

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, October 28, 2008
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	198-66-BZ	<p>Eric Palatnik, P.C. 300 East 74th Street, Manhattan Extension of Time to Complete Construction of an existing plaza for a residential high rise building, in a C1-9 zoning district, which expired on June 19, 2008, and an Extension of Time to obtain a Certificate of Occupancy, which expires on June 19, 2009. Community Board #8M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/28/08</p>
2.	705-68-BZ	<p>Rothkrug, Rothkrug & Spector, LLP 88-14/22 182nd Street, Queens Extension of Term/waiver for a (UG8) parking lot in an R4-1 zoning district which expired on April 27, 2007. Community Board #12Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/28/08</p>
3.	182-85-BZ	<p>Dominick Salvati & Son Architects 209-11 20th Street, Brooklyn Extension of Term/Waiver of a previously granted Variance (§72-21) for a one story building for the storage of commercial vehicles for a (UG16) contractor's establishment, in an R6B zoning district, which expired on September 9, 2006. Community Board #7BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/28/08</p>
4.	183-85-BZ	<p>Dominick Salvati & Son Architects 206-08 20th Street, Brooklyn Extension of Term/Waiver of a previously granted Variance (§72-21) for the operation of a (UG16) open storage yard for building materials and accessory parking for four cars with an accessory office and showroom building, in an R6B zoning district, which expired on November 18, 2006. Community Board #7BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/28/08</p>

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5.	360-01-BZ	Carl A. Sulfaro, Esq. 2228 Gerritsen Avenue, Brooklyn Extension of Time to obtain a Certificate of Occupancy/waiver for an existing gasoline service station (<i>Mobil</i>), in a C2-2/R-4 zoning district, which expired on December 17, 2004. Community Board #15BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 10/28/08
6.	257-04-BZ	Cozen O'Connor 252/260 Atlantic Avenue, Brooklyn Amendment to previously granted variance to modify streetwall and elevator bulkhead. R6, R6A, C2-3 & C2-4 districts. Community Board #2BK
		Examiner: Rory Levy (212) 788-8749
		Status: Granted – 10/28/08

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<i>SOC – CONTINUED HEARINGS</i>		
7.	719-56-BZ	<p>Walter T. Gorman, P.E. 2525 Victory Boulevard, Staten Island Extension of Term/waiver for a gasoline service station (<i>Mobil</i>) in a C2-1/R3-2 zoning district which expired on April 27, 2007 and Extension of Time to obtain a Certificate of Occupancy which expired on October 26, 2000. Community Board #1SI</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 12/16/08</p>
8.	94-58-BZ	<p>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</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 11/18/08</p>
9.	681-68-BZ	<p>Gerald J. Caliendo, R.A. 137-42 Guy Brewer Boulevard, Queens Amendment to a previously granted Variance (§72-21) for the change of use in a one-story building from offices (UG6) and air-freight storage (UG16) to retail stores (UG6), in an R3-1 zoning district, with accessory storage in the cellar and accessory parking for patrons to remain. Community Board #12Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Closed, Decision – 11/25/08</p>
10.	389-85-BZ	<p>Walter T. Gorman, P.E. 2090 Bronxdale Avenue, Bronx Extension of Time to Obtain a Certificate of Occupancy for a UG16 automotive service station (<i>Mobil</i>), in a C2-3/R7-1 zoning district, which expired on October 26, 2000 and an Amendment to legalize the conversion of the service bays to a convenience store. Community Board #11BX</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/25/08</p>

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<i>SOC – CONTINUED HEARINGS</i>		
11.	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: Closed, Decision – 11/18/08
12.	24-96-BZ	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 (UG 6) to an eating and drinking establishment (UG 6). Community Board #3M
		Examiner: Carlo Costanza (212) 788-8739
		Status: Closed, Decision – 11/18/08
13.	217-03-BZ	Sheldon Lobel, P.C. 142 Pennsylvania Avenue, Brooklyn Extension of Time to Complete Construction of a previously granted variance for the proposed expansion of a one story and cellar building in an R-5 zoning district. Community Board #5BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Adjourned, Continued Hearing – 12/9/08

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<i>SOC – NEW CASES</i>		
14.	739-76-BZ	<p>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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 11/18/08</p>
15.	117-97-BZ	<p>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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 11/18/08</p>
16.	197-00-BZ	<p>Rothkrug, Rothkrug & Spector LLP 420 Lexington Avenue, Manhattan Application to amend a previously-granted special permit to allow, in a C5-3 (MiD) zoning district, an extension of an existing physical culture establishment (<i>Equinox Fitness</i>) within an existing commercial building. Community Board #5M</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 11/25/08</p>

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<i>APPEALS – DECISIONS</i>		
17.	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 – 11/18/08
18.	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 – 11/18/08
19.	136-08-A	John Beckmann 846 70th Street, Brooklyn An appeal seeking to revoke a permit. Application contends that permit violates Section 25-621 (Location of Parking Spaces in Certain Districts). R4-1 Zoning District. Community Board #10BK
		Examiner: Toni Matias (212) 788-8752
		Status: Denied – 10/28/08

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<i>APPEALS – CONTINUED HEARINGS</i>		
20.	306-05-BZY	<p>Stuart A. Klein, Esq. 206A Beach 3rd Street, Queens Extension of Time to complete construction (§11-331) under the prior zoning district regulations. Community Board #14Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 11/25/08</p>
21.	141-07-A	<p>Hakime Altine 129-48 Hookcreek Boulevard, Queens Proposed construction of a two-story, one-family residential building in the bed of mapped street (Hook Creek Boulevard) contrary to General City Law Section 35. R2 Zoning. Community Board #13Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 11/25/08</p>
22.	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 – 11/18/08</p>
23.	33-08-A	<p>Yury Menzak 67 Brighton 1st Lane, Brooklyn Proposed construction of a six story multi-family home not fronting a legally mapped street, contrary to General City Law Section 36. R6/Ocean Parkway Zoning District. Community Board #13BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 11/25/08</p>

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APPEALS – CONTINUED HEARINGS

24.	202-08-BZY	Greenberg Taurig 131 Second Place, Brooklyn Extension of time (§11-331) to complete construction of a minor development commenced prior to a text amendment on July 23, 2008. R6 Zoning district. Community Board #6BK
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 11/25/08
25.	212-08-A	Greenberg Taurig 131 Second Place, Brooklyn Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior zoning district regulations. R6 zoning district. Community Board #6BK
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 11/25/08

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APPEALS – NEW CASES		
26.	149-08-A	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
		Examiner: Toni Matias (212) 788-8752
		Status: Postponed Hearing – 11/18/08
27.	217-08-BZY	Bryan Cave LLP 126 First Place, Brooklyn Extension of time to complete construction (§11-332) of an enlargement to an existing building commenced prior to the text amendment on July 23, 2008. R6 zoning district. Community Board #6BK
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 11/25/08

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<i>BZ – DECISIONS</i>		
1.	39-06-BZ	<p>Moshe M. Friedman, P.E. 245 Varet Street, Brooklyn 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. Community Board #1BK</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Granted – 10/28/08</p>
2.	243-07-BZ & 244-07-A	<p>Rothkrug, Rothkrug & Spector LLP 120 John Street, Staten Island Variance (§72-21) to construct a three-story, one-family residence, contrary to floor area and open space (§23-141), minimum front yards (§23-45) and parking (§23-622). R3-2/LDGM zoning district. Proposed construction is located within the bed of mapped street, contrary to General City Law Section 35. Community Board #1SI</p> <p>Examiner: Henry Segovia 788-8757 / Toni Matias 788-8752</p> <p>Status: Granted – 10/28/08</p>
3.	257-07-BZ	<p>Gordon J. Davis c/o Dewey & LeBoeuf 3 East 101st Street, Manhattan Variance (§72-21) to permit the construction of an 11-story, 269,000 square foot Center for Science and Medicine at the <i>Mount Sinai Medical Center</i>. The proposal is contrary to height, setbacks, and sky exposure plane for community facility use (§24-522), community facility lot coverage (§24-11), and community facility tower coverage (§24-54). R9 zoning district. Community Board #11M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 10/28/08</p>

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4.	268-07-BZ	<p>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</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted – 10/28/08</p>
5.	51-08-BZ	<p>Francis R. Angelino, Esq. 511 Avenue R, Brooklyn Variance (§72-21) to permit the development of a new six-story & mezzanine synagogue (<i>Sephardic Institute</i>), contrary to §24-11 (lot coverage, FAR, and open space), §24-382 (rear yard), §24-522 and §23-633 (building height and front setback). R6A/Ocean Parkway Special Zoning District. Community Board #15BK</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Deferred Decision – 12/16/08</p>
6.	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: Granted – 10/28/08</p>
7.	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 style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Deferred Decision – 11/18/08</p>

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<i>BZ – DECISIONS</i>		
8.	79-08-BZ	<p>Law Office of Fredrick A. Becker 117-23 132nd Street, Queens Variance (§72-21) for the construction of a single family residence, contrary to lot width and lot area (§23-32); and side yards (§23-461, §21-15). R3-2 zoning district. Community Board #12Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/28/08</p>
9.	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>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Granted – 10/28/08</p>
10.	179-08-BZ	<p>Rizzo Group 600 Broadway, Manhattan Special Permit (§73-36) to allow a Physical Culture Establishment (<i>24 Hour Fitness</i>) on the fourth, fifth, and sixth floors in a six-story building. The proposal is contrary to §42-10. M1-5 district. Community Board #2M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 10/28/08</p>
11.	208-08-BZ	<p>Law Office of Fredrick A. Becker 2117-2123 Avenue M, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area and open space ratio (§23-141) and less than the minimum side yard (§23-461) in an R-2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/28/08</p>

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<i>BZ – CONTINUED HEARINGS</i>		
12.	119-07-BZ	<p>Sheldon Lobel, P.C. 443 39th Street, Brooklyn Variance (§72-21) to allow a four-story community facility building contrary to regulations for use (§42-10), rear yard (§43-26) and parking (§44-21). M1-2 zoning district. Community Board #7BK</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Continued Hearing – 12/9/08</p>
13.	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: Closed, Decision – 11/18/08</p>
14.	35-08-BZ	<p>Lewis E. Garfinkel, R.A. 1856 East 24th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family residence. This application seeks to vary floor area, open space and lot coverage (§34-141(b)); side yards (§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 – 10/28/08</p>
15.	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 – 11/25/08</p>

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16.	93-08-BZ	Rothkrug Rothkrug & Spector, LLP 112-12, 112-18, 112-24 Astoria Boulevard, Queens Variance (§72-21) to allow a six-story transient hotel (UG 5), contrary to use regulations (§22-00). R6 district. Community Board #3Q
		Examiner: Ronald Rizzotti (212) 788-8781
		Status: Continued Hearing – 11/25/08
17.	135-08-BZ	Sheldon Lobel, P.C. 71-52 172nd Street, Queens Variance (§72-21) to permit a one-story and mezzanine synagogue (<i>Fresh Meadows Bukharian Synagogue</i>), contrary to ZR §24-34 (minimum front yard) and §25-31 (minimum parking requirements). R2 district. Community Board #8Q
		Examiner: Rory Levy (212) 788-8749
		Status: Adjourned, Continued Hearing – 12/9/08
18.	157-08-BZ	Sheldon Lobel, P.C. 365 Bay Street, Staten Island Special Permit (§73-36) to allow the proposed physical culture establishment (<i>Roman Spa & Sauna</i>) in the cellar and first floor of the two-story and cellar building currently under construction on the subject site. The proposal is contrary to ZR §42-10. M1-1 district. Community Board #1SI
		Examiner: Rory Levy (212) 788-8749
		Status: Off-Calendar Without Date
19.	159-08-BZ	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
		Examiner: Ronald Rizzotti (212) 788-8781
		Status: Adjourned, Continued Hearing – 11/18/08

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<i>BZ – CONTINUED HEARINGS</i>		
20.	178-08-BZ	Eric Palatnik, P.C. 153 Norfolk 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(b)) and less than the minimum side yards (§23-461) in an R3-1 zoning district. Community Board #15BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Continued Hearing – 11/25/08
21.	203-08-BZ	Sheldon Lobel, P.C. 1245 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing two family residence to be converted to a single family residence. This application seeks to vary open space and floor area (§23-141); side yards (§23-461) and less than the minimum rear yard (§23-47) in an R-2 zoning district. Community Board #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 11/25/08

*****DISCLAIMER*****

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, October 28, 2008

1:30 P.M.

<i>BZ – NEW CASES</i>		
22.	203-07-BZ	<p>Sheldon Lobel, P.C. 137-35 Elder Avenue, Queens Variance (§72-21) to allow a new 13-story mixed-use building containing 20 dwelling units, ground floor retail and community facility (medical) uses; contrary to bulk and parking regulations (§35-311 & §36-21). R6/C2-2 zoning district. Community Board #7Q</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Continued Hearing – 12/16/08</p>
23.	134-08-BZ	<p>Eric Palatnik, P.C. 34 Lawrence Avenue, Brooklyn Variance (§72-21) to construct a third floor to an existing two-story, two-family semi-detached residence, located in an R-5 and M1-1 zoning districts. Community Board #12BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 12/9/08</p>
24.	170-08-BZ	<p>Kramer Levin Naftalis & Frankel LLP 411-431 East 69th Street, Manhattan Variance (§72-21) to permit the construction of a research building (<i>Weill Cornell Medical College</i>) with 16 occupied stories and two mechanical floors. The proposal is contrary to ZR §24-11 (Floor area and lot coverage), §24-36 (Rear yard), §24-522 (Height and setback), and §24-552 (Rear yard setback). R8 zoning district. Community Board #8M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 12/9/08</p>
25.	195-08-BZ	<p>Sheldon Lobel, P.C. 1350 East 27th 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); rear yard (§23-47) and side yard (§23-461) regulations in an R-2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 11/25/08</p>

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, October 28, 2008

1:30 P.M.

<i>BZ – NEW CASES</i>		
26.	196-08-BZ	DID Architects 792 Tenth Avenue, Manhattan Special Permit (§§11-411 & 73-03) to reinstate of a variance, originally granted under BSA No. 346-47-BZ, to permit the continued operation of a public parking garage. C6-2 zoning district/Clinton Special District Preservation area. Community Board #4M
		Examiner: Carlo Costanza (212) 788-8739
		Status: Continued Hearing – 11/25/08

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