

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, NOVEMBER 20, 2012
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	724-56-BZ	<p>Michael A. Cosentino 42-42 Francis Lewis Boulevard, Queens Extension of Term (§11-411) of an approved variance which permitted automotive repair (UG 16B), which expires on November 19, 2012. C2-2/R3X & R3-2 zoning district. Community Board #11Q</p> <hr/> <p>Examiner: Carlo Costanza (212) 788-8739</p> <hr/> <p>Status: Granted – 11/20/12</p>
2.	98-06-BZ/ 284-06-A	<p>Eric Palatnik, P.C. 1045 Beach 9th Street, Queens Amendment to a previously granted waiver to Section 35 of the General City Law and a variance (§72-21) for a Yeshiva (<i>Yeshiva Siach Yitzchok</i>), contrary to height and setbacks (§24-551 and §24-521), floor area (§24-11), lot coverage (§24-11), front yards (§24-34), and side yards (§24-35) regulations. The amendment includes an increase in floor area and building height; Extension of Time to complete construction. R4A zoning district. Community Board #14Q</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749 / Toni Matias (212) 788-8752</p> <hr/> <p>Status: Granted – 11/20/12</p>

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<i>SOC – CONTINUED HEARINGS</i>		
3.	84-91-BZ	<p>Eric Palatnik, P.C. 2344 Eastchester Road, Bronx Extension of Term of a previously granted variance (§72-21) which permitted professional offices (Use Group 6) in a residential building which expires on September 15, 2012. R4A zoning district. Community Board #11BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 12/4/12</p>
4.	93-97-BZ	<p>Eric Palatnik, P.C. 136-21 Roosevelt Avenue, Queens Amendment to a previously granted variance (§72-21) to permit the change in use of a portion of the second floor from accessory parking spaces to UG 6 office use. C4-3 zoning district Community Board #7Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Adjourned, Continued Hearing – 2/5/13</p>
5.	173-99-BZ	<p>Gerald J. Caliendo, R.A. 43-60 Ditmars Boulevard, Queens Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (<i>Matrix Fitness Club</i>) which expired on March 6, 2011; Amendment for an increase in floor area at the cellar level; waiver of the Rules. M-1 zoning district. Community Board #1Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 1/15/13</p>
6.	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 #7BX</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Closed, Decision – 12/11/12</p>

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<i>SOC – CONTINUED HEARINGS</i>		
7.	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 expires on October 21, 2013; 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</p>
		Examiner: Henry Segovia (212) 788-8757
		Status: Adjourned, Continued Hearing – 1/8/13
8.	141-06-BZ	<p>Eric Palatnik, P.C. 2084 60th Street, Brooklyn Extension of Time to complete construction of a previously approved variance (§72-21) permitting the construction of a three-story synagogue (<i>Congregation Tefiloh Ledovid</i>) which expired on June 19, 2011; Waiver of the Rules. R5 zoning district. Community Board #12BK</p>
		Examiner: Rory Levy (212) 788-8749
		Status: Continued Hearing – 1/15/13

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<i>SOC – NEW CASES</i>		
9.	1005-66-BZ	<p>Moshe M. Friedman, P.E. 320 West 30th Street, aka 314-322 West 30th Street, Manhattan Extension of Term of a previously granted variance pursuant to Section 60(1b) of the Multiple Dwelling Law which permitted 22 transient parking spaces which expired on May 2, 2012; Waiver of the Rules. R8B zoning district. Community Board #4M Examiner: Carlo Costanza (212) 788-8739 Status: Closed, Decision – 12/11/12</p>
10.	982-83-BZ	<p>Rothkrug Rothkrug & Spector, LLP 191-20 Northern Boulevard, Queens Extension of Time to obtain a Certificate of Occupancy of a previously granted variance for the continued operation of retail and office use (UG 6) which expired on July 19, 2012. R3-2 zoning district. Community Board #11Q Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 1/8/13</p>
11.	85-91-BZ	<p>Carl A. Sulfaro, Esq. 204-18 46th Avenue, Queens Extension of Term (§11-411) of a previously granted variance for a veterinarian’s office, accessory dog kennels and a caretaker’s apartment which expired on July 21, 2012; amendment to permit a change to the hours of operation and accessory signage. R3-1 zoning district. Community Board #11Q Examiner: Carlo Costanza (212) 788-8739 Status: Continued Hearing – 1/8/13</p>

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<i>APPEALS – DECISIONS</i>		
12.	119-11-A	<p>Bryan Cave LLP 2230-2234 Kimball Street, Brooklyn</p> <p>Appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under prior zoning regulations in effect on July 14, 2005. R4 zoning district.</p> <p>Community Board #18BK</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Deferred Decision – 1/29/13</p>
13.	163-11-A	<p>New York City Fire Department 469 West 57th Street, Manhattan</p> <p>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.</p> <p>Community Board #4M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 11/20/12</p>
14.	21-12-A	<p>Rothkrug Rothkrug & Spector, LLP 55 Louise Lane, Staten Island</p> <p>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.</p> <p>Community Board #2SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 11/20/12</p>
15.	151-12-A	<p>Law Office of Stuart Klein 231 East 11th Street, Manhattan</p> <p>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</p> <p>Community Board #3M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 11/20/12</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
16.	45-03-A thru 62-03-A & 64-03-A	<p>Joseph Loccisano, P.C. Hall Avenue, Staten Island</p> <p>Proposed construction of a single-family dwelling which is not fronting on a legally mapped street and is located within the bed of a mapped street, contrary to Sections 35 and 36 of the General City Law. R3-1 zoning district.</p> <p>Community Board #2SI</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Adjourned, Continued Hearing – 1/15/13</p>
17.	144-12-A & 145-12-A	<p>Law Offices of Marvin Mitzner LLC 339 West 29th Street, Manhattan</p> <p>Appeal of the Multiple Dwelling Law pursuant to §310 to allow the enlargement to a five-story building, contrary to §171(2)(f). Appeal challenging the determination of the Department of Buildings requiring the owner to obtain approval from the Landmarks Preservation Commission, prior to reinstatement and amendments of the permits. R8B zoning district.</p> <p>Community Board #4M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Continued Hearing – 1/15/13 (Cal. #144-12-A) Closed, Decision – 1/15/13 (Cal. #145-12-A)</p>

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<i>APPEAL – NEW CASES</i>		
18.	102-12-A	<p>Zygmunt Staszewski 489 Sea Breeze Walk, Queens Proposed reconstruction and enlargement of a single family home not fronting on a mapped street, contrary to General City Law Section 36, and the proposed upgrade of the private disposal system, contrary to the Department of Buildings’ policy. R4 zoning district. Community Board #14Q Examiner: Toni Matias (212) 788-8752 Status: Granted – 11/20/12</p>
19.	140-12-A	<p>Rothkrug Rothkrug & Spector 69 Parkwood Avenue, Staten Island Proposed construction of a two-family dwelling located in the bed of a mapped street, contrary to General City Law Section 35. R3A zoning district. Community Board #3SI Examiner: Toni Matias (212) 788-8752 Status: Closed, Decision – 12/4/12</p>
20.	142-12-A	<p>Sheldon Lobel, P.C. 24-02 89th Street, Queens Amendment of a previously approved (BSA Cal No. 187-99-A) waiver of the General City Law Section 35 which permitted the construction of a two family dwelling in the bed of a mapped street (24th Avenue). The amendment seeks to construct a community facility building. R3-2 zoning district. Community Board #3Q Examiner: Toni Matias (212) 788-8752 Status: Continued Hearing – 12/4/12</p>
21.	247-12-A	<p>Deidre Duffy, P.E. 659 Highland Place, Queens Proposed construction of a single family home located in the bed of a mapped street, contrary to General City Law Section 35, and private disposal system is located in the bed of a mapped street, contrary to Department of Buildings' policy. R4 zoning district. Community Board #14Q Examiner: Toni Matias (212) 788-8752 Status: Granted – 11/20/12</p>

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<i>APPEAL – NEW CASES</i>		
22.	248-12-A	Deidre Duffy, P.E. 45 Tioga Walk, Queens Proposed building is not fronting a mapped street, contrary to General City Law Section 36, is located in the bed of a mapped street, contrary to General City Law Section 35, and private disposal system is located in the bed of a mapped street, contrary to Department of Buildings' policy. R4 zoning district. Community Board #14Q
		Examiner: Toni Matias (212) 788-8752
		Status: Granted – 11/20/12

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1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	156-11-BZ	<p>Sheldon Lobel, P.C. 1020 Carroll Place, Bronx Variance (§72-21) to permit the construction of a 12-story mixed residential (UG 2 supportive housing) and community facility (<i>St. Simeon's Episcopal Church</i>) (UG4 house of worship) building, contrary to setback (§23-633(b)), floor area (§§23-145, 24-161, 77-2), lot coverage (§23-145) and density (§§23-22, 24-20) requirements. R8 zoning district. Community Board #4BX</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted – 11/20/12</p>
2.	160-11-BZ	<p>Slater & Beckerman, LLP 42 East 69th Street, Manhattan Variance (§72-21) to allow for the enlargement of a community facility (<i>Jewish National Fund</i>), contrary to rear yard (§24-33), rear yard setback (§24-552), lot coverage (§24-11), and height and setback (§§23-633, 24-591) regulations. R8B/LH-1A zoning district. Community Board # 8M</p> <p style="color: green;">Examiner: Ronald Rizzotti (212) 788-8781</p> <p style="color: red;">Status: Deferred Decision – 12/11/12</p>
3.	185-11-BZ	<p>Eric Palatnik, P.C. 2538 85th Street, Brooklyn Variance (§72-21) to permit parking accessory to an adjacent, as-of-right retail development (<i>Walgreens</i>), contrary to use regulations (§22-00). R5 zoning district. Community Board #11BK</p> <p style="color: green;">Examiner: Ronald Rizzotti (212) 788-8781</p> <p style="color: red;">Status: Granted – 11/20/12</p>
4.	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</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted – 11/20/12</p>

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<i>BZ – DECISIONS</i>		
5.	45-12-BZ	<p>Moshe M. Friedman, P.E. 1914 50th Street, Brooklyn Variance (§72-21) to permit the extension and conversion of an existing residential building to a UG 4 synagogue (<i>Bais Sina</i>), contrary to floor area ratio and lot coverage (§24-11), front yard (§24-34), side yards (§24-35), rear yard (§24-36), court and minimum distance between walls or windows and lot lines (§24-60) regulations. R5 zoning district. Community Board #12BK</p> <p style="color: green;">Examiner: Rory Levy (212) 788-8749</p> <p style="color: red;">Status: Granted – 11/20/12</p>
6.	76-12-BZ	<p>Sheldon Lobel, P.C. 148 Norfolk Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area, open space and lot coverage (§23-141) and less than the minimum side yards (§23-461). R3-1 zoning district. Community Board #15BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 788-8757</p> <p style="color: red;">Status: Granted – 11/20/12</p>
7.	141-12-BZ	<p>Eric Palatnik, P.C. 65-02/10 164th Street, Queens Re-Instatement (§§11-411 & 11-412) of a previously approved variance which permitted retail (UG 6) in a residential district which expired on October 14, 1989; amendment to permit the installation of awnings/signage, and changes to the interior layout; Waiver of the Rules. R4 zoning district. Community Board #8Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 788-8739</p> <p style="color: red;">Status: Granted – 11/20/12</p>

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<i>BZ – CONTINUED HEARINGS</i>		
8.	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 – 12/11/12</p>
9.	113-11-BZ	<p>Slater & Beckerman, LLP 66 Van Cortlandt Park South, Bronx Variance (§72-21) to permit a proposed enlargement of a Use Group 3 nursing home (<i>St. Patricks Home for the Aged and Infirm</i>) contrary to rear yard equivalent requirements (§24-382). R7-1 zoning district. Community Board #8BX Examiner: Ronald Rizzotti (212) 788-8781 Status: Adjourned, Continued Hearing – 12/11/12</p>
10.	61-12-BZ	<p>Sheldon Lobel, P.C. 216 Lafayette Street, Manhattan Variance (§72-21) to permit a UG 6 restaurant in a portion of the cellar and first floor, contrary to use regulations (§42-10). M1-5B zoning district. Community Board #2M Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 1/29/13</p>
11.	74-12-BZ	<p>Harold Weinberg, P.E. 252 Exeter Street, Brooklyn Special Permit (§73-622) for the enlargement of a single family home, contrary to floor area, open space and lot coverage (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 12/4/12</p>

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<i>BZ – CONTINUED HEARINGS</i>		
12.	82-12-BZ	<p>Law Office of Fredrick A. Becker 2011 East 22nd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family semi-detached home, contrary to floor area, open space and lot coverage (§23-141); side yards (§23-461); perimeter wall height (§23-631) and less than the required rear yard (§23-47). R3-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 1/8/13</p>
13.	152-12-BZ	<p>Rothkrug Rothkrug & Spector, LLP 146-61 105th Avenue, Queens Variance (§72-21) to permit construction of a four-story mixed use commercial and residential building, contrary to side yard (§23-462) requirements. C2-4/R6A zoning district. Community Board #12Q</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Closed, Decision – 12/4/12</p>
14.	189-12-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 98 Montague Street, Brooklyn Variance (§72-21) to permit the conversion of an existing building into a transient hotel (UG 5), contrary to use regulations (§22-00). C1-3/R7-1, R6 zoning districts. Community Board #2BK</p> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Adjourned, Continued Hearing – 11/27/12</p>

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<i>BZ – NEW CASES</i>		
15.	159-12-BZ	Eric Palatnik, P.C. 94-07 156th Avenue, Queens Variance (§72-21) to allow for the enlargement of a Use Group 4 medical office building, contrary to rear yard requirements (§24-36). R3-2 zoning district. Community Board #10Q Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 1/29/13
16.	210-12-BZ	Herrick, Feinstein LLP 44 West 28th Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>CrossFit</i>) to be located on second story of an existing 16-story building. C6-4X and M1-6 zoning district. Community Board #5M Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 12/4/12
17.	233-12-BZ	Fried Frank Harris Shriver & Jacob 246-12 South Conduit Avenue, Queens Variance (§72-21) to legalize an advertising sign in a residential district, contrary to use regulations (§22-00). R3X zoning district. Community Board #13Q Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 1/29/13
18.	235-12-BZ	Slater & Beckerman, LLP 2771 Knapp Street, Brooklyn Special Permit (§73-242) to allow a one-story building to be used as four eating and drinking establishments (Use Group 6), contrary to use regulations (§32-00). C3 zoning district. Community Board #15BK Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 1/8/13

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<i>BZ – NEW CASES</i>		
19.	237-12-BZ	<p>Wachtel Masyr & Missry LLP 220 West 19th Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Crunch</i>). C6-4A zoning district. Community Board #4M</p> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Closed, Decision – 12/4/12</p>
20.	249-12-BZ	<p>Lewis E. Garfinkel 1320 East 27th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141(a); side yards (§23-461(a)) and rear yard (§23-47) regulations. R-2 zoning district. Community Board #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 12/4/12</p>

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