

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, APRIL 5, 2011  
10:00 A.M.

| <i><b>SOC – DECISIONS</b></i> |           |   |
|-------------------------------|-----------|---|
| 1.                            | 881-59-BZ | <p>Dorothy Ames<br/><b>15 Vandam Street, Manhattan</b><br/>Extension of Term (§11-411) for the continued use of a theatre (<i>Sobo Playhouse</i>) which expires on April 11, 2011. R6 zoning district.<br/><b>Community Board #2M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/5/11</b></p>   |
| 2.                            | 198-00-BZ | <p>C. Anthony LoPresti<br/><b>4641 Hylan Boulevard, Staten Island</b><br/>Extension of Term of a Special Permit (§73-125) for the conversion of a portion of the first floor community facility to medical offices, which expired on December 12, 2010. R1-2 zoning district.<br/><b>Community Board #3SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/5/11</b></p>   |
| 3.                            | 122-06-BZ | <p>Sheldon Lobel, P.C<br/><b>2671 86<sup>th</sup> Street, Brooklyn</b><br/>Extension of Time to Complete Construction of a Variance (§72-21) for the enlargement of an existing medical office building and the construction of residences, which expired on February 6, 2011. R5 and C2-3/R5 zoning district.<br/><b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Granted – 4/5/11</b></p>   |
| 4.                            | 215-09-BZ | <p>Law Office of Fredrick A. Becker<br/><b>92-16 95<sup>th</sup> Avenue, Queens</b><br/>Extension of Time to obtain a Certificate of Occupancy, which expired on May 17, 2010, for a previously approved amendment (§§11-411 &amp; 11-413) which permitted a change of use from a wholesale (Use Group 7) to a retail (Use Group 6) use on the ground floor of a three-story building; Waiver of the Rules. R5 zoning district.<br/><b>Community Board #9Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Granted – 4/5/11</b></p> |

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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| <b><i>SOC – CONTINUED HEARINGS</i></b> |                  |   |
|--|------------------|---|
| <b>5.</b>                              | <b>516-75-BZ</b> | <p>Tarter Krinsky &amp; Drogin, LLP<br/><b>330 East 61<sup>st</sup> Street aka 328 East 61<sup>st</sup> Street, Manhattan</b><br/>Amendment of a bulk variance (§72-21) for a building occupied by a Physical Culture Establishment (<i>The Sports Club/LA</i>). The amendment proposes an increase in PCE floor area and a change operator; Extension of Term which expired on October 17, 2010; Extension of Time to obtain a Certificate of Occupancy which expired on October 17, 2002; and Waiver of the Rules. C8-4 zoning district.<br/><b>Community Board #8M</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Closed, Decision – 5/3/11</b></p> |
| <b>6.</b>                              | <b>866-85-BZ</b> | <p>Rothkrug, Rothkrug &amp; Spector, LLP<br/><b>2338 Cambreleng Avenue, Bronx</b><br/>Extension of Term of a Variance (§72-21) for a UG8 open parking lot and storage of motor vehicles which expired on May 12, 2007; Extension of Time to obtain a Certificate of Occupancy which expired on November 23, 2000; Waiver of the Rules. R7-1 zoning district.<br/><b>Community Board #6BX</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/3/11</b></p>   |
| <b>7.</b>                              | <b>216-97-BZ</b> | <p>Moshe M. Friedman<br/><b>1384 Carroll Street, aka 352 Kingston Avenue, Brooklyn</b><br/>Amendment to a special permit (§73-125) to enlarge UG4 medical offices within the cellar of an existing four-story residential building. R-2 zoning district.<br/><b>Community Board #9BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 5/3/11</b></p>   |

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| <b><i>SOC – NEW CASES</i></b> |           |  |
|-------------------------------|-----------|--|
| 8.                            | 435-74-BZ | <p>Eric Palatnik, P.C.<br/><b>552 Midland Avenue, Staten Island</b><br/>Extension of Term of a Variance (§72-21) for the continued operation of an automotive repair center which expired on January 14, 2011; waiver of the rules. R3-1 zoning district.<br/><b>Community Board #2SI</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/3/11</b></p>  |
| 9.                            | 273-00-BZ | <p>Mitchell Ross<br/><b>3 West 33<sup>rd</sup> Street, Manhattan</b><br/>Extension of Term of a Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (<i>Spa Sol</i>) which expires on February 13, 2011; Amendment to legalize interior layout/increase in number of treatment rooms. C6-4 zoning district.<br/><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: Continued Hearing – 5/3/11</b></p> |
| 10.                           | 427-05-BZ | <p>Eric Palatnik, P.C.<br/><b>133-47 39<sup>th</sup> Avenue, Queens</b><br/>Extension of Time to complete construction for a Special Permit (§73-44) to permit a retail, community facility and office development with less than the required parking which expired on March 20, 2011. C4-2 zoning district.<br/><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: Closed, Decision – 5/10/11</b></p>                                   |

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| <b><i>APPEALS – DECISIONS</i></b> |                 |  |
|-----------------------------------|-----------------|--|
| <b>11.</b>                        | <b>837-85-A</b> | <p>Angelo F. Liarkos, R.A.<br/><b>166-18 73<sup>rd</sup> Avenue, Queens</b><br/>Extension of term to allow the continued operation of a medical office (UG4) in an existing frame structure which expired on December 17, 2010. R2 Zoning District.<br/><b>Community Board #8Q</b></p> <p style="text-align: right;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="text-align: right;"><b>Status: Granted – 4/5/11</b></p> |
| <b>12.</b>                        | <b>189-10-A</b> | <p>Bracewell &amp; Giuliani, LLP<br/><b>127-131 West 25<sup>th</sup> Street, Manhattan</b><br/>Appeal challenging the Department of Buildings’ interpretation that the proposed use is a transient hotel. M1-6 zoning district.<br/><b>Community Board #4M</b></p> <p style="text-align: right;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="text-align: right;"><b>Status: Denied – 4/5/11</b></p>                      |

| <b><i>APPEALS – NEW CASES</i></b> |                                       |   |
|-----------------------------------|---------------------------------------|---|
| <b>13.</b>                        | <b>200-10-A<br/>thru<br/>205-10-A</b> | <p>Sheldon Lobel, P.C.<br/><b>1359, 1361, 1365 &amp; 1367 Davies Road, Queens</b><br/>Appeal seeking a common law vested right to continue construction commenced under the prior R5 zoning district. R4-1 zoning district.<br/><b>Community Board #14Q</b></p> <p style="text-align: right;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="text-align: right;"><b>Status: Continued Hearing – 5/10/11</b></p>  |
| <b>14.</b>                        | <b>221-10-A</b>                       | <p>Robert W. Cunningham, R.A.<br/><b>123 87<sup>th</sup> Street, Brooklyn</b><br/>An appeal challenging a determination by Department of Buildings that owner authorization is needed from the adjacent property owner in order to perform construction at the site in accordance with Section 28-104.8.2 of the Administrative Code. R3-1 zoning district.<br/><b>Community Board #10BK</b></p> <p style="text-align: right;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="text-align: right;"><b>Status: Closed, Decision – 5/3/11</b></p> |

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, APRIL 5, 2011

1:30 P.M.

| <b><i>BZ – DECISIONS</i></b> |                         |  |
|------------------------------|-------------------------|--|
| 1.                           | 194-09-BZ               | <p>Sheldon Lobel, P.C.<br/> <b>2113 Utica Avenue, 2095-211 Utica Avenue, Brooklyn</b><br/>                     Variance to allow the construction of a four story mixed use building contrary to floor area (§23-141), open space (§23-141), lot coverage (§23-141), front yard (§23-45), height (§23-631), open space used for parking (§25-64) and parking requirements (§25-23); and to allow for the enlargement of an existing commercial use contrary to §22-10. R3-2 zoning district.<br/> <b>Community Board #18BK</b><br/> <b>Examiner: Ronald Rizzotti (212) 788-8781</b><br/> <b>Status: Granted – 4/5/11</b></p> |
| 2.                           | 192-10-BZ               | <p>Vincent L. Petrarò, PLLC<br/> <b>39-16 College Point Boulevard, Queens</b><br/>                     Special Permit (§73-66) to allow for a waiver of height restrictions around airports. C4-2 zoning district.<br/> <b>Community Board #7Q</b><br/> <b>Examiner: Ronald Rizzotti (212) 788-8781</b><br/> <b>Status: Granted – 4/5/11</b></p>   |
| 3.                           | 193-10-BZ               | <p>Vincent L. Petrarò, PLLC<br/> <b>35-27 Prince Street, Queens</b><br/>                     Special Permit (§73-66) to allow for a waiver of height restrictions around airports. C4-3 zoning district.<br/> <b>Community Board #7Q</b><br/> <b>Examiner: Ronald Rizzotti (212) 788-8781</b><br/> <b>Status: Granted – 4/5/11</b></p>   |
| 4.                           | 226-10-BZ/<br>606-75-BZ | <p>Rothkrug Rothkrug &amp; Spector LLP<br/> <b>405/42 Hudson Street, Manhattan</b><br/>                     Special Permit (§73-36) to allow a Physical Culture Establishment (<i>Equinox Fitness</i>) on the first, ninth and tenth floors of an existing 10-story mixed-use building; Amendment to a prior variance (§72-21) to reflect the proposed establishment. M1-5 zoning district.<br/> <b>Community Board #2M</b><br/> <b>Examiner: Rory Levy (212) 788-8749</b><br/> <b>Status: Granted – 4/5/11</b></p>  |

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| 5.                                    | 189-09-BZ/<br>190-09-A | <p>Eric Palatnik, P.C.<br/> <b>3067 Richmond Terrace, Staten Island</b><br/>                     Variance (§72-21) and waiver to the General City Law Section 35 to permit the legalization of an existing mosque and Sunday school (<i>Nor Al-Islam Society</i>), contrary to use and maximum floor area ratio (§§42-00 and 43-12) and construction with the bed of a mapped street. M3-1 zoning district.<br/> <b>Community Board #1SI</b><br/> <b>Examiner: Rory Levy (212) 788-8749</b><br/> <b>Status: Closed, Decision – 5/10/11</b></p>  |
| 6.                                    | 304-09-BZ              | <p>Stuart A. Klein, Esq.<br/> <b>81-111 Junius Street, Brooklyn</b><br/>                     Variance (§72-21) to allow the erection of a ten-story, mixed-use community facility (<i>Women In Need</i>) and commercial building, contrary to floor area (§42-00, 43-12 and 43-122), height and sky exposure plane (§43-43), and parking (§44-21). M1-4 zoning district.<br/> <b>Community Board #16BK</b><br/> <b>Examiner: Rory Levy (212) 788-8749</b><br/> <b>Status: Closed, Decision – 5/10/11</b></p>  |
| 7.                                    | 95-10-BZ               | <p>Law Office of Fredrick A. Becker<br/> <b>2216 Quentin Road, Brooklyn</b><br/>                     Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (§23-141); side yard (§23-461 and less than the required rear yard (§23-47). R3-2 zoning district.<br/> <b>Community Board #15BK</b><br/> <b>Examiner: Henry Segovia (212) 788-8757</b><br/> <b>Status: Continued Hearing – 5/10/11</b></p>   |
| 8.                                    | 118-10-BZ              | <p>Eric Palatnik, P.C.<br/> <b>2102/24 Avenue Z, aka 2609/15 East 21<sup>st</sup> Street, Brooklyn</b><br/>                     Reinstatement (§11-411 &amp; §11-413) of an approval permitting the operation of an automotive service station (UG 16B), with accessory uses, which expired on December 9, 2003; amendment to legalize a change in use from automotive service station to automotive repair, auto sales and hand car washing. R4 zoning district.<br/> <b>Community Board #15BK</b><br/> <b>Examiner: Carlo Costanza (212) 788-8739</b><br/> <b>Status: Continued Hearing – 5/10/11</b></p> |

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| 9.                           | <b>227-09-BZ</b> | <p>Gerald J. Caliendo, R.A.<br/> <b>100-14 Roosevelt Avenue, Queens</b><br/>                     Variance (§72-21) to allow a two-story commercial building, contrary to use regulations (§22-10). R6B zoning district.<br/> <b>Community Board #4Q</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/17/11</b></p>   |
| 10.                          | <b>236-09-BZ</b> | <p>Marvin Mitzner, Esq.<br/> <b>140-148 West 28<sup>th</sup> Street, Manhattan</b><br/>                     Variance (§72-21) to allow for a 29 story mixed use commercial and residential building contrary to use regulations (§42-00), floor area (§43-12), rear yard equivalent (§43-28), height (§43-43), tower regulations (§43-45) and parking (§13-10). M1-6 zoning district.<br/> <b>Community Board #5M</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/24/11</b></p> |
| 11.                          | <b>9-11-BZ</b>   | <p>Sheldon Lobel, P.C.<br/> <b>2129A-39A White Plains Road, a/k/a 2129-39 White Plains Road, a/k/a 626-636 Lydig Avenue, Bronx</b><br/>                     Special Permit (§73-36) to permit the operation of the proposed physical culture establishment (<i>Planet Fitness</i>). C4-4 zoning district.<br/> <b>Community Board #11BX</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/10/11</b></p>   |

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