

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 6, 2009

10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|---|
| 1. | 32-91-BZ | Walter T. Gorman, P.E., 838/846 Fulton Street, Brooklyn Extension of Term and Waiver of the Rules for the continued use of a Gasoline Service Station (<i>Coastal</i>) which expired on May 19, 2007. C2-4/R7A zoning district. Community Board #2BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/6/09 |
| 2. | 297-99-BZ | Walter T. Gorman, P.E. 45-05 Bell Boulevard, Queens Extension of Term and Waiver of the Rules for the continued use of a Gasoline Service Station (<i>Mobil</i>) which expires on September 19, 2010. C2-2/R-6B zoning district. Community Board #11Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/6/09 |

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| <i>SOC – CONTINUED HEARINGS</i> | | |
|--|-------------------|---|
| 3. | 590-76-BZ | <p>Joseph P. Morsellino, Esq. 243 East 59th Street, Manhattan Extension of Term of a previously granted Variance (§72-01(b)) for an existing illuminated sign that exceeds the permitted height above curb level. C2-8 zoning district. Community Board #8M</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Closed, Decision – 10/20/09</p> |
| 4. | 1259-79-BZ | <p>Sheldon Lobel, P.C. 29 West 26th Street, Manhattan Extension of Time to complete construction and obtain a certificate of occupancy and Waiver of the Rules of a previously granted Variance (§72-21) for the conversion of all floors above the first floor from manufacturing lofts into residential dwellings which expired on October 6, 1984. M1-6 zoning district. Community Board #5M</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Closed, Decision – 10/27/09</p> |
| 5. | 5-96-BZ | <p>Sheldon Lobel, P.C. 564/92 Saint John's Place, Brooklyn Extension of Term (§11-411) to permit the operation a one-story public parking garage for no more than 150 cars (UG 8), which expired on March 18, 2007; Amendment to change the parking layout; and an Extension of Time to obtain a certificate of occupancy, which expired on March 18, 1998. R7-1 zoning district. Community Board #8BK</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Adjourned, Continued Hearing – 11/24/09</p> |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|-----------|--|
| 6. | 684-64-BZ | <p>George E. Berger 360 East 72nd Street, Manhattan Extension of Term permitting the use of no more than 45 unused and surplus tenant parking spaces, within an accessory garage, for transient parking granted by the Board pursuant to §60 (3) of the Multiple Dwelling Law (MDL) which is set to expire on October 23, 2009. C1-5 in a R10A & R8B zoning district. Community Board #8M</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 10/27/09</p> |
| 7. | 16-95-BZ | <p>Akerman Senterfitt, LLP 434 East 77th Street, Manhattan Extension of Term and Waiver of the Rules of a previously granted Variance (§72-21) for a UG8 parking garage with accessory auto repairs which expired on March 23, 2009. R-8B zoning district. Community Board #8M</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 10/27/09</p> |
| 8. | 172-96-BZ | <p>Law Office of Mitchell Ross, Esq. 597/99 Marcy Avenue, Brooklyn Extension of Term for a variance (§72-21) which expired on May 11, 2009 allowing the operation of a welding shop (UG 16A) contrary to §32-00; Waiver of the Rules. C6-6 zoning district. Community Board #3BK</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Continued Hearing – 10/27/09</p> |
| 9. | 193-97-BZ | <p>Fredrick A. Becker 27-29 Great Jones Street, Manhattan Extension of Term for a special permit (§73-36) which expired on April 1, 2008 for the operation of a Physical Culture Establishment (Great Jones Spa); Waiver of the Rules. M1-5B zoning. Community Board #2M</p> <p>Examiner: Carlo Costanza (212) 788-8739</p> <p>Status: Closed, Decision – 10/27/09</p> |

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| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|----------|--|
| 10. | 296-08-A | Gerald J. Caliendo, R.A., 45-02 111th Street, Queens Proposed four-story, six-family dwelling with a community facility use located within the bed of a mapped street, contrary to General City Law, Section 35. R6B Zoning District. Community Board #4Q |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Withdrawn – 10/6/09 |
| 11. | 181-09-A | NYC Fire Department 410 East 64th Street, Manhattan An appeal filed by the NYC Fire Department seeking a Modification of Certificate of Occupancy to require an approved Automatic Wet Sprinkler system throughout the cellar and first floor of a commercial use. R8 zoning district. Community Board #8M |
| | | Examiner: Toni Matias (212) 788-8752 |
| | | Status: Granted – 10/6/09 |

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|-----------------------------------|------------------------|--|
| 12. | 38-09-A | <p>Benjamin Lam 72-45 43rd Avenue, Queens Proposed construction of a three-family home located within the bed of mapped street, contrary to General City Law, Section 35. R-5 zoning district. Community Board #4Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Granted – 10/6/09</p> |
| 13. | 228-09-A & 229-09-A | <p>Sheldon Lobel, P.C. 37-45 and 37-47 98th Street, Queens An Appeal seeking a common law vested right to complete construction commenced under the prior R6B zoning district. R5 zoning district. Community Board #3Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Continued Hearing – 11/10/09</p> |
| 14. | 233-09-BZY | <p>Sheldon Lobel, P.C. 91-12 175th Street, Queens Application to complete construction of a minor development (§11-332) commenced under the prior R6 Zoning District. R4-1 zoning district. Community Board #12Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Closed, Decision – 10/20/09</p> |

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY AFTERNOON, OCTOBER 6, 2009
1:30 P.M.

| <i>BZ – DECISIONS</i> | | |
|------------------------------|------------------|---|
| 1. | 169-08-BZ | <p>James Chin & Associates, LLC 46 Laight Street, Manhattan Variance (§72-21) to allow the redevelopment of a 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: Granted – 10/6/09</p> |
| 2. | 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). M1-1 district. Community Board #9Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Deferred Decision – 10/20/09</p> |
| 3. | 297-08-BZ | <p>Lewis E. Garfinkel 3496 Bedford Avenue, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to open space and floor area (§23-141(a)) and rear yard (§23-47) regulations. R2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Reopened, Closed, Decision – 10/20/09</p> |
| 4. | 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, contrary to open space and floor area (§23-141), side yards (§23-461) and rear yard (§23-47) regulations. R-2 zoning district. Community Board #14Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/6/09</p> |

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| <i>BZ – DECISIONS</i> | | |
|------------------------------|-----------|--|
| 5. | 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, contrary to floor area, lot coverage and open space (§23-141(b)), side yards (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/6/09</p> |
| 6. | 49-09-BZ | <p>Law Office of Fredrick A. Becker 1323 East 32nd Street, Brooklyn Variance (§72-21) to permit the enlargement of a synagogue contrary to side yard regulations (§24-35(a)). R4 district. Community Board #18BK Examiner: Ronald Rizzotti (212) 788-8781 Status: Granted – 10/6/09</p> |
| 7. | 176-09-BZ | <p>Bryan Cave LLP/Margery Purlmutter 220-236 West 28th Street, Manhattan Special Permit (§73-64) to waive height and setback regulations (§33-432) for a community facility building (<i>Fashion Institute of Technology</i>). C6-2 District. Community Board #5M Examiner: Ronald Rizzotti (212) 788-8781 Status: Granted – 10/6/09</p> |
| 8. | 184-09-BZ | <p>Law Office of Fredrick A. Becker 4072 Bedford Avenue, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to open space, lot coverage and floor area (§23-141); side yards (§23-461; rear yard (§23-47) and perimeter wall height (§23-631) regulations. R3-2 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/6/09</p> |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|-------------------------------------|--|
| 9. | 73-06-BZ | <p>Eric Palatnik, P.C. 111 Union Street, Brooklyn Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Elite Fitness</i>) in a portion of cellar and first floor in a three-story building. C2-3 zoning district. Community Board #6BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 10/27/09</p> |
| 10. | 195-07-BZ | <p>Greenberg Traurig 8-12 Bond Street, Manhattan Variance (§72-21) to allow hotel and retail uses below the floor level of the second story, contrary to use regulations (§42-14(d)(2)). M1-5B zoning district. Community Board #2M</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Continued Hearing – 10/27/09</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) and within the bed of a mapped, un-built street, contrary to General City Law Section 35. R2 zoning district. Community Board #3SI</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 10/27/09</p> |
| 12. | 186-08-BZ | <p>Petrus Fortune, P.E. 3065 Atlantic Avenue, Brooklyn Special Permit (§73-19) to allow the legalization and enlargement of a school (<i>Followers of Jesus Mennonite Church & School</i>) in a former manufacturing building, contrary to ZR §42-10. M1-1 zoning district. Community Board #5BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 11/17/09</p> |

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| 13. | 197-08-BZ | <p>Stuart A. Klein 341/349 Troy Avenue, aka 1515 Carroll Street, Brooklyn Variance (§72-21) to permit a four-story and penthouse residential building, contrary to §23-141 (FAR, open space ratio), §23-22 (number of dwelling units), §23-45 (front yard), §23-462 (side yard), and §23-631 (wall height). R4 district. Community Board #9BK</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Adjourned, Continued Hearing – 11/10/09</p> |
| 14. | 260-08-BZ | <p>Eric Palatnik, P.C. 148 Oxford Street, Brooklyn Special Permit (§73-622) to legalize and enlarge a single family home, contrary to floor area (§23-141) regulations. R3-1 zoning district. Community Board #15BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Adjourned, Continued Hearing – 11/24/09</p> |
| 15. | 23-09-BZ | <p>Eric Palatnik, P.C. 114 Amherst Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing one family home, contrary to open space, lot coverage and floor area (§23-141(b)) and rear yard (§23-47) regulations. R3-1 zoning district. Community Board #15BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Adjourned, Continued Hearing – 11/10/09</p> |
| 16. | 29-09-BZ | <p>Law Office of Fredrick A. Becker 44 Brunswick Street, Staten Island Variance (§72-21) to legalize and enlarge a synagogue (<i>Chabad Israeli Center</i>), contrary to lot coverage, front yards, side yards, and parking regulations. R3X zoning district. Community Board #2SI</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Adjourned, Continued Hearing – 11/17/09</p> |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|-----------|--|
| 17. | 164-09-BZ | <p>Eric Palatnik, P.C. 124 Irwin Street, Brooklyn Special Permit (§73-622) for enlargement of an existing two-family home, contrary to floor area, lot coverage and open space (§23-141) and rear yard (ZR §23-47) regulations. R3-1 zoning district. Community Board #15BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Closed, Decision – 11/10/09</p> |
| 18. | 226-09-BZ | <p>Mitchell S. Ross, Esq. 24 East 13th Street, Manhattan Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>New York Health & Racquet Club</i>) on the cellar through second floors of a six-story mixed-use building. C6-1 zoning district. Community Board #2M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Closed, Decision – 10/27/09</p> |

| <i>BZ – NEW CASES</i> | | |
|------------------------------|-----------|---|
| 19. | 171-08-BZ | <p>Law Offices of Howard Goldman, LLC 40 West 68th Street, Manhattan Variance (§72-21) to allow the enlargement of an existing school (<i>York Prep</i>) contrary to ZR §74-95 (City Planning Commission Housing Quality Special Permit). R8 zoning district. Community Board #7M</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Continued Hearing – 11/10/09</p> |
| 20. | 225-09-BZ | <p>Antonio S. Valenziano 45 Beacon Avenue, Staten Island Variance (§72-21) for the construction of a single family residence on a vacant undersized lot, contrary to front yard (§23-45) regulations. R2 (LDGM) zoning district. Community Board #3SI</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Continued Hearing – 11/10/09</p> |

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