

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, JUNE 8, 2010  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	<b>336-98-BZ &amp; 337-98-BZ</b>	<p>Rothkrug, Rothkrug &amp; Spector LLP <b>312/18 &amp; 324/34 Flatbush Avenue, Brooklyn</b> Extension of Time to obtain a Certificate of Occupancy of a previously granted Special Permit (§73-36) for the operation of a Physical Culture Establishment (<i>Crunch Fitness</i>) which expired on February 11, 2010; waiver of the rules. C2-4 zoning district. <b>Community Board # 6BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 6/8/10</b></p>
2.	<b>7-00-BZ</b>	<p>Friedman &amp; Gotbaum <b>90 Lafayette Street, Manhattan</b> Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the enlargement of a UG3 non-profit homeless shelter (New York City Rescue Mission) which expired on March 11, 2009; waiver of the rules. C6-2A zoning district. <b>Community Board #1M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 6/8/10</b></p>
3.	<b>200-00-BZ</b>	<p>Eric Palatnik, P.C. <b>107-24 37th Avenue aka 37-16 108th Street, Queens</b> Extension of Term (§72-01 &amp; §72-22) of a variance (§72-21) to allow a physical culture establishment (Squash Fitness Center) to operate in a C1-4 zoning district, which will expire on July 17, 2011; Extension of Time to obtain a certificate of occupancy, which expired on January 28, 2010; Waiver of the Rules. <b>Community Board #3Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 6/8/10</b></p>
4.	<b>151-05-BZ</b>	<p>John R. Sore <b>100 Varick Street, Manhattan</b> Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the construction of a 10-story residential building which expires on August 8, 2010. M1-6 zoning district. <b>Community Board #2M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 6/8/10</b></p>

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

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<b>SOC – CONTINUED HEARINGS</b>		
<b>5.</b>	<b>887-54-BZ</b>	<p>Eric Palatnik, P.C. <b>218-01 Northern Boulevard, Queens</b> Extension of Term (§11-411) for the continued use of gasoline station (<i>British Petroleum</i>) with accessory convenience store (<i>7-Eleven</i>) which expires on September 23, 2010. C2-2/R6B 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 – 6/15/10</b></p>
<b>6.</b>	<b>834-60-BZ</b>	<p>Sheldon Lobel, P.C. <b>140 Vanderbilt Avenue, Brooklyn</b> Extension of Term for the continued use of a Gasoline Service Station (<i>Gulf</i>) with minor auto repairs which expired on March 7, 2006; Extension of Time to obtain a Certificate of Occupancy which expired on March 2, 2000; Amendment to legalize an accessory convenience store and Waiver of the Rules. C2-4/R-7A, R-5B zoning district. <b>Community Board #2BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 6/15/10</b></p>
<b>7.</b>	<b>11-93-BZ</b>	<p>Sheldon Lobel, P.C. <b>46-45 Kissena Boulevard aka 140-01 Laburnum Avenue, Queens</b> Extension of Term (§§11-411 &amp; §11-412) to allow the continued operation of an Eating and Drinking establishment (UG 6) which expired on March 15, 2004; Amendment to legalize alterations to the structure; Waiver of the Rules. C2-2 and R3-2 zoning districts. <b>Community Board #7Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Continued Hearing – 7/27/10</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>8.</b>	<b>280-98-BZ</b>	<p>Rampulla Associates Architects <b>2936 Hylan Boulevard, Staten Island</b> Extension of Term of a variance (§72-21) for the continued operation of a UG4 Dental Office which expired on February 8, 2010; Amendment to convert the basement garage into dental office floor area. R-2 zoning district. <b>Community Board #3SI</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 6/15/10</b></p>
<b>9.</b>	<b>201-01-BZ</b>	<p>Sheldon Lobel, P.C. <b>2591 Atlantic Avenue, Brooklyn</b> Extension of Term (§72-01 &amp; 72-22) of a previously approved variance permitting the operation of a automobile laundry, lubrication and accessory automobile supply store (UG16b); Amendment seeking to legalize changes and increase in floor area; and Waiver of the Rules. C4-1 zoning district. <b>Community Board #5BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Closed, Decision – 7/13/10</b></p>
<b>10.</b>	<b>111-06-BZ</b>	<p>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></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 7/13/10</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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<b><i>SOC – NEW CASES</i></b>		
<b>11.</b>	<b>589-31-BZ</b>	<p>Eric Palatnik, P.C. <b>159-02 Meyer Avenue, Queens</b> Amendment pursuant (§11-413) to permit the proposed change of use group from UG16 (Gasoline Service Station) to UG16 (Automotive Repair) with accessory used car sales. R3-2 zoning district. <b>Community Board #12Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 7/13/10</b></p>
<b>12.</b>	<b>739-76-BZ</b>	<p>Joseph P. Morsellino, Esq. <b>212-95 26<sup>th</sup> Avenue, Queens</b> Extension of Term for a UG15 Amusement Arcade (<i>Peter Pan Games</i>) which expired on April 10, 2010 and an Extension of Time to obtain a Certificate of Occupancy which expired on May 18, 2009. C4-1 zoning district. <b>Community Board #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 6/22/10</b></p>
<b>13.</b>	<b>242-02-BZ</b>	<p>Joseph Fullam <b>1 North Railroad Street, Staten Island</b> Amendment to a previously granted Variance (§72-21) for the construction of a two family residence contrary to parking requirement (§25-21) and (§25-622). R3X/SR zoning district. <b>Community Board #3SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 6/22/10</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
14.	43-08-A, 3-10-A & 4-10-A	<p>Akerman Senterfitt 144-25 Bayside Avenue and 29-45/29-46 145<sup>th</sup> Street, Queens Proposed construction in the bed of mapped street contrary to the General City Law Section 35. R2A zoning district. <b>Community Board #7Q</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Continued Hearing – 7/13/10</b></p>
15.	315-08-A	<p>Stuart A. Klein, Esq. 246 Spring Street, Manhattan An appeal seeking the revocation of permits for a condominium hotel on the basis that the approved plans allow for exceeding of maximum permitted floor area. M1-6 zoning. <b>Community Board #2M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Adjourned, Continued Hearing – 7/27/10</b></p>
16.	298-09-A	<p>Joseph A. Sherry 109 Beach 217<sup>th</sup> Street, Queens Reconstruction and 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></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 7/13/10</b></p>
17.	10-10-A	<p>Law Office of Fredrick A. Becker 1882 East 12<sup>th</sup> Street, Brooklyn Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior zoning district. R6 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Closed, Decision – 7/13/10</b></p>

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## *APPEALS – CONTINUED HEARINGS*

18.	23-10-A thru 26-10-A	Richard Bowers <b>39-39 223<sup>rd</sup> Street and 223-01/15/19 Mia Drive, Queens</b> Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior zoning district regulations. R1-2 zoning district. <b>Community Board #11Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision – 7/13/10</b>

## *APPEALS – NEW CASES*

19.	49-10-A thru 52-10-A	Rampulla Associates <b>28, 26, 22, 20 Winchester Avenue, Staten Island</b> Proposed construction of four single family homes not fronting on a mapped street, contrary to General City Law Section 36. R3-1 zoning district. <b>Community Board #3SI</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 6/8/10</b>

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TUESDAY AFTERNOON, JUNE 8, 2010  
1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>186-08-BZ</b>	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> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Granted – 6/8/10</b>
<b>2.</b>	<b>28-09-BZ</b>	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: Granted – 6/8/10</b>
<b>3.</b>	<b>162-09-BZ</b>	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: Granted – 6/8/10</b>
<b>4.</b>	<b>282-09-BZ</b>	Steven Williams, P.E. <b>54-19 Myrtle Avenue, Queens</b> Special Permit (§73-36) to legalize the operation of a physical culture establishment ( <i>Ritchie's Gym</i> ) on the third floor of a four-story commercial building. C4-3 zoning district. <b>Community Board #5Q</b> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Granted – 6/8/10</b>

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<b>5.</b>	<b>30-10-BZ</b>	<p>Law Office of Fredrick A. Becker <b>1384 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) and less than the required rear yard (§23-47). R-2 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 6/8/10</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>192-09-BZ</b>	<p>Sheldon Lobel, P.C. <b>912 Broadway, Brooklyn</b> Variance (§72-21) to allow for the construction of a department store (UG10), contrary to use regulations (§§22-00, 32-00). R6 and R6/C2-3 zoning districts. <b>Community Board #3BK</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 7/13/10</b></p>
<b>7.</b>	<b>254-09-BZ thru 256-09-BZ</b>	<p>Ivan F. Khoury <b>101/03/05 Astoria Boulevard aka 27-31 Kearney Street, Queens</b> Variance (§72-21) to legalize three existing homes, contrary to front yard (§23-45) and rear yard (§23-47) regulations. R3-2 zoning district. <b>Community Board #3Q</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 7/13/10</b></p>
<b>8.</b>	<b>270-09-BZ</b>	<p>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></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 6/22/10</b></p>

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<b>9.</b>	<b>297-09-BZ</b>	<p>Marvin B. Mitzner, Esq. <b>180 Ludlow Street, Manhattan</b> Variance (§72-21) to allow for the conversion of a recently constructed commercial building for residential use, contrary to rear yard regulations (§23-47). C4-4A zoning district. <b>Community Board #3M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Adjourned, Continued Hearing – 8/24/10</b></p>
<b>10.</b>	<b>13-10-BZ</b>	<p>Eric Palatnik, P.C. <b>79 Amherst Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing two -family home to be converted to a single family home, contrary to lot coverage and floor area (§23-141); side yards (§23-461) and rear yard (§23-47). R3-1 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Continued Hearing – 7/13/10</b></p>
<b>11.</b>	<b>34-10-BZ</b>	<p>James Chin &amp; Associates, LLC, <b>429 Broome Street, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>York Spa Beauty Care</i>) in the cellar and first floor of an existing five-story building. M1-5B zoning district. <b>Community Board #2M</b></p> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <p><b>Status: Closed, Decision – 7/13/10</b></p>

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<b>12.</b>	<b>92-08-BZ</b>	Juan D. Reyes, Esq. <b>13 Crosby Street, Manhattan</b> Variance (§72-21) to allow for Use Group 6 below the floor level of the second story in an existing building, contrary to use, rear yard and floor area regulations (§42-14, 43-12 and 43-26). M1-5B zoning district. <b>Community Board#4M</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 7/27/10</b>
<b>13.</b>	<b>40-10-BZ</b>	Sheldon Lobel, PC <b>150 Kenilworth Place, Brooklyn</b> Variance (§72-21) to allow for an existing building to be converted for commercial use, contrary to §22-10. C4-4A/R5B zoning district. <b>Community Board #14BK</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 7/13/10</b>
<b>14.</b>	<b>48-10-BZ</b>	Rampulla Associates <b>2965 Veterans Road West, Staten Island</b> Special Permit (§73-36) to allow a physical culture establishment ( <i>Retro Fitness</i> ). M1-1 zoning district/Special South Richmond District. <b>Community Board #3SI</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 7/13/10</b>
<b>15.</b>	<b>59-10-BZ</b>	Sheldon Lobel, P.C. <b>519 Eighth Avenue, Manhattan</b> Special Permit (73-36) to allow a physical culture establishment ( <i>Luxe Den Salon &amp; Spa</i> ). M1-6/C6-4M zoning district. <b>Community Board #4M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Continued Hearing – 7/27/10</b>

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