

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, October 7, 2008  
10:00 A.M.

<i>SOC - DECISIONS</i>		
1.	605-86-BZ	<p>Anthony M. Salvati, Architects <b>7606 7<sup>th</sup> Avenue, Brooklyn</b> Extension of Term of a Variance (§72-21) previously granted for a (UG4) two story medical office building in an R5B(BR) zoning district which expired on March 31, 2007; an Extension of Time to obtain a Certificate of Occupancy which expired on June 10, 1998 and a Waiver. <b>Community Board #10BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status:     Granted - 10/7/08</b></p>
2.	222-90-BZ	<p>Cozen O'Connor <b>80-02 Kew Gardens Road, Queens</b> Extension of Term/Waiver for the continued operation of a previously granted Physical Culture Establishment (<i>Bally Total Fitness</i>), in a C4-4 zoning district, which expired on August 13, 2006; Extension of Time to obtain a Certificate of Occupancy which expired on September 23, 1998. <b>Community Board #9Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status:     Granted - 10/7/08</b></p>
3.	68-94-BZ	<p>Cozen O'Connor <b>2100 Bartow Avenue, Bronx</b> Extension of Time to obtain a Certificate of Occupancy for a previously granted special permit for the operation of a Physical Culture Establishment (<i>Bally Total Fitness</i>) on the first and second floors of the Co-Op City Bay Plaza shopping center, which expired on March 12, 2008, in a C4-3 zoning district. <b>Community Board #10BX</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status:     Granted - 10/7/08</b></p>

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<i><b>SOC - CONTINUED HEARINGS</b></i>		
<b>4.</b>	<b>182-85-BZ</b>	<p>Dominick Salvati &amp; Son Architects <b>209-11 20<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #7BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision - 10/28/08</b></p>
<b>5.</b>	<b>183-85-BZ</b>	<p>Dominick Salvati &amp; Son Architects <b>206-08 20<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #7BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision - 10/28/08</b></p>
<b>6.</b>	<b>360-01-BZ</b>	<p>Carl A. Sulfaro, Esq. <b>2228 Gerritsen Avenue, Brooklyn</b> 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. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision - 10/28/08</b></p>

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<i>SOC - CONTINUED HEARINGS</i>		
7.	340-03-BZ	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
		Examiner: Roy Starrin (212) 788-8797
		Status: Closed, Decision - 11/18/08
8.	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: Closed, Decision - 10/28/08

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<i>SOC – NEW CASES</i>		
9.	736-45-BZ	<p>Walter T. Gorman, P.E. <b>3740 Broadway, Manhattan</b> 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. <b>Community Board #12M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 11/18/08</b></p>
10.	94-58-BZ	<p>Walter T. Gorman, P.E. <b>22-55/25-75 Brooklyn Queens Expressway, Queens</b> 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. <b>Community Board #3Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 10/28/08</b></p>
11.	141-58-BZ	<p>Kenneth H. Koons <b>201-203 East 202<sup>nd</sup> Street, Bronx</b> Extension of Term of a UG7 Funeral Home in an R8C/Special Grand Concourse Preservation zoning district which expired on July 15, 2008. <b>Community Board #7BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 11/18/08</b></p>
12.	198-66-BZ	<p>Eric Palatnik, P.C. <b>300 East 74<sup>th</sup> Street, Manhattan</b> 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. <b>Community Board #8M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 10/28/08</b></p>

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<b>SOC – NEW CASES</b>		
13.	170-96-BZ	Martyn & Don Weston <b>8501 Flatlands Avenue, Brooklyn</b> 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. <b>Community Board#18BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision – 11/18/08</b>
14.	20-02-BZ	The Law Office of Fredrick A. Becker <b>303 Park Avenue South, Manhattan</b> Extension of Term/Amendment for a Physical Culture Establishment ( <i>NY Sports Club</i> ) and change in hour of operation. <b>Community Board#5M</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision – 11/18/08</b>

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<i><b>APPEALS - DECISIONS</b></i>		
<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: Denied - 10/7/08</b>

<i><b>APPEALS - CONTINUED HEARINGS</b></i>		
<b>16.</b>	<b>39-07-A &amp; 40-07-A</b>	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 - 11/18/08</b>
<b>17.</b>	<b>251-07-A thru 254-07-A</b>	Eric Palatnik, P.C. <b>63 &amp; 65 Houston Street, 104 &amp; 106 Willowbrook Road, Staten Island</b> 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. <b>Community Board #1SI</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing - 10/28/08</b>
<b>18.</b>	<b>34-08-A</b>	Kevin Christopher Shea <b>144 North 8<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #1BK</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing - 11/18/08</b>

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<i><b>APPEALS – NEW CASES</b></i>		
<b>19.</b>	<b>70-08-A &amp; 72-08-A</b>	<p>Eric Palatnik, P.C. <b>215C, 215B, 215A Van Name Avenue, Staten Island</b> 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. <b>Community Board #1SI</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Continued Hearing – 11/18/08</b></p>
<b>20.</b>	<b>73-08-A &amp; 75-08-A</b>	<p>Eric Palatnik, P.C. <b>345 Van Name, Staten Island</b> 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. <b>Community Board #1SI</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Continued Hearing – 11/18/08</b></p>
<b>21.</b>	<b>81-08-A</b>	<p>Harvey Epstein, Esq. <b>514-516 East 6<sup>th</sup> Street, Manhattan</b> Appeal seeking to revoke permit and approvals for a vertical enlargement of a tenement building. Appellant’s position is that permit fails to comply with the applicable provisions of the MDL regarding fire safety standards. R7-2 zoning district. <b>Community Board #3M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 11/25/08</b></p>
<b>22.</b>	<b>82-08-A</b>	<p>Harvey Epstein, Esq. <b>515 East 5<sup>th</sup> Street, Manhattan</b> Appeal seeking to revoke permit and approvals for a vertical enlargement of a tenement building. Appellant’s position is that permit fails to comply with the applicable provisions of the MDL regarding fire safety standards. R7-2 zoning district. <b>Community Board #3M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 11/25/08</b></p>

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<i>APPEALS - NEW CASES</i>		
23.	168-08-A	Cozen O'Connor <b>63 Brighton 2<sup>nd</sup> Place, Brooklyn</b> Legalization of an existing building not fronting on a legally mapped street contrary to General City Law Section 36. R6(OP) zoning district. <b>Community Board #13BK</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing - 11/18/08</b>

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<i><b>BZ - DECISIONS</b></i>		
1.	<b>257-07-BZ</b>	<p>Gordon J. Davis c/o Dewey &amp; LeBoeuf <b>3 East 101<sup>st</sup> Street, Manhattan</b> 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. <b>Community Board #11M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Deferred Decision - 10/28/08</b></p>
2.	<b>291-07-BZ</b>	<p>Eric Palatnik, P.C. <b>1912 New York Avenue, Brooklyn</b> Variance (§72-21) to permit the alteration of existing residential structure for a UG 4 synagogue (<i>Congregation Tifereth Toma Eliezer</i>) with accessory rabbi's quarters. The proposal is contrary to sections §24-35 (side yards), §24-391 (rear yard), §24-34 (front yard), and §24-521 (front wall height). R4 district. <b>Community Board #18BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted - 10/7/08</b></p>
3.	<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> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted - 10/7/08</b></p>

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<i>BZ - DECISIONS</i>		
4.	89-08-BZ	Eric Palatnik, P.C. <b>1101 Victory Boulevard, Staten Island</b> Special Permit (§73-125) to allow a medical office (UG 4) in an existing one-story commercial office building, allowed by prior variance. R3X (HS) district. <b>Community Board #1SI</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Granted - 10/7/08</b>
5.	194-08-BZ	The Law Office of Fredrick A. Becker <b>432 Lafayette Street, Manhattan</b> Special Permit (§73-19) to allow a school (UG3) on the first floor of an existing four-story mixed-use building. The proposal is contrary to ZR §42-10. M1-5B district. <b>Community Board #2M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted - 10/7/08</b>

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<i><b>BZ – CONTINUED HEARINGS</b></i>		
6.	<b>51-07-BZ</b>	<p>Sheldon Lobel, P.C <b>70-44 to 58 Kissena Boulevard, Queens</b> Variance (§72-21) to allow a one-story retail building (UG 6); contrary to use regulations (§22-00). R4 zoning district. <b>Community Board #8Q</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 11/18/08</b></p>
7.	<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 (<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. <b>Community Board #12BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 10/28/08</b></p>
8.	<b>35-08-BZ</b>	<p>Lewis E. Garfinkel, R.A. <b>1856 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 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. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 10/28/08</b></p>
9.	<b>61-08-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>439 86<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #10BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Adjourned, Continued Hearing – 11/18/08</b></p>

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<i><b>BZ - CONTINUED HEARINGS</b></i>		
<b>10.</b>	<b>155-08-BZ</b>	<p>Eric Palatnik, P.C. <b>282 Beaumont Street, Brooklyn</b> 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 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing - 11/18/08</b></p>
<b>11.</b>	<b>158-08-BZ</b>	<p>Law Office of Fredrick A. Becker <b>1814 East 27<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision - 11/18/08</b></p>
<b>12.</b>	<b>179-08-BZ</b>	<p>Rizzo Group <b>600 Broadway, Manhattan</b> 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. <b>Community Board #2M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision - 10/28/08</b></p>
<b>13.</b>	<b>208-08-BZ</b>	<p>Law Office of Fredrick A. Becker <b>2117-2123 Avenue M, Brooklyn</b> 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. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision - 10/28/08</b></p>

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<i><b>BZ - NEW CASES</b></i>		
<b>14.</b>	<b>46-08-BZ</b>	<p>Law Office of Fredrick A. Becker <b>491 Bedford Avenue, 142 Clymer Street, Brooklyn</b> 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. <b>Community Board #1BK</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="margin-left: 20px;"><b>Status: Continued Hearing - 11/18/08</b></p>
<b>15.</b>	<b>175-08-BZ</b>	<p>Eric Palatnik, P.C. <b>141 Allen Street, Manhattan</b> Special Permit (§73-36) to allow a Physical Culture Establishment (<i>Mama Spa</i>) at the cellar, first and second floors of an existing five-story building, contrary to §32-10. C6-1 district. <b>Community Board #3M</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="margin-left: 20px;"><b>Status: Continued Hearing - 11/25/08</b></p>
<b>16.</b>	<b>189-08-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>232 Mercer Street, Manhattan</b> 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. <b>Community Board #2M</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision - 11/18/08</b></p>
<b>17.</b>	<b>190-08-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel <b>41-43 Bond Street, Manhattan</b> Variance (§72-21) to allow a nine-story residential building (UG 2) containing eight dwelling units; contrary to use regulations (§42-10). M1-5B district. <b>Community Board #2M</b></p> <p style="margin-left: 20px;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision - 11/25/08</b></p>

**\*\*\*DISCLAIMER\*\*\***

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, October 7, 2008  
1:30 P.M.

<i>BZ - NEW CASES</i>		
18.	203-08-BZ	Sheldon Lobel, P.C. <b>1245 East 23<sup>rd</sup> Street, Brooklyn</b> 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. <b>Community Board #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing - 10/28/08</b>
19.	214-08-BZ	Harold Weinberg, P.E. <b>1855 East 24<sup>th</sup> Street, Brooklyn</b> 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. <b>Community Board #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision - 11/18/08</b>

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