

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 16, 2012

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	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: Granted – 10/16/12</p>
2.	135-01-BZ	<p>Rothkrug Rothkrug & Spector, LLP 1815/17 86th Street, Brooklyn Extension of Term (§11-411) of an approved variance which permitted a high speed auto laundry (UG 16B) which expired on October 30, 2011; Extension of Time to obtain a Certificate of Occupancy which expired on October 30, 2002; Waiver of the Rules. C1-2(R5) zoning district. Community Board #11BK Examiner: Carlo Costanza (212) 788-8739 Status: Deferred Decision – 11/27/12</p>
3.	194-02-BZ	<p>Sheldon Lobel, P.C. 1775 South Avenue, Staten Island Extension of Term of a previously granted special permit (§73-36) for the continued operation of a physical culture establishment (<i>Planet Fitness</i>) which expired on December 1, 2011; Waiver of the Rules. C4-3 zoning district. Community Board #2SI Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/16/12</p>

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4.	330-05-BZ	<p>Vito J. Fossella, P.E. 350 New Dorp Lane, Staten Island Extension of Term of a previously granted special permit (§73-36) for the continued operation of a physical culture establishment (<i>AF Bennett Salon and Wellness Spa</i>) which expired on January 30, 2102; Extension of Time to Complete Construction which expired on January 30, 2011; amendment to further enlarge the PCE into the neighboring cellar; Waiver of the Rules. R3-2/C2-2 zoning district. Community Board #2SI</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Granted – 10/16/12</p>

<i>SOC – CONTINUED HEARINGS</i>		
5.	271-90-BZ	<p>Rothkrug Rothkrug & Spector LLP 68-01/5 Queens Boulevard, Queens Extension of Term (§11-411) for the continued operation of a UG16 automotive repair shop with used car sales which expired on October 29, 2011. R7X/C2-3 zoning district. Community Board #2Q</p> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Adjourned, Continued Hearing – 10/30/12</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> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/20/12</p>

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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> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/20/12</p>

<i>SOC – NEW CASES</i>		
8.	299-82-BZ	<p>Bryan Cave LLP 207-217 Chrystie Street, Manhattan Amendment to a previously granted variance (§72-21) which allowed a residential building. Proposed amendment would permit a new mixed use hotel and residential building on the subject zoning lot. C6-1 zoning district. Community Board #3M</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <hr/> <p>Status: Closed, Decision – 11/27/12</p>
9.	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> <hr/> <p>Examiner: Henry Segovia (212) 788-8757</p> <hr/> <p>Status: Continued Hearing – 11/20/12</p>

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<i>SOC – NEW CASES</i>		
10.	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> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Continued Hearing – 11/20/12</p>

<i>APPEALS – DECISIONS</i>		
11.	162-11-A	<p>Akerman Senterfitt, LLP 179 Ludlow Street, Manhattan Appeal seeking a common law vested right to continue construction commenced under prior C6-1 zoning district regulations. C4-4A zoning district. Community Board #3M</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 10/16/12</p>
12.	46-12-A	<p>Eric Palatnik, P.C. 4215 Park Avenue, Bronx 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 Community Board #6BX</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 10/16/12</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
13.	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: Closed, Decision – 11/20/12</p>
14.	21-12-A	<p>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</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 11/20/12</p>
15.	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>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Closed, Decision – 11/20/12</p>

<i>APPEAL – NEW CASES</i>		
16.	196-12-A	<p>Deirdre Duffy 26 Ocean Avenue, Queens Proposed alteration and enlargement of an existing single family home, not fronting on a legally mapped street, contrary to General City Law, Section 36. R4 zoning district. Community Board #14Q</p> <p>Examiner: Toni Matias (212) 788-8752</p> <p>Status: Granted – 10/16/12</p>

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<i>BZ – DECISIONS</i>		
1.	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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Deferred Decision – 10/23/12</p>
2.	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 Yaakov, 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</p> <p>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Granted – 10/16/12</p>
3.	2-12-BZ	<p>Rothkrug Rothkrug & Spector, LLP 95-36 115th Street, Queens Variance (§72-21) for the construction of a three-story, two-family dwelling, contrary to side yard requirement (§23-48); less than the required number of parking spaces (§25-21) and location of one parking space within the front yard (§23-44). R5 zoning district. Community Board #9Q</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Granted – 10/16/12</p>

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<i>BZ – DECISIONS</i>		
4.	11-12-BZ	<p>Law Office of Fredrick A. Becker 3599 Bedford Avenue, Brooklyn Special Permit (§73-622) for the legalization of an enlargement to an existing single-family home, contrary to floor area and open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R-2 zoning district. Community Board #14BK Examiner: Henry Segovia (212) 788-8757 Status: Granted – 10/16/12</p>
5.	23-12-BZ	<p>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: Granted – 10/16/12</p>
6.	80-12-BZ	<p>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 Examiner: Rory Levy (212) 788-8749 Status: Granted – 10/16/12</p>

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<i>BZ – CONTINUED HEARINGS</i>		
7.	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 – 11/20/12</p>
8.	5-11-BZ	<p>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: Closed, Decision – 11/27/12</p>
9.	35-11-BZ	<p>The Law Office of Fredrick A. Becker 226-10 Francis Lewis Boulevard, Queens Variance (§72-21) to allow for the enlargement of an existing synagogue (<i>Congregation Obel</i>), contrary to floor area, lot coverage (§24-11), front yard (§24-34), side yard (§24-35), rear yard (§24-36) and parking (§25-31). R2A zoning district. Community Board #13Q Examiner: Ronald Rizzotti (212) 788-8781 Status: Adjourned, Continued Hearing – 12/11/12</p>
10.	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 Examiner: Rory Levy (212) 788-8749 Status: Closed, Decision – 11/20/12</p>

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11.	157-11-BZ	<p>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</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <hr/> <p>Status: Adjourned, Continued Hearing – 11/27/12</p>
12.	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> <hr/> <p>Examiner: Rory Levy (212) 788-8749</p> <hr/> <p>Status: Closed, Decision – 11/20/12</p>
13.	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</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <hr/> <p>Status: Continued Hearing – 11/27/12</p>
14.	71-12-BZ	<p>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</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 788-8781</p> <hr/> <p>Status: Closed, Decision – 11/27/12</p>

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15.	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 Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 11/20/12</p>
16.	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 Examiner: Carlo Costanza (212) 788-8739 Status: Closed, Decision – 11/20/12</p>
17.	198-12-BZ	<p>Kramer Levin Naftalis & Frankel, LLP 933-943 Madison Avenue, Manhattan Variance (§72-21) to permit the conversion and enlargement of existing buildings to contain UG 6 retail and UG 2 residential uses, contrary to floor area, lot coverage (§23-145), rear yard (§23-47), rear yard setback (§23-633(b), height (§§23-691, 99-054(b)), streetwall (§23-692(c), 99-051(a)), inner court (§23-851), window-to-lot-line (§23-861), and commercial use (§32-422) regulations. C5-1(MP), R8B zoning district. Community Board #8M Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 10/23/12</p>

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<i>BZ – NEW CASES</i>		
18.	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>Examiner: Ronald Rizzotti (212) 788-8781</p> <p>Status: Closed, Decision – 11/20/12</p>
19.	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>Examiner: Rory Levy (212) 788-8749</p> <p>Status: Closed, Decision – 11/20/12</p>
20.	56-12-BZ	<p>Eric Palatnik, P.C. 168 Norfolk Street, Brooklyn 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 yard (§23-461); and rear yard (§23-47) regulations. R3-1 zoning district. Community Board #4BK</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 11/27/12</p>
21.	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</p> <p>Examiner: Henry Segovia (212) 788-8757</p> <p>Status: Continued Hearing – 11/20/12</p>

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22.	115-12-BZ	<p>Sheldon Lobel, P.C. 701/745 64th Street, Brooklyn Special Permit (§73-44) to allow for a reduction in parking from 331 to 221 spaces in an existing building proposed to be used for ambulatory diagnostic or treatment facilities in Use Group 6 parking category B1. C4-2A zoning district. Community Board #4BK Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 12/4/12</p>
23.	195-12-BZ	<p>Law Office of Eduardo J. Diaz 108-15 Crossbay Boulevard, Queens Re-instatement (§11-411) of a previously approved variance which allowed a two story office building (UG6) with parking spaces for four cars in a residence use district, which expired on May 13, 2000. Waiver of the Rules. R4 zoning district. Community Board #10BK Examiner: Carlo Costanza (212) 788-8739 Status: Postponed Hearing – 11/27/12</p>

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