

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

## REGULAR MEETING

TUESDAY MORNING, FEBRUARY 9, 2010

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	405-01-BZ	Eric Palatnik, P.C. <b>1275 36<sup>th</sup> Street, Brooklyn</b> Extension of Time to Complete Construction of a previously granted Variance (§72-21) to construct a five-story school and synagogue (UG 3 & 4) which expired on November 12, 2006. R5/C2-3 zoning district. <b>Community Board #12BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 2/9/10</b>
2.	26-02-BZ	Walter T. Gorman, P.E. <b>1680 Richmond Avenue, Staten Island</b> Extension of Time to obtain a Certificate of Occupancy for a Gasoline Service Station ( <i>Mobil</i> ) which expires on January 28, 2010. C1-2/R3X zoning district. <b>Community Board #2SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 2/9/10</b>
3.	265-08-BZ	Herrick, Feinstein, LLP <b>70 Wyckoff Avenue, Brooklyn</b> Extension of Time to obtain a Certificate of Occupancy of a previously granted Variance (§72-21) for the legalization of residential units in a manufacturing building which expired on December 23, 2009. M1-1 zoning district. <b>Community Board #4BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 2/9/10</b>

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

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<b><i>SOC – NEW CASES</i></b>		
4.	74-49-BZ	Sheldon Lobel, P.C. <b>515 Seventh Avenue, Manhattan</b> Extension of Time to obtain a Certificate of Occupancy for an existing parking garage which expired on September 17, 2009; Waiver of the Rules. M1-6 (Garment Center) zoning district. <b>Community Board #5M</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 3/9/10</b>
5.	297-99-BZ	Walter T. Gorman, P.E. <b>45-05 Bell Boulevard, Queens</b> Extension of Time to obtain a Certificate of Occupancy for a Gasoline Service Station ( <i>Mobil</i> ) which expires on February 12, 2010. C2-2/R6-B zoning district. <b>Community Board #11Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 3/2/10</b>
6.	369-03-BZ	The Law Office of Fredrick A. Becker <b>99-01 Queens Boulevard, Queens</b> Amendment to a variance (§72-21) for a physical culture establishment ( <i>New York Sports Club</i> ) to change in the owner/operator, decrease floor area, modify days and hours of operation, and eliminate parking condition. C1-2/R7-1 zoning district. <b>Community Board #1Q</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Continued Hearing – 3/9/10</b>
7.	78-05-BZ	Sheldon Lobel, P.C. <b>264-15 77<sup>th</sup> Avenue, Queens</b> Extension of Time to Complete Construction of a previously granted Variance (§72-21) for proposed expansion of an existing synagogue which expired on September 20, 2009; Waiver of the Rules. R-2 zoning district. <b>Community Board #13Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 3/2/10</b>

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<i><b>DISMISSAL CASES</b></i>		
<b>8.</b>	<b>255-08-BZ &amp; 256-08-BZ</b>	NYC Board of Standards and Appeals Applicant: Eric Palatnik, P.C. <b>1994-1996 Madison Avenue, Manhattan</b> Dismissal for lack of prosecution of an application for a variance to allow residential buildings, contrary to lot area regulations. R7-2 zoning district. <b>Community Board #11M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Withdrawn – 2/9/10</b>

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<b><i>APPEALS – DECISIONS</i></b>		
9.	257-09-BZY thru 258-09-BZY	Gouranga C. Kundu <b>88-36, 88-38 144<sup>th</sup> Street, Queens</b> Extension of time (§11-332) to complete construction of a minor development commenced under the prior R6 Zoning District. R5 Zoning District. <b>Community Board #12Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 2/9/10</b>
10.	259-09-BZY thru 261-09-BZY	Gouranga C. Kundu <b>139-48 88<sup>th</sup> Road, 88-30 144<sup>th</sup> Street and 88-34 144<sup>th</sup> Street, Queens</b> Extension of time (§11-332) to complete construction of a minor development commenced under the prior R6 Zoning district. R5 Zoning District. <b>Community Board #12Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 2/9/10</b>

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### ***APPEALS – CONTINUED HEARINGS***

11.	199-09-A thru 213-09-A	Eric Palatnik, P.C. <b>165, 161, 159, 155, 153, 151, 149, 145, 143, 141, 137, 135, 131, 129, 127, Roswell Avenue, Staten Island</b> Proposed construction of 15, two-story, one family homes not fronting on a mapped street, contrary to General City Law Section 36. R3A /R3-2 Zoning District. <b>Community Board #2SI</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision – 2/23/10</b>
12.	217-09-A	Marvin B. Mitzner, Esq. <b>514-516 East 6<sup>th</sup> Street, Manhattan</b> An appeal seeking to vary the applicable provisions under the Multiple Dwelling Law as it applies to the enlargement of non- fireproof tenement buildings. R7-2 zoning district. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 4/13/10</b>
13.	265-09-A	Gary D. Lenhart <b>165 Ocean Avenue, Queens</b> Reconstruction and enlargement of an existing single family home and the upgrade of a private disposal system located within the bed of a mapped street, contrary to General City Law Section 35 and Department of Buildings Policy. R4 Zoning District. <b>Community Board #14Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 2/9/10</b>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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<b><i>APPEALS – NEW CASES</i></b>		
14.	249-09-A	Bryan Cave LLP <b>363 Lafayette, Manhattan</b> Appeal challenging Department of Building's determination that the permit for the subject premises expired and became invalid because the permitted work was not commenced within 12 months from the date of issuance, per Title 28, §28-105.9 of the Administrative Code. <b>Community Board #2M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Withdrawn – 2/9/10</b>
15.	300-09-A	Gary D. Lenhart <b>635 Highland Place, Queens</b> Reconstruction and enlargement of an existing single family dwelling and upgrade of an existing non conforming private disposal system located in the bed of a mapped street, contrary to General City Law Section 35 and Department of Buildings Policy. R4 zoning district. <b>Community Board #14Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 2/9/10</b>
16.	310-09-A	Gary D. Lenhart <b>14 State Road, Queens</b> 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. R4 zoning district. <b>Community Board #14Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 2/9/10</b>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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TUESDAY AFTERNOON, FEBRUARY 9, 2010  
1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
1.	195-07-BZ	Greenberg Traurig <b>8-12 Bond Street, Manhattan</b> 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. <b>Community Board #2M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Granted – 2/9/10</b>
2.	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: Reopened, Continued Hearing – 3/2/10</b>
3.	239-09-BZ	Kramer Levin Naftalis & Frankel LLP <b>238 Thompson Street/56 Washington Square South, Manhattan</b> Variance (§72-21) to allow for the development of a six-story community facility building ( <i>NYU Center for Academic and Spiritual Life</i> ), contrary to lot coverage (§24-11) and height and setback regulations (§§24-522, 33-431). R7-2/C1-5 and R7-2 Districts. <b>Community Board #2M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Granted – 2/9/10</b>

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<b>BZ – CONTINUED HEARINGS</b>		
4.	214-07-BZ	Sheldon Lobel, P.C. <b>3217 Irwin Avenue, Bronx</b> Variance (§72-21) to allow a public parking garage and increase the maximum permitted floor area in a mixed residential and community facility building, contrary to §22-10 and §24-162. R6 zoning district. <b>Community Board #8BX</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 3/23/10</b>
5.	220-08-BZ	Moshe M. Friedman <b>95 Taaffe Place, Brooklyn</b> Variance (§72-21) to permit the enlargement of a non-conforming one-family dwelling, contrary to §42-10. M1-1 zoning district. <b>Community Board #3BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Adjourned, Continued Hearing – 3/23/10</b>
6.	254-08-BZ	Eric Palatnik, P.C. <b>1214 East 15<sup>th</sup> Street, Brooklyn</b> Variance (§72-21) to legalize and enlarge a Yeshiva ( <i>Yeshiva Ohr Yitzchok</i> ) contrary to §42-11 (use regulations), §43-122 (floor area), §43-43 (wall height, number of stories, and sky exposure plane). §43-301 (required open area). M1-1D zoning district. <b>Community Board # 14BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 3/23/10</b>
7.	302-08-BZ	Rothkrug, Rothkrug & Spector LLP <b>4368 Furman Avenue, The Bronx</b> Variance (§72-21) to permit an existing semi-detached residential building, contrary to side yard regulations (§23-462) R5 district. <b>Community Board #12BX</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 3/16/10</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
8.	161-09-BZ	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: Closed, Decision – 3/9/10</b>
9.	214-09-BZ	Rothkrug, Rothkrug & Spector, LLP <b>1464 Astor Avenue, Bronx</b> Special Permit (§73-125) to allow for a 9,996 sq ft ambulatory diagnostic or treatment center which exceeds the 1,500 sq ft maximum allowable floor area set forth in ZR §22-14. R4-1 zoning district. <b>Community Board #11BX</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 3/16/10</b>
10.	235-09-BZ	Eric Palatnik, P.C. <b>162-25 112<sup>th</sup> Road, Queens</b> Variance (§72-21) to permit the development of a five-story not-for-profit residence for the elderly ( <i>Calvary Baptist Church</i> ). Proposal is contrary to floor area and open space §23-144), number of dwelling units (§23-221), height and setback (§23-631), side yards (§23-462 (a)), and parking (§25-23). R3-2 zoning district. <b>Community Board #12Q</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Granted – 2/9/10</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
11.	271-09-BZ	Sheldon Lobel, P.C. <b>132-40 Metropolitan Avenue, Queens</b> Special Permit (§73-36) to legalize the operation of an existing physical culture establishment ( <i>Planet Fitness</i> ) on the first, second, and third floors of an existing three-story building. C2-3 zoning district. <b>Community Board #9Q</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Adjourned, Continued Hearing – 3/16/10</b>
12.	307-09-BZ	Law Office of Fredrick A. Becker <b>1358-1360 East 28<sup>th</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of existing single family home, contrary to open space and floor area (§23-141); side yard (§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: Continued Hearing – 3/9/10</b>

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<b>BZ – NEW CASES</b>		
13.	270-09-BZ	Sheldon Lobel, P.C. <b>1910 Homecrest Avenue, Brooklyn</b> Variance (§72-21) for the construction of a single family home on a vacant corner lot, contrary to floor area (§23-141), side yards (§23-461) and front yard (§23-47). R4-1 zoning district. <b>Community Board #15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 3/16/10</b>
14.	273-09-BZ	Rothkrug Rothkrug & Spector LLP <b>117-40 125<sup>th</sup> Street, Queens</b> Variance (§72-21) for the construction of a two-story, one-family home, contrary to side yards (§23-461). R3-2 zoning district. <b>Community Board #10Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 3/16/10</b>
15.	329-09-BZ	Eric Palatnik, P.C. <b>26 Falmouth Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141). R3-1 zoning district. <b>Community Board #15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 3/2/10</b>
16.	2-10-BZ	Akerman Senterfitt LLP <b>310 East 14th Street, Manhattan</b> Special Permit (§73-641) to allow enlargement of a community facility ( <i>New York Eye and Ear Infirmary</i> ) within the required rear yard equivalent, contrary to §33-283. C1-6A/C1-7A zoning districts. <b>Community Board #2M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Closed, Decision – 3/2/10</b>

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