

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, June 16, 2009
10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|---|
| 1. | 951-55-BZ | <p>Eric Palatnik, P.C. 1098 Richmond Road, Staten Island Amendment (§11-411) to permit the installation of a canopy and minor modifications to the existing pump islands to a ppreviously granted variance for a UG16 gasoline service station in a C2-1/R3-2 zoning district. Community Board #2SI</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/16/09</p> |
| 2. | 165-93-BZ | <p>Francis R. Angelino, Esq. 113 East 90th Street, Manhattan Extension of Term of a previously granted Variance (§72-21) for a UG6 art gallery on the first floor of an existing three story and cellar mixed use building in an R8B zoning district which expired on April 12, 2009. Community Board #8M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/16/09</p> |
| 3. | 68-94-BZ | <p>Cozen O’Connor 2100 Bartow Avenue, Bronx Extension of Time to obtain a Certificate of Occupancy for a previously granted special for the operation of a PCE (Bally's Total Fitness) on the first and second floors of the Co-Op City Bay Plaza Shopping Center, located in an C4-3 zoning district, which expired on April 7, 2009. Community Board #10BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 6/16/09</p> |
| 4. | 26-09-BZ | <p>Board of Standards and Appeals Sheldon Lobel, P.C. 97 Crooke Avenue, Brooklyn Review pursuant to Sec 1-10(f) of Board Rules and 666(8) of the Charter of a previously-granted Variance (§72-21) to permit the construction of a nine-story community facility building (<i>CAMBA Housing</i>). The proposal is contrary to §24-36. R7-1 district. Community Board #14BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 6/16/09</p> |

DISCLAIMER

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|-----------|--|
| 5. | 8-96-BZ | <p>Walter T. Gorman, P.E. 175-22 Horace Harding Expressway, Queens Extension of Term for a gasoline service station (<i>Shell</i>), located in an C2-2/R3-2 zoning district, which expired on July 16, 2006; Extension of Time and Waiver to obtain a Certificate of Occupancy which expired on July 16, 2000; and an Amendment to legalize modification to the building. Community Board #8Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 8/23/09</p> |
| 6. | 174-96-BZ | <p>Sheldon Lobel, P.C. 1108/10 Allerton Avenue, Bronx Extension of Term and Waiver for a previously granted variance of an existing food products manufacturing establishment (UG 17B) within a R4 zoning district. Community Board #11BX</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 7/21/09</p> |
| 7. | 55-97-BZ | <p>Sheldon Lobel, P.C. 76-36 164th Street, Queens Extension of Term of a variance and Extension of Time to obtain a Certificate of Occupancy allowing the continued operation of an automotive repair shop (UG 16) located in a C2-2/R3-2 zoning district. Community Board #8Q</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Continued Hearing – 7/21/09</p> |

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APPEALS – DECISIONS

| | | |
|----|------------|---|
| 8. | 311-08-BZY | Slater & Beckerman, LLP 77, 79 & 81 Rivington Street and 139-141 Orchard Street, Manhattan |
| | | Extension of time to complete construction (§11-331) of a minor development commenced prior to the amendment of the Zoning district regulations. C4-4A zoning district. Community Board #3M |
| | | Examiner: Toni Matias (212) 788-8752 Status: Granted – 6/16/09 |

APPEALS – CONTINUED HEARINGS

| | | |
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| 9. | 147-08-BZY | Hui-Li Xu 95-04 Allendale Street, Queens |
| | | Extension of time (§11-331) to complete construction of a minor development commenced prior to the amendment of the zoning district regulations on April 30, 2008. R5 zoning district Community Board #12Q |
| | | Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 8/25/09 |

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| APPEALS – NEW CASES | | |
|----------------------------|----------|---|
| 10. | 83-08-A | NYC Department of Buildings 3218 Emmons Avenue, Brooklyn An appeal seeking to revoke Certificate of Occupancy for failure to comply with ZR §62-711 requiring waterfront certification. R5/ Sheepshead Bay District. Community Board #15BK |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Postponed Hearing – 7/28/09 |
| 11. | 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. Community Board #1Q |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Closed, Decision – 7/14/09 |
| 12. | 163-09-A | Valentino Pompeo 115 Beach 220th Street, Queens Proposed reconstruction and enlargement of an existing single family home not fronting on a mapped street, contrary to General City Law Section 36. R4 zoning district. Community Board #14Q |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Granted – 6/16/09 |

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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1:30 P.M.

| <i>BZ – DECISIONS</i> | | |
|------------------------------|------------------|--|
| 1. | 268-08-BZ | Sheldon Lobel, P.C. 314 Seventh Avenue, Brooklyn Special Permit (§73-621) to permit the enlargement of an eating and drinking establishment (UG 6). R6A/C1-4 zoning district. Community Board #6BK |
| | | Examiner: Carlo Costanza (212) 788-8739 |
| | | Status: Granted – 6/16/09 |
| 2. | 275-08-BZ | Eric Palatnik, P.C. 98 South 4th Street, Brooklyn Special Permit (§73-36) to allow a physical culture establishment on the ground floor of an existing building. The proposal is contrary to ZR §42-10. M1-2/R6 (MX8) district. Community Board #1BK |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Withdrawn – 6/16/09 |
| 3. | 17-09-BZ | MetroPCS New York, LLC 5421 Beverly Road, Brooklyn Special Permit (§73-03 & §73-30) to allow a non-accessory radio facility and all accessory equipment. Community Board #17BK |
| | | Examiner: Roy Starrin (212) 788-8797 |
| | | Status: Granted – 6/16/09 |
| 4. | 21-09-BZ | MetroPCS New York, LLC 222-89 Braddock Avenue, Queens Special Permit (§73-03 & §73-30) to allow a non-accessory radio facility on the rooftop of the existing building. Community Board #13Q |
| | | Examiner: Roy Starrin (212) 788-8797 |
| | | Status: Granted – 6/16/09 |

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BZ – DECISIONS

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| 5. | 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: Reopened, Continued Hearing – 7/14/09 |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|-----------|--|
| 6. | 99-08-BZ | <p>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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 7/14/09</p> |
| 7. | 169-08-BZ | <p>James Chin & Associates, LLC 46 Laight Street, Manhattan Variance (§72-21) to allow the redevelopment of an commercial building for residential use. Six residential floors and six dwelling units are proposed; contrary to use regulations (§42-00 & §111-104 (e)). M1-5 (TMU- Area B-2) district. Community Board #1M</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Continued Hearing – 7/28/09</p> |
| 8. | 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>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Adjourned, Continued Hearing – 7/14/09</p> |
| 9. | 259-08-BZ | <p>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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 7/14/09</p> |

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| 10. | 266-08-BZ | Lewis E. Garfinkel R.A. 2007 New York Avenue, Brooklyn Special Permit (§73-621) for the enlargement of an existing single family home. This application seeks to vary §34-141(b) as the proposed floor area ratio (FAR) exceeds what is permitted in an R-4 zoning district. Community Board #18BK |
| | | Examiner: Henry Segovia (212) 788-8757 |
| | | Status: Adjourned, Continued Hearing – 7/21/09 |
| 11. | 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: Closed, Decision – 7/14/09 |
| 12. | 314-08-BZ | Kramer Levin Naftalis & Frankel, LLP 437-447 West 13th Street, Manhattan Variance (§72-21) to allow for the construction of a 12-story commercial building contrary to bulk regulations §43-12, §43-43, §43-26 and use regulations §42-12. M1-5 District. Community Board #2M |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Adjourned, Continued Hearing – 7/21/09 |

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| 13. | 288-08-BZ | Jeffrey Geary 2955 Veterans Road West, Staten Island Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Costanzo's Martial Arts Studio</i>) on the second floor of a two-story commercial building. M1-1 district. Community Board #1SI |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Continued Hearing – 7/21/09 |
| 14. | 13-09-BZ | Moshe M. Friedman, P.E. 5611 21st Avenue, Brooklyn Variance (§72-21) to permit a synagogue contrary to bulk regulations (ZR §24-34, §24-35, §24-11). R5 district. Community Board #12BK |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Continued Hearing – 7/21/09 |
| 15. | 15-09-BZ | Francis R. Angelino, Esq. 8-10 Astor Place, Manhattan Special Permit (§73-36) to allow a physical culture establishment 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: Closed, Decision – 7/14/09 |
| 16. | 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: Closed, Decision – 7/14/09 |

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| 17. | 52-09-BZ | Dennis Dell' Angelo 1438 East 26 th 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: Closed, Decision – 7/14/09 |

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