

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 26, 2010

10:00 A.M.

## *SOC – DECISIONS*

1.	826-86-BZ thru 828-86-BZ	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>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 1/26/10</b>
2.	140-92-BZ	The Law Office of Fredrick A. Becker <b>39-21 Crescent Street, Queens</b> Amendment of variance (§72-21) which allowed an enlargement of an existing school (UG 3). The amendment would further enlarge the school, contrary to height and setback (§43-43). M1-2/R5D & M1-2/R5B (Special Long Island City Mixed Use District). <b>Community Board #1Q</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Granted – 1/26/10</b>
3.	291-03-BZ	Stuart A. Klein, Esq. <b>1380 62<sup>nd</sup> Street, Brooklyn</b> Extension of term of a variance (§72-21) for construction of a new residential building; amendment to add increase the number of dwelling units, FAR, height and parking spaces. M1-1/R5B zoning districts. <b>Community Board #10BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Reopened, Continued Hearing – 3/16/10</b>

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## *SOC – CONTINUED HEARINGS*

4.	603-86-BZ	H. Irving Sigman PE <b>88-34 Parsons Boulevard, aka 88-26/34 Parsons Boulevard, Queens</b> Extension of Term for a Variance (§72-21) allowing the construction of retail stores (UG 6), which expired on September 8, 2007; Amendment to the accessory open parking area and refuse area and request to eliminate the term; Waiver of the Rules. R7A (Downtown Jamaica Special District) zoning district. <b>Community Board #12Q</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Adjourned, Continued Hearing – 3/2/10</b>
5.	813-87-BZ	The Law Office of Fredrick A. Becker <b>110 Boerum Place, Brooklyn</b> Extension of Term for a special permit (§73-36) which expired on April 12, 2008 for the operation of a Physical Culture Establishment ( <i>New York Sports Club</i> ); Waiver of the Rules. C2-3 (R6) zoning district. <b>Community Board#2BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Continued Hearing – 3/2/10</b>
6.	21-91-BZ	Sheldon Lobel, P.C. <b>2407-2417 Linden Boulevard, Brooklyn</b> Extension of Term (§72-01 & 72-22) of a previous variance that permits the operation of an automotive glass and mirror repair establishment (UG 7D) and used car sales (UG 16B) which expired on July 24, 2009; Waiver of the Rules. R5 zoning district. <b>Community Board #5BK</b>
		<b>Examiner: Carlo Costanza (212) 788-8739</b>
		<b>Status: Continued Hearing – 2/23/10</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>7.</b>	<b>75-00-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>60-69 Woodhaven Boulevard, Queens</b>                      Extension of Term of a previously granted Variance (§72-21) to permit a real estate office (UG6) in a residential district which expires on July 25, 2010; amendment to change use (within the same UG6 office use). R5 zoning district.  <b>Community Board #6Q</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision – 2/2/10</b></p>
<b>8.</b>	<b>208-03-BZ</b>	<p>Stuart A. Klein, Esq.  <b>255 Shell Road, Brooklyn</b>                      Extension of Term of a previously granted Variance (§72-21) for a UG9 catering hall which expired on October 19, 2009. R4/C1-2/M1-1 OP zoning district.  <b>Community Board #15BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Continued Hearing – 2/23/10</b></p>
<b>9.</b>	<b>311-04-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector  <b>380 Lighthouse Avenue, Staten Island</b>                      Amendment to a previously granted Variance (§72-21) for a proposed one family dwelling which is contrary to lot coverage (§105-33) and maximum height (§23-631) regulations. R1-2(NA-1) zoning district.  <b>Community Board #2SI</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision – 2/2/10</b></p>
<b>10.</b>	<b>196-08-BZ</b>	<p>Gage Parking Consultants  <b>792 Tenth Avenue/455 West 53<sup>rd</sup> Street, Manhattan</b>                      Amendment of a previous grant for public parking garage; amendment would enclose rooftop parking. C6-2 (Special Clinton District) zoning district.  <b>Community Board #4M</b>  <b>Examiner: Carlo Costanza (212) 788-8739</b>  <b>Status: Continued Hearing – 3/16/10</b></p>

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<i><b>SOC – NEW CASES</b></i>		
<b>11.</b>	<b>818-59-BZ</b>	<p>Akerman Senterfitt  <b>139 East 33<sup>rd</sup> Street, Manhattan</b>                      Extension of Term (§11-411) to permit the use of surplus parking spaces of an accessory garage to a multiple dwelling for transient parking which expired on July 6, 2001. C1-9 &amp; C6-1 zoning district.  <b>Community Board #5M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/23/10</b></p>
<b>12.</b>	<b>582-83-BZ</b>	<p>Carole S. Slater  <b>215 East 58th Street, Manhattan</b>                      Extension of Term for a previously granted Variance (72-21) to permit the conversion of an existing six story building for commercial use with retail stores on the ground floor which expired on January 10, 2004; Amendment to permit (UG6) use in the cellar and to eliminate the Term; Waiver of the Rules. R8B zoning district.  <b>Community Board #6M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/2/10</b></p>
<b>13.</b>	<b>62-96-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>200 Madison Avenue, Manhattan</b>                      Extension of Term of a previously granted Special Permit (§73-36) for the operation of a Physical Culture Establishment (<i>New York Sports Club</i>) which expired on February 4, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on January 10, 2007 and Waiver of the Rules. C5-2 zoning district.  <b>Community Board #5M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/23/10</b></p>

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<b><i>SOC – NEW CASES</i></b>		
14.	375-02-BZ	Moshe M. Friedman <b>1559 59<sup>th</sup> Street, Brooklyn</b> Amendment to a variance to modify plans for a house of worship and rectory; Extension of time to complete construction and obtain a Certificate of Occupancy. R5 zoning district. <b>Community Board #12BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 2/23/10</b>
15.	58-07-BZ	Eric Palatnik, P.C. <b>18-02 Clintonville, Brooklyn</b> Amendment to previously granted variance for a residential building to include two additional objections: dwelling unit size (§23-23) and side yard regulations (§23-461(a)). R3A zoning district. <b>Community Board #7BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Continued Hearing – 3/9/10</b>
16.	111-06-BZ	Sheldon Lobel, P.C. <b>136 Norfolk Street, Brooklyn</b> Application to reopen pursuant to court remand (Appellate Division) to revisit the findings of a Special Permit (§73-622) for the in-part legalization of an enlargement to a single family residence. This application seeks to vary open space and floor area (§23-141); side yard (§23-48) and perimeter wall height (§23-631) regulations. R3-1 zoning district. <b>Community Board# 15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 3/9/10</b>

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## *APPEALS – DECISIONS*

17.	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: Granted – 1/26/10</b>
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## *APPEALS – CONTINUED HEARINGS*

18.	315-08-A	Stuart A. Klein, Esq. <b>246 Spring Street, Manhattan</b> An appeal seeking the revocation of permits for a condominium hotel on the basis that the approved plans allow for exceedance of maximum permitted floor area. M1-6 zoning. <b>Community Board #2M</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Continued Hearing – 3/16/10</b>
19.	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: Closed, Decision – 2/9/10</b>
20.	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: Closed, Decision – 2/9/10</b>

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<b><i>APPEALS – NEW CASES</i></b>		
21.	300-08-A	Blank Rome LLP <b>39-35 27<sup>th</sup> Street, Queens</b> An appeal seeking a determination that the property owner has acquired a common law vested right to continue development under the prior M1-3 zoning district regulations. M1-2 /R5B zoning district. <b>Community Board #1Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 3/16/10</b>
22.	57-09-A thru 158-09-A	Eric Palatnik, P.C. <b>Maguire Woods, Santa Monica Lane, Woodrow, Staten Island</b> An appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior zoning district regulations. R3-2 (SSRD) zoning district. <b>Community Board #3SI</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 2/23/10</b>
23.	280-09-A	Kramer Levin Naftalis & Frankel, LLP <b>330 West 86<sup>th</sup> Street, Manhattan</b> Appeal challenging Department of Building's authority under the City Charter to interpret or enforce provisions of Article 16 of the General Municipal Law as it applies to the construction of a proposed 16 story+ penthouse. R10A Zoning district. <b>Community Board #7M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 3/9/10</b>

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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></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Deferred Decision – 2/9/10</b></p>
<b>2.</b>	<b>186-08-BZ</b>	<p>Petrus Fortune, P.E.  <b>3065 Atlantic Avenue, Brooklyn</b>                      Special Permit (§73-19) to allow the legalization and enlargement of a school (<i>Followers of Jesus Mennonite Church &amp; School</i>) in a former manufacturing building, contrary to ZR §42-10. M1-1 zoning district.  <b>Community Board #5BK</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Deferred Decision – 3/2/10</b></p>
<b>3.</b>	<b>180-09-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector  <b>1735 Richmond Avenue, Staten Island</b>                      Variance (§72-21) to allow for a commercial building (UG6) contrary to use regulations (§22-00). R3-1 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: Granted – 1/26/10</b></p>
<b>4.</b>	<b>302-09-BZ</b>	<p>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></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Granted – 1/26/10</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
5.	256-07-BZ	Rothkrug, Rothkrug & 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: Closed, Decision – 3/2/10</b>
6.	97-08-BZ	Eric Palatnik, P.C. <b>84 Sanford Street, Brooklyn</b> Special Permit (§73-19) to allow the legalization of an existing school ( <i>Central UTA</i> ) (UG 3). M1-1 district. <b>Community Board #3BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 3/2/10</b>
7.	197-08-BZ	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 (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. <b>Community Board #9BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 3/16/10</b>
8.	28-09-BZ	Moshe M. Friedman, P.E. <b>133 Taaffe Place, Brooklyn</b> Variance (§72-21) to permit a four-story residential building on a vacant lot, contrary to use regulations (§42-10). M1-1 zoning district. <b>Community Board #3BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Continued Hearing – 3/16/10</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
9.	43-09-BZ	<p>Harold Weinberg, P.E.  <b>198 Varet Street, Brooklyn</b>                      Special Permit (§73-19) to allow a school (<i>Southside Charter High School</i>) in a recently constructed building, contrary to use regulations. M1-2 district.  <b>Community Board #1BK</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Granted – 1/26/10</b></p>
10.	162-09-BZ	<p>Sheldon Lobel, P.C.  <b>30-33 Steinway Street, Queens</b>                      Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Planet Fitness</i>) in the cellar, first, and second floors in an existing two-story building; Special Permit (§73-52) to extend the C4-2A zoning district regulations 25 feet into the adjacent R5 zoning district. C4-2A/R5 zoning districts.  <b>Community Board # 1Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 2/23/10</b></p>
11.	264-09-BZ	<p>Moshe M. Friedman, P.E.  <b>927 Flatbush Avenue, Brooklyn</b>                      Special Permit (§73-36) to legalize the operation of an existing physical culture establishment (<i>Lucille Roberts</i>) on the second and third floors of a three-story commercial building. C4-4A zoning district.  <b>Community Board #14BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 2/23/10</b></p>
12.	292-09-BZ	<p>Martyn &amp; Don Weston  <b>9310-9333 Third Avenue, Brooklyn</b>                      Special Permit (§11-411, §11-413 &amp; §73-03) to reinstate previously granted variance which expired on December 7, 1999; amendment to change use from a gasoline service station (UG16B) to automotive repair establishment (UG16B); Waiver of the Boards Rules. C1-3/R6A &amp; R5B (Special Bay Ridge District).  <b>Community Board #10BK</b>  <b>Examiner: Carlo Costanza (212) 788-8739</b>  <b>Status: Continued Hearing – 2/23/10</b></p>

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### ***BZ – CONTINUED HEARINGS***

13.	293-09-BZ	Eric Palatnik, Esq. <b>2501 Avenue M, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing two family home to be converted into a single family home contrary to open space and floor area (23-141(a)). R-2 zoning district. <b>Community Board #8BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing – 2/23/10</b>

### ***BZ – NEW CASES***

14.	224-09-BZ	Sheldon Lobel, P.C. <b>218-51 aka 218-59 Hempstead Avenue, Queens</b> Special Permit (§73-52) to allow for accessory commercial parking to be located in the residential portion of a split zoning lot. C2-3/R3-2 and R3-2 zoning districts. <b>Community Board #13Q</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Withdrawn – 1/26/10</b>
15.	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: Continued Hearing – 2/9/10</b>

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<b><i>BZ – NEW CASES</i></b>		
<b>16.</b>	<b>248-09-BZ</b>	<p>Sheldon Lobel, P.C.  <b>3031 Bailey Avenue, The Bronx</b>                      Special Permit (§11-411 &amp; §11-412) for re-instatement of an automotive service station (UG16) which expired on July 24, 1991; Amendment to modify layout of the site; and Waiver of the Rules. R6 zoning district.  <b>Community Board #8BX</b></p> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/23/10</b></p>
<b>17.</b>	<b>281-09-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel LLP  <b>246 Spring Street, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>WTS International</i>) on the fifth and sixth floors in a recently constructed building. M1-6 zoning district.  <b>Community Board #2M</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Continued Hearing – 2/23/10</b></p>
<b>18.</b>	<b>311-09-BZ</b>	<p>Eric Palatnik, P.C.  <b>1092 East 22<sup>nd</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(a)), side yard (§23-461(a)) and less than the required rear yard (§23-47). R-2 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 – 3/2/10</b></p>

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