

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, AUGUST 14, 2012

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	292-55-BZ	<p>Alfonso Duarte 239-15 Jamaica Avenue, Queens Extension of Term (§11-411) for the continued operation of an Automotive Service Station (GULF) which expired on April 10, 2011; Waiver of the Rules. R3-2 zoning district. Community Board #13Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 8/14/12</p>
2.	579-78-BZ	<p>Alfonso Duarte 236-238 East 58th Street, Manhattan Extension of Term of a previously-approved variance (§72-21) which permitted retail use on a portion of the first floor and cellar of an existing six story multiple dwelling, which expired on January 30, 2004; Waiver of the Rules. R8B zoning district. Community Board #6M</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 8/14/12</p>
3.	51-06-BZ	<p>Sheldon Lobel, P.C. 188-02/22 Union Turnpike, Queens Amendment of a variance (§72-21) which permitted a Physical Culture Establishment and a dance studio (Use Group 9), contrary to use regulations. The amendment seeks to enlarge the floor area of the PCE; Extension of Time to obtain a Certificate of Occupancy which expired on May 25, 2011; Waiver of the Rules. C1-2/R2 zoning district. Community Board #8Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 8/14/12</p>
4.	294-06-BZ	<p>Goldman Harris LLC 31-11 Broadway, Queens Amendment of a previously approved special permit (§73-36) which permitted the operation of a physical culture establishment (<i>Club Fitness</i>) on the second and third floors in a three-story building. C2-2 zoning district. Community Board #1Q</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted – 8/14/12</p>

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<i>SOC – CONTINUED HEARINGS</i>		
5.	39-65-BZ	<p>Eric Palatnik, P.C. 2701-2711 Knapp Street and 3124-3146 Voochries Avenue, Brooklyn Amendment of a previously-approved variance (§72-01) to convert repair bays to an accessory convenience store at a gasoline service station (<i>Sunoco</i>); Extension of Time to obtain a Certificate of Occupancy, which expired on January 11, 2000; and Waiver of the Rules. C3 zoning district. Community Board #15BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Adjourned, Continued Hearing – 9/25/12</p>
6.	365-79-BZ	<p>Phillips Nizer LLP 90-02 Queens Boulevard, Queens Amendment of a variance (§72-21) which allowed a hospital to be built contrary to bulk regulations. The amendment would convert the hospital building to commercial, community facility and residential uses. R6/C1-2 zoning district. Community Board #4Q</p> <p style="color: green;">Examiner: Ronald Rizzotti (212) 788-8781</p> <p style="color: red;">Status: Closed, Decision – 9/25/12</p>
7.	406-82-BZ	<p>Eric Palatnik, P.C. 2411 86th Street, Brooklyn Extension of Time to obtain a Certificate of Occupancy for a previously-approved special permit (§73-243) for an eating and drinking establishment (<i>McDonald's</i>) with accessory drive-thru, which expired on May 3, 2012. C1-3/R5 zoning district. Community Board #11BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Closed, Decision – 9/11/12</p>
8.	25-89-BZ	<p>Phillips Nizer LLP 58-04 Hoffman Drive, Queens Amendment of a variance (§72-21) which allowed for an accessory parking garage to be built for a hospital. The amendment seeks to permit the accessory parking to be used for community facility, commercial and residential uses. R6B zoning district. Community Board #4Q</p> <p style="color: green;">Examiner: Ronald Rizzotti (212) 788-8781</p> <p style="color: red;">Status: Closed, Decision – 9/25/12</p>

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<i>SOC – NEW CASES</i>		
9.	68-94-BZ	<p>Troutman Sanders, LLP 2100 Bartow Avenue, Bronx Extension of Time to obtain a certificate of occupancy for a previously granted special permit (§73-36) for the continued operation of a physical culture establishment (<i>Bally's Total Fitness</i>) on the first and second floors of the Co-Op City Bay Plaza Shopping Center which expired on June 16, 2012; Waiver of the Rules.C4-3/M1-1 zoning district. Community Board #10BX Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/11/12</p>
10.	53-01-BZ	<p>Sheldon Lobel, P.C. 6 West 48th Street, Manhattan Extension of Term of a previously granted special permit (73-36) for the continued operation of a physical culture establishment (<i>Silver Star Spa</i>) in a portion of the first and cellar floors of an existing commercial building which expired on July 10, 2010; Waiver of the Rules. C5-3/C6-4,5 (MID) zoning district. Community Board #5M Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/11/12</p>
11.	164-07-BZ	<p>Rothkrug Rothkrug & Spector LLP 280 Marsh Avenue (The Crossings @ Staten Island Mall), Staten Island Amendment of a previously approved special permit (§73-36) which permitted the operation of a physical culture establishment (<i>Massage Envy</i>). The amendment seeks to enlarge the use. C4-1 district. Community Board #2SI Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 9/11/12</p>

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<i>APPEALS – DECISIONS</i>		
12.	83-11-A	<p>Marvin B. Mitzner, Esq. 159 West 78th Street, Manhattan</p> <p>Appeal pursuant to §310 of the Multiple Dwelling Law (MDL) to allow for a one-story enlargement of a four-story building, contrary to Multiple Dwelling Law §171(2)(f). R8B zoning district.</p> <p>Community Board #7M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 8/14/12</p>

<i>APPEALS – CONTINUED HEARINGS</i>		
13.	80-11-A 84-11-A 85-11-A 103-11-A	<p>Marvin B. Mitzner, Esq. 331, 333, 335, 329 East 9th Street, Manhattan</p> <p>Appeals pursuant to §310 of the Multiple Dwelling Law (MDL) to allow for enlargement to a five-story building, contrary to MDL §§ 51, 143, 146, 148 and 149. R8B zoning district.</p> <p>Community Board #3M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 9/11/12</p>
14.	46-12-A	<p>Eric Palatnik, P.C. 4215 Park Avenue, Bronx</p> <p>Application to permit a mixed use development located partially within the bed of a mapped but unbuilt street (East Tremont Avenue), contrary to General City Law Section 35. C4-5X/R7X zoning district</p> <p>Community Board #6BX</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 9/25/12</p>

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<i>APPEAL – NEW CASES</i>		
15.	172-11-A	Rothkrug Rothkrug & Spector, LLP 119-43 197th Street, Queens Appeal seeking determination that the owner of the property has acquired a common law vested right to complete construction under the prior R3-2 zoning. R3A zoning district. Community Board #12Q Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 9/11/12
16.	21-12-A	Rothkrug Rothkrug & Spector, LLP 55 Louise Lane, Staten Island Proposed construction of an accessory swimming pool partially within the bed of a mapped street, contrary to General City Law Section 35. R1-2 (NA-1) Zoning District. Community Board #2SI Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 9/11/12
17.	146-12-A	Gary Lenhart, R.A. 15 Beach 220th Street, Queens Proposed alteration and enlargement of an existing single family dwelling not fronting a mapped street, contrary to Section 36 of the General City Law, and the proposed upgrade of the existing non-conforming private disposal system partially in the bed of the service road, contrary to Building Department policy. R4 zoning district. Community Board #14Q Examiner: Toni Matias (212) 788-8752 Status: Granted – 8/14/12

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1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	193-11-BZ	<p>Eric Palatnik, P.C. 215 Exeter Street, Brooklyn Special Permit (§73-622) for an enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141(b)); side yard (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 8/14/12</p>
2.	70-12-BZ	<p>Francis R. Angelino, Esq. 78 Franklin Street, Manhattan Special Permit (§73-36) for the operation of a physical culture establishment (<i>Aqua Studio NY LLC</i>). C6-2A zoning districts. Community Board #1M Examiner: Rory Levy (212) 788-8749 Status: Granted – 8/14/12</p>
3.	87-12-BZ	<p>Troutman Sanders, LLP 1720-28 Sheepshead Bay Road, Brooklyn Special Permit (§73-36) to permit the continued operation of the existing physical culture establishment (<i>Bally Total Fitness</i>). C2-2/R4 zoning district. Community Board #15BK Examiner: Rory Levy (212) 788-8749 Status: Granted – 8/14/12</p>

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<i>BZ – CONTINUED HEARINGS</i>		
4.	147-11-BZ	<p>Sheldon Lobel, P.C. 24-47 95th Street, Queens Variance (§72-21) to permit the construction of a single-family, semi-detached residence, contrary to floor area (§23-141) and side yard (§23-461) regulations. R3-2 zoning district. Community Board #3Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 9/11/12</p>
5.	165-11-BZ	<p>Sheldon Lobel, P.C. 1561 50th Street, Brooklyn Variance (§72-21) to enlarge an existing Use Group 4A house of worship (<i>Agudath Israel Youth of Boro Park</i>) for an educational center on proposed third and fourth floors and to legalize two interior balconies, contrary to rear yard (§24-36) and lot coverage (§24-11) regulations. R6 zoning district. Community Board #12BK</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 9/11/12</p>
6.	10-12-BZ	<p>Rothkrug Rothkrug & Spector, LLP 114-01 95th Avenue, Queens Variance (§72-21) to permit the legalization of an existing cellar and two story, two-family detached dwelling, contrary to front yard (§23-45) and side yard (§23-461) regulations. R5 zoning district. Community Board #9Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 9/11/12</p>
7.	65-12-BZ	<p>Lewis E. Garfinkel 1140 East 28th Street, Brooklyn Special Permit (§73-622) for the enlargement of existing single family home, contrary to floor area and open space (§23-141(a)); side yard (§23-461(a)) and less than the required rear yard (§23-47). R2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 9/11/12</p>

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8.	80-12-BZ	Rothkrug Rothkrug & Spector LLP 140 East 63rd Street, Manhattan Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>SoulCycle</i>). C1-8X and R8B zoning districts. Community Board #8M <hr/> Examiner: Rory Levy (212) 788-8749 <hr/> Status: Continued Hearing – 9/11/12
9.	104-12-BZ	Sheldon Lobel, P.C. 178-21 & 179-19 Hillside Avenue, Queens Re-instatement (§11-411) of a previously approved variance which expired on May 20, 2000 which permitted accessory retail parking on the R5 portion of a zoning lot; Extension of Time to obtain a Certificate of Occupancy which expired on April 11, 1994; Waiver of the Rules. C2-4/R6A and R5 zoning district. Community Board #8Q <hr/> Examiner: Carlo Costanza (212) 788-8739 <hr/> Status: Continued Hearing – 9/25/12

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<i>BZ – NEW CASES</i>		
10.	66-12-BZ	<p>Bryan Cave LLP 223-237 St. Nicholas Avenue, aka 305 W. 121st Street and W. 122nd Street, Manhattan</p> <p>Variance (§72-21) to permit a new mixed-use building containing a FRESH Program food store, a preschool and 164 residential units, contrary to use (§22-10), lot coverage (§24-11) and parking (§25-23) regulations. R7A,R8A/C2-4 zoning districts.</p> <p>Community Board #10M</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Continued Hearing – 9/25/12</p>
11.	73-12-BZ	<p>Jeffrey Chester, Esq. 41-19 Bell Boulevard, Queens</p> <p>Application for a special permit to legalize an existing physical culture establishment (<i>Lucille Roberts</i>). C2-2 zoning district.</p> <p>Community Board #11Q</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 9/25/12</p>
12.	160-12-BZ	<p>Rothkrug Rothkrug & Spector LLP 820 Concourse Village West, Bronx</p> <p>Special Permit to allow a physical culture establishment (<i>Blink</i>) within existing commercial building. C8-3 zoning district.</p> <p>Community Board #4BX</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 9/11/12</p>
13.	163-12-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 435 East 30th Street, Manhattan</p> <p>Variance (§72-21) to permit the development of a new biomedical research facility on the main campus of the NYU Langone Medical Center, contrary to rear yard equivalent, height, lot coverage, and tower coverage (§§24-382, 24-522, 24-11, 24-54) regulations. R8 zoning district.</p> <p>Community Board #6M</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Closed, Decision – 9/25/12</p>

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