

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, APRIL 16, 2013  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>390-61-BZ</b>	Peter Hirshman <b>148-150 East 33<sup>rd</sup> Street, Manhattan</b> Extension of Time to obtain a Certificate of Occupancy of a previously approved variance permitting UG8 parking garage and an auto rental establishment (UG8) in the cellar level, which expired on December 13, 2012. R8B zoning district. <b>Community Board #6M</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Granted – 4/16/13</b>
<b>2.</b>	<b>167-95-BZ</b>	Walter T. Gorman, P.E. <b>121-18 Springfield Boulevard, Queens</b> Extension of Term of a previously approved variance (§72-21) which permitted the maintenance and repairs of motor-operated cemetery equipment and accessory parking and storage of motor vehicles which expired on February 4, 2012; amendment to reduce the size of the area covered by the variance. R3A zoning district. <b>Community Board #12Q</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Granted – 4/16/13</b>
<b>3.</b>	<b>18-02-BZ</b>	Rothkrug Rothkrug & Spector, LLP <b>8610 Flatlands Avenue, Brooklyn</b> Extension of Term (§11-411) of an approved variance for the continued operation of an automotive laundry (UG 16B) which expired on August 13, 2012. C2-3/R5D zoning district. <b>Community Board #18BK</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Granted – 4/16/13</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
4.	<b>551-37-BZ</b>	<p>Eric Palatnik, P.C. <b>233-02 Northern Boulevard, Queens</b> Extension of Term (§11-411) of approved variance for the continued operation of an automobile repair shop (<i>Red's Auto Repair</i>) which expired on July 15, 2012; Waiver of the Rules. R1-2 zoning district. <b>Community Board #11Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Adjourned, Continued Hearing – 5/7/13</b></p>
5.	<b>135-46-BZ</b>	<p>Eric Palatnik, P.C. <b>3802 Avenue U, Brooklyn</b> Extension of Term (§11-411) of approved variance which permitted an automotive service station (UG 16B) with accessory uses, which expired on January 29, 2012, and an amendment (§11-413) to convert the use to auto laundry (UG 16B) hand car wash; waiver for the Rules. R4 zoning district. <b>Community Board #18BK</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Adjourned, Continued Hearing – 5/7/13</b></p>
6.	<b>11-80-BZ</b>	<p>Herrick, Feinstein, LLP <b>146 West 28th Street, Manhattan</b> Amendment of previously approved variance (§72-21) which allowed conversion of the third through seventh floor from commercial to residential use. Amendment would permit the additional conversion of the second floor from commercial to residential use. M1-6 zoning district. <b>Community Board #5M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p><b>Status: Closed, Decision – 5/7/13</b></p>
7.	<b>130-88-BZ</b>	<p>Sheldon Lobel, P.C. <b>1007 Brooklyn Avenue aka 3602 Snyder Avenue, Brooklyn</b> Extension of Term of approved Special Permit (§73-211) for the continued operation of UG 16B gasoline service station (<i>Gulf</i>) which expired on January 24, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on October 12, 2003; Waiver of the Rules. C2-2/R4 zoning district. <b>Community Board #17BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Adjourned, Continued Hearing – 5/7/13</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>8.</b>	<b>326-02-BZ</b>	<p>Sheldon Lobel, P.C. <b>2228-2238 Church Avenue, Brooklyn</b> Extension of Term of a previously approved Special Permit (§73-36) for the continued operation of physical culture establishment (<i>Planet Fitness</i>) which expires on November 5, 2013; Amendment to allow the extension of use to the building's first floor, and change in ownership. C4-4A zoning district. <b>Community Board #14BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Closed, Decision – 5/14/13</b></p>
<b>9.</b>	<b>341-02-BZ</b>	<p>Sheldon Lobel, P.C. <b>231 East 58th Street, Manhattan</b> Extension of Term of a previously approved Variance (§72-21) for the continued UG6 retail use on the first floor of a five-story building, which expired on April 8, 2013. R-8B zoning district. <b>Community Board #6M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/14/13</b></p>
<b>10.</b>	<b>150-04-BZ</b>	<p>Sheldon Lobel, P.C. <b>129 Elizabeth Street, Manhattan</b> Extension of Time to Complete Construction of a previously approved Variance (§72-21) to build a new four-story residential building with a retail store and one-car garage, which expired on March 29, 2009; Waiver of the Rules. C6-2G LI (<i>Special Little Italy</i>) zoning district. <b>Community Board #2M</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Closed, Decision – 5/14/13</b></p>
<b>11.</b>	<b>55-06-BZ</b>	<p>Rampulla Associates Architects <b>31 Nadine Street, Staten Island</b> Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the construction of a three-story with cellar, office building (UG 6B), which expired on January 23, 2011; Waiver of the Rules. C1-1(NA-1) zoning district. <b>Community Board # 2SI</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Closed, Decision – 5/14/13</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
12.	310-12-A	<p>Herrick, Feinstein <b>141 East 88th Street, Manhattan</b> Appeal to the Multiple Dwelling Law section 310(2)(a) to permit the reclassification of a partially occupied residential building, a rehabilitation and a rooftop addition. C1-8X zoning district. <b>Community Board #8M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p><b>Status: Granted – 4/16/13</b></p>

<b><i>APPEAL – NEW CASES</i></b>		
13.	493-73-A	<p>Sheldon Lobel, P.C. <b>328 West 83rd Street, Manhattan</b> Extension of Term of an approved appeal to Multiple Dwelling Law Section 310 to permit a superintendent's apartment in the cellar, which expired on March 20, 2004, an amendment to eliminate the term, an extension of time to obtain a Certificate of Occupancy, and a waiver of the Rules. R10A /R8B Zoning District. <b>Community Board #7M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Closed, Decision – 5/14/13</b></p>
14.	267-12-A	<p>Davidoff Hutcher &amp; Citron LLP <b>691 East 133rd Street, Bronx</b> Appeal from Department of Buildings' determination that the sign is not entitled to continued non-conforming use status as an advertising sign. M1-2 &amp; R6A zoning district. <b>Community Board #1BX</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Continued Hearing – 5/21/13</b></p>
15.	79-13-A	<p>Law Offices of Howard B. Hornstein <b>807 Park Avenue, Manhattan</b> Appeal from Department of Buildings' determination regarding the status of a zoning lot and reliance on the Certificate of Occupancy's recognition of the zoning lot. R10(Pl) zoning district. <b>Community Board #8M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Continued Hearing – 5/21/13</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>313-12-BZ</b>	<p>Troutman Sanders LLP <b>1009 Flatbush Avenue, Brooklyn</b> Special permit (§73-36) to allow the continued operation of the existing physical culture establishment (<i>Bally's Total Fitness</i>). C4-2/C4-4A zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Granted – 4/16/13</b></p>
<b>2.</b>	<b>314-12-BZ</b>	<p>Troutman Sanders LLP <b>350 West 50th Street, Manhattan</b> Special permit (§73-36) to allow the continued operation of the existing physical culture establishment (<i>Bally's Total Fitness</i>). C6-4 (CL) zoning district. <b>Community Board #4M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Granted – 4/16/13</b></p>
<b>3.</b>	<b>316-12-BZ</b>	<p>Eric Palatnik, P.C. <b>37-20 Prince Street, Queens</b> Special Permit (§73-36) to allow a proposed physical culture establishment (<i>Orient Retreat</i>). C4-2 zoning district. <b>Community Board #7Q</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Granted – 4/16/13</b></p>
<b>4.</b>	<b>325-12-BZ</b>	<p>Bryan Cave LLP <b>1273-1285 York Avenue, Manhattan</b> Variance (§72-21) to permit a new Use Group 4 maternity hospital and ambulatory diagnostic or treatment health care facility (<i>New York Presbyterian Hospital</i>), contrary to modification of height and setback, lot coverage, rear yard, floor area and parking. R10/R9/R8 zoning districts. <b>Community Board #8M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p><b>Status: Deferred Decision – 5/14/13</b></p>

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<b>5.</b>	<b>341-12-BZ</b>	<p>Sheldon Lobel, P.C. <b>403 Concord Avenue, Bronx</b> Special Permit (§73-19) to permit a Use Group 3 school to occupy an existing building, contrary to use regulations (§42-00). M1-2 zoning district. <b>Community Board #1BX</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Granted – 4/16/13</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>56-12-BZ</b>	<p>Eric Palatnik, P.C. <b>168 Norfolk Street, 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 yard (§23-461); and rear yard (§23-47) regulations. R3-1 zoning district. <b>Community Board #4BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <hr/> <p><b>Status: Closed, Decision – 5/14/13</b></p>
<b>7.</b>	<b>195-12-BZ</b>	<p>Law Office of Eduardo J. Diaz <b>108-15 Cross Bay Boulevard, Queens</b> Re-instatement (§11-411) of a previously approved variance which allowed a two-story office building (UG6) and four parking spaces, which expired on May 13, 2000. Waiver of the Rules. R4 zoning district. <b>Community Board #10BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing – 6/4/13</b></p>

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<b>8.</b>	<b>250-12-BZ</b>	<p>Law Office of Fredrick A. Becker <b>2410 Avenue S, 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); less than the required rear yard (§23-47) and perimeter wall height (§23-631). R3-2 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 5/14/13</b></p>
<b>9.</b>	<b>324-12-BZ</b>	<p>Sheldon Lobel, P.C. <b>45 76th Street, Brooklyn</b> Special permit (§73-622) for the enlargement of an existing single family home, contrary to floor area regulations (23-141(b)). R3-1 zoning district. <b>Community Board #10BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 5/14/13</b></p>
<b>10.</b>	<b>9-13-BZ</b>	<p>Slater &amp; Beckerman PC <b>2626-2628 Broadway, Manhattan</b> Special Permit (§73-201) to allow a Use Group 8 motion picture theater (<i>Alamo Drafthouse Cinema</i>), contrary to use regulations (§32-17). R9A/C1-5 zoning district. <b>Community Board #7M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p><b>Status: Closed, Decision – 5/14/13</b></p>

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<b><i>BZ – NEW CASES</i></b>		
11.	<b>135-11-BZ/ 136-11-A</b>	<p>Eric Palatnik, P.C. <b>2080 Clove Road, Staten Island</b> Variance (§72-21) to allow for the construction of a commercial use (UG6), contrary to use regulations (§22-00). Proposed construction is also located within a mapped but not built portion of a street (Clove Road and Sheridan Avenue), contrary to General City Law Section 35. R3-2 zoning district. <b>Community Board #2SI</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p style="color: red;"><b>Status: Closed, Decision – 6/11/13</b></p>
12.	<b>59-12-BZ/ 60-12-A</b>	<p>Mitchell S. Ross, Esq. <b>240-27 Depew Avenue, Queens</b> Variance (§72-21) to allow the enlargement of an existing home, contrary to front yard (§23-45) regulations. Proposed construction is also located within a mapped but unbuilt portion of a street, contrary to General City Law Section 35. R1-2 zoning district. <b>Community Board #11Q</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Closed, Decision – 5/21/13</b></p>
13.	<b>321-12-BZ</b>	<p>Dennis D. Dell'Angelo <b>22 Girard Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing two-family home to be converted to a single-family home, contrary to floor area (§23-141); perimeter wall height (§23-631) and rear yard (§23-47) regulations R3-1 zoning district. <b>Community Board #15BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/21/13</b></p>

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<b>14.</b>	<b>12-13-BZ</b>	<p>Law Office of Fredrick A. Becker <b>2057 Ocean Parkway, Brooklyn</b> Special Permit (§73-622) for the enlargement of a single family home, contrary to side yards (§23-461) and rear yard (§23-47) regulations. R5/Ocean Parkway Special zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 5/14/13</b></p>
<b>15.</b>	<b>52-13-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>126 Leroy Street, Manhattan</b> Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>SoulCycle</i>) within a portion of an existing building. M1-5 zoning district. <b>Community Board #2M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 5/14/13</b></p>

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