

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, May 19, 2009
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	727-86-BZ	The Law Office of Fredrick A. Becker 240 East 58th Street, Manhattan Extension of Term of a previously granted Variance (§72-21) to allow an eating and drinking establishment (UG6) at the cellar, basement and first floor of a three-story building in an R8B zoning district which expired on January 17, 2009. Community Board #6M
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 5/19/09
2.	185-04-BZ	Sheldon Lobel, P.C. 2275 East 2nd Street, Brooklyn Extension of Time/waiver to complete construction of a previously granted Special Permit (§73-622) for the enlargement of an existing home in an R4 (Special Ocean Parkway) district which expired on January 11, 2009. Community Board #15BK
		Examiner: Henry Segovia (212) 788-8757
		Status: Granted – 5/19/09

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<i>SOC – CONTINUED HEARINGS</i>		
3.	5-98-BZ	<p>Maxfield Blaufeux & Heywood Balaufeux 1861 McDonald Avenue, Brooklyn Extension of Term of a previously granted variance (§72-21) for a garden supply sales and nursery establishment (UG17) with accessory parking and storage in an R5 zoning district which expired on February 23, 2009. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 6/9/09</p>
4.	336-98-BZ & 337-98-BZ	<p>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</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Adjourned, Continued Hearing – 7/14/09</p>
5.	7-99-BZ	<p>The Law Office of Fredrick A. Becker 300 East 34th Street, Manhattan Extension of Term of a previously granted Special Permit for the operation of Physical Culture Establishment (<i>New York Sports Club</i>), located in a C1-9 (TA) zoning district, which expired on January 11, 2009. Community Board #6M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 6/9/09</p>

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<i>SOC – NEW CASES</i>		
6.	165-93-BZ	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
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 6/16/09
7.	68-94-BZ	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
		Examiner: Henry Segovia (212) 788-8757
		Status: Closed, Decision – 6/16/09

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APPEALS – DECISIONS

8.	277-08-BZY thru 287-08-BZY	Eric Palatnik, P.C. 23, 26, 27, 35, 39, 43, 47, 55, 59, and 63 Opal Lane, Staten Island
		Extension of time to complete construction (§11-332) and obtain a Certificate of Occupancy of a minor development commenced prior to the text amendment of the zoning district regulations. R3-X SSRRD (Area LL). Community Board #3SI
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 5/19/09

APPEALS – CONTINUED HEARINGS

9.	267-08-A	Joseph A. Sherry 2 Devon Walk, Queens
		Proposed reconstruction and enlargement of an existing single family home located within the bed of a mapped street, contrary to General City Law Section 35, and without frontage 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 – 5/19/09
10.	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: Closed, Decision – 6/16/09

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11.	32-09-BZY thru 34-09-BZY	William Alicea 122, 124 & 126 Treadwell Avenue, Staten Island Extension of time to complete construction (§11-332) and obtain a Certificate of Occupancy of a major development commenced prior to the text amendment of the zoning district regulations. R3A. Community Board #1SI
		Examiner: Toni Matias (212) 788-8752
		Status: Closed, Decision – 6/9/09

APPEALS – NEW CASES

12.	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: Continued Hearing – 7/14/09
13.	317-08-A	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 Zoning District. Community Board #1SI
		Examiner: Toni Matias (212) 788-8752
		Status: Postponed Hearing – 7/14/09

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<i>BZ – DECISIONS</i>		
1.	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: Reopened, Continued Hearing – 7/14/09</p>
2.	45-08-BZ	<p>Rampulla Associates 55 Androvetta Street, Staten Island Variance (§72-21) to construct a three-story, 81-unit age restricted residential building contrary to use regulations (§42-00 & §107-49). M1-1 District/Special South Richmond Development District. Community Board #3SI</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Granted – 5/19/09</p>
3.	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: Reopened, Continued Hearing – 6/16/09</p>
4.	246-08-BZ	<p>Slater & Beckerman, LLP 4400 Third Avenue, Bronx Special Permits (§73-481 and §73-49) to allow for the construction of a five story parking garage and rooftop parking and Variance (§72-21) to allow for an accessory sign contrary to §22-331 and §22-342. R7-1 District. Community Board #6BX</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Granted – 5/19/09</p>

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<i>BZ – DECISIONS</i>		
5.	275-08-BZ	<p>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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Deferred Decision – 6/16/09</p>
6.	304-08-BZ	<p>Bryan Cave LLP 312-318 East 95th Street, Manhattan Variance (§72-21) and Special Permit (§73-19) to allow a school (<i>Trevor Day School</i>) in a C8-4 district contrary to bulk regulations (§§33-123, 33-451, 33-453, 33-454, 33-26). C8-4 District. Community Board #8M</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Granted – 5/19/09</p>
7.	308-08-BZ	<p>Davidoff Malito & Hutcher, LLP 201 East 67th Street, Manhattan 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. Community Board #8M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 5/19/09</p>
8.	1-09-BZ	<p>The Law Office of Fredrick A. Becker 39-01 Queens Boulevard, Queens 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. Community Board #2Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 5/19/09</p>

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<i>BZ – CONTINUED HEARINGS</i>		
9.	11-07-BZ	<p>Dominick Salvati and Son Architects 41-06 Junction Boulevard, Queens Variance (§72-21) to allow a five (5) story office building with ground floor retail, contrary to use regulations (§22-00). R6B district. Community Board #4Q Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 6/23/09</p>
10.	178-07-BZ	<p>Dominick Salvati and Son Architects 2261-2289 Bragg Street, Brooklyn Variance (§72-21) to permit proposed seven-story residential building above existing three-story community facility building, contrary to residential floor area, FAR and lot coverage (§23-141(b)), number of dwelling units (§23-222), rear yard (§23-47 & §24-36), sky exposure plane and setback, (§23-631(d)), required residential and community facility parking (§25-23 & §25-31). R5 district. Community Board #15BK Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 6/9/09</p>
11.	63-08-BZ	<p>Eric Palatnik, P.C. 116-33 Queens Boulevard, Queens Special Permit (§73-244) to legalize an eating and drinking establishment with entertainment and a capacity of more than 200 persons with dancing within a C4-2 zoning district. Community Board #6Q Examiner: Carlo Costanza (212) 788-8739 Status: Continued Hearing – 6/23/09</p>
12.	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 Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 6/16/09</p>

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13.	188-08-BZ	<p>Rizzo Group, LLP 35 East 76th Street, (975-983 Madison; 981 Madison; 35-53 East 76th Street) Manhattan</p> <p>Special Permits (§73-36 & §73-52) to allow the legalization of a Physical Culture Establishment and to extend this use into an R8B district, contrary to ZR §32-10. C5-1/R8B zoning districts. Community Board #8M</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Adjourned, Continued Hearing – 7/14/09</p>
14.	235-08-BZ	<p>Eric Palatnik, P.C. 1508 Union Street, Brooklyn</p> <p>Variance (§72-21) to permit the expansion of a Mikvah (UG 3). The proposal is contrary to ZR §33-12 (floor area ratio) and §33-431 (wall height and required setbacks). C2-3/R4 district. Community Board #9BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 6/23/09</p>
15.	259-08-BZ	<p>Jeffrey A. Chester, Esq. 242-02 61st Avenue, Queens</p> <p>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: Adjourned, Continued Hearing – 6/16/09</p>
16.	265-08-BZ	<p>Herrick Feinstein LLP 70 Wyckoff Avenue, Brooklyn</p> <p>Variance (§72-21) to allow for the legalization of residential units located in a manufacturing building, contrary to §42-00; M1-1 zoning district. Community Board #4BK</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Closed, Decision – 6/23/09</p>

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17.	266-08-BZ	<p>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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 6/16/09</p>
18.	268-08-BZ	<p>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</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 6/16/09</p>
19.	301-08-BZ	<p>Fridman Saks LLP 2717 Quentin Road, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home. This application seeks to vary floor area and lot coverage (§23-141), side yard (§23-461), perimeter wall height (§23-631(b)) and less than the minimum rear yard (§23-47) in an R3-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 6/23/09</p>
20.	42-09-BZ	<p>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</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 6/16/09</p>

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<i>BZ – NEW CASES</i>		
21.	100-08-BZ & 101-08-A	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 R3-2 zoning district, and within the bed of a mapped, unbuilt street, contrary to General City Law Section 35. Community Board #3SI
		Examiner: Henry Segovia (212) 788-8757
		Status: Continued Hearing – 7/14/09
22.	241-08-BZ	Rothkrug, Rothkrug & Spector, LLP 546 Midland Avenue, a/k/a 287 Freeborn Street, Staten Island Variance (§72-21) to permit a one-story commercial building (Use Group 6), contrary to §32-10. R3-1 zoning district. Community Board #2SI
		Examiner: Rory Levy (212) 788-8749
		Status: Continued Hearing – 6/23/09
23.	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: Continued Hearing – 6/16/09
24.	25-09-BZ	Law Office of Howard Goldman LLC 277 Canal Street, Manhattan Special Permit (§73-36) to allow the legalization of an existing physical culture establishment on the third floor of a three-story commercial building. The proposal is contrary to ZR §42-10. M1-5B zoning district. Community Board #2M
		Examiner: Rory Levy (212) 788-8749
		Status: Closed, Decision – 6/23/09

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25.	30-09-BZ	Sheldon Lobel, P.C. 136-33 37th Avenue, Queens Special Permit (§73-44) to reduce the amount of required parking spaces for commercial and medical offices uses from 153 to 97 spaces. C4-3 zoning district. Community Board #7Q
		Examiner: Ronald Rizzotti (212) 788-8781
		Status: Continued Hearing – 6/23/09

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