

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 12, 2010

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	615-57-BZ	<p>Sheldon Lobel, P.C.  <b>154-11 Horace Harding Expressway, Queens</b>                      Extension of Time to obtain a Certificate of Occupancy and waiver of the rules for a Gasoline Service Station (<i>Exxon</i>) which expired on January 22, 2009. C1-3/R5B zoning district.  <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 1/12/10</b></p>
2.	217-96-BZ	<p>Joseph P. Morsellino  <b>165-01 Northern Boulevard, Queens</b>                      Extension of Term of a previously granted Variance (§72-21) for the continued use of an existing car rental facility (<i>Enterprise</i>) with accessory outdoor storage of rental cars (UG 8) which expired on October 7, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on October 7, 1998; and Waiver of the Rules. C1-2/R-2 zoning district.  <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 1/12/10</b></p>
3.	195-99-BZ	<p>Eric Palatnik, P.C.  <b>112 Atlantic Avenue, Brooklyn</b>                      Extension of Term (§11-411) for the continued use of a Gasoline Service Station (<i>Shell</i>) which expires on November 10, 2009. R-6 zoning district.  <b>Community Board #6BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 1/12/10</b></p>
4.	136-01-BZ	<p>Eric Palatnik, P.C.  <b>11-11 44<sup>th</sup> Drive, Queens</b>                      Extension of Time to complete construction and obtain a Certificate of Occupancy for a Variance (§72-21) which permitted non-compliance in commercial floor area and rear yard requirements; Amendment to reduce amount of commercial floor area; Waiver of the Rules. M1-4/R7A (Hunters Point Subdistrict) zoning district.  <b>Community Board #2Q</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Granted – 1/12/10</b></p>

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<b><i>SOC – DECISIONS</i></b>		
5.	156-03-BZ	Steven M. Sinacori, Esq. <b>135-35 Northern Boulevard, Queens</b> Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the construction of a seventeen story mixed-use commercial/community facility/residential condominium building which expired on December 13, 2009. C2-2/R6 zoning district. <b>Community Board #7Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 1/12/10</b>
6.	197-05-BZ	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>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Granted – 1/12/10</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
7.	389-37-BZ	The Law Office of Fredrick A. Becker <b>31-08 -31-12 45<sup>th</sup> Street, Queens</b> Extension of Term (§11-411) of a previously granted Variance for the operation of a UG8 parking lot which expired on June 13, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on December 12, 2004 and Waiver of the Rules. R5/C1-2 zoning district. <b>Community Board#1Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Adjourned, Continued Hearing 2/23/10</b>
8.	75-95-BZ	The Law Office of Fredrick A. Becker <b>1635 Third Avenue, Manhattan</b> Extension of Term for a special permit (§73-36) which expired on January 28, 2006 for the operation of a Physical Culture Establishment ( <i>New York Sports Club</i> ); Waiver of the Rules. C2-8 zoning district. <b>Community Board #8M</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision – 2/2/10</b>
9.	5-96-BZ	Sheldon Lobel, P.C. <b>564/92 Saint John's Place, Brooklyn</b> 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. <b>Community Board #8BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Closed, Decision – 2/2/10</b>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, JANUARY 12, 2010  
10:00 A.M.

<b><i>SOC – NEW CASES</i></b>		
<b>10.</b>	<b>223-98-BZ</b>	<p>Andrea Claire/Peter Hirshman <b>51-59 Maujer Street aka 451-459 Lorimer Street, Brooklyn</b> Extension of Term of a previous variance that permits the operation of an automotive service station (UG 16B) which will expire on February 1, 2010; Amendment to allow used car sales (UG 16B); Extension of Time to obtain a Certificate of Occupancy which expired on June 10, 2003; Waiver of the Rules. R6B zoning district. <b>Community Board #1BK</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Continued Hearing – 3/16/10</b></p>
<b>11.</b>	<b>163-99-BZ</b>	<p>The Law Office of Fredrick A. Becker <b>503 Broadway, Manhattan</b> Extension of Term for a special permit (§73-36) which will expire on June 28, 2010 for the operation of a Physical Culture Establishment (<i>New York Sports Club</i>); Waiver of the Rules. M1-5B zoning district. <b>Community Board #2M</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Closed, Decision – 2/2/10</b></p>
<b>12.</b>	<b>405-01-BZ</b>	<p>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 &amp; 4) which expired on November 12, 2006. R5/C2-3 zoning district. <b>Community Board #12BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 2/9/10</b></p>
<b>13.</b>	<b>26-02-BZ</b>	<p>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></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 2/9/10</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>14.</b>	<b>265-08-BZ</b>	Richard Bass, 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: Closed, Decision – 2/9/10</b>

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## APPEALS – DECISIONS

15.	205-05-A	Gary D Lenhart, <b>47 Graham Place, Queens</b> Amendment of a previously granted General City Law Section 35 waiver to permit the construction of a single family home within the bed of a mapped street. R4 zoning district. <b>Community Board #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 1/12/10</b>
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## APPEALS – CONTINUED HEARINGS

16.	62-08-A	Eric Palatnik, P.C. <b>398 Nugent Street, Staten Island</b> Proposed construction not fronting on a legally mapped street, contrary to General City Law, Section 36. R1-2 zoning district. <b>Community Board #2SI</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing – 3/16/10</b>
17.	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: Continued Hearing – 2/9/10</b>
18.	245-09-BZY	Sheldon Lobel, P.C. <b>120 Adelphi Street, Brooklyn</b> Extension of time (§11-332) to complete construction of a minor development commenced under the prior R6 zoning district. R6B Zoning District. <b>Community Board #2BK</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision – 1/26/10</b>

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<b>APPEALS – NEW CASES</b>		
19.	249-09-A	Bryan Cave LLP <b>363 Lafayette, Manhattan</b> Appeal challenging Department of Building's determination that 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: Postponed, Public Hearing – 2/9/10</b>
20.	262-09-A	Joseph A. Sherry <b>711 Bayside Drive, Queens</b> Reconstruction and enlargement of an existing single family home not fronting on a mapped street, contrary to General City Law Section 36 and located within the bed of a mapped street (B204th 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 – 1/12/10</b>
21.	263-09-A	Joseph A. Sherry <b>28 Tioga Walk, Queens</b> Reconstruction and enlargement of an existing single family home not fronting on a mapped street, contrary to General City Law Section 36, and located within the bed of a mapped street (B216th), 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 – 1/12/10</b>

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## *APPEALS – NEW CASES*

22.	265-09-A	<p>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></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing – 2/2/10</b></p>
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1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>195-07-BZ</b>	<p>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: Deferred Decision – 1/26/10</b></p>
<b>2.</b>	<b>53-09-BZ</b>	<p>Harold Weinberg, P.E.  <b>540 Schenck Avenue, Brooklyn</b>                      Variance (§72-21) for the construction of a three-family home on a vacant undersized lot. This application seeks to vary floor area (§23-141); front yard (§23-45) side yard (§23-461) and parking (§25-161) in an R5 zoning district.  <b>Community Board #5BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 1/12/10</b></p>
<b>3.</b>	<b>164-09-BZ</b>	<p>Eric Palatnik, P.C.  <b>124 Irwin Street, Brooklyn</b>                      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.  <b>Community Board #15BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 1/12/10</b></p>
<b>4.</b>	<b>218-09-BZ</b>	<p>Jeffrey A. Chester  <b>57 Empire Boulevard, Brooklyn</b>                      Special Permit (§73-243) to allow an accessory drive-through facility to an eating and drinking establishment (<i>McDonald's</i>). C1-3/C8-2 zoning district.  <b>Community Board #1BK</b>  <b>Examiner: Carlo Costanza (212) 788-8739</b>  <b>Status: Granted – 1/12/10</b></p>

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<b><i>BZ – DECISIONS</i></b>		
5.	231-09-BZ	Kramer Levin Naftalis & Frankel <b>412-414 Greenwich Street, Manhattan</b> Variance (§72-21) to allow for the construction of a six-story mixed use building, contrary to use and parking regulations (ZR 42-10, 13-10). M1-5/TMU Special District. <b>Community Board #1M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Granted – 1/12/10</b>
6.	269-09-BZ	Dennis D. Dell'angelo, R.A. <b>1938 East 12<sup>th</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to lot coverage (§23-141); side yard (§23-461) and less than the required rear yard (§23-47) and the legalization of a prior one story enlargement at the front of the existing home. R-5 zoning district. <b>Community Board #15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 1/12/10</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
7.	<b>214-07-BZ</b>	<p>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></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Adjourned, Continued Hearing – 2/9/10</b></p>
8.	<b>160-08-BZ</b>	<p>Dominick Salvati and Son Architects  <b>651-671 Fountain Avenue, Brooklyn</b>                      Variance (§72-21) to permit the legalization of commercial storage of motor vehicles/buses (UG 16C) with accessory fuel storage and motor vehicles sales and repair (UG 16B), which is contrary to §22-00. R4 zoning district.  <b>Community Board #5BK</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Continued Hearing – 3/2/10</b></p>
9.	<b>187-08-BZ</b>	<p>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></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 2/9/10</b></p>
10.	<b>14-09-BZ</b>	<p>Eric Palatnik, P.C.  <b>2294 Forest Avenue, Staten Island</b>                      Special Permit (§73-211) to allow an automotive service station with an accessory convenience store and automotive laundry (UG 16B). C2-1/R3-2 zoning district.  <b>Community Board #1SI</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Continued Hearing – 3/9/10</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>11.</b>	<b>29-09-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>44 Brunswick Street, Staten Island</b>                      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.  <b>Community Board #2SI</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Continued Hearing – 2/23/10</b></p>
<b>12.</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></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Adjourned, Continued Hearing – 2/9/10</b></p>
<b>13.</b>	<b>214-09-BZ</b>	<p>Rothkrug, Rothkrug &amp; 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></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 2/9/10</b></p>
<b>14.</b>	<b>246-09-BZ</b>	<p>Sheldon Lobel, P.C.  <b>636 Louisiana Avenue, Brooklyn</b>                      Variance (§72-21) to allow for the construction of a four story assisted living facility (<i>Brooklyn Boulevard ALP</i>) contrary to floor area, dwelling units and parking regulations (§§ 23-141/62-321, 23-22, 25-23). R5 district.  <b>Community Board #18BK</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Closed, Decision – 2/2/10</b></p>

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## ***BZ – CONTINUED HEARINGS***

15.	247-09-BZ	Kramer Levin Naftalis and Frankel <b>123 East 55<sup>th</sup> Street, Manhattan</b>
		Variance (§72-21) to allow for expansion of the community house for the Central Synagogue (UG 4), contrary to floor area and height and setback regulations. (§§33-12, 81-211, 33-432). C5-2, C5-2.5 MiD zoning districts.
		<b>Community Board #5M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Closed, Decision – 2/23/10</b>

## ***BZ – NEW CASES***

16.	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: Closed, Decision – 2/9/10</b>
17.	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: Continued Hearing – 2/9/10</b>

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REGULAR MEETING

TUESDAY AFTERNOON, JANUARY 12, 2010

1:30 P.M.

<b><i>BZ – NEW CASES</i></b>		
18.	302-09-BZ	Harold Weinberg, P.E. <b>820 39<sup>th</sup> Street, Brooklyn</b> Special Permit pursuant (§73-50) to legalize an encroachment within 30-foot open area required at a rear lot line coincident with a residential zoning district boundary line (§43-302). M1-2 zoning district. <b>Community Board #12BK</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Closed, Decision – 1/26/10</b>
19.	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 – 2/9/10</b>

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

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