

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, AUGUST 21, 2012
10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|---|
| 1. | 718-56-BZ | <p>Walter T. Gorman, P.E. 741 Forest Avenue, Staten Island Extension of Term (§11-411) of a previously approved variance permitting the operation of an automotive service station (UG 16B) with accessory uses which will expire on July 2, 2012. C2-1/R3-2 zoning district. Community Board #1SI Examiner: Carlo Costanza (212) 788-8739 Status: Granted – 8/21/12</p> |
| 2. | 69-91-BZ | <p>The Law Office of Fredrick A. Becker 49-61 West 62nd Street, Manhattan Extension of Term of a previously granted special permit (§73-36) for the continued operation of a physical culture establishment (<i>New York Sports Club</i>) which expired on November 26, 2012; an Amendment for a decrease in floor area; Waiver of the Rules. C4-7 (L) zoning district. Community Board #7M Examiner: Henry Segovia (212) 788-8757 Status: Granted – 8/21/12</p> |
| 3. | 71-93-BZ | <p>Paul F. Bonfilio 153-01 Bayside Avenue, Queens Amendment of a variance (§72-21) to allow a 243 sq. ft. addition to an existing house, contrary to front yard (§23-45(a)); floor area and lot coverage (§23-141(b)) requirements. R2A zoning district. Community Board #7Q Examiner: Henry Segovia (212) 788-8757 Status: Granted – 8/21/12</p> |
| 4. | 128-10-BZ | <p>Eric Palatnik, P.C. 147-58 77th Road, 150th Street and 77th Road, Queens Amendment to previously approved variance (§72-21) for a synagogue. Amendment would allow increased non-compliance in building height (§24-521), floor area (§24-11) and lot coverage (§24-11) regulations. R4 zoning district. Community Board #8Q Examiner: Rory Levy (212) 788-8749 Status: Granted – 8/21/12</p> |

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| <i>SOC – CONTINUED HEARINGS</i> | | |
|--|--------------------------|--|
| 5. | 311-71-BZ | <p>Eric Palatnik, P.C. 1907 Crospey Avenue, Brooklyn Amendment (§11-412) to permit the conversion of automotive service bays to an accessory convenience store of an existing automotive service station (Sunoco); Extension of Time to obtain a Certificate of Occupancy which expired July 13, 2000; waiver of the rules. R-5 zoning district. Community Board #11BK Examiner: Henry Segovia (212) 788-8757 Status: Adjourned, Continued Hearing – 9/25/12</p> |
| 6. | 301-85-BZ | <p>Francis R. Angelino, Esq. 58 East 86th Street, Manhattan Amendment of a variance (§72-21) which permitted limited retail use in the ground floor and cellar retail within a five story and penthouse residential building. The amendment seeks to expand the uses conditioned by the Board to include other retail (UG 6) uses. R10 (PI) zoning district. Community Board #8M Examiner: Carlo Costanza (212) 788-8739 Status: Closed, Decision – 10/16/12</p> |
| 7. | 336-98-BZ & 337-98-BZ | <p>Rothkrug, Rothkrug & Spector LLP 312/18 & 324/34 Flatbush Avenue, Brooklyn Extension of Time to obtain a certification of occupancy for a special permit (§73-36) for a physical culture establishment (<i>Crunch Fitness</i>), which expired on June 8, 2011. C2-4 zoning district. Community Board # 6BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/11/12</p> |
| 8. | 72-04-BZ | <p>Eric Palatnik, P.C. 141-54 Northern Boulevard, Queens Extension of Term (§11-411) of a previously granted variance which permitted the construction and maintenance of an automotive service station (UG 16B) with accessory uses which expired on June 3, 2010; Waiver of the Rules. R6/C1-2 zoning district. Community Board #7Q Examiner: Carlo Costanza (212) 788-8739 Status: Closed, Decision – 9/25/12</p> |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|------------------|---|
| 9. | 302-01-BZ | <p>Greenberg Traurig 2519-2525 Creston Avenue, Bronx Extension of Term of a previously granted variance (§72-21) for the continued operation of a parking facility accessory to commercial use which expired on April 23, 2012; Extension of Time to obtain a Certificate of Occupancy which expired on July 10, 2012. R8 zoning district. Community Board #3BX Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 9/25/12</p> |
| 10. | 189-03-BZ | <p>Eric Palatnik, P.C. 836 East 233rd Street, Bronx Extension of Term of a previously granted special permit (§73-211) for the continued operation of an automotive service station (<i>Shell</i>) with an accessory convenience store (UG 16B) which expired on October 21, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on October 21, 2008; Waiver of the Rules. C2-2/R-5 zoning district. Community Board #12BX Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 10/16/12</p> |

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| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|------------|---|
| 11. | 125-11-A | <p>Law Offices of Marvin B. Mitzner, LLC 514-516 East 6th Street, Manhattan Appeal challenging the Department of Buildings’ determination to deny the reinstatement of permits that allowed an enlargement to an existing residential building. R7B zoning district. Community Board #3M Examiner: Toni Matias (212) 788-8752 Status: Deferred Decision – 9/11/12</p> |
| 12. | 155-11-A | <p>Sheldon Lobel, P.C. 480 Stratford Road, Brooklyn Appeal seeking a common law vested right to continue construction commenced under the prior R6 zoning district regulations. R3X zoning district. Community Board #14BK Examiner: Toni Matias (212) 788-8752 Status: Granted – 8/21/12</p> |
| 13. | 155-12-BZY | <p>Kramer Levin Naftalis & Frankel, LLP 511 Ninth Avenue, Manhattan Extension of time (§11-332) to complete construction of a minor development commenced prior to a zoning text amendment related to parking. C1-7(A) Special Hudson Zoning District. Community Board #4M Examiner: Toni Matias (212) 788-8752 Status: Granted – 8/21/12</p> |

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| <i>APPEALS – CONTINUED HEARINGS</i> | | |
|--|----------|---|
| 14. | 149-05-A | <p>Eric Palatnik, P.C. 32-09 211th Street, Queens Extension of time to complete construction and obtain a certificate of occupancy of a previously granted common law vested rights application which expired on May 12, 2007. R2A Zoning District. Community Board #11Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 9/25/12</p> |
| 15. | 232-10-A | <p>Goldman Harris 59 Fourth Avenue, Manhattan An appeal challenging Department of Buildings’ denial of a sign permit on the basis that the advertising sign had not been legally established and not discontinued as per ZR §52-83. C1-6 Zoning District. Community Board #3M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Adjourned, Continued Hearing – 10/23/12</p> |
| 16. | 163-11-A | <p>New York City Fire Department 469 West 57th Street, Manhattan Appeal to modify the existing Certificate of Occupancy to provide additional fire safety measures in the form of a wet sprinkler system throughout the entire building. Community Board #4M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 10/16/12</p> |

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| <i>APPEAL – NEW CASES</i> | | |
|----------------------------------|----------|---|
| 17. | 151-12-A | <p>Law Office of Stuart Klein 231 East 11th Street, Manhattan Appeal challenging the Department of Buildings’ determination that a roof antenna is not a permitted accessory use pursuant to ZR § 12-10. R8 zoning district. Community Board #3M</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Continued Hearing – 10/16/12</p> |
| 18. | 164-12-A | <p>Joseph A. Sherry 210 Oceanside Avenue, Queens Proposed construction not fronting on a mapped street and within the bed of a mapped street, contrary to Sections 35 and 36 of the General City Law. R4 zoning district. Community Board #14Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Continued Hearing – 9/25/12</p> |
| 19. | 207-12-A | <p>Zygmunt Staszewski 164 Reid Avenue, Queens Legalization of the reconstruction of a single family home not fronting on a legally mapped street, contrary to General City Law Section 36, and the proposed upgrade of an existing private disposal system, contrary to the Department of Buildings policy. R4 zoning district. Community Board #14Q</p> <p style="color: green;">Examiner: Toni Matias (212) 788-8752</p> <p style="color: red;">Status: Granted – 8/21/12</p> |

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| <i>BZ – DECISIONS</i> | | |
|------------------------------|------------------|---|
| 1. | 23-12-BZ | Simons & Wright, LLC 951 Grand Street, Brooklyn Variance (§72-21) to allow for the development of a residential building, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #1BK |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Deferred Decision – 9/11/12 |
| 2. | 105-12-BZ | Zaskorski & Notaro 450 Castle Hill Avenue, Bronx Variance (§72-21) to permit the installation of a new elevator within an existing school (<i>Katharine Dodge Brownell Preschool</i>), contrary to front yard (§24-33) and lot coverage (§24-11) regulations. R5 zoning district. Community Board #9BX |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Granted – 8/21/12 |
| 3. | 107-12-BZ | Rothkrug Rothkrug & Spector, LLP 600/18 Third Avenue, aka 159/65 E. 39th Street, aka 150/2 East 40th Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Blink Fitness</i>). C5-3, C2.5 and R8B (MiD) zoning district. Community Board #6M |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Granted – 8/21/12 |
| 4. | 116-12-BZ | Francis R. Angelino, Esq. 1477 Third Avenue, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Exceed Fitness</i>). C1-9 zoning district. Community Board #8M |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Granted – 8/21/12 |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|------------------|---|
| 5. | 42-10-BZ | <p>Sheldon Lobel, P.C. 2170 Mill Avenue, Brooklyn Variance (§72-21) to allow for a mixed use building, contrary to use (§22-10), floor area, lot coverage, open space (§23-141), maximum dwelling units (§23-22), and height (§23-631) regulations. R3-1/C2-2 zoning district. Community Board #18BK Examiner: Ronald Rizzotti (212) 788-8781 Status: Adjourned, Continued Hearing – 10/16/12</p> |
| 6. | 93-11-BZ | <p>Moshe M. Friedman, P.E. 1536 62nd Street, aka 1535 63rd Street, Brooklyn Special Permit (§73-19) to allow the conversion of the third and fourth floors in an existing four-story factory and warehouse building to a Use Group 3 school (<i>Yeshiva Ore Mordechai</i>). M1-1 zoning district Community Board #4BK Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 10/16/12</p> |
| 7. | 168-11-BZ | <p>Sheldon Lobel, P.C. 2085 Ocean Parkway, Brooklyn Variance (§72-21) to permit the construction of a Use Group 4A house of worship (<i>Congregation Bet Yaakob, Inc.</i>), contrary to floor area (§§113-11, 503, 51, 77-02, 23-141, 24-11), open space and lot coverage (§§23-141, 24-11, 77-02, 113-11), front, side and rear yard (§§113-11, 503, 543, 77-02, 23-464, 47, 471), height and setback (§§113-11, 503, 55, 77-02, 23-631, 633, 24-593), planting and landscaping (§§113-12, 23-45, 23-451, 113-30) and parking (§§113-58, 25-31) regulations. R5, R6A, and R5 (Ocean Parkway Special District) zoning district. Community Board #15BK Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 10/16/12</p> |

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| 8. | 178-11-BZ | <p>Eric Palatnik, P.C. 1944 East 12th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing two story, semi-detached single family home, contrary to floor area and open space (§23-141(b)); side yard (§23-461) and rear yard (§23-47) requirements. R5 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/25/12</p> |
| 9. | 7-12-BZ | <p>Eric Palatnik, P.C. 419 West 55th Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Revolutions 55</i>). C6-2/R8 zoning district. Community Board #4BK Examiner: Rory Levy (212) 788-8749 Status: Continued Hearing – 10/16/12</p> |
| 10. | 9-12-BZ | <p>Eric Palatnik, P.C. 186 Girard Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141). R3-1 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 9/25/12</p> |
| 11. | 16-12-BZ | <p>Eric Palatnik, P.C. 184 Nostrand Avenue, Brooklyn Special Permit (§73-19) to allow for a school (<i>Congregation Adas Yereim</i>) contrary to use regulations (§42-00). M1-2 zoning district. Community Board #4BK Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 10/16/12</p> |

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| 12. | 30-12-BZ | <p>Eric Palatnik, P.C. 142-41 Roosevelt Avenue, Queens Special Permit (§73-49) to permit accessory parking on the roof of an existing one-story supermarket, contrary to §36-11. R6/C2-2 zoning district Community Board #7Q Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 10/23/12</p> |
| 13. | 43-12-BZ | <p>Wachtel & Masyr, LLP 25 Great Jones Street, Manhattan Variance (§72-21) to permit a residential building, contrary to use regulations (§42-00). M1-5B zoning district. Community Board #2M Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 9/25/12</p> |
| 14. | 48-12-BZ | <p>Law Office of Marvin B. Mitzner, LLC 336 West 37th Street, Manhattan Variance (§72-21) to permit the legalization of an existing 14-story commercial building for use as offices, contrary to Special Garment Center regulations (§121-11). C6-4 (GC, P2) zoning district. Community Board #4M Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 9/11/12</p> |

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| 15. | 5-11-BZ | Akerman Senterfitt, LLP 9 Old Fulton Street, Brooklyn Variance (§72-21) to allow for a new five-story residential development, contrary to use regulations (§42-00). M2-1 zoning district. Community Board #2BK |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Continued Hearing – 10/16/12 |
| 16. | 157-11-BZ | Sheldon Lobel, P.C. 1968 Second Avenue, Manhattan Variance (§72-21) to allow for the legalization of an existing supermarket, contrary to rear yard (§33-261) and loading berth (§36-683) requirements. C1-5/R8A and R7A zoning districts. Community Board #11M |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Continued Hearing – 10/16/12 |
| 17. | 71-12-BZ | Akerman Senterfitt, LLP 165-10 Archer Avenue, Queens Variance (§72-21) to allow for a new 14-story residential building with ground floor retail, contrary to floor area (§§115-211/23-942), height and setback (§115-233), and accessory off street parking (§115-51). C6-2/Downtown Jamaica Special Zoning District. Community Board #12Q |
| | | Examiner: Ronald Rizzotti (212) 788-8781 |
| | | Status: Continued Hearing – 10/16/12 |
| 18. | 79-12-BZ | The Price Law Firm, LLC 1456 First Avenue, Manhattan Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>House of Jai</i>). C1-9 zoning district. Community Board #8M |
| | | Examiner: Rory Levy (212) 788-8749 |
| | | Status: Closed, Decision – 9/11/12 |

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