

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 11, 2011

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>200-24-BZ</b>	<p>Stephen Ely  <b>3030 Jerome Avenue, Bronx</b>                      Extension of Term (§11-411) for the continued operation of a UG6 bookstore and distribution center which expired on September 23, 2010. R8/C8-2 zoning district.  <b>Community Board #7BX</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 1/11/11</b></p>
<b>2.</b>	<b>575-37-BZ</b>	<p>Carl A. Sulfaro, Esq.  <b>60-93 Flushing Avenue, Queens</b>                      Extension of Term (§11-411) for the continued operation of a gasoline service station (<i>Gulf</i>) which expired on February 14, 2008; waiver of the Rules. C1-3/R5B zoning district.  <b>Community Board #5Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 1/11/11</b></p>
<b>3.</b>	<b>74-49-BZ</b>	<p>Sheldon Lobel, P.C.  <b>515 Seventh Avenue, Manhattan</b>                      Extension of Time to obtain a Certificate of Occupancy for an existing parking garage which expired on September 17, 2009; Waiver of the Rules. M1-6 (Garment Center) 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: Granted – 1/11/11</b></p>
<b>4.</b>	<b>15-99-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>217 Broadway, Manhattan</b>                      Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>New York Sports Club</i>) which expired on June 15, 2009; waiver of the rules. C5-3 (LM) zoning district.  <b>Community Board #1M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 1/11/11</b></p>

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<b>5.</b>	<b>43-99-BZ</b>	<p>Carl A. Sulfaro, Esq.  <b>88-02 Northern Boulevard, Queens</b>                      Extension of Term of a Special Permit (§73-243) for the continued operation of a drive-thru accessory to an eating and drinking establishment (<i>White Castle</i>) which expired on December 7, 2009; Waiver of the Rules. C1-2/R4 zoning district.  <b>Community Board #3Q</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Granted – 1/11/11</b></p>

<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>132-58-BZ</b>	<p>Sheldon Lobel, P.C.  <b>17-45 Francis Lewis Boulevard aka 17-55 Francis Lewis Boulevard, Queens</b>                      Extension of Term (§11-411) of a previously approved automotive service station (UG 16B) (<i>Gulf</i>) with accessory uses which expired on June 18, 2010. C1-2/R3-2 zoning district.  <b>Community Board #7Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Continued Hearing – 2/8/11</b></p>
<b>7.</b>	<b>230-98-BZ</b>	<p>Mitchell S. Ross, Esq.  <b>5820 Bay Parkway, Brooklyn</b>                      Extension of Term of a previously granted Variance (§72-21) for an automotive repair shop and car sales which expired on June 22, 2010. R-5 zoning district.  <b>Community Board #12BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing – 2/1/11</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>8.</b>	<b>276-02-BZ</b>	<p>Eric Palatnik, P.C.  <b>160 Norfolk Street, Brooklyn</b>                      Extension of Time to Complete Construction and an Amendment to a previously approved Special Permit (§73-622) to an existing one family dwelling, contrary to lot coverage and floor area (§23-141) and side yard (§23-461). 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: Continued Hearing – 2/15/11</b></p>

<b><i>SOC – NEW CASES</i></b>		
<b>9.</b>	<b>1095-64-BZ</b>	<p>Garo Gumusvan, R.A.  <b>605 Park Avenue, Manhattan</b>                      Extension of Term of an approval pursuant to the Multiple Dwelling Law for transient parking spaces, which expired on March 9, 1980. R8B/R-10 zoning district.  <b>Community Board#4M</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Closed, Decision 2/1/11</b></p>
<b>10.</b>	<b>433-65-BZ</b>	<p>Andrea Claire/Peter Hirshman  <b>15 West 72<sup>nd</sup> Street, Manhattan</b>                      Extension of Term of an approval pursuant to the Multiple Dwelling Law for transient parking, which expired on June 22, 2010. R8B/R10A zoning district.  <b>Community Board #7M</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 2/8/11</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>11.</b>	<b>749-65-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1820 Richmond Road, Staten Island</b>                      Extension of Term of a previously granted Variance (§72-21) for the continued operation of a UG16 Gasoline Service Station (<i>Getty</i>) with accessory uses which expired on November 3, 2010; Extension of Time to obtain a Certificate of Occupancy which expired on December 19, 2002; Waiver of the Rules. R3X zoning district.  <b>Community Board #2SI</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Continued Hearing – 2/8/11</b></p>
<b>12.</b>	<b>119-07-BZ</b>	<p>Sheldon Lobel, P.C.  <b>443 39<sup>th</sup> Street, Brooklyn</b>                      Extension of Time to obtain a Certificate of Occupancy of a previously granted Variance (§72-21) permitting a four-story community facility building (UG4A) which expires on January 27, 2011. M1-2 zoning district.  <b>Community Board #7BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision 2/1/11</b></p>
<b>13.</b>	<b>238-07-BZ</b>	<p>Goldman Harris LLC  <b>5-11 47<sup>th</sup> Avenue, Queens</b>                      Amendment of a previously approved Variance (§72-21) to permit a residential/commercial building and community facility/dormitory building. The amendment will divide the project into two separate buildings and allow the construction and occupancy of one building prior to the construction and occupancy of the other. M-4/R6A (LIC) and M1-4 zoning districts.  <b>Community Board #2Q</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Closed, Decision 2/15/11</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
14.	114-10-BZY & 115-10-BZY	<p>Nikolaos Sellas  <b>26-58 &amp; 26-60 30<sup>th</sup> Street, Queens</b>                      Extension of time (§11-331) to complete construction of a major 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: Granted – 1/11/11</b></p>
15.	274-09-A	<p>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></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Granted – 1/11/11</b></p>
16.	123-10-A & 124-10-A	<p>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></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Granted – 1/11/11</b></p>
17.	121-10-A	<p>Rothkrug, Rothkrug &amp; Spector  <b>25-50 Francis Lewis Boulevard aka 166-43 168th Street, Queens</b>                      An appeal challenging the Department of Buildings determination that a demolition permit signoff was required before issuance of an alteration permit, as per BC 28-105.3 of the NYC Building Code. R2A zoning district.  <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Toni Matias (212) 788-8752</b></p> <p style="color: red;"><b>Status: Denied – 1/11/11</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>18.</b>	<b>153-10-A</b>	Eric Palatnik, P.C. <b>101-01 39<sup>th</sup> Avenue, Queens</b> Proposed construction of a three story, five family residential building located within the bed of a mapped street (101 <sup>st</sup> Street), contrary to General City Law Section 35. R5 Zoning District. <b>Community Board #3Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 1/11/11</b>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>19.</b>	<b>116-10-BZY</b>	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> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Adjourned, Continued Hearing – 3/1/11</b>

<b><i>APPEALS – NEW CASES</i></b>		
<b>20.</b>	<b>216-10-A</b>	Kramer Levin Naftalis & Frankel LLP <b>1466 Broadway, Manhattan</b> Appeal pursuant to Section 310(2) of the Multiple Dwelling Law seeking to vary the court requirements under Section 26 of the Multiple Dwelling Law to permit the hotel conversion of an existing commercial building. C6-7 Zoning District. <b>Community Board #5M</b> <b>Examiner: Ronald Rizzotti (212) 788-8781</b> <b>Status: Closed, Decision 2/1/11</b>

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<b><i>DISMISSAL CALENDARS</i></b>		
<b>21.</b>	<b>212-10-A</b>	NYC Board of Standards and Appeals Applicant: Marvin Mitzner <b>96 Greenwich Street, Manhattan</b> Dismissal for lack of Jurisdiction - Appeal of a determination by the Department of Buildings that an engineer's report violated Building Code Section 28.211.1. (False Statements). C6-9M Zoning District. <b>Community Board #1M</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Dismissed – 1/11/11</b>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>98-08-BZ</b>	<p>Gerald J. Caliendo  <b>583 Franklin Avenue, Brooklyn</b>                      Variance (§72-21) to allow a four-story residential building containing four (4) dwelling units, contrary to use regulations (§42-00). M1-1 district.  <b>Community Board #8BK</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <hr/> <p><b>Status: Granted – 1/11/11</b></p>
<b>2.</b>	<b>107-10-BZ</b>	<p>Akerman Senterfitt  <b>12-24 149<sup>th</sup> Street, Queens</b>                      Variance (§72-21) to allow for a community facility use (<i>Associazione Sacchese D’America</i>), contrary to side yard regulations (§24-35). R2 zoning district.  <b>Community Board #7Q</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <hr/> <p><b>Status: Granted – 1/11/11</b></p>
<b>3.</b>	<b>179-10-BZ</b>	<p>Sheldon Lobel, P.C.  <b>249 Duffield Street, Brooklyn</b>                      Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment (<i>Planet Fitness</i>). C6-4 zoning district.  <b>Community Board #2BK</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Granted – 1/11/11</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
4.	24-09-BZ	<p>Sheldon Lobel, PC.  <b>78-10 164th Street, Queens</b>                      Variance to allow the enlargement of a community facility (<i>Meadow Park Rehabilitation and Health Care Center</i>), contrary to floor area, lot coverage (§24-11), front yard (§24-34), height (§24-521) and rear yard (§24-382) regulations. R3-2 district.  <b>Community Board #8Q</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Adjourned, Continued Hearing – 2/8/11</b></p>
5.	304-09-BZ	<p>Stuart A. Klein, Esq.  <b>81-111 Junius Street, Brooklyn</b>                      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.  <b>Community Board #16BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 3/1/11</b></p>
6.	309-09-BZ	<p>Harold Weinberg, P.E.  <b>2173 65th Street, Brooklyn</b>                      Variance (§72-21) to allow a mixed use building, contrary to lot coverage (§23-145), side yard (§35-541) and height (§35-542) regulations. R6A/C2-3 zoning district.  <b>Community Board #11BK</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Continued Hearing – 2/15/11</b></p>
7.	35-10-BZ	<p>Sheldon Lobel, P.C.  <b>144-11 77th Avenue, Queens</b>                      Variance (§72-21) to permit the legalization of an existing synagogue (<i>Congregation Torath Haim Obel Sara</i>), contrary to front yard (§24-34), side yard (§24-35) and rear yard (§24-36). R4 zoning district.  <b>Community Board #8Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Adjourned, Continued Hearing – 2/1/11</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
8.	47-10-BZ	<p>Eric Palatnik, P.C.  <b>895 Zerega Avenue aka 2352 Story Avenue, The Bronx</b>                      Variance (§72-21) to allow a manufacturing use in a residential district, contrary to ZR 22-00. M1-1/R3-2 zoning district.  <b>Community Board #9BX</b></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 2/15/11</b></p>
9.	95-10-BZ	<p>Law Office of Fredrick A. Becker  <b>2216 Quentin Road, Brooklyn</b>                      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.  <b>Community Board#15BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Adjourned, Continued Hearing – 4/5/11</b></p>
10.	130-10-BZ	<p>Sheldon Lobel, P.C.  <b>1153 85<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141) and perimeter wall height (§23-631) regulations. R3X zoning district.  <b>Community Board #10BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Adjourned, Continued Hearing – 2/1/11</b></p>
11.	134-10-BZ	<p>Slater &amp; 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></p> <p><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 2/8/11</b></p>

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<b>12.</b>	<b>149-10-BZ</b>	<p>Eric Palatnik, P.C.  <b>1415 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 and lot coverage (§23-141); side yard (§23-461) and less than the minimum rear yard (§23-47). R2 zoning district.  <b>Community Board #14BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Continued Hearing – 2/15/11</b></p>
<b>13.</b>	<b>150-10-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1124 East 26<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) for the legalization of the enlargement of an existing single family home, contrary to floor area (23-141); side yard (§23-461) and rear yard regulations (§23-47). R2 zoning district.  <b>Community Board #14BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <hr/> <p><b>Status: Closed, Decision – 2/1/11</b></p>
<b>14.</b>	<b>175-10-BZ</b>	<p>Sheldon Lobel, P.C.  <b>3400 Baychester Avenue, Bronx</b>                      Special Permit (§11-411) for an Extension of Term of a previously approved Automotive Service Station (UG 16B) which expired on December 18, 2001; Extension of Time to obtain a certificate of occupancy which expired on September 21, 1994; Waiver of the Rules of Practice and Procedures. R4 zoning district.  <b>Community Board#12BX</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Continued Hearing – 3/1/11</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>15.</b>	<b>31-10-BZ</b>	<p>Eric Palatnik, P.C.  <b>85-15 Queens Boulevard aka 51-35 Reeder Street, Queens</b>                      Variance (§72-21) to allow for a commercial building, contrary to use (§22-00), lot coverage (§23-141), front yard (§23-45), side yard (§23-464), rear yard (§33-283), height (§23-631) and location of uses within a building (§32-431) regulations. C1-2/R6, C2-3/R6, C1-2/R7A, R5 zoning districts.  <b>Community Board #4Q</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Continued Hearing – 3/15/11</b></p>
<b>16.</b>	<b>127-10-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>45 Coleridge Street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space, lot coverage (§23-141), exceeds the maximum perimeter wall height (§23-631) and less than the required rear yard (§23-47). R3-1 zoning district.  <b>Community Board #15BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Continued Hearing – 2/8/11</b></p>
<b>17.</b>	<b>173-10-BZ</b>	<p>Nasir J. Khanzada  <b>65-06 Fresh Pond Road, Queens</b>                      Special Permit (§73-30) to legalize the operation of a physical culture establishment (<i>Olympia Spa</i>). C2-4/R6B zoning district.  <b>Community Board #5Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 2/8/11</b></p>

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