

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 26, 2010

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	826-86-BZ thru 828-86-BZ	<p>Eric Palatnik, P.C.  <b>269-10, 270-10, 271-10 Grand Central Parkway, Queens</b>                      Extension of Time to obtain a Certificate of Occupancy which expired on July 26, 2010 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>). R3-2 zoning district  <b>Community Board #13Q</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 10/26/10</b></p>
2.	33-99-BZ	<p>Rothkrug, Rothkrug &amp; Spector  <b>630 5<sup>th</sup> Avenue, Manhattan</b>                      Extension of Term of a Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (<i>The Sports Club/LA</i>) which expired on January 11, 2010; waiver of the rules. C5-3(MID) zoning district.  <b>Community Board #5M</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 10/26/10</b></p>
3.	369-05-BZ	<p>Eric Palatnik, P.C.  <b>908 Clove Road, Staten Island</b>                      Extension of Time to Complete Construction of a previously approved Variance (§72-21) to construct a four-story multiple dwelling which expires on October 17, 2010. R3-2(HS) zoning district.  <b>Community Board #1SI</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Granted – 10/26/10</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
4.	395-60-BZ	<p>Sheldon Lobel, P.C.  <b>2557-2577 Linden Boulevard, Brooklyn</b>                      Extension of Time to obtain a Certificate of Occupancy for a previously granted Automotive Repair Shop and Convenience Store use which expired on May 17, 2010. R-5 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 – 11/9/10</b></p>
5.	914-86-BZ	<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></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 11/23/10</b></p>
6.	855-87-BZ	<p>Glen V. Cutrona, AIA  <b>15 Irving Place, Staten Island</b>                      Amendment to a previously granted Variance (§72-21) to remove the term for a (UG16) warehouse with (UG6) offices on the mezzanine level. R3A zoning district.  <b>Community Board #1SI</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 11/9/10</b></p>
7.	26-94-BZ	<p>Rampulla Associates, AIA  <b>141 Mansion Avenue, Staten Island</b>                      Extension of Term of a Special Permit (§73-242) for a (UG6) eating and drinking establishment which expires on June 6, 2011. C3A (SSRD) zoning district.  <b>Community Board #3SI</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Closed, Decision – 11/9/10</b></p>

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<b>8.</b>	<b>214-00-BZ</b>	<p>Harold Weinberg  <b>2777 Plumb 2<sup>nd</sup> Street, Brooklyn</b>                      Extension of Time to obtain a Certificate of Occupancy for a Special Permit (§73-242) for an eating and drinking establishment; Extension of Term; Amendment to the site plan; and Waiver of the Rules. C3 zoning district  <b>Community Board #15BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Closed, Decision – 11/16/10</b></p>

<b><i>SOC – NEW CASES</i></b>		
<b>9.</b>	<b>1493-61-BZ</b> <b>1495-61-BZ</b> <b>1497-61-BZ</b> <b>1499-61-BZ</b> <b>1501-61-BZ</b>	<p>Bryan Cave, LLP  <b>415, 425, 435, 445, 455 West 23<sup>rd</sup> Street, aka 420, 430, 440, 450, 460 West 24<sup>th</sup> Street, Manhattan</b>                      Extension of Term (§11-411) for transient parking in a multiple dwelling building which expired on February 27, 2002; waiver of the rules. R8A zoning district.  <b>Community Board #4M</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 11/23/10</b></p>
<b>10.</b>	<b>273-03-BZ</b> thru <b>285-03-BZ</b>	<p>Sheldon Lobel, P.C  <b>211-51/49/45/43/41/54/52/50/48/46/44/42 94<sup>th</sup> Road, Queens</b>                      Extension of Time to Complete Construction of a previously granted Variance (§72-21) for proposed two-story, semi-detached two-family residences which expired on December 7, 2008; waiver of the rules. R2, R3-2/C1-2 zoning district.  <b>Community Board #13Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 11/23/10</b></p>

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<b><i>DISMISSAL CASES</i></b>		
<b>11.</b>	<b>242-09-A</b>	NYC Board of Standards and Appeals Applicant: Slater & Beckerman <b>75, 77-81 First Avenue, Manhattan</b> Dismissal for Lack of Prosecution – Appeal seeking a common law vested right to continue construction commenced under the prior R7-2/C2-5 Zoning district. R7-A/C2-5 Zoning District. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Withdrawn – 10/26/10</b>

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<b><i>APPEALS – DECISIONS</i></b>		
12.	274-09-A	Fire Department of New York <b>3920 Merritt Avenue aka 3927 Mulvey Avenue, Bronx</b> Application to modify Certificate of Occupancy to require automatic wet sprinkler system throughout the entire building. <b>Community Board #12BX</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 12/7/10</b>
13.	123-10-A & 124-10-A	Fire Department of the City of New York <b>3931 &amp; 3927 Mulvey Avenue, The Bronx</b> Application to modify Certificate of Occupancy to require automatic wet sprinkler system throughout the entire building. <b>Community Board #12BX</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Continued Hearing – 12/7/10</b>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>14.</b>	<b>137-08-A thru 139-08-A</b>	<p>Philip L. Rampulla  <b>50, 55, 60 Blackhorse Court, Staten Island</b>                      Proposed construction of a one-family residence within the bed of a legally mapped street, contrary to General City Law Section 35. R1-2 zoning district.  <b>Community Board #2SI</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Continued Hearing – 11/9/10</b></p>
<b>15.</b>	<b>237-09-A &amp; 238-09-A</b>	<p>Rothkrug Rothkrug &amp; Spector  <b>81, 85 Archwood Avenue, aka 5219 Amboy Road,                      Staten Island</b>                      Proposed construction in the bed of a mapped street, contrary to General City Law Section 35. R3X zoning district.  <b>Community Board #3SI</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 11/23/10</b></p>
<b>16.</b>	<b>113-10-BZY</b>	<p>Rothkrug Rothkrug &amp; Spector  <b>30-86 36<sup>th</sup> Street, Queens</b>                      Extension of time (§11-331) to complete construction of a minor development commenced under the prior R6 zoning. R5B zoning district.  <b>Community Board #1Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <hr/> <p><b>Status: Closed, Decision – 11/23/10</b></p>

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10:00 A.M.

<b>APPEALS – NEW CASES</b>		
17.	116-10-BZY	<p>Ackerman Senterfitt <b>35-16 Astoria Boulevard, Queens</b> Extension of time (§11-331) to complete construction of a minor development commenced under the prior R6 zoning district. R6B zoning district. <b>Community Board #1Q</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Continued Hearing – 11/23/10</b></p>
18.	132-10-A	<p>Adam Leitman Bailey, P.C. <b>105 West 72<sup>nd</sup> Street, Manhattan</b> Appeal challenging Department of Buildings determination not to reinstate revoked permits and approval based on failure to provide owner authorization in accordance with Section 28-104.8.2 of the Administrative Code. C4-6A zoning district. <b>Community Board #6M</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Closed, Decision – 12/7/10</b></p>
19.	133-10-A	<p>Deidre Duffy, P.E. <b>20 Suffolk Walk, 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></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Granted – 10/26/10</b></p>
20.	139-10-A	<p>Gary D. Lenhart, R.A. <b>29 Roosevelt Walk, Queens</b> Proposed reconstruction and enlargement of an existing single family home not fronting a mapped street, contrary to General City Law 36, and proposed upgrade of an existing non-conforming private disposal system partially in the bed of a service road, contrary to Buildings Department policy. R4 zoning district. <b>Community Board #14Q</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Granted – 10/26/10</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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TUESDAY AFTERNOON, OCTOBER 26, 2010  
1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
1.	173-09-BZ	<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></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Deferred Decision – 11/23/10</b></p>
2.	267-09-BZ & 268-09-BZ	<p>NYC Department of Housing Preservation &amp; Development <b>1155-75 East Tremont Avenue, (aka 1160 Lebanon Street) and 1157-67 East 178<sup>th</sup> Street, (aka 1176 East Tremont Avenue), Borough of Bronx</b> Variance (§72-21) to permit one eight-story residential building and two 10-story mixed-use buildings with residential and ground floor retail use, contrary to use regulations (§42-00). M1-1 zoning district. <b>Community Board #6BX</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Granted – 10/26/10</b></p>
3.	297-09-BZ	<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 style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Withdrawn – 10/26/10</b></p>
4.	108-10-BZ	<p>Roberts Organization (LRNC Myrtle Avenue NY LLC) <b>54-32 Myrtle Avenue, Queens</b> Special Permit (§73-36) to legalize the operation of a physical culture establishment (<i>Lucille Roberts</i>) in an existing two-story building. C4-3 zoning district. <b>Community Board #5Q</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Granted – 10/26/10</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>126-10-BZ</b>	<p>Sheldon Lobel, P.C.  <b>856 Remsen Avenue, Brooklyn</b>                      Special Permit (§73-36) to allow the operation of the proposed physical culture establishment (<i>Canarsie Fitness</i>) in a two-story building under construction. M1-1 zoning district.  <b>Community Board #18BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Granted – 10/26/10</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>251-09-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector  <b>130-34 Hawtree Creek Road, Queens</b>                      Variance (§72-21) to permit the development of a two-story community facility (<i>Bethany Church</i>). The proposal is contrary to §§ 24-34 (front yard) and 25-31 (parking). R3-2 zoning district.  <b>Community Board #10Q</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Closed, Decision – 11/23/10</b></p>
<b>7.</b>	<b>305-09-BZ</b>	<p>Davidoff Malito &amp; Hutcher, LLP  <b>110-04 Atlantic Avenue, Queens</b>                      Variance (§72-21) to permit the enlargement of an existing community facility building (<i>South Queens Boys &amp; Girls Club</i>) contrary to floor area (§33-121) and height (§33-431). C2-2/R5 zoning district.  <b>Community Board #9Q</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <hr/> <p><b>Status: Continued Hearing – 11/23/10</b></p>
<b>8.</b>	<b>6-10-BZ</b>	<p>Sheldon Lobel, P.C.  <b>2147 Mill Avenue, Brooklyn</b>                      Variance (§72-21) to allow for legalization of an enlargement of a commercial building, contrary to §22-00. R2 zoning district.  <b>Community Board #18BK</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <hr/> <p><b>Status: Continued Hearing – 12/7/10</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
9.	29-10-BZ	Sheldon Lobel, P.C. <b>22-32/36 31<sup>st</sup> Street, Queens</b> Special Permit (§73-52) to allow for an outdoor eating and drinking establishment within a residential district. C1-2 and R5 zoning districts. <b>Community Board #1Q</b> <b>Examiner: Ronald Rizzotti (212) 788-8781</b> <b>Status: Continued Hearing – 12/7/10</b>
10.	43-10-BZ	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> <b>Examiner: Rory Levy (212) 788-8749</b> <b>Status: Continued Hearing – 11/23/10</b>
11.	89-10-BZ	Francis R. Angelino, Esq. <b>53 Mercer Street, Manhattan</b> Variance (§72-21) to allow for a commercial use below the floor level of the second story, contrary to §§42-14(D)(2)(b). M1-5B zoning district. <b>Community Board #2M</b> <b>Examiner: Ronald Rizzotti (212) 788-8781</b> <b>Status: Closed, Decision – 11/23/10</b>
12.	92-10-BZ	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: Adjourned, Continued Hearing – 11/9/10</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>13.</b>	<b>101-10-BZ</b>	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>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 12/14/10</b>

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<b><i>BZ – NEW CASES</i></b>		
<b>14.</b>	<b>68-10-BZ</b>	Eric Palatnik, P.C. <b>80-15 Lefferts Boulevard, Queens</b> Variance (§72-21) to allow a commercial building, contrary to use regulations (§22-00). R5 zoning district. <b>Community Board #9Q</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 12/7/10</b>
<b>15.</b>	<b>117-10-BZ</b>	Law Office of Fredrick A. Becker <b>1954 East 14<sup>th</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to side yards (§23-461) and less than the required rear yard (§23-47). R5 zoning district. <b>Community Board #15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 11/16/10</b>
<b>16.</b>	<b>134-10-BZ</b>	Slater & Beckerman <b>107 Union Street, Brooklyn</b> Variance (§72-21) to allow a residential building, contrary to floor area (§43-12), height (§43-43), and use (§42-10) regulations. M1-1 zoning district. <b>Community Board#6BK</b>
		<b>Examiner: Ronald Rizzotti (212) 788-8781</b>
		<b>Status: Continued Hearing – 12/7/10</b>
<b>17.</b>	<b>148-10-BZ</b>	Eric Palatnik, P.C. <b>1559 East 29<sup>th</sup> Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, lot coverage and open space (§23-141), side yards (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district. <b>Community Board #15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Closed, Decision – 11/23/10</b>

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