Board #4Q</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Adjoined, Continued Hearing – 1/13/09</p>
8.	205-07-BZ	<p>Omnipoint Communications Inc. 53-20 72nd Place, Queens Special Permit (§73-30) to allow a non-accessory radio tower on the rooftop of an existing building. R4-1 district. Community Board #5Q</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Closed, Decision – 12/16/08</p>
9.	46-08-BZ	<p>Law Office of Fredrick A. Becker 491 Bedford Avenue, 142 Clymer Street, Brooklyn Variance (§72-21) to permit the construction of a community facility building (<i>Congregation Adas Yereim</i>), contrary to §24-11 (Floor area ratio and lot coverage) and §24-522 (front wall height, setback, sky exposure plane and number of stories). R6 district. Community Board #1BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 12/16/08</p>
10.	61-08-BZ	<p>The Law Office of Fredrick A. Becker 439 86th Street, Brooklyn Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the second and third floors of an existing building. The proposal is contrary to ZR §32-10. C4-2A (BR) district. Community Board #10BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 1/13/09</p>

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<i>BZ – CONTINUED HEARINGS</i>		
11.	155-08-BZ	<p>Eric Palatnik, P.C. 282 Beaumont Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a one family home. This application seeks to vary floor area, open space and lot coverage (§23-141(a)); and required rear yard (§23-47) in an R3-1 district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 12/16/08</p>
12.	159-08-BZ	<p>Greenberg Traurig, LLP 68-70 Spring Street, Manhattan Variance (§72-21) to allow a new seven-story residential building (UG 2) containing 12 dwelling units and ground floor retail (UG 6); contrary to use regulations (§42-10 & §42-14 D(2)(b)). M1-5B district. Community Board #2M</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Closed, Decision – 12/16/08</p>
13.	185-08-BZ	<p>Slater & Beckerman, LLP 170 Claremont Avenue, Manhattan Variance (§72-21) to allow the enlargement of a six-story building and installation of an elevator, contrary to bulk regulations. R8 district Community Board #9M</p> <p>Examiner: Roy Starrin (212) 788-8797</p> <p>Status: Withdrawn – 11/18/08</p>

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<i>BZ – NEW CASES</i>		
14.	172-08-BZ	<p>Herrick Feinstein 40-20 47th Avenue, a/k/a 4702-4710 41st Street, Queens Variance (§72-21) to permit the conversion of an existing two-story residential building to a house of worship (<i>Sunnyside Jewish Center</i>). The proposal is contrary to ZR §24-35(a) (Side yards). R5 district. Community Board #2Q</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Closed, Decision – 1/13/09</p>
15.	188-08-BZ	<p>Rizzo Group, LLP 35 East 76th Street, (975-983 Madison; 981 Madison; 35-53 East 76th Street), Manhattan Special Permit (§73-36) and Variance (§72-21) to allow the legalization of a Physical Culture Establishment and to extend this use into an R8B district for an existing hotel (<i>Carlyle</i>) in the C5-1MP and R8B zoning districts. The proposal is contrary to ZR §32-10. Community Board #8M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Postponed Hearing – 1/13/09</p>
16.	199-08-BZ	<p>Rizzo Group, LLP 400 East Fordham Road (a/k/a 2506-2526 Webster Avenue/4747-4763 Park Avenue), Bronx Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>24 Hour Fitness</i>) on the third floor in an existing 14-story mixed-use building. The proposal is contrary to ZR §32-10. C4-4 district. Community Board #6BX</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Closed, Decision – 12/9/08</p>
17.	224-08-BZ	<p>Omnipoint Communications 47-10 Laurel Hill Boulevard, Queens Special Permit (§73-30) to allow an extension to an existing non-accessory radio tower, to mount nine small panel antennas and related equipment cabinets on the rooftop. R4 district. Community Board #2Q</p> <p style="color: green;">Examiner: Roy Starrin (212) 788-8797</p> <p style="color: red;">Status: Continued Hearing – 12/9/08</p>

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<i>BZ – NEW CASES</i>		
18.	225-08-BZ	Lewis E. Garfinkel, R.A. 1155 East 24th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing two family home to be converted to a single family residence. This application seeks to vary open space and floor area (§23-141(a)); side yards (§23-461) and less than the required rear yard (§23-47) in an R-2 zoning district. Community Board #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 12/16/08
19.	230-08-BZ	Law Office of Fredrick A. Becker 1019 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space (§23-141); and less than minimum rear yard requirement (§23-47) in an R-2 zoning district. Community Board #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Continued Hearing – 12/16/08

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