

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, DECEMBER 10, 2013

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	519-57-BZ	<p>Eric Palatnik, P.C. 2071 Victory Boulevard, Staten Island Extension of term (§11-411) of an approved variance which permitted the operation and maintenance of a gasoline service station (Use Group 16B) and accessory uses, which expired on June 19, 2013. R3-1/C2-1 zoning district. Community Board #1SI Examiner: Carlo Costanza (212) 386-0068 Status: Granted – 12/10/13</p>
2.	360-65-BZ	<p>Greenberg Traurig, LLP 108-114 East 89th Street, Manhattan Amendment of previously approved Variance (§72-21) and Special Permit (§73-64) which allowed the enlargement of a school (<i>Dalton School</i>). Amendment seeks to allow a two-story addition to the school building, contrary to an increase in floor area (§24-11) and height, base height and front setback (§24-522, §24-522)(b) regulations. R8B zoning district. Community Board #8M Examiner: Status: Deferred Decision – 1/14/14</p>
3.	647-70-BZ	<p>Jeffrey A. Chester Esq. 59-14 Beach Channel Drive, Queens Amendment of a previously approved Special Permit (§73-211) which permitted the operation an automotive service station and auto laundry (UG 16B). Amendment seeks to convert accessory space into an accessory convenience store. C2-3/R5 zoning district. Community Board #14Q Examiner: Carlo Costanza (212) 386-0068 Status: Granted – 12/10/13</p>
4.	605-84-BZ	<p>Sheldon Lobel, P.C. 2629 Cropsey Avenue, Brooklyn Amendment of a previously granted variance (§72-21) to an existing seven-story senior citizen multiple dwelling to legalize the installation of an emergency generator, contrary to front yard requirements (§23-45). R5 zoning district. Community Board #13BK Examiner: Henry Segovia (212) 386-0074 Status: Granted – 12/10/13</p>

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<i>SOC – DECISIONS</i>		
5.	248-03-BZ	Troutman Sanders LLP 1915 Third Avenue, Manhattan Extension of Term of a previously approved variance to permit the continuance operation of a physical culture establishment (<i>Bally's Total Fitness</i>) which will expire on January 27, 2014. C1-5(R8A) & R7A zoning districts. Community Board #11M Examiner: Henry Segovia (212) 386-0074 Status: Granted – 12/10/13

<i>SOC – CONTINUED HEARINGS</i>		
6.	239-02-BZ	Greenberg Traurig, LLP 110 Waverly Place, Manhattan Extension of Term of a previously-granted Variance (§72-21) for the continued operation of a Use Group 6A eating and drinking establishment (<i>Babbo</i>) located at the cellar level, ground floor, and second floor of the subject premises, which expired on December 17, 2012. R7-2 zoning district. Community Board #2M Examiner: Henry Segovia (212) 386-0074 Status: Continued Hearing – 1/14/14

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<i>SOC – NEW CASES</i>		
7.	68-94-BZ	Troutman Sanders LLP 2100 Bartow Avenue, Bronx Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>Bally's Total Fitness</i>) which expires on November 1, 2014; Extension of Time to obtain a Certificate of Occupancy which expired on September 11, 2013; waiver of the Rules. C4-3/M1-1 zoning district. Community Board #10BX Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 1/14/14
8.	358-02-BZ	Law Office of Fredrick A. Becker 200 Park Avenue, Manhattan Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment in a multi-story commercial, retail and office building, which expired on June 3, 2013; Waiver of the Rules. C5-3 (MID) zoning district. Community Board #5M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 1/14/14
9.	206-03-BZ	Law Office of Fredrick A. Becker 980 Madison Avenue, Manhattan Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>Exhale Spa</i>) which expired on November 5, 2013. C5-1 (MP) zoning district. Community Board #5M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 1/14/14
10.	25-08-BZ	Eric Palatnik, P.C. 444 Beach 6th Street, Queens Amendment to a Variance (§72-21) which permitted bulk waivers for the construction of a school (<i>Torah Academy for Girls</i>). The proposed amendment seeks to enlarge the school to provide additional classrooms. R4-1 zoning district. Community Board #14Q Examiner: Rory Levy (212) 386-0082 Status: Continued Hearing – 1/14/14

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<i>APPEALS – CONTINUED HEARINGS</i>		
11.	110-13-A	<p>Abrams Fensterman, LLP 120 President Street, Brooklyn Appeal challenging Department of Buildings’ interpretation of the Building Code regarding required walkway around a below-grade pool. R6B zoning district. Community Board #6BK</p> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Continued Hearing – 1/28/14</p>

<i>APPEAL – NEW CASES</i>		
12.	75-11-A	<p>NYC Board of Standards and Appeals Applicant: Bryan Cave LLP 2230-2234 Kimball Street, Brooklyn To consider Dismissal for Lack of Prosecution. Appeal challenging Department of Building's determination that the permit for the subject premises expired and became invalid since permitted work was not commenced within 12 months from the date of issuance, per Title 28, §28-105.9 of the Administrative Code. R4 Zoning District. Community Board #18BK</p> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Dismissed – 12/10/13</p>
13.	119-11-A	<p>NYC Board of Standards and Appeals Applicant: Bryan Cave LLP 2230-2234 Kimball Street, Brooklyn To consider Dismissal for Lack of Prosecution. 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> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Dismissed – 12/10/13</p>

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<i>APPEAL – NEW CASES</i>		
14.	348-12-A & 349-12-A	Rothkrug Rothkrug & Spector LLP 15 & 19 Starr Avenue, Staten Island Proposed construction of two one-family dwellings located within the bed of a mapped street, contrary to General City Law, Section 35. R2 zoning district. Community Board #1SI Examiner: Toni Matias (212) 386-0085 Status: Closed, Decision – 1/28/14
15.	287-13-A & 288-13-A	Rothkrug Rothkrug & Spector LLP 525 & 529 Durant Avenue, Staten Island Proposed construction of a building that does not front on a legally mapped street, contrary to General City Law Section 36. R3X SRD district. Community Board #3SI Examiner: Toni Matias (212) 386-0085 Status: Continued Hearing – 1/14/14

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<i>BZ – DECISIONS</i>		
1.	236-12-BZ	Rothkrug Rothkrug & Spector LLP 1487 Richmond Road, Staten Island Variance (§72-21) to permit the extension of an existing medical office, contrary to use ((§ 22-10) and side yard regulations (§24-35). R2 zoning district. Community Board #2SI Examiner: Status: Granted – 12/10/13
2.	339-12-BZ	Sheldon Lobel, P.C. 252-29 Northern Boulevard, Queens Variance (§72-21) to permit accessory commercial parking to be located in a residential portion of a split zoning lot, contrary to §22-10. R2A & C1-2/R3-1 zoning districts. Community Board #11Q Examiner: Status: Granted – 12/10/13
3.	13-13-BZ & 14-13-BZ	Slater & Beckerman, P.C. 98 & 96 DeGraw Street, Brooklyn Variance (§72-21) to allow two single-family residential buildings, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #6BK Examiner: Status: Granted – 12/10/13
4.	55-13-BZ	Stuart A. Klein, Esq. 1690 60th Street, Brooklyn Variance (§72-21) to permit the enlargement of an existing yeshiva and dormitory (<i>Yeshiva Novominsk</i>), contrary to floor area (§24-11), wall height and sky exposure plane (§24-521), and side yard setback (§24-551). R5 zoning district. Community Board #12BK Examiner: Rory Levy (212) 386-0082 Status: Granted – 12/10/13

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5.	78-13-BZ	<p>Sheldon Lobel, P.C. 876 Kent Avenue, Brooklyn Variance (§72-21) to permit a new four-story, four-unit residential building (UG 2), contrary to use regulations, ZR §42-00. M1-1& R7A/C2-4 zoning districts. Community Board #3BK</p> <p>Examiner:</p> <p>Status: Deferred Decision – 1/28/14</p>
6.	90-13-BZ	<p>Akerman Senterfitt, LLP 166-05 Cryders Lane, Queens Variance (§72-21) to permit the construction of a single-family dwelling, contrary to open area requirements (§23-89). R1-2 zoning district. Community Board #7Q</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 12/10/13</p>
7.	105-13-BZ	<p>Law Office of Fred A Becker 1932 East 24th street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single home, contrary to floor area, open space and lot coverage (§23-141); side yard (§23-461); perimeter wall height (§23-631) and less than the minimum rear yard (§23-47). R3-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 12/10/13</p>
8.	122-13-BZ	<p>Law Office of Fredrick A Becker 1080 East 8th Street, Brooklyn Special Permit (§73-621) for the enlargement of an existing two-family home to be converted into a single family home, contrary to floor area (§23-141). R2X (OP) zoning district. Community Board #12BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 12/10/13</p>

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9.	162-13-BZ	<p>Bryan Cave LLP 120-140 Avenue of the Americas/72-80 Sullivan street, Manhattan Variance (§72-21) to permit the construction of a residential and commercial building with 31 dwelling units, ground floor retail, and 11 parking spaces, contrary to use regulations (§42-00). M1-5B zoning district. Community Board #2M</p> <p>Examiner:</p> <p>Status: Granted – 12/10/13</p>
10.	232-13-BZ	<p>Rothkrug Rothkrug & Spector LLP 364 Bay Street, Staten Island Special Permit (§73-36) to allow a physical culture establishment (<i>Crunch Fitness</i>) within portions of proposed commercial building. M1-1 zoning district. Community Board #1SI</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Granted – 12/10/13</p>

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<i>BZ – CONTINUED HEARINGS</i>		
11.	54-12-BZ	<p>Gerald J. Caliendo, R.A., AIA 65-39 102nd Street, Queens Variance (§72-21) to permit for the construction of a community facility and residential building, contrary to lot coverage (§23-141), lot area (§§23-32, 23-33), front yard (§§23-45, 24-34), side yard (§§23-46, 24-35) and side yard setback (§24-55) regulations. R5 zoning district. Community Board #6Q</p> <p>Examiner:</p> <p>Status: Adjourned, Continued Hearing – 1/28/14</p>
12.	6-13-BZ	<p>Sheldon Lobel, P.C. 2899 Nostrand Avenue, Brooklyn Variance (§72-21) to permit the construction of a synagogue and school (<i>Yeshiva Obr Yisrael</i>), contrary to floor area and lot coverage (§24-11), side yard (§24-35), rear yard (§24-36), sky exposure plane (§24-521), and parking (§25-31) regulations. R3-2 zoning district. Community Board #18BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Continued Hearing – 1/14/14</p>
13.	81-13-BZ	<p>Nasir J. Khanzada 264-12 Hillside Avenue, Queens 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. Community Board # 13Q</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Closed, Decision – 1/28/14</p>
14.	154-13-BZ	<p>Sheldon Lobel, P.C. 1054-1064 Bergen Avenue, Brooklyn Variance (§72-21) to allow the construction of a retail building (UG 6), contrary to use regulations (§22-10). R5 zoning district. Community Board #18BK</p> <p>Examiner:</p> <p>Status: Continued Hearing – 1/14/14</p>

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15.	6-12-BZ	<p>Syeda Laila 39-06 52nd Street aka 51-24 39th Avenue, Queens Variance (§72-21) to permit a four-story residential building, contrary to floor area, (§103-211), dwelling unit (§23-22), front yard (§23-46), side yard (§23-46) and height (§23-631) regulations. R4 zoning district. Community Board #2Q</p> <p>Examiner:</p> <p>Status: Closed, Decision – 1/14/14</p>
16.	311-12-BZ	<p>Eric Palatnik, P.C. 964 Dean Street, Brooklyn Variance (§72-21) to permit the residential conversion of an existing factory building, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #8BK</p> <p>Examiner:</p> <p>Status: Continued Hearing – 2/4/14</p>
17.	65-13-BZ	<p>Eric Palatnik, Esq. 123 Franklin Avenue, Brooklyn Variance (§72-21) to permit a residential development, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #3BK</p> <p>Examiner:</p> <p>Status: Continued Hearing – 2/25/14</p>
18.	130-13-BZ	<p>Rothkrug Rothdrug & Spector 1590 Nostrand Avenue, Brooklyn Re-Instatement (§11-411) of a variance which permitted a one-story motor vehicle storage garage with repair (UG 16B), which expired on February 14, 1981; Amendment (§11-413) to change the use to retail (UG 6); Waiver of the Rules. R6 zoning district. Community Board #17BK</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Continued Hearing – 1/28/14</p>

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<i>BZ – NEW CASES</i>		
19.	153-13-BZ	<p>Eric Palatnik, P.C. 107 South 6th Street, Brooklyn Special Permit (§73-36) to permit the legalization of a physical culture establishment (<i>Soma Health Club</i>) contrary to §32-10. C4-3 zoning district. Community Board #1BK Examiner: Rory Levy (212) 386-0082 Status: Continued Hearing – 1/28/14</p>
20.	212-13-BZ	<p>Eric Palatnik, P.C. 151 Coleridge Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (ZR 23-141) and less than the required rear yard (ZR 23-47). R3-1 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 386-0074 Status: Continued Hearing – 1/28/14</p>
21.	218-13-BZ	<p>Warshaw Burstein, LLP 136 Church Street, Manhattan Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Ultrafit</i>). C6-3A zoning district. Community Board #1M Examiner: Rory Levy (212) 386-0082 Status: Closed, Decision – 1/28/14</p>

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