

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, July 14, 2009

10:00 A.M.

SOC – DECISIONS

1.	55-01-BZ	Greenberg Traurig, LLP 568 Broadway, Manhattan Extension of Term/waiver of a previously granted Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>Bliss Spa</i>) located on portions of the second and third floors of an 11-story mixed use building in an M1-5B zoning district which expired on April 1, 2007. Community Board #2M
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 7/14/09

SOC – CONTINUED HEARINGS

2.	336-98-BZ & 337-98-BZ	Rothkrug, Rothkrug & Spector LLP 312/18 & 324/34 Flatbush Avenue, Brooklyn Extension of term of a special permit (§73-36) authorizing a physical culture establishment (<i>Crunch Fitness</i>), Amendment to include additional area in the cellar and on the first floor and a change in operator; and extension of time to obtain a certificate of occupancy. C2-4 zoning district. Community Board #6BK
		Examiner: Carlo Costanza (212) 788-8739
		Status: Closed, Decision – 8/11/09

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<i>SOC – NEW CASES</i>		
3.	198-66-BZ	<p>Eric Palatnik, P.C. 300 East 74th Street, Manhattan Extension of Time to complete substantial construction of an existing plaza for a residential building in a C1-9 zoning district which expires on July 28, 2009. Community Board #8M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 8/11/09</p>
4.	200-00-BZ	<p>Eric Palatnik, P.C. 107-24 37th Avenue, Queens Extension of Time to obtain a Certificate of Occupancy for a Physical Culture Establishment (<i>Squash Total Fitness</i>), in a C1-4(R6B) zoning district, which expired on February 19, 2009. Community Board #3Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/28/09</p>
5.	26-02-BZ	<p>Walter T. Gorman, P.E. 1680 Richmond Avenue, Staten Island Extension of Time to obtain a Certificate of Occupancy for a UG16 Gasoline Service Station (<i>Mobil</i>), in a C1-2(R3X) zoning district, which expires on July 13, 2009. Community Board #2SI</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/28/09</p>
6.	322-05-BZ	<p>Eric Palatnik, P.C. 69-69 Main Street, Queens Extension of Time to Complete Construction of a previously granted Variance (§72-21) for an enlargement of a single family home and the change in use from Residential to Community Use Facility (<i>Queens Jewish Community Council</i>), located in an R4B zoning district, which will expire on March 7, 2010. Community Board #8Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/28/09</p>

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APPEALS – DECISIONS

7.	4-09-A	New York City Department of Buildings 27-02 Queens Plaza South, Queens An appeal filed by the Department of Buildings seeking to amend the Certificate of Occupancy to remove the reference to "Adult Establishment" use on the second floor. M1-6/R-10 Special Mixed Use district. Community Board #1Q
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 7/14/09

APPEALS – CONTINUED HEARINGS

8.	140-08-BZY	Eric Palatnik, P.C. 1016 East 13th Street, Brooklyn Extension of time (§11-332) to complete construction of a minor development commenced under the prior R6 zoning district. R5 zoning district. Community Board #14BK
		Examiner: Toni Matias (212) 788-8752
		Status: Adjourned, Continued Hearing – 8/25/09
9.	313-08-A	Law Office of Howard Goldman, LLC 363-371 Lafayette Street, Manhattan Appeal to Department of Building's refusal to revoke permits and approvals for a six-story commercial building. M1-5B zoning district. Community Board #2M
		Examiner: Toni Matias (212) 788-8752
		Status: Adjourned, Continued Hearing – 10/27/09

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<i>APPEALS – NEW CASES</i>		
10.	317-08-A	<p>Margaret R. Garcia, AIA 124 Montgomery Avenue, Staten Island Proposed construction of a four-story dwelling located within the bed of a mapped street, contrary to General City Law Section 35. R5 District. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Postponed, Hearing – 8/25/09</p>
11.	165-09-A	<p>Law Office of Howard Goldman 150 Hendricks Avenue, Staten Island Appeal seeking a determination that the owner has acquired common law vested rights for a development commenced under the prior R4 zoning district regulations. Current R3 zoning district. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 8/28/09</p>
12.	172-09-A	<p>Gary D. Lenhart 10 Gotham Walk, Queens Reconstruction and enlargement of a single family dwelling not fronting on a legally mapped street, contrary to General City Law Section 36, and proposed upgrade of existing non complying private disposal located partly in the bed of the service road, contrary to Department of Building Policy. R4 district. Community Board #14Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Postponed, Hearing – 7/28/09</p>
13.	191-09-A	<p>Michael T. Cetera, AIA 1291 Carroll Street, Brooklyn Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced prior to the text amendment of April 30, 2008. R2 zoning district. Community Board #9BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 7/28/09</p>

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TUESDAY AFTERNOON, July 14, 2009

1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	222-07-BZ	Stuart A. Klein, Esq. 110 West 26th Street, Manhattan Variance (§72-21) to legalize residential uses on the second and third floor of an existing building. M1-6 District. Community Board#4M
		Examiner: Ronald Rizzotti (212) 788-8781
		Status: Granted – 7/14/09
2.	99-08-BZ	Rothkrug, Rothkrug & Spector, LLP 102 Drumgoole Road, Staten Island Variance (§72-21) to construct a three-story single family home, contrary to rear yard requirement (§23-47) in an R3-2/SRD zoning district. Community Board #3SI
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 7/14/09
3.	259-08-BZ	Jeffrey A. Chester, Esq. 242-02 61st Avenue, Queens Variance (§72-21) to permit the proposed expansion of a supermarket use. The proposal is contrary to ZR §52-41. R4 district. Community Board #11Q
		Examiner: Rory Levy (212) 788-8749
		Status: Granted – 7/14/09
4.	295-08-BZ	Akerman Senterfitt Stadtmauer Bailkin 1934 East 26th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary lot coverage and floor area (§23-141), side yards (§23-461) and does not comply with the required perimeter wall height (§23-631) in an R3-2 zoning district. Community Board #15BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 7/14/09

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<i>BZ – DECISIONS</i>		
5.	15-09-BZ	Francis R. Angelino, Esq. 8-10 Astor Place, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>David Barton Gym</i>) on portions of the sub-cellar, cellar and ground floors and entire second floor in an existing seven-story commercial building. M1-5B district. Community Board #2M
		Examiner: Rory Levy (212) 788-8749
		Status: Granted – 7/14/09
6.	36-09-BZ	Metro PCS New York, LLC 53-01 32nd Avenue, Queens Special Permit (§§73-03, 73-30) to allow a non-accessory radio tower on the rooftop of an existing building with all accessory equipment. R5 district. Community Board #1Q
		Examiner: Roy Starrin (212) 788-8797
		Status: Granted – 7/14/09
7.	52-09-BZ	Dennis Dell'Angelo 1438 East 26th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space, floor area (§23-141) and rear yard (§23-47) regulations. R2 district. Community Board #14BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 7/14/09

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<i>BZ – CONTINUED HEARINGS</i>		
8.	139-07-BZ	<p>Mitchell S. Ross, Esq. 328 Jackson Avenue, Bronx Variance (§72-21) to permit the development of a two-story and cellar, two-family residence on a vacant lot. The proposal is contrary to §42-10. M1-2 zoning district. Community Board #1BX</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 8/28/09</p>
9.	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: Adjourned, Continued Hearing 7/21/09</p>
10.	97-08-BZ	<p>Eric Palatnik, P.C. 84 Sanford Street, Brooklyn Special Permit (§73-19) to allow the legalization of an existing school (<i>Central UTA</i>) (UG 3). M1-1 district. Community Board #3BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 8/25/09</p>
11.	100-08-BZ & 101-08-A	<p>Rothkrug, Rothkrug & Spector, LLP 205 Wolverine Street, Staten Island Variance (§72-21) for the construction of a two-story with basement single family residence, contrary to front yard regulations (§23-45) in an R2 zoning district, and within the bed of a mapped, unbuilt street, contrary to General City Law Section 35. Community Board #3SI</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 8/18/09</p>

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12.	188-08-BZ	<p>Rizzo Group, LLP 35 East 76th Street, (975-983 Madison; 981 Madison; 35-53 East 76th Street) Manhattan Special Permits (§73-36 & §73-52) to allow the legalization of a Physical Culture Establishment (<i>Carlyle Hotel</i>) and to extend this use into an R8B district, contrary to ZR §32-10. C5-1/R8B zoning districts. Community Board #8M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Withdrawn – 7/14/09</p>
13.	210-08-BZ	<p>Sheldon Lobel, P.C. 130-15 89th Road, Queens Variance (§72-21) to permit two-story enlargement to an existing two-story building for a UG 3 drug treatment facility with sleeping accommodations (<i>Samaritan Village</i>), contrary to use regulations (ZR §43-00) in an M1-1 district. Community Board #9Q</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Continued Hearing – 8/25/09</p>
14.	229-08-BZ	<p>Sheldon Lobel, P.C. 866 East 8th Street, Brooklyn Variance (§72-21) for the construction of a new single family home. This applications seeks to vary floor area (§23-141), less than the minimum side yards (§23-461) and the location of the required off street parking to the front yard (§25-62) in an R2X zoning district. Community Board #12BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Closed, Decision – 8/11/09</p>
15.	7-09-BZ	<p>Law Office of Fredrick A. Becker 1082 East 26th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary open space and floor area (§23-141), side yards (§23-461) and rear yard (§23-47) in an R-2 zoning district. Community Board #14Q</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Continued Hearing – 8/11/09</p>

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16.	42-09-BZ	Francis R. Angelino, Esq. 441-477 Prospect Avenue, Brooklyn Special Permit (§11-411 & §11-412) for re-instatement of a variance (expired July 12, 1992) which allowed the extension of a legal non conforming use (commercial laundry) within a residential zoning district. The application seeks an amendment to allow for a one-story enlargement. R5B zoning district. Community Board #7BK
		Examiner: Carlo Costanza (212) 788-8739
		Status: Closed, Decision – 8/11/09
17.	50-09-BZ	Eric Palatnik, P.C. 29 West 35th Street, Manhattan Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Warrior Fitness Boot Camp</i>) on the third floor in a twelve-story building. The proposal is contrary to ZR §42-10. M1-6 zoning district. Community Board #5M
		Examiner: Rory Levy (212) 788-8749
		Status: Closed, Decision – 8/11/09

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<i>BZ – NEW CASES</i>		
18.	46-09-BZ	<p>Eric Palatnik, P.C. 122 Oxford Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area, lot coverage and open space (§23-141(b)); side yards (§23-461) and rear yard (§23-47) in an R3-1 zoning district. Community Board #15BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Continued Hearing – 8/11/09</p>
19.	56-09-BZ	<p>Omnipoint Communications, Inc. 6736 Hylan Boulevard, Staten Island Special Permit (§73-30) to allow a proposed non-accessory radio tower and related equipment. R3X zoning district. Community Board #3SI</p> <p style="color: green;">Examiner: Roy Starrin (212) 788-8797</p> <p style="color: red;">Status: Continued Hearing – 9/22/09</p>
20.	168-09-BZ	<p>Lewis E. Garfinkel R.A. 1435 & 1437 East 26th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to combine two semi-attached homes to create one single family home that varies in floor area and open space (ZR §23-141(a)) and less than the required rear yard (ZR §23-47) in an R-2 zoning district. Community Board #14BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Continued Hearing – 8/11/09</p>
21.	177-09-BZ	<p>Wachtel & Masyr LLP 40-22 College Point Boulevard, Queens Special Permit (§73-66) for a waiver of Restriction on Highest Projection of Building or Structure (ZR §61-21) for six residential towers. R6/C4-2 zoning district. Community Board #7Q</p> <p style="color: green;">Examiner: Ronald Rizzotti (212) 788-8781</p> <p style="color: red;">Status: Closed, Decision – 8/11/09</p>

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