

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, May 12, 2009  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	301-03-BZ	Law Office of Fredrick A. Becker <b>1103 East 22<sup>nd</sup> Street, Brooklyn</b> Extension of Time/waiver to Complete Construction and obtain a Certificate of Occupancy of previously granted Special Permit (§73-622) for the enlargement of single family home and an Amendment to modify the previously approved plans, in an R2 zoning district, which expired on January 13, 2008. <b>Community Board #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 5/12/09</b>
2.	41-06-BZ	Akerman Senterfitt Stadtmauer Bailkin <b>139-24 Booth Memorial Avenue, Queens</b> Amendment of a previously granted variance (§72-21) which permitted the construction of an underground parking structure with 372 accessory parking spaces on NY Hospital campus. The amendment seeks to waive §33-25 (Minimum Required Side Yards). The site is located in a R6/C1-2 zoning district. <b>Community Board #7Q</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Granted – 5/12/09</b>

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

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<b><i>SOC – NEW CASES</i></b>		
3.	951-55-BZ	Eric Palatnik, P.C. <b>1098 Richmond Road, Staten Island</b> Amendment (§11-411) to permit the installation of a canopy and minor modifications to the existing pump islands to a previously granted variance for a UG16 gasoline service station in a C2-1/R3-2 zoning district. <b>Community Board #2SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 6/9/09</b>
4.	23-06-BZ	Sheldon Lobel, P.C. <b>150-62 78<sup>th</sup> Road, Queens</b> Extension of Time/waiver to Complete Construction (which expired on July 2, 2008) and to obtain a Certificate of Occupancy (which expired on January 2, 2009) of a previously granted Variance (§72-21) for the expansion of an existing three story synagogue with accessory Rabbi's apartment in an R-4 zoning district. <b>Community Board #8Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 6/9/09</b>

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## *APPEALS – DECISIONS*

5.	292-08-A	Robert Cunningham <b>123 87<sup>th</sup> Street, Brooklyn</b> An Appeal challenging Department of Buildings interpretation that §23-49-(a) Special Provisions for Party or Side Lot line Walls is not applicable to this site. R3-1 zoning district. <b>Community Board #10BK</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Denied – 5/12/09</b>

## *APPEALS – CONTINUED HEARINGS*

6.	147-08-BZY	Hui-Li Xu <b>95-04 Allendale 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 April 30, 2008. R5 zoning district <b>Community Board #12Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Adjourned, Continued Hearing – 6/16/09</b>

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<b>APPEALS – NEW CASES</b>		
7.	83-08-A	NYC Department of Buildings <b>3218 Emmons Avenue, Brooklyn</b> An appeal seeking to revoke Certificate of Occupancy due to failure to comply with ZR §62-711 (waterfront certification) and the failure to comply with ZR §12-10(d) in the formation of the zoning lot. R5/Sheepshead Bay District. <b>Community Board #15BK</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Postponed, Public Hearing – 6/16/09</b>
8.	19-09-A	Sheldon Lobel, P.C. <b>132-55 34<sup>th</sup> Avenue, Queens</b> Legalization of an existing building constructed within the bed of a mapped street, contrary to General City Law Section 35. M2-1 Zoning District. <b>Community Board #7Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision – 6/9/09</b>
9.	47-09-A	Gary D. Lenhart <b>114 Beach 215<sup>th</sup> Street, Queens</b> Reconstruction and enlargement of an existing single family dwelling not fronting on a legally mapped street, contrary to General City Law Section 36. R4 Zoning District. <b>Community Board #14Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 5/12/09</b>

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1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
1.	247-08-BZ	<p>Howard S. Weiss, Esq. <b>3454 Nostrand Avenue Brooklyn</b> Special Permit (§73-243) to allow the operation of a accessory drive-through facility in connection with a eating and drinking establishment (<i>Starbucks</i>) (UG 6) located in a C1-2/R4 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 5/12/09</b></p>
2.	306-08-BZ	<p>Sheldon Lobel, P.C. <b>969 Third Avenue, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment in the cellar of an existing 21-story mixed-use building. The proposal is contrary to ZR §32-10. C5-2 district. <b>Community Board #6M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 5/12/09</b></p>
3.	308-08-BZ	<p>Davidoff Malito &amp; Hutcher, LLP <b>201 East 67<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow the legalization of an existing physical culture establishment (<i>MonQi Fitness</i>) located on the third through fifth floors in a five-story building. The proposal is contrary to ZR §32-00. C1-9 district. <b>Community Board #8M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Deferred Decision – 5/19/09</b></p>
4.	312-08-BZ	<p>Law Office of Fredrick A. Becker <b>1134 East 23<sup>rd</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area and open space (§23-141), side yard (§23-461) and less than the minimum required rear yard (§23-47). R2 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 5/12/09</b></p>

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<b><i>BZ – DECISIONS</i></b>		
5.	316-08-BZ	<p>Bryan Cave LLP 345-349 Second Avenue, aka 247-249 East 20<sup>th</sup> Street, <b>Manhattan</b></p> <p>Variance (§72-21) to permit the development of a three- and eight-story school building (<i>Learning Spring Elementary School</i>). The proposal is contrary to ZR §35-24c (minimum base height). R9A/C1-5 district. <b>Community Board #6M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 5/12/09</b></p>
6.	1-09-BZ	<p>The Law Office of Fredrick A. Becker 39-01 Queens Boulevard, <b>Queens</b></p> <p>Special Permit (§73-36) to allow the legalization of an existing physical culture establishment (<i>New York Sports Club</i>) on a portion of the ground floor in a three-story building. The proposal is contrary to ZR §42-00. M1-4 district. <b>Community Board #2Q</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Deferred Decision – 5/19/09</b></p>
7.	16-09-BZ	<p>Slater &amp; Beckerman, LLP 459 Broadway, <b>Manhattan</b></p> <p>Special Permit (§73-36) to allow a physical culture establishment (<i>Yoga Works</i>) on the second and third floors of an existing five-story building. The proposal is contrary to ZR §42-10. M1-5B district. <b>Community Board #2M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 5/12/09</b></p>
8.	26-09-BZ & 48-09-A	<p>Sheldon Lobel, P.C. 97 Crooke Avenue, <b>Brooklyn</b></p> <p>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. Waiver of Section 36 of the General City Law to permit the construction of a building without the 30-foot turnaround frontage space. <b>Community Board #14BK</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Granted – 5/12/09</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
9.	274-08-BZ	Wachtel & Masyr, LLP <b>41-47 Grand Street, Manhattan</b> Variance (§72-21) to allow for a commercial building, contrary to floor area requirements (§43-12), height and setback requirements (§43-43), and retail use below the level of the second story (§42-14). M1-5A & M1-5B districts. <b>Community Board #2M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Withdrawn – 5/12/09</b>
10.	276-08-BZ	Alfonso Duarte <b>150 East 55<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment on the sixth floor of a seven-story office building. The proposal is contrary to ZR §32-10. C5-2 district. <b>Community Board #6M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 6/9/09</b>

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<b><i>BZ – NEW CASES</i></b>		
11.	297-08-BZ	<p>Lewis E. Garfinkel <b>3496 Bedford Avenue, Brooklyn</b> 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(a)); and rear yard (§23-47) requirements in an R2 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 6/23/09</b></p>
12.	10-09-BZ	<p>Francis R. Angelino, Esq. <b>2307 Farragut Road/583 East 23<sup>rd</sup> Street, of Brooklyn</b> Variance (§72-21) to allow a community facility use/house of worship, contrary to front yard regulations, §24-34. R3-2 District. <b>Community Board #14BK</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 6/9/09</b></p>
13.	17-09-BZ	<p>MetroPCS New York, LLC <b>5421 Beverly Road, Brooklyn</b> Special Permit (§73-03 &amp; §73-30) to allow a non-accessory radio facility and all accessory equipment. <b>Community Board #17BK</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Closed, Decision – 6/16/09</b></p>
14.	21-09-BZ	<p>MetroPCS New York, LLC <b>222-89 Braddock Avenue, Queens</b> Special Permit (§73-03 &amp; §73-30) to allow a non-accessory radio facility on the rooftop of the existing building. <b>Community Board #13Q</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Closed, Decision – 6/16/09</b></p>

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<b>15.</b>	<b>35-09-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel LLP <b>345-347 East 103rd Street, Manhattan</b> Special Permit (§11-411 &amp; §11-412) to renew for an additional 10 years an approval under Section 7(e) of the 1916 Zoning Resolution to allow a contractor's establishment (UG16) in the ground floor of a two-story building located in an R7A zoning district. <b>Community Board #11M</b></p>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision – 6/9/09</b>

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