

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, DECEMBER 14, 2010  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>914-86-BZ</b>	<p>Stuart A. Klein, Esq <b>1-19 Eastern Parkway, Brooklyn</b> Extension of Term of a previously granted Variance (§72-21) for the continued operation of a Physical Culture Establishment (<i>Eastern Athletic</i>) which expired on May 17, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on November 12, 1998; Amendment to the interior layout and the hours of operation; Waiver of the Rules. R8X zoning district. <b>Community Board #8BK</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 12/14/10</b></p>
<b>2.</b>	<b>175-05-BZ</b>	<p>Eric Palatnik, P.C. <b>18-24 Luquer Street, Brooklyn</b> Extension of Time to Complete Construction of a previously approved Variance (§72-21) to construct a four-story multiple dwelling with accessory parking which expires on January 9, 2011. M1-1 zoning district. <b>Community Board #16BK</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Deferred Decision – 1/25/11</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>3.</b>	<b>66-90-BZ</b>	<p>Eric Palatnik, P.C. <b>43-03 Astoria Boulevard, Queens</b> Extension of Term for a UG16 Gasoline Service Station (<i>Mobil</i>) which expired on October 1, 2010. R5 zoning district. <b>Community Board #1Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 1/25/11</b></p>
<b>4.</b>	<b>315-90-BZ</b>	<p>Sheldon Lobel, P.C. <b>82-06 Astoria Boulevard, Queens</b> Extension of Term (§11-411) for the continued operation of a Gasoline Service Station (<i>Gulf</i>) with accessory convenience store which expires on March 13, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on March 13, 2003; waiver of the rules. C2-2/R4 zoning district. <b>Community Board #3Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 1/25/11</b></p>

<b><i>SOC – NEW CASES</i></b>		
<b>5.</b>	<b>55-45-BZ</b>	<p>Walter C. Maffei, AIA <b>51 Kingsland Avenue, Brooklyn</b> Extension of Term (§11-411) for an existing Gasoline Service Station (<i>Spirit</i>) which expired on February 27, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on May 2, 2001; waiver of the rules. C2-4/R6B zoning district. <b>Community Board #1BK</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Continued Hearing – 2/1/11</b></p>

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<b><i>SOC – NEW CASES</i></b>		
6.	245-49-BZ	<p>Simons &amp; Wright LLC <b>78-09 Springfield Boulevard, Queens</b> Amendment of previous approval to legalize the conversion of one residential unit to be used as an accessory residential management office and elimination of the term; waiver of the rules. R3-2 zoning district. <b>Community Board # 11Q</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Closed, Decision – 1/25/11</b></p>
7.	827-55-BZ	<p>Eric Palatnik, P.C. <b>245-20 139<sup>th</sup> Avenue, Queens</b> Extension of Term (§11-411) for the continued operation of a Gasoline Service Station (<i>British Petroleum</i>) which expires on January 31, 2011. 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 – 1/25/11</b></p>
8.	758-84-BZ	<p>David L. Businelli, R.A. <b>1444 Clove Road, Staten Island</b> Extension of Term of a variance (§72-21) to legalize a two-story and cellar commercial building contrary to use regulations. R3X zoning district. <b>Community Board #1SI</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Continued Hearing – 1/25/11</b></p>
9.	93-00-BZ	<p>The Law Office of Fredrick A. Becker <b>19 West 44<sup>th</sup> Street, Manhattan</b> Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>New York Sports Club</i>) which expired on July 25, 2010. C6-4.5 (MID) zoning district. <b>Community Board #3M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 2/1/11</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>10.</b>	<b>128-00-BZ</b>	Rothkrug Rothkrug & Spector, LLP <b>10/16 Wall Street, Manhattan</b> Extension of Term of a Special Permit (ZR §73-36) for the continued operation of a physical culture establishment ( <i>Equinox</i> ) which expired on September 12, 2010. C5-5(LM) zoning district. <b>Community Board #1M</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 1/25/11</b>

<b><i>DISMISSAL CASES</i></b>		
<b>11.</b>	<b>118-10-BZ</b>	NYC Board of Standards and Appeals Applicant: Eric Palatnik, P.C. <b>2102/04 Avenue Z, Brooklyn</b> Dismissal for lack of prosecution – Special Permit (§11-411) to re-establish a variance for an auto-related use. R4 zoning district. <b>Community Board#15BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Off Dismissal, New BZ Hearing – 2/8/11</b>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
12.	<b>114-10-BZY &amp; 115-10-BZY</b>	<p>Nikolaos Sellas <b>26-58 &amp; 26-60 30<sup>th</sup> Street, Queens</b> Extension of time (§11-331) to complete construction of a major development commenced under the prior R6 zoning district. R6B zoning district <b>Community Board #1Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision 1/11/11</b></p>
13.	<b>125-10-A</b>	<p>Simons &amp; Wright <b>346 Ovington Avenue, Brooklyn</b> Appeal challenging the interpretation of ZR §23-22 as it applies to the required density factor for existing buildings in an R5B zoning district. <b>Community Board #10BK</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Adjourned, Continued Hearing – 1/25/11</b></p>

<b><i>APPEALS – NEW CASES</i></b>		
14.	<b>135-10-A</b>	<p>Zygmunt Staszewski <b>107 Beach 216<sup>th</sup> Street, Queens</b> Proposed enlargement of an existing single family home not fronting 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 – 12/14/10</b></p>

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**REGULAR MEETING**

**TUESDAY MORNING, DECEMBER 14, 2010**

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<b><i>DISMISSAL CASES</i></b>		
<b>15.</b>	<b>212-10-A</b>	NYC Board of Standards and Appeals Applicant: Marvin Mitzner <b>96 Greenwich Street, Manhattan</b> Dismissal for lack of Jurisdiction - Appeal of a determination by the Department of Buildings that an engineer's report violated Building Code Section 28.211.1. (False Statements). C6-9M Zoning District. <b>Community Board #1M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Dismissal Hearing – 1/11/11</b>

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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>		
<b>1.</b>	<b>98-08-BZ</b>	<p>Gerald J. Caliendo  <b>583 Franklin Avenue, Brooklyn</b>                      Variance (§72-21) to allow a four-story residential building containing four (4) dwelling units, contrary to use regulations (§42-00). M1-1 district.  <b>Community Board #8BK</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Deferred Decision – 1/11/11</b></p>
<b>2.</b>	<b>173-09-BZ</b>	<p>Law Offices of Howard Goldman LLC  <b>845 Broadway, Brooklyn</b>                      Variance (§ZR 72-21) to allow for a four story mixed use building contrary to use regulations. (ZR §32-00, §42-00) C8-2 / M1-1 zoning districts.  <b>Community Board #4BK</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Granted – 12/14/10</b></p>
<b>3.</b>	<b>92-10-BZ</b>	<p>Sheldon Lobel, P.C.  <b>39 East 10th Street, Manhattan</b>                      Variance (§72-21) to allow for the construction of an elevator in an existing residential building, contrary to floor area, open space (§23-142) and court regulations (§§23-85, 23-87). R7-2 zoning district.  <b>Community Board #2M</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Granted – 12/14/10</b></p>
<b>4.</b>	<b>103-10-BZ</b>	<p>Law Office of Frederick A. Becker  <b>1036 East 24<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement and in-part legalization of an existing single family home contrary to floor area, open space (§23-141), side yard requirement (§23-461) and less than the required rear yard (§23-47). R2 zoning district.  <b>Community Board #14BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 12/14/10</b></p>

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<b>5.</b>	<b>104-10-BZ</b>	<p>Moshe M. Friedman, P.E.  <b>5002 19<sup>th</sup> Avenue, aka 1880-1890 50<sup>th</sup> Street, Brooklyn</b>                      Variance (§72-21) to permit the extension and conversion of an existing residential building to a synagogue and rectory, contrary to lot coverage and floor area (§24-11) front yard (§24-34), side yard (§24-35) and wall height and sky exposure plane (§24-521). R5 zoning district.  <b>Community Board #12BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Granted – 12/14/10</b></p>
<b>6.</b>	<b>122-10-BZ</b>	<p>Bryan Cave LLP  <b>163 West 78<sup>th</sup> Street, Manhattan</b>                      Variance (§72-21) to permit the rooftop addition for a community facility use (<i>Rodeph Sholom School</i>), contrary to maximum height regulations (§23-692). R8B zoning district.  <b>Community Board #7M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Granted – 12/14/10</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
7.	277-07-BZ	<p>Miele Associates, LLP  <b>165-35 North Conduit Avenue, Queens</b>                      Variance (§72-21) for the development of a one-story automotive service station with accessory convenience store, contrary to §22-10.                      R3-1 zoning district  <b>Community Board #12Q</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Continued Hearing – 1/25/11</b></p>
8.	31-09-BZ	<p>Eric Palatnik, PC  <b>117-04 Sutphin Boulevard, Queens</b>                      Special Permit (§11-411, §11-412, §11-413) for re-instatement of previous variance, which expired on November 12, 1990; amendment for a change of use from a gasoline service station (UG16b) to automotive repair establishment and automotive sales (UG16b); enlargement of existing one story structure; and Waiver of the Rules.                      C2-2/R3-2 zoning district.  <b>Community Board #12Q</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Closed, Decision – 1/25/10</b></p>
9.	43-10-BZ	<p>Gerald J. Caliendo, R.A., AIA  <b>23-70 Steinway Street, Queens</b>                      Special Permit (§73-244) to allow an eating and drinking establishment without restrictions and no limitation on entertainment and dancing.                      C2-2/R5 zoning district.  <b>Community Board #1Q</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Closed, Decision – 1/25/11</b></p>
10.	55-10-BZ	<p>Eric Palatnik, P.C.  <b>40-22 Main Street, Queens</b>                      Special Permit (§73-44) to permit a reduction in required parking for an ambulatory or diagnostic treatment center. C4-2/C4-3 zoning districts.  <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/8/11</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
11.	101-10-BZ	<p>Sheldon Lobel, P.C.  <b>54 Crosby Street, Manhattan</b>                      Variance (§72-21) to allow a commercial use below the floor level of the second story, contrary to use (§42-14(D)(2)(b)). M1-5B 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: Closed, Decision – 2/15/11</b></p>
12.	107-10-BZ	<p>Akerman Senterfitt  <b>12-24 149<sup>th</sup> Street, Queens</b>                      Variance (§72-21) to allow for a community facility use (<i>Associazione Sacchese D’America</i>), contrary to side yard regulations (§24-35). R2 zoning district.  <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Closed, Decision – 1/11/11</b></p>
13.	140/142/144/ 146-10-BZ 141/143/145/ 147-10-A	<p>Rothkrug Rothkrug &amp; Spector, LLP  <b>160, 170, 181, 191, Edinboro Road, Staten Island</b>                      Variance (§72-21) to allow four single-family homes on a zoning lot that does not meet the minimum lot width requirements (§23-32), and waiver to the General City Law, Section 36, for development not fronting a mapped street. R1-2 (NA-1) zoning district.  <b>Community Board #2SI</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Continued Hearing – 1/25/11</b></p>
14.	178-10-BZ	<p>Law Office of Fredrick A. Becker  <b>943 East 24<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) for the legalization and enlargement of a single family home, contrary to floor area and open space (§23-141); side yards (§23-461) and rear yard (§23-47) regulations. R2 zoning district.  <b>Community Board #14BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 1/25/11</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>15.</b>	<b>179-10-BZ</b>	Sheldon Lobel, P.C. <b>249 Duffield Street, Brooklyn</b> Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment ( <i>Planet Fitness</i> ). C6-4 zoning district. <b>Community Board #2BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 1/11/11</b>
<b>16.</b>	<b>182-10-BZ</b>	Law Office of Fredrick A. Becker <b>1082 East 23<sup>rd</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of a single family home, contrary to floor area and open space (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R2 zoning district. <b>Community Board #14BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 1/25/11</b>
<b>17.</b>	<b>190-10-BZ</b>	Sheldon Lobel, P.C. <b>250-10 Grand Central Parkway, Queens</b> Variance (§72-21) to permit the addition of a third floor to an existing two-story school building ( <i>Yeshiva Har Torah</i> ), contrary to rear yard (§24-36) and setback (§24-551) regulations. R3-2 zoning district. <b>Community Board #13Q</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted – 12/14/10</b>

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<b><i>BZ – NEW CASES</i></b>		
<b>18.</b>	<b>45-10-BZ</b>	<p>Sheldon Lobel, PC  <b>1413-1429 Edward L. Grant Highway, Bronx</b>                      Special Permit (§11-411 and §11-412) for the reinstatement of a Variance for the continued operation of a gasoline service station (<i>Getty</i>) which expired on June 23, 1986; Amendment to increase the size of the auto laundry; Extension of Time to obtain a Certificate of Occupancy. C1-4/R7-1 zoning district.  <b>Community Board #4BX</b>  <b>Examiner: Carlo Costanza (212) 788-8739</b>  <b>Status: Continued Hearing – 2/1/11</b></p>
<b>19.</b>	<b>128-10-BZ</b>	<p>Eric Palatnik, P.C.  <b>147-58 77<sup>th</sup> Road, Queens</b>                      Variance (§72-21) to permit proposed synagogue, religious school and Rabbi's residence (<i>Jewish Center of Kew Gardens</i>) contrary to floor area and lot coverage (§24-11), height, setback and sky exposure plane (§24-521), front yard (§24-34), side yards (§24-35), side setback (§24-551), and minimum distance between windows (§24-672 and §23-863). R4 zoning district.  <b>Community Board #8Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 2/15/11</b></p>
<b>20.</b>	<b>183-10-BZ</b>	<p>Rothkrug, Rothkrug &amp; Spector LLP  <b>873 Belmont Avenue, aka 240 Milford Street, Brooklyn</b>                      Variance (§72-21) for the construction of a detached two-story, two family residence, contrary to front yard (§23-45) and side yard requirements (§23-461). R5 zoning district.  <b>Community Board #5BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Continued Hearing – 2/1/11</b></p>

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