

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, AUGUST 20, 2013

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	<a href="#"><u>608-70-BZ</u></a>	Walter T. Gorman, P.E., P.C. <b>351-361 Neptune Avenue, Brooklyn</b> Amendment (§11-413) to convert the previously granted UG16B automotive service station to a UG6 eating and drinking establishment ( <i>Dunkin' Donuts</i> ). R6 zoning district. <b>Community Board#13BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Granted – 8/20/13</b>

<b><i>SOC – CONTINUED HEARINGS</i></b>		
2.	<a href="#"><u>228-00-BZ</u></a>	Sheldon Lobel, P.C. <b>28/32 Locust Street, Brooklyn</b> Extension of time to complete construction of a previously approved variance (§72-21) which permitted the conversion of a vacant building in a manufacturing district for residential use (UG 2), which expired on May 15, 2005; Amendment for minor modifications to approved plans; Waiver of the Rules. M1-1 zoning district. <b>Community Board #4BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Closed, Decision – 9/10/13</b>

\*\*\*\*\*DISCLAIMER\*\*\*\*\*

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<b><i>SOC – NEW CASES</i></b>		
<b>3.</b>	<a href="#"><u>220-07-BZ</u></a>	<p>Eric Palatnik, P.C.  <b>847 Kent Avenue, Brooklyn</b>                      Extension of time to complete construction of a previously granted variance (§72-21) which permitted the construction of a new four-story residential building containing four dwelling units, which expires on November 10, 2013. M1-1 zoning district.  <b>Community Board#3BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision – 9/17/13</b></p>
<b>4.</b>	<a href="#"><u>139-92-BZ</u></a>	<p>Samuel H. Valencia  <b>52-15 Roosevelt Avenue, Queens</b>                      Extension of term for a previously granted special permit (§73-244) for the continued operation of a UG12 eating and drinking establishment with dancing (<i>Deseos</i>) which expired on March 7, 2013; Waiver of the Rules. C2-2/R6 zoning district.  <b>Community Board#2Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Continued Hearing – 9/24/13</b></p>
<b>5.</b>	<a href="#"><u>199-00-BZ</u></a>	<p>Alfonso Duarte, P.E.  <b>76-19 Roosevelt Avenue, Queens</b>                      Extension of term of a previously granted special permit (§73-244) for the continued operation of a UG 12 eating and drinking establishment without restrictions on entertainment (<i>Club Atlantis</i>) which expired on March 13, 2013. C2-3/R6 zoning district.  <b>Community Board #3Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision – 9/17/13</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
6.	<a href="#"><u>220-10-BZY</u></a>	<p>Goldman Harris LLC  <b>77, 79, 81 Rivington Street, a/k/a 139, 141 Orchard Street, Manhattan</b>                      Extension of time to complete construction (§11-332) and obtain a Certificate of Occupancy of a previous vested rights approval, which expired on March 15, 2013. Prior zoning district C6-1. C4-4A zoning district.  <b>Community Board #3M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Granted – 8/20/13</b></p>
7.	317-12-A	<p>Eric Palatnik, P.C.  <b>40-40 27th Street, Queens</b>                      Appeal seeking common law vested rights to continue construction commenced under the prior M1-3D zoning district regulations. M1-2/R5B zoning district.  <b>Community Board #1Q</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Granted – 8/20/13</b></p>
8.	<a href="#"><u>127-13-A</u></a>	<p>Law Offices of Marvin B. Mitzner, LLC  <b>332 West 87th Street, Manhattan</b>                      Appeal under Section 310 of the Multiple Dwelling Law to vary MDL Sections 171-2(a) and 2(f) to allow for a vertical enlargement of a residential building. R8 zoning district.  <b>Community Board #7M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Deferred Decision – 9/24/13</b></p>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
9.	143-11-A thru 146-11-A	<p>Philip L. Rampulla  <b>20, 25, 35, 40 Harborlights Court, Staten Island</b>                      Appeal challenging the Fire Department’s determination that the grade of the fire apparatus road shall not exceed 10 percent, per NYC Fire Code Section FC 503.2.7. R2 zoning district.  <b>Community Board #1SI</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Continued Hearing – 9/24/13</b></p>

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<b><i>APPEAL – NEW CASES</i></b>		
10.	<a href="#"><u>126-13-A</u></a>	<p>Sheldon Lobel, PC  <b>65-70 Austin Street, Queens</b>                      Appeal of NYC Department of Buildings’ determination that a rear yard is required at the boundary of a block coinciding with a railroad right-of-way. R7B Zoning District.  <b>Community Board # 6Q</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Continued Hearing – 10/8/13</b></p>
11.	<a href="#"><u>134-13-A</u></a>	<p>Bryan Cave  <b>538 10th Avenue aka 460 West 41st Street, Manhattan</b>                      Appeal of NYC Department of Buildings’ determination regarding the right to maintain an existing advertising sign. C2-8/HY zoning district.  <b>Community Board #4M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Continued Hearing – 10/8/13</b></p>
12.	<a href="#"><u>166-13-A</u></a>	<p>Sheldon Lobel, PC  <b>945 Madison Avenue, Manhattan</b>                      Appeal of NYC Department of Buildings’ determination that a public assembly permit is required, pursuant to Building Code Sections 28-117, 28-102,4,3 and C2-116.0. C5-1/R8B zoning districts.  <b>Community Board #8M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Withdrawn – 8/20/13</b></p>
13.	<a href="#"><u>227-13-A</u></a>	<p>Chris Tomlan  <b>45 Water Street, Brooklyn</b>                      Variance pursuant to the NYC Building Code (Appendix G, Section G304.1.2) to allow for the redevelopment of an historic structure (<i>Tobacco Warehouse</i>) within Brooklyn Bridge Park to be located below the flood zone. M3-1 zoning district.  <b>Community Board #2BK</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Closed, Decision – 9/24/13</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b><u>59-12-BZ/ 60-12-A</u></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>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 8/20/13</b></p>
<b>2.</b>	<b><u>86-13-BZ</u></b>	<p>Eric Palatnik, P.C.  <b>65-43 171st Street, Queens</b>                      Special Permit (§73-621) to allow the enlargement of an existing single-family home, contrary to open space ratio and floor area (§23-141) regulations. R2 zoning district.  <b>Community Board #8Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 8/20/13</b></p>
<b>3.</b>	<b><u>101-13-BZ</u></b>	<p>Dennis D. Dell'Angelo  <b>1271 East 23rd Street, Brooklyn</b>                      Special Permit (§73-622) to allow the enlargement of an existing single family home, contrary to open space and floor area (§23-141), side yards (§23-461), and less than the required rear yard (§23-47). R2 zoning district.  <b>Community Board #14BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 8/20/13</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
4.	<a href="#"><u>50-12-BZ</u></a>	<p>Gerald J. Caliendo, R.A., AIA  <b>177-60 South Conduit Avenue, Queens</b>                      Variance (§72-21) to allow for the construction of a commercial building, contrary to use regulations (§22-00). R3-2 zoning district.  <b>Community Board #12Q</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing – 9/24/13</b></p>
5.	<a href="#"><u>81-13-BZ</u></a>	<p>Nasir J. Khanzada  <b>264-12 Hillside Avenue, Queens</b>                      Re-Instatement (§11-411) of a variance which permitted an auto service station (UG16B), with accessory uses, which expired on November 6, 1992; Amendment (§11-413) to permit the change of use from auto service station to auto repair (UG 16B) with accessory auto sales; Waiver of the Rules. R2 zoning district.  <b>Community Board # 13Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing – 9/24/13</b></p>
6.	<a href="#"><u>109-13-BZ</u></a>	<p>Goldman Harris LLC  <b>80 John Street, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>UFC Gym</i>). C5-5 (Special Lower Manhattan) zoning district.  <b>Community Board #1M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <hr/> <p><b>Status: Closed, Decision – 9/10/13</b></p>

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<b><i>BZ – NEW CASES</i></b>		
7.	<a href="#"><u>279-12-BZ</u></a>	<p>Akerman Senterfitt LLP  <b>27-24 College Point Boulevard, Queens</b>                      Variance (§72-21) to permit a bank (UG 6) in a residential zoning district, contrary to §22-00. R4/R5B zoning district.  <b>Community Board #7Q</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Continued Hearing – 9/17/13</b></p>
8.	<a href="#"><u>78-13-BZ</u></a>	<p>Sheldon Lobel, P.C.  <b>876 Kent Avenue, Brooklyn</b>                      Variance (§72-21) to permit a new four-story, four-unit residential building (UG 2), contrary to use regulations, ZR §42-00. M1-1&amp; R7A/C2-4.  <b>Community Board #3BK</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Continued Hearing – 9/24/13</b></p>
9.	<a href="#"><u>97-13-BZ</u></a>	<p>Lewis E. Garfinkel  <b>1848 East 24th Street, Brooklyn</b>                      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 required rear yard (§23-47). R3-2 zoning district.  <b>Community Board #15BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <hr/> <p><b>Status: Closed, Decision – 9/10/13</b></p>
10.	<a href="#"><u>161-13-BZ</u></a>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>8 West 19th Street, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Soul Cycle</i>) within a portion of an existing building. C6-4A zoning district.  <b>Community Board #5M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <hr/> <p><b>Status: Closed, Decision – 9/17/13</b></p>

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<b>11.</b>	<b><u><a href="#">211-13-BZ</a></u></b>	<p>Kramer Levin Naftalis &amp; Frankel LLP <b>346 Broadway, Manhattan</b> Re-instatement (§11-411) of a previously approved variance, which permitted the use of the cellar and basement levels of a 12-story building as a public parking garage, which expired in 1971; Amendment to permit a change to the curb-cut configuration; Waiver of the rules. C6-4A zoning district. <b>Community Board #1M</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <hr/> <p><b>Status: Closed, Decision – 9/24/13</b></p>

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