

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, APRIL 9, 2013
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	364-82-BZ	<p>Troutman Sanders LLP 245-24 Horace Harding Expressway, Queens Extension of Term of a previously-granted Variance (§72-21) for the continued operation of a physical culture establishment (<i>Bally's Total Fitness</i>) which expired on January 18, 2013. C1-2/R3-2 zoning district. Community Board #11Q Examiner: Henry Segovia (212) 386-0074 Status: Granted – 4/9/13</p>
2.	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 Examiner: Henry Segovia (212) 386-0074 Status: Granted – 4/9/13</p>
3.	78-08-BZ	<p>Stephen Grasso 611 East 133rd Street, Bronx Extension of Time to Complete Construction of a previously granted Variance (72-21) to construct a five-story charter elementary school (<i>The South Bronx Charter School for International Cultures and the Arts</i>), which expired on August 26, 2012; Waiver of the Rules. M1-2/R-6A, MX-1(Special Mixed Use) zoning district. Community Board #1BX Examiner: Henry Segovia (212) 386-0074 Status: Granted – 4/9/13</p>

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<i>SOC – CONTINUED HEARINGS</i>		
4.	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) 386-0074 Status: Continued Hearing – 5/14/13</p>
5.	103-91-BZ	<p>Davidoff Hutcher & Citron, LLP 248-18 Sunrise Highway, Queens Extension of term of approved variance permitting an auto laundry use (UG 16B); Amendment to permit changes to the layout and extend hours of operation. C2-1/R3-2 zoning district. Community Board #13Q Examiner: Carlo Costanza (212) 386-0068 Status: Adjourned, Continued Hearing – 4/23/13</p>
6.	62-99-BZ	<p>Akerman Senterfitt LLP 541 Lexington Avenue, Manhattan Extension of Term of a previously-approved Special Permit (§73-36) for the continued operation of a physical cultural establishment (<i>Bliss</i>) which expired on January 31, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on February 1, 2004; Waiver of Rules. C6-6 zoning district. Community Board #6M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 4/23/13</p>
7.	211-00-BZ	<p>Sheldon Lobel, P.C. 252 Norman Avenue, Brooklyn Extension of Time to complete construction of a previously approved variance (§72-21) which permitted the legalization of residential units on the second through fourth floors of a mixed use (UG 17 & 2) four-story building, which expired on April 17, 2005; Amendment for minor modification to the approved plans; Waiver of the Rules. M1-2 zoning district. Community Board #1BK Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 4/23/13</p>

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<i>SOC – NEW CASES</i>		
8.	1073-62-BZ	Peter Hirshman 305 East 40th Street, Manhattan Extension of Term of a previously approved variance (MDL Section 60 (1d)), permitting 108 tenant parking spaces for transient use within an accessory garage, which expires on March 5, 2013, C1-9/R10 zoning district. Community Board #6M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 5/7/13
9.	1111-62-BZ	Peter Hirshman 201 East 56th Street, Manhattan Extension of Term of a previously approved variance (MDL Section 60 (3)) permitting the use of tenant parking spaces for transient use within an accessory garage, which expires on March 26, 2013. C6-6, C5-2 and C1-9 zoning district. Community Board #6M Examiner: Carlo Costanza (212) 386-0068 Status: Closed, Decision – 5/7/13
10.	8-98-BZ	Sheldon Lobel, P.C. 106-108 West 13th Street, Manhattan Amendment of a previously approved variance (§72-21) which permitted limited commercial uses in the cellar of a building located in a residential zoning district. The amendment seeks to permit additional UG 6 uses, excluding restaurant use, expand the limited operation hours, and remove the term restriction. R6 zoning district. Community Board #2M Examiner: Ronald Rizzotti (212) 386-0081 Status: Closed, Decision – 5/7/13

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<i>APPEALS – DECISIONS</i>		
11.	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 Matias (212) 386-0085</p> <p>Status: Off-Calendar</p>
12.	190-12-A thru 192-12-A	<p>Davidoff Hutcher & Citron, LLP 42-45 12th Street, Queens Appeals from Department of Buildings' determination that signs are not entitled to continued legal status as advertising sign. M1-4 zoning district. Community Board #2Q</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Denied – 4/9/13</p>
13.	197-12-A	<p>Davidoff Hutcher & Citron LLP 1-37 12th Street, Brooklyn Appeal from Department of Buildings' determination that a sign is not entitled to continued legal status as advertising sign. M1-2/M2-1 zoning district. Community Board #7BK</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Denied – 4/9/13</p>
14.	203-12-A	<p>Davidoff Hutcher & Citron LLP 442 West 36th Street, Manhattan Appeal from Department of Buildings' determination that a sign is not entitled to continued legal status as advertising sign. C2-5 /HY zoning district. Community Board #4M</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Denied – 4/9/13</p>

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<i>APPEALS – DECISIONS</i>		
15.	15-13-A thru 49-13-A	<p>Eric Palatnik, P.C. 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 78, 84, 90, 96, 102, 108, 75, 79, 85, 89, 93, 99, 105, 109, 115, 119 Berkshire Lane; 19, 23, 27, 31, 35, Wiltshire Lane, Staten Island</p> <p>Proposed construction of thirty-five (35) one and two-family dwellings that do not front on a legally mapped street, contrary to General City Law Section 36. R3-1(SRD) zoning district.</p> <p>Community Board #3SI</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Granted – 4/9/13</p>

<i>APPEALS – CONTINUED HEARINGS</i>		
16.	10-10-A	<p>New York City Board of Standards and Appeals 1882 East 12th Street, Brooklyn</p> <p>Reopening for a court remand to review the validity of the permit at issue in a prior vested rights application.</p> <p>Community Board #15BK</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Continued Hearing – 5/21/13</p>
17.	103-12-A	<p>Sheldon Lobel, P.C. 74-76 Adelphi Street, Brooklyn</p> <p>Appeal seeking a common law vested right to continue development commenced under the prior R6 zoning district. R5B zoning district.</p> <p>Community Board #2BK</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 5/7/13</p>
18.	288-12-A thru 290-12-A	<p>Rothkrug Rothkrug & Spector LLP 319, 323, 327 Ramona Avenue, Staten Island</p> <p>Proposed construction of three two-family homes not fronting on a legally mapped street, contrary to General City Law Section 36. R3X (SRD) zoning district.</p> <p>Community Board #3SI</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 5/7/13</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
19.	304-12-A	Eric Palatnik, P.C. 42-32 147th Street, Queens Proposed seven-story residential development located within mapped but inbuilt portion of Ash Avenue, contrary to General City Law Section 35. R6A zoning district. Community Board #7Q Examiner: Toni Matias (212) 386-0085 Status: Closed, Decision – 5/7/13

<i>APPEAL – NEW CASES</i>		
20.	256-12-A	Davidoff Hutter & Citron LLP 195 Havemeyer Street, Brooklyn Appeal challenging Department of Buildings' determination that a sign is not entitled to continued non-conforming use status as an advertising sign. C4-3 zoning district. Community Board #1BK Examiner: Toni Matias (212) 386-0085 Status: Continued Hearing – 5/21/13
21.	265-12-A thru 266-12-A	Watchel Masyr & Missry, LLP 980 Brush Avenue, Bronx Appeal challenging Department of Buildings' determination that a sign is not entitled to continued non-conforming use status as an advertising sign. M1-2 & R4/C2-1 zoning district. Community Board #10BX Examiner: Toni Matias (212) 386-0085 Status: Closed, Decision – 5/14/13

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<i>BZ – DECISIONS</i>		
1.	43-12-BZ	<p>Watchtel Masyr & Missry, LLP 25 Great Jones Street, Manhattan Variance (§72-21) to permit a residential building, contrary to use regulations (§42-00). M1-5B zoning district. Community Board #2M</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Deferred Decision – 6/4/13</p>
2.	57-12-BZ	<p>Eric Palatnik, P.C. 2670 East 12th 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); side yards (§23-461); less than the required rear yard (§23-37). R4 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 4/9/13</p>
3.	242-12-BZ	<p>Sheldon Lobel, P.C. 1621-1629 61st Street, Brooklyn Variance (§72-21) to permit the construction of a Use Group 4A house of worship (<i>Congregation Toldos Yebuda</i>), contrary to height, setback, sky exposure plane, rear yard, and parking requirements. M1-1 zoning district. Community Board #12BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Deferred Decision – 5/7/13</p>
4.	294-12-BZ	<p>Eric Palatnik, P.C. 130 Clinton Street, Brooklyn Special Permit (§73-36) to allow a physical culture establishment (<i>Everyday Athlete</i>). C5-2A/DB special zoning district. Community Board #2BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Deferred Decision – 5/7/13</p>

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5.	298-12-BZ	<p>Kramer Levin Naftalis & Frankel LLP 726-730 Broadway, Manhattan Variance (§72-21) to permit the conversion of nine floors of an existing ten-story building to Use Group 3 college or university use (<i>New York University</i>), contrary to use regulations. M1-5B zoning district. Community Board #2M</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <hr/> <p>Status: Deferred Decision – 5/7/13</p>
6.	312-12-BZ	<p>Greenberg Traurig 29-37 Beekman Street aka 165-169 William Street, Manhattan Variance (§72-21) to facilitate the construction of a new 34-story, 760-bed dormitory (<i>Pace University</i>), contrary to maximum permitted floor area. C6-4 district/Special Lower Manhattan District. Community Board #1M</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <hr/> <p>Status: Granted – 4/9/13</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) 386-0081 Status: Closed, Decision – 5/7/13</p>
8.	50-12-BZ	<p>Gerald J. Caliendo, R.A., AIA 177-60 South Conduit Avenue, Queens Variance (§72-21) to allow for the construction of a commercial building, contrary to use regulations (§22-00). R3-2 zoning district. Community Board #12Q Examiner: Ronald Rizzotti (212) 386-0081 Status: Adjourned, Continued Hearing – 5/14/13</p>
9.	63-12-BZ	<p>Sheldon Lobel, P.C. 2701 Avenue N, Brooklyn Variance (§72-21) to permit the construction of a Use Group 4A House of Worship (<i>Khal Bnei Avrohom Yaakov</i>), which is contrary to floor area (24-11), lot coverage, front yard (24-34), side yard (24-35a) parking (25-31), height (24-521), and setback requirements. R2 zoning district. Community Board #14BK Examiner: Rory Levy (212) 386-0082 Status: Closed, Decision – 5/21/13</p>
10.	72-12-BZ	<p>Watchtel Masyr & Missry, LLP 213-223 Flatbush Avenue, Brooklyn Variance (§72-21) to allow for the construction of a new mixed use building, contrary to off-street parking (§25-23), floor area, open space, lot coverage (§23-145), maximum base height and maximum building height (§23-633) regulations. R7A/C2-4 and R6B zoning districts. Community Board #6BK Examiner: Ronald Rizzotti (212) 386-0081 Status: Adjourned, Continued Hearing – 7/9/13</p>

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<i>BZ – CONTINUED HEARINGS</i>		
11.	148-12-BZ	<p>Eric Palatnik, P.C. 981 East 29th Street, Brooklyn Special Permit (§73-621) for the enlargement of an existing single family semi-detached residence, contrary to floor area, lot coverage and open space (ZR23-141(b)). R4 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 5/7/13</p>
12.	238-12-BZ	<p>Harold Weinberg, P.E. 1713 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of single family home contrary floor area and lot coverage (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 4/23/13</p>
13.	284-12-BZ	<p>Sheldon Lobel, P.C. 2047 East 3rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single-family home, contrary to floor area (§23-141) and perimeter wall height (§23-631) requirements. R2X (OP) zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 5/7/13</p>

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<i>BZ – NEW CASES</i>		
14.	138-12-BZ	<p>Harold Weinberg, P.E. 2051 East 19th Street, Brooklyn Special Permit (§73-622) for the legalization of an enlargement to a single family residence, contrary to side yard requirement (§23-461). R-5 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 5/7/13</p>
15.	139-12-BZ	<p>Gerald J. Caliendo, RA, AIA, PC 34-10 12th Street, Queens Special Permit (§73-53) to allow the enlargement of an existing non-conforming manufacturing building, contrary to use regulations (§22-00). R5 zoning district. Community Board #1Q</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Closed, Decision – 5/14/13</p>
16.	293-12-BZ	<p>Eric Palatnik, P.C. 1245 83rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141(b)) and side yard (§23-461(a)) regulations. R3X zoning district. Community Board #10BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 5/14/13</p>
17.	3-13-BZ	<p>Wachtel Masyr Missry LLP 3231-3251 Richmond Avenue, aka 806 Arthur Kill Road, S.I. Special Permit (§73-36) to allow a physical culture establishment (<i>LA Fitness</i>). C4-1 (SRD) zoning district. Community Board #3SI</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 5/7/13</p>
18.	4-13-BZ	<p>Francis R. Angelino, Esq. 1623 Flatbush Avenue, Brooklyn Special Permit (§73-36) to allow a physical culture establishment (<i>Retro Fitness</i>). C8-2 zoning district. Community Board #17BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 5/7/13</p>

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