

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, JUNE 12, 2012  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	196-49-BZ	Walter T. Gorman, P.E. <b>1280 Allerton Avenue, Bronx</b> Extension of Term of an approved variance for the continued operation of a gasoline service station ( <i>Sunoco</i> ) which expired on September 30, 2005; Amendment for the addition of a lift in the service building and an air tower and car vacuum on the site. R4 zoning district. <b>Community Board #11BX</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 6/12/12</b>
2.	849-49-BZ	Greenberg Traurig, LLP <b>110 West 57<sup>th</sup> Street, Manhattan</b> Extension of Term of a previously granted Variance (§72-21) for the continued use of a motion picture theater which expired on January 31, 2012. C5-3(MID) zoning district. <b>Community Board #5M</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 6/12/12</b>
3.	749-65-BZ	Sheldon Lobel, P.C. <b>1820 Richmond Road, Staten Island</b> Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance (§72-21) for the continued operation of a UG16 Gasoline Service Station ( <i>Getty</i> ) which expired on March 8, 2012. <b>Community Board #2SI</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status:</b>
4.	136-01-BZ	Eric Palatnik, P.C. <b>11-11 44<sup>th</sup> Drive, Queens</b> Extension of Time to complete Construction and obtain a Certificate of Occupancy for a previously granted Variance (§72-21) which permitted non-compliance in commercial floor area and rear yard requirements which expired on March 21, 2012. M1-4/R-7A zoning district. <b>Community Board #2Q</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Granted – 6/12/12</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>5.</b>	<b>534-65-BZ</b>	<p>Alfonso Duarte <b>104-40 Queens Boulevard, Queens</b> Extension of Term permitting surplus tenant parking spaces, within an accessory garage, for transient parking pursuant to §60 (3) of the Multiple Dwelling Law, which expired on July 13, 2010; waiver of the Rules. R7-1 zoning district. <b>Community Board #6Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Closed, Decision – 7/17/12</b></p>
<b>6.</b>	<b>12-91-BZ</b>	<p>Rampulla Associates <b>2241 Victory Boulevard, Staten Island</b> Extension of Term of a previously granted Variance (§72-21) for the continued operation of a UG6 food store (<i>Bayer's Market</i>) which expired on April 21, 2012; Amendment to eliminate landscaping, legalize an outdoor refrigeration unit, eliminate hours for garbage pickup, and request to eliminate the term of the variance. R3-2 zoning district. <b>Community Board #1SI</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/17/12</b></p>
<b>7.</b>	<b>339-04-BZ</b>	<p>Eric Palatnik, P.C. <b>157-30 Willets Point Boulevard, Queens</b> Extension of Term (§11-411) of a previously granted variance which permits an automotive service station (UG 16B) which expires on June 4, 2012. R3-1 zoning district. <b>Community Board #7Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Closed, Decision – 7/10/12</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>8.</b>	<b>292-55-BZ</b>	<p>Alfonso Duarte <b>239-15 Jamaica Avenue, Queens</b> Extension of Term (§11-411) for the continued operation of a Automotive Service Station (GULF) which expired on April 10, 2011; Waiver of the Rules. R3-2 zoning district. <b>Community Board #13Q</b></p> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <p><b>Status: Continued Hearing – 7/17/12</b></p>
<b>9.</b>	<b>313-77-BZ</b>	<p>Goldman Harris LLC <b>1200 Broadway, Manhattan</b> Amendment to a variance (§72-21) which allowed the conversion of a manufacturing building to residential use. The proposal is to construct a one-story penthouse and roof deck enlargement within the approved envelope. M1-6 zoning district. <b>Community Board #5M</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/10/12</b></p>
<b>10.</b>	<b>163-04-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>671/99 Fulton Street, Brooklyn</b> Extension of Time to obtain a Certificate of Occupancy of a special permit (§73-63) for the operation of a physical culture establishment (<i>Crunch Fitness</i>) which expired on April 24, 2011; Waiver of the Rules. R7A (C2-4) zoning district. <b>Community Board #2BK</b></p> <p><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p><b>Status: Closed, Decision – 7/17/12</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
11.	99-11-A	<p>Eric Palatnik, P.C. <b>16 Brighton 7<sup>th</sup> Walk, Brooklyn</b> Legalization of changes to a two-family residence which does not front upon a legally mapped street, contrary to General City Law Section 36. R6 Zoning District <b>Community Board #13BK</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Withdrawn – 6/12/12</b></p>
12.	125-11-A	<p>Law Offices of Marvin B. Mitzner, LLC <b>514-516 East 6<sup>th</sup> Street, Manhattan</b> 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. <b>Community Board #3M</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Deferred Decision – 7/24/12</b></p>
13.	196-11-A	<p>Bryan Cave, LLP <b>178-06 90<sup>th</sup> Avenue, Queens</b> An appeal seeking a common law vested right to continue development commenced under the prior R6 zoning district regulations. R4-1 zoning district. <b>Community Board #12Q</b></p> <p><b>Examiner: Toni Matias (212) 788-8752</b></p> <p><b>Status: Granted – 6/12/12</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
14.	162-11-A	<p>Akerman Senterfitt, LLP <b>179 Ludlow Street, Manhattan</b> Appeal seeking a common law vested right to continue construction commenced under prior C6-1 zoning district regulations. C4-4A zoning district. <b>Community Board #3M</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Adjourned, Continued Hearing – 7/24/12</b></p>
15.	52-12-A	<p>Zygmunt Staszewski <b>35 Janet Lane, Queens</b> Proposed re-construction of an existing building located in the bed of a mapped street, contrary to Section 35 of the General City Law, not fronting a mapped street, contrary to Section 36 of General City Law and contrary to the Department of Buildings policy. R4 zoning district. <b>Community Board #14Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Granted – 6/12/12</b></p>

<b><i>APPEALS – NEW CASES</i></b>		
16.	15-12-A & 158-12-A	<p>Fried Frank <b>29-01 Borden Avenue, Queens</b> Appeal challenging the Department of Buildings’ determination that outdoor accessory signs and structures are not a legal non- conforming accessory use pursuant to §52-00. M3-1 zoning district. <b>Community Board #4Q</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Withdrawn – 6/12/12</b></p>
17.	24-12-A & 147-12-A	<p>Fried Frank <b>2368 Twelfth Avenue, Manhattan</b> Appeal challenging the Department of Buildings’ determination that outdoor accessory signs and structures are not a legal non -conforming use pursuant to §52-00. M1-2 zoning district. <b>Community Board #9M</b> <b>Examiner: Toni Matias (212) 788-8752</b> <b>Status: Closed, Decision – 8/7/12</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY AFTERNOON, JUNE 12, 2012

1:30 P.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>129-11-BZ</b>	<p>Jeffrey Chester, Esq.  <b>465 Carroll Street, Brooklyn</b>                      Variance (§72-21) to allow for the construction of a residential building, contrary to use regulations (§42-00). M1-2 zoning district.  <b>Community Board #6BK</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Granted – 6/12/12</b></p>
<b>2.</b>	<b>8-12-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>705 Gravesend Neck Road, 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 less than the required rear yard (§23-47). R4 zoning district/Special Ocean Parkway District.  <b>Community Board #15BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 6/12/12</b></p>
<b>3.</b>	<b>26-12-BZ</b>	<p>Sheldon Lobel, P.C.  <b>73-49 Grand Avenue, Queens</b>                      Special Permit (§73-52) to allow the extension of accessory commercial parking in a residential zoning district. C1-2/R6B &amp; R4-1 zoning districts.  <b>Community Board #5Q</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 788-8781</b></p> <p style="color: red;"><b>Status: Granted – 6/12/12</b></p>
<b>4.</b>	<b>53-12-BZ</b>	<p>Law Office of Frederick A. Becker  <b>1232 East 27<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); less than the minimum required side yard (§23-461 &amp; 23-48) and less than the required rear yard (§23-47). R2 zoning district.  <b>Community Board #4BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 788-8757</b></p> <p style="color: red;"><b>Status: Granted – 6/12/12</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>5.</b>	<b>71-11-BZ</b>	<p>Sheldon Lobel, P.C.  <b>41-02 Forley Street, Queens</b>                      Variance (§72-21) to legalize the conversion of a mosque (<i>Masjid Al-Taufiq</i>), contrary to lot coverage (§24-11), front yard (§24-34), and side yard (§24-35) regulations. R4 zoning district.  <b>Community Board #4Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 7/17/12</b></p>
<b>6.</b>	<b>96-11-BZ</b>	<p>Law Office of Marvin B. Mitzner  <b>514-516 East 6<sup>th</sup> Street, Manhattan</b>                      Variance (§72-21) to legalize enlargements to an existing residential building, contrary to floor area (§23-145) and dwelling units (§23-22). R7B zoning district.  <b>Community Board #3M</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Off Calendar</b></p>
<b>7.</b>	<b>107-11-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1643 East 21<sup>st</sup> Street, Brooklyn</b>                      Variance (§72-21) to permit the enlargement of a synagogue (<i>Congregation Yeshiva Bais Yitzchok</i>) contrary to the bulk requirements for community facility buildings. R4-1 zoning district.  <b>Community Board #14BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 7/10/12</b></p>
<b>8.</b>	<b>117-11-BZ</b>	<p>Sheldon Lobel, P.C.  <b>86-50 Edgerton Boulevard, Queens</b>                      Variance (§72-21) to permit the development of a new athletic center accessory to an existing UG 3 school (<i>Mary Louis Academy</i>), contrary to maximum height and sky exposure plane (§24-521), minimum rear yard, (§24-382) minimum front yard (§24-34) and nameplates or identification signs (§22-321). R1-2 and R5 zoning districts.  <b>Community Board # 8Q</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 7/17/12</b></p>

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9.	20-12-BZ	Herrick, Feinstein LLP, <b>203 Berry Street, aka 195-205 Berry Street; 121-127 N. 3<sup>rd</sup> Street, Brooklyn</b> Special Permit (§73-36) to allow the legalization of the operation of a physical culture establishment ( <i>Retro Fitness</i> ) in an under construction mixed residential/commercial building. M1-2/R6B zoning district. <b>Community Board #1BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 7/10/12</b>
10.	44-12-BZ	Sheldon Lobel, P.C. <b>1024 Flatbush Avenue, Brooklyn</b> Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>Planet Fitness</i> ) within an existing four-story building. C4-4A zoning district. <b>Community Board #14BK</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
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<b><i>BZ – NEW CASES</i></b>		
<b>11.</b>	<b>168-11-BZ</b>	<p>Sheldon Lobel, P.C.  <b>2085 Ocean Parkway, Brooklyn</b>                      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.  <b>Community Board #15BK</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Continued Hearing – 7/24/12</b></p>
<b>12.</b>	<b>191-11-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1246 77<sup>th</sup> Street, Brooklyn</b>                      Special Permit (§73-622) for the in-part legalization and enlargement of an existing single family home, contrary to maximum allowable floor area (§23-141(b)). R 4-1 zoning district.  <b>Community Board #10BK</b>  <b>Examiner: Henry Segovia (212) 788-8757</b>  <b>Status: Continued Hearing – 7/17/12</b></p>
<b>13.</b>	<b>48-12-BZ</b>	<p>Law Office of Marvin B. Mitzner, LLC  <b>336 West 37<sup>th</sup> Street, Manhattan</b>                      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.  <b>Community Board #4M</b>  <b>Examiner: Ronald Rizzotti (212) 788-8781</b>  <b>Status: Continued Hearing – 7/17/12</b></p>
<b>14.</b>	<b>78-12-BZ</b>	<p>Francis R. Angelino, Esq.  <b>443 Park Avenue South, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>End 2 End</i>). C6-4A zoning district.  <b>Community Board #5M</b>  <b>Examiner: Rory Levy (212) 788-8749</b>  <b>Status: Closed, Decision – 7/10/12</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>15.</b>	<b>91-12-BZ</b>	<p>Jorge Lee  <b>846 Gerard Avenue, Bronx</b>                      Re-instatement (§11-411) of a previously approved variance permitting commercial retail (UG 6) in a residential district, which expired on March 29, 1998. R8 zoning district.  <b>Community Board #4BX</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 788-8739</b></p> <hr/> <p><b>Status: Closed, Decision – 7/17/12</b></p>
<b>16.</b>	<b>111-12-BZ</b>	<p>Eric Palatnik, P.C.  <b>52-66 New Street, 54-68 Broad Street, Manhattan</b>                      Special Permit (§73-36) for a physical culture establishment (<i>Cross Fit Wall Street</i>). C5-5 (LM) zoning district.  <b>Community Board #1M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 788-8749</b></p> <hr/> <p><b>Status: Closed, Decision – 7/17/12</b></p>

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