

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, September 15, 2009

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	<b>441-31-BZ</b>	<p>Ian Peter Barnes  <b>7702 Flatlands Avenue, Brooklyn</b>                      Extension of Term and Waiver of the Rules for the continued use of a Gasoline Service Station (<i>BP Amoco</i>) with accessory convenience store which expired on April 26, 2007. C2-2/R5 zoning district.  <b>Community Board #18BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 9/15/09</b></p>
2.	<b>719-56-BZ</b>	<p>Walter T. Gorman, P.E.  <b>2525 Victory Boulevard, Staten Island</b>                      Extension of Time to obtain a certificate of occupancy for a Gasoline Service Station (<i>Mobil</i>), which expires on November 10, 2009. C2-1/R3-2 zoning district.  <b>Community Board #1SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 9/15/09</b></p>
3.	<b>271-81-BZ</b>	<p>Mitchell S. Ross, Esq.  <b>110/112 West 56<sup>th</sup> Street, Manhattan</b>                      Extension of Term for a special permit (§73-36) which expired on October 6, 2006 for the operation of a Physical Culture Establishment (<i>New York Health and Racquet Club</i>); Amendment to legalize incidental alterations made to the interior layout; Extension of Time to obtain a Certificate of Occupancy which expired on October 31, 2001 and Waiver of the Rules. C6-6 zoning district.  <b>Community Board #5M</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 9/15/09</b></p>
4.	<b>8-96-BZ</b>	<p>Walter T. Gorman, P.E.  <b>175-22 Horace Harding Expressway, Queens</b>                      Extension of Term for the continued use of a gasoline service station (<i>Shell</i>) which expired on July 16, 2006; Extension of Time to obtain a Certificate of Occupancy which expired on July 16, 2000; Amendment to legalize modification to the building; Waiver of the Rules. C2-2/R3-2 zoning district.  <b>Community Board #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 9/15/09</b></p>

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<b>5.</b>	<b>55-97-BZ</b>	<p>Sheldon Lobel, P.C.  <b>76-36 164<sup>th</sup> Street, Queens</b>                      Extension of Term (§11-411) for an automotive repair facility (UG 16B), which expired on September 23, 2007 and Extension of Time to obtain a certificate of occupancy, which expired on September 23, 1998. C2-2/R3-2 zoning district.  <b>Community Board #8Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Granted – 9/15/09</b></p>
<b>6.</b>	<b>261-98-BZ</b>	<p>Sheldon Lobel, P.C.  <b>193 20<sup>th</sup> Street, Brooklyn</b>                      Extension of Term of a variance (§72-21) for a UG16A warehouse for HVAC related uses in a residential district which expired on April 20, 2009; Amendment for the addition of a mezzanine level within the existing building. R6B zoning district.  <b>Community Board #7BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Granted – 9/15/09</b></p>
<b>7.</b>	<b>327-04-BZ</b>	<p>Sheldon Lobel, P.C.  <b>66-35 108<sup>th</sup> Street, Queens</b>                      Extension of Time to complete construction and Extension of Time to obtain a certificate of occupancy of a previously granted Variance (§72-21) for the enlargement of an existing Synagogue and School (<i>Beth Gavriel</i>) which expired on June 7, 2009. R1-2 zoning district  <b>Community Board #6Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Granted – 9/15/09</b></p>

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<b>SOC – CONTINUED HEARINGS</b>		
<b>8.</b>	<b>826-86-BZ thru 828-86-BZ</b>	<p>Eric Palatnik, P.C.  <b>269-10, 270-10, 271-10 Grand Central Parkway, Queens</b>                      Extension of Term for a Special Permit (§73-11) to allow non-accessory radio towers and transmitting equipment on the roof of a 33-story multiple dwelling (<i>North Shore Towers</i>) which expired on March 28, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on March 6, 2003; an Amendment to eliminate the condition that a new Certificate of Occupancy be obtained; and Waiver of the Rules. R3-2 zoning district.  <b>Community Board #13Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 10/27/09</b></p>
<b>9.</b>	<b>197-05-BZ</b>	<p>Marvin Mitzner, Esq.  <b>813/815 Broadway, Manhattan</b>                      Amendment to a variance (§72-21) to allow full commercial coverage on the ground floor and an increase in commercial FAR in a mixed use building. C6-1 zoning district.  <b>Community Board #2M</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Continued Hearing – 10/20/09</b></p>

<b>SOC – NEW CASES</b>		
<b>10.</b>	<b>590-76-BZ</b>	<p>Joseph P. Morsellino, Esq.  <b>243 East 59<sup>th</sup> Street, Manhattan</b>                      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.  <b>Community Board #8M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 10/6/09</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>11.</b>	<b>1259-79-BZ</b>	<p>Sheldon Lobel, P.C.  <b>29 West 26<sup>th</sup> Street, Manhattan</b>                      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.  <b>Community Board #5M</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 10/6/09</b></p>
<b>12.</b>	<b>297-99-BZ</b>	<p>Walter T. Gorman, P.E.  <b>45-05 Bell Boulevard, Queens</b>                      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.  <b>Community Board #11Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 10/6/09</b></p>

<b><i>DISMISSAL CALENDAR</i></b>		
<b>13.</b>	<b>239-07-BZ</b>	<p>New York City Board of Standards and Appeals                      Applicant: Rothkrug, Rothkrug &amp; Spector, LLP  <b>57-38 Waldron Street, Queens</b>                      Application for dismissal for lack of prosecution – Variance (§72-21) to permit a Use Group 4 community youth center in the cellar and a portion of the first floor in a proposed mixed-use building, contrary to ZR §24-35 (side yard). R5 zoning district.  <b>Community Board # 4Q</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Withdrawn – 9/15/09 (Off Dismissal Calendar)</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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<b><i>APPEALS – DECISIONS</i></b>		
14.	317-08-A	Margaret R. Garcia, AIA <b>124 Montgomery Avenue, Staten Island</b> 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. <b>Community Board #1SI</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 9/15/09</b>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
15.	296-08-A	Gerald J. Caliendo, R.A., <b>45-02 111<sup>th</sup> Street, Queens</b> 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. <b>Community Board #4Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision – 10/6/09</b>

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<b><i>APPEALS – NEW CASES</i></b>		
16.	38-09-A	<p>Benjamin Lam  <b>72-45 43<sup>rd</sup> Avenue, Queens</b>                      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.  <b>Community Board #4Q</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Postponed, Public Hearing – 10/6/09</b></p>
17.	170-09-A	<p>NYC Department of Buildings  <b>24-03 Queens Plaza North, Queens</b>                      An appeal filed by the Department of Buildings seeking to amend Certificate of Occupancy to remove the reference to "Adult Establishment" use on the second floor. M1-5/R-9 Special Mixed Use District.  <b>Community Board #1Q</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Continued Hearing – 11/24/09</b></p>
18.	181-09-A	<p>NYC Fire Department  <b>410 East 64<sup>th</sup> Street, Manhattan</b>                      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.  <b>Community Board #8M</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Closed, Decision – 10/6/09</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
1.	<b>63-08-BZ</b>	<p>Eric Palatnik, P.C.  <b>116-33 Queens Boulevard, Queens</b>                      Special Permit (§73-244) to legalize an eating and drinking establishment with entertainment and a capacity of more than 200 persons with dancing. C4-2 zoning district.  <b>Community Board #6Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Deferred Decision – 10/20/09</b></p>
2.	<b>210-08-BZ</b>	<p>Sheldon Lobel, P.C.  <b>130-15 89<sup>th</sup> Road, Queens</b>                      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.  <b>Community Board #9Q</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Deferred Decision – 10/6/09</b></p>
3.	<b>168-09-BZ</b>	<p>Lewis E. Garfinkel R.A.  <b>1435 &amp; 1437 East 26<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) to combine two semi-attached homes to create one single family home, contrary to floor area and open space (ZR §23-141(a)), and rear yard (ZR §23-47) regulations. R2 zoning district.  <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 9/15/09</b></p>
4.	<b>176-09-BZ</b>	<p>Bryan Cave LLP/Margery Purlmutter  <b>220-236 West 28<sup>th</sup> Street, Manhattan</b>                      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.  <b>Community Board #5M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Deferred Decision – 10/6/09</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>195-09-BZ</b>	<p>Herrick, Feinstein LLP  <b>321 Ashland Place, Brooklyn</b>                      Variance (§72-21) for a community facility building (<i>Brooklyn Academy of Music</i>), contrary to required rear yard (§33-26). C6-1 zoning district.  <b>Community Board #2BK</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Granted – 9/15/09</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>256-07-BZ</b>	<p>Rothkrug, Rothkrug &amp; Spector  <b>1978 Atlantic Avenue, Brooklyn</b>                      Variance (§72-21) to permit a three-story, five-unit residential building, contrary to use regulations (§42-00). M1-1 zoning district.  <b>Community Board # 8BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 10/27/09</b></p>
<b>7.</b>	<b>197-08-BZ</b>	<p>Stuart A. Klein  <b>341/349 Troy Avenue, aka 1515 Carroll Street, Brooklyn</b>                      Variance (§72-21) to permit a four-story and penthouse residential building, contrary to §23-141 (Floor Area, FAR &amp; Open Space Ratio), §23-22 (Number of Dwelling Units), §23-45 (Front Yard), §23-462 (Side Yard), and §23-631 (Wall Height). R4 district.  <b>Community Board #9BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Adjourned, Continued Hearing – 10/6/09</b></p>
<b>8.</b>	<b>7-09-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>1082 East 26<sup>th</sup> Street, Brooklyn</b>                      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.  <b>Community Board #14Q</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision – 10/6/09</b></p>

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<b>9.</b>	<b>46-09-BZ</b>	<p>Eric Palatnik, P.C.  <b>122 Oxford Street, Brooklyn</b>                      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.  <b>Community Board #15BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision – 10/6/09</b></p>
<b>10.</b>	<b>161-09-BZ</b>	<p>Rizzo Group  <b>580 Carroll Street, Brooklyn</b>                      Variance (§72-21) for the development of two residential buildings (20 dwelling units) contrary to rear yard equivalent, floor area, lot coverage, minimum distance between buildings and minimum distance between legally required window regulations (§§23-532, 23-145, 23-711, 23-861). R6B zoning district.  <b>Community Board #6BK</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Adjourned, Continued Hearing – 11/17/09</b></p>
<b>11.</b>	<b>183-09-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>1400 5<sup>th</sup> Avenue, Manhattan</b>                      Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>NY Sports Club</i>) on a portion of the ground floor and cellar in an eight-story mixed-use building. C4-5X zoning district.  <b>Community Board #10M</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 10/20/09</b></p>

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<b><i>BZ – NEW CASES</i></b>		
12.	186-08-BZ	Petrus Fortune, P.E. <b>3065 Atlantic Avenue, Brooklyn</b> Special Permit (§73-19) to allow the legalization and enlargement of a school in a former manufacturing building, contrary to ZR §42-10. M1-1 zoning district. <b>Community Board #5BK</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Continued Hearing – 10/6/09</b>
13.	187-08-BZ	Sheldon Lobel, P.C. <b>1247 38<sup>th</sup> Street, Brooklyn</b> Variance (§72-21) to permit the construction of a six-story community facility building ( <i>Congregation &amp; Yeshiva Machzikei Hadas</i> ), contrary to ZR §42-00. M2-1 zoning district. <b>Community Board #12BK</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Continued Hearing – 10/27/09</b>
14.	198-09-BZ	Eric Palatnik, P.C. <b>143 West 19<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow the operation of the proposed physical culture establishment ( <i>Personal Training Institute</i> ) on the first floor of an eight-story building. C6-3A zoning district. <b>Community Board #4M</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Continued Hearing – 10/20/09</b>
15.	226-09-BZ	Mitchell S. Ross, Esq. <b>24 East 13<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow the legalization of a physical culture establishment ( <i>New York Health &amp; Racquet Club</i> ) on the cellar through second floors of a six-story mixed-use building. C6-1 zoning district. <b>Community Board #2M</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Continued Hearing – 10/6/09</b>

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