

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, SEPTEMBER 11, 2012

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	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 Examiner: Henry Segovia (212) 788-8757 Status: Granted – 9/11/12</p>
2.	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: Granted – 9/11/12</p>
3.	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: Granted – 9/11/12</p>
4.	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: Granted – 9/11/12</p>

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<i>SOC – DECISIONS</i>		
5.	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 – 10/16/12</p>
6.	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: Granted – 9/11/12</p>

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<i>SOC – CONTINUED HEARINGS</i>		
7.	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: Continued Hearing – 10/16/12</p>
8.	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 Matins (212) 788-8752</p> <hr/> <p>Status: Continued Hearing – 10/23/12</p>

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<i>SOC – NEW CASES</i>		
9.	739-76-BZ	<p>Eric Palatnik, P.C. 212-95 26th Avenue, Queens Extension of Term of a Special Permit (§73-35) for the continued operation of an amusement arcade (<i>Peter Pan Games</i>) which expired on April 10, 2012; Waiver of the Rules. C4-1 zoning district. Community Board #7Q Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/25/12</p>
10.	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 Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 11/20/12</p>
11.	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: Closed, Decision – 10/16/12</p>
12.	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 Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 10/16/12</p>

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<i>APPEALS – DECISIONS</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 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. Community Board #3M</p> <p>Examiner: Toni Matins (212) 788-8752</p> <p>Status: Granted – 9/11/12</p>
14.	119-11-A	<p>Bryan Cave LLP 2230-2234 Kimball Street, Brooklyn 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. Community Board #18BK</p> <p>Examiner: Toni Matins (212) 788-8752</p> <p>Status: Deferred Decision – 11/20/12</p>
15.	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</p> <p>Examiner: Toni Matins (212) 788-8752</p> <p>Status: Deferred Decision – 9/25/12</p>
16.	172-11-A	<p>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</p> <p>Examiner: Toni Matins (212) 788-8752</p> <p>Status: Granted – 9/11/12</p>

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17.	47-12-A	Rothkrug Rothkrug & Spector, LLP 22 Lewiston Street, Staten Island Appeal to Department of Building's determination that the proposed two-family building did not qualify for rear yard reduction pursuant §23-52. R3-1 zoning district. Community Board #2SI Examiner: Toni Matins (212) 788-8752 Status: Denied – 9/11/12

<i>APPEALS – CONTINUED HEARINGS</i>		
18.	162-11-A	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 Examiner: Toni Matins (212) 788-8752 Status: Closed, Decision – 10/16/12
19.	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 Matins (212) 788-8752 Status: Continued Hearing – 10/16/12
20.	103-12-A	Sheldon Lobel, P.C. 74-76 Adelphi Street, Brooklyn Appeal seeking a common law vested right to continue development commenced under the prior R6 zoning district. R5B zoning district. Community Board #2BK Examiner: Toni Matins (212) 788-8752 Status: Continued Hearing – 10/23/12

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<i>APPEAL – NEW CASES</i>		
21.	194-12-A	<p>John Sullivan 213-14 Union Turnpike, Queens Appeal challenging the Department of Buildings' determination that the proposed nursery school complies with ZR §24-11. R2A Zoning District. Community Board #11Q Examiner: Toni Matins (212) 788-8752 Status: Closed, Decision – 10/30/12</p>
22.	201-12-A	<p>Rothkrug Rothkrug & Spector LLP 112 Alberta Avenue, Staten Island Proposed construction of a single family home that does not front on a legally mapped street, contrary to General City Law Section 36. R3A Zoning District. Community Board #2SI Examiner: Toni Matins (212) 788-8752 Status: Granted – 9/11/12</p>

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1:30 P.M.

<i>BZ – DECISIONS</i>		
1.	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 Examiner: Rory Levy (212) 788-8749 Status: Granted – 9/11/12</p>
2.	187-11-BZ	<p>Davidoff Malito & Hatcher, LLP 118 Sanford Street, Brooklyn Variance (§72-21) to allow for the enlargement and conversion of existing manufacturing building to mixed-use residential and commercial, contrary to use regulations, (§42-00). M1-1 zoning district. Community Board #3BK Examiner: Ronald Rizzotti (212) 788-8781 Status: Deferred Decision – 10/30/12</p>
3.	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: Deferred Decision – 10/16/12</p>
4.	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: Granted – 9/11/12</p>

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<i>BZ – DECISIONS</i>		
5.	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 Examiner: Henry Segovia (212) 788-8757 Status: Granted – 9/11/12</p>
6.	68-12-BZ	<p>Vassalotti Associates Architects, LLP 89-15 Rockaway Boulevard, Queens Re-instatement (§11-411) of a previously approved variance which permitted the operation of an Automotive Service Station (UG 16B) with accessory uses which expired on December 22, 1999; Waiver of the Rules. R5 zoning district. Community Board #9Q Examiner: Carlo Costanza (212) 788-8739 Status: Granted – 9/11/12</p>
7.	79-12-BZ	<p>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: Granted – 9/11/12</p>
8.	160-12-BZ	<p>Rothkrug Rothkrug & Spector LLP 820 Concourse Village West, Bronx Special Permit to allow a physical culture establishment (<i>Blink</i>) within existing commercial building. C8-3 zoning district. Community Board #4BX Examiner: Rory Levy (212) 788-8749 Status: Granted – 9/11/12</p>

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<i>BZ – CONTINUED HEARINGS</i>		
9.	113-11-BZ	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 – 11/20/12
10.	147-11-BZ	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 Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 10/23/12
11.	2-12-BZ	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 Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 10/16/12
12.	10-12-BZ	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 Examiner: Henry Segovia (212) 788-8757 Status: Closed, Decision – 9/25/12

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<i>BZ – CONTINUED HEARINGS</i>		
13.	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: Closed, Decision – 10/16/12</p>
14.	12-12-BZ & 110-12-A	<p>Greenberg Traurig, LLP 100 Varick Street, Manhattan Variance (§72-21) for a new residential building with ground floor retail, contrary to use (§42-10) and height and setback (§§43-43 & 44-43) regulations. Variance to §§26(7) and 30 of the Multiple Dwelling Law (pursuant to §310) to facilitate the new building, contrary to court regulations. M1-6 zoning district. Community Board #2M Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 10/30/12</p>
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: Adjourned, Continued Hearing – 10/16/12</p>
16.	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: Closed, Decision – 10/16/12</p>

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<i>BZ – CONTINUED HEARINGS</i>		
17.	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: Continued Hearing – 10/16/12</p>

<i>BZ – NEW CASES</i>		
18.	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: Continued Hearing – 10/16/12</p>
19.	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 Examiner: Henry Segovia (212) 788-8757 Status: Continued Hearing – 10/23/12</p>

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20.	86-12-BZ	Troutman Sanders LLP 158 West 83rd Street, Manhattan Special Permit (§73-63) to allow for the residential enlargement of an existing commercial building above the maximum permitted floor area (by 1,366 square feet). C2-5/R8B zoning district regulations. Community Board #7M Examiner: Ronald Rizzotti (212) 788-8781 Status: Closed, Decision – 10/23/12
21.	189-12-BZ	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 Examiner: Ronald Rizzotti (212) 788-8781 Status: Continued Hearing – 10/23/12
22.	198-12-BZ	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: Continued Hearing – 10/16/12

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