

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 29, 2013

10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|---|
| 1. | 548-69-BZ | <p>Eric Palatnik, P.C. 107-10 Astoria Boulevard, Queens Extension of Term for a previously granted variance for the continued operation of a gasoline service station (<i>BP North America</i>) which expired on May 25, 2011; Waiver of the Rules. R3-2 zoning district Community Board #3Q</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 1/29/13</p> |
| 2. | 136-06-BZ | <p>Law Office of Fredrick A. Becker 11-15 Old Fulton Street, Brooklyn Extension of Time to complete construction of a previously approved variance (§72-21) which permitted the residential conversion and one-story enlargement of three, four-story buildings. M2-1 zoning district. Community Board #2BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 1/29/13</p> |
| 3. | 208-08-BZ | <p>Law Office of Fredrick A. Becker 2117-2123 Avenue M, Brooklyn Extension of Time to Complete Construction of an approved special permit (§73-622) to permit the enlargement of an existing single family residence which expired on October 28, 2012. R2 zoning district. Community Board #14BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 1/29/13</p> |

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SOC – CONTINUED HEARINGS

| | | |
|-----------|------------------|---|
| 4. | 135-46-BZ | Eric Palatnik, P.C. 3802 Avenue U, Brooklyn |
| | | 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. |
| | | Community Board #18BK |
| | | Examiner: Carlo Costanza (212) 386-0068 |
| | | Status: Continued Hearing – 2/26/13 |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|------------------|--|
| 5. | 130-88-BZ | <p>Sheldon Lobel, P.C. 1007 Brooklyn Avenue aka 3602 Snyder Avenue, Brooklyn 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. Community Board #17BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 386-0074</p> <p style="color: red;">Status: Continued Hearing – 3/5/13</p> |
| 6. | 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</p> <p style="color: green;">Examiner: Carlo Costanza (212) 386-0068</p> <p style="color: red;">Status: Continued Hearing – 2/26/13</p> |
| 7. | 20-08-BZ | <p>Law Office of Fredrick A. Becker 53-55 Beach Street, Manhattan Extension of Time to Complete Construction of approved Special Permit (75-53) for the vertical enlargement to an existing warehouse (UG17) which expired on January 13, 2013. C6-2A zoning district. Community Board #1M</p> <p style="color: green;">Examiner: Henry Segovia (212) 386-0074</p> <p style="color: red;">Status: Postponed Hearing – 2/5/13</p> |

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| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|--------------------------------------|--|
| 8. | 45-03-A thru 62-03-A & 64-03-A | Joseph Loccisano, P.C. Hall Avenue, Staten Island Proposed construction of a single-family dwelling which is not fronting on a legally mapped street and is located within the bed of a mapped street, contrary to Sections 35 and 36 of the General City Law. R3-1 zoning district. Community Board #2SI |
| | | Examiner: Toni Matias (212) 386-0085 |
| | | Status: Granted – 1/29/13 |
| 9. | 119-11-A | 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 |
| | | Examiner: Toni Matias (212) 386-0085 |
| | | Status: Deferred Decision – 4/9/13 |

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| 10. | <p>117-12-A 118-12-A 125-12-A 126-12-A 128-12-A 129-12-A 131-12-A 132-12-A 133-12-A</p> <p>182-12-A</p> <p>186-12-A 187-12-A 188-12-A</p> | <p>Stroock & Stroock & Lavan, LLP <u>Borough of Queens</u> Van Wyck Expressway & Atlantic Avenue (CB 12) Brooklyn Queens Expressway and Queens Boulevard (CB 2) Long Island Expressway, east of 25th Street (CB 2) Long Island Expressway, east of 25th Street (CB 2) Brooklyn Queens Expressway and Queens Boulevard (CB 2) Queens Boulevard and 74th Street (CB 4) Van Wyck Expressway, north of Roosevelt Avenue (CB 1) Van Wyck Expressway, north of Roosevelt Avenue (CB 1) Woodhaven Boulevard, north of Elliot Avenue (CB 6)</p> <p>Davidoff Hutcher & Citron LLP <u>Borough of the Bronx</u> Major Deegan Expressway and 161st Street (CB 4)</p> <p>Herrick Feinstein, LLP <u>Borough of the Bronx</u> Major Deegan Expressway (CB 4) Major Deegan Expressway (CB 4) Major Deegan <i>Expressway</i> (CB 4)</p> <p>Appeal challenging Department of Buildings' determination that signs located on Metropolitan Transit Authority (MTA) property are subject to the NYC Zoning Resolution.</p> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Denied – 1/29/13</p> |

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| 11. | 119-12-A 120-12-A 121-12-A 122-12-A 123-12-A 124-12-A 127-12-A 134-12-A 135-12-A 180-12-A 273-12-A 274-12-A | Stroock & Stroock & Lavan, LLP <u>Borough of Queens</u> Brooklyn Queens Expressway and 31 st Street (CB 1) Brooklyn Queens Expressway and 31 st Avenue (CB 1) Brooklyn Queens Expressway and 32 nd Avenue (CB 1) Brooklyn Queens Expressway and 32 nd Avenue (CB 1) Brooklyn Queens Expressway and 34 th Avenue (CB 2) Brooklyn Queens Expressway and 34 th Avenue (CB 1) Brooklyn Queens Expressway and Northern Boulevard (CB 1) Long Island Expressway and 74 th Street (CB 5) Long Island Expressway and 74 th Street (CB 5) <u>Borough of the Bronx</u> Major Deegan Expressway and Van Cortland (CB 8) Major Deegan Expressway and 167 th Street (CB 4) Major Deegan Expressway and 167 th Street (CB 4) Appeal challenging Department of Buildings' determination that signs located on CSX property are subject to the NYC Zoning Resolution. Examiner: Toni Matias (212) 386-0085 Status: Denied – 1/29/13 |
| 12. | 130-12-A 171-12-A 172-12-A 173-12-A 174-12-A 175-12-A 176-12-A 177-12-A 178-12-A 179-12-A | Stroock & Stroock & Lavan, LLP <u>Borough of Queens</u> Skillman Avenue between 28 th and 29 th Streets (CB 2) <u>Borough of the Bronx</u> Cross Bronx Expressway and Sheridan (CB 9) Cross Bronx Expressway and Bronx River (CB 6) Cross Bronx Expressway and Bronx River and Sheridan (CB 6) I-95 and Hutchinson Parkway (CB 11) I-95 and Hutchinson Parkway (CB 11) Bruckner Boulevard and Hunts Point Avenue (CB 2) Bruckner Boulevard and Hunts Point Avenue (CB 2) Bruckner Expressway and 156 th Street (CB 2) Bruckner Expressway and 156 th Street (CB 2) Appeal challenging Department of Buildings' determination that signs located on Amtrak property are subject to the NYC Zoning Resolution. Examiner: Toni Matias (212) 386-0085 Status: Granted – 1/29/13 |

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|-----------------------------------|---------------------------------------|--|
| 13. | 183-12-A 184-12-A 185-12-A | <p>Herrick Feinstein, LLP 475, 476, 477 Exterior Road, Bronx Appeal challenging Department of Buildings' determination that signs located on property formerly under the jurisdiction of the Department of Ports and Trades are subject to the NYC Zoning Resolution. Community Board #1BX</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Denied – 1/29/13</p> |
| 14. | 205-12-A | <p>Fried Frank 355 Major Deegan Expressway, Bronx Appeal challenging the Department of Buildings' determination that a sign is not entitled to non-conforming use status as an advertising sign. R7-2 /C2-4 (HRW) Zoning District. Community Board #1BX</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Granted – 1/29/13</p> |
| 15. | 208-12-A 216-12-A thru 232-12-A | <p>Rothkrug Rothkrug & Spector, LLP McGee Lane, Staten Island Proposed construction of eighteen (18) single family homes that do not front on a legally mapped street, contrary to General City Law Section 36. R3A Zoning District. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Granted – 1/29/13</p> |

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| <i>APPEALS – CONTINUED HEARINGS</i> | | |
|--|-----------------------------------|--|
| 16. | 265-12-A thru 266-12-A | <p>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</p> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Postponed Hearing – 4/9/13</p> |
| 17. | 287-12-A | <p>Zygmunt Staszewski 165 Reid Avenue, Queens Proposed enlargement of existing building located partially within the bed of a mapped street, contrary to General City Law Section 35, and upgrade of an existing private disposal system, contrary to the Department of Building policy. R4 zoning district. Community Board #14Q</p> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Granted – 1/29/13</p> |

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| 18. | 61-12-BZ | <p>Sheldon Lobel, P.C. 216 Lafayette Street, Manhattan Variance (§72-21) to permit a UG 6 restaurant in a portion of the cellar and first floor, contrary to use regulations (§42-10). M1-5B zoning district. Community Board #2M</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <hr/> <p>Status: Closed, Decision – 2/26/13</p> |
| 19. | 115-12-BZ | <p>Sheldon Lobel, P.C. 701/745 64th Street, Brooklyn Special Permit (§73-44) to allow for a reduction in parking from 331 to 221 spaces in an existing building proposed to be used for ambulatory diagnostic or treatment facilities in Use Group 6 parking category B1. C4-2A zoning district. Community Board #4BK</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <hr/> <p>Status: Granted – 1/29/13</p> |

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| 20. | 9-12-BZ | <p>Eric Palatnik, P.C. 186 Girard Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141). R3-1 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 2/12/13</p> |
| 21. | 106-12-BZ | <p>Eric Palatnik, P.C. 2102 Jerome Avenue, Bronx Special Permit (§73-50) to permit the development of a new one-story retail store (UG 6), contrary to rear yard regulations (§33-292). C8-3 zoning district. Community Board #5BX</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Continued Hearing – 2/26/13</p> |
| 22. | 159-12-BZ | <p>Eric Palatnik, P.C. 94-07 156th Avenue, Queens Variance (§72-21) to allow for the enlargement of a Use Group 4 medical office building, contrary to rear yard requirements (§24-36). R3-2 zoning district. Community Board #10Q</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Closed, Decision – 2/26/13</p> |
| 23. | 233-12-BZ | <p>Fried Frank Harris Shriver & Jacob 246-12 South Conduit Avenue, Queens Variance (§72-21) to legalize an advertising sign in a residential district, contrary to use regulations (§22-00). R3X zoning district. Community Board #13Q</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Continued Hearing – 2/26/13</p> |

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| 24. | 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 – 3/5/13</p> |
| 25. | 234-12-BZ | <p>Rothkrug Rothkrug & Spector LLP 1776 Eastchester Road, Bronx Special Permit (§73-36) to allow a physical culture establishment (<i>LA Fitness</i>). M1-1 zoning district. Community Board #11BX</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 2/26/13</p> |
| 26. | 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: Continued Hearing – 3/5/13</p> |
| 27. | 295-12-BZ | <p>Sheldon Lobel, P.C. 49-33 Little Neck Parkway, Queens Variance (§72-21) to permit the expansion of a non-conforming Use Group 4 dentist's office, contrary to §52-22. R1-2 zoning district. Community Board #11Q</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Continued Hearing – 2/26/13</p> |
| 28. | 302-12-BZ | <p>Davidoff Hatcher & Citron LLP 32 West 18th Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Lithe Method</i>). C6-4A zoning district. Community Board #5M</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Continued Hearing – 2/26/13</p> |

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