

**NEW YORK CITY BOARD OF STANDARDS AND APPEALS**

**REGULAR MEETING**

**TUESDAY MORNING, MARCH 19, 2013**

**10:00 A.M.**

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>374-04-BZ</b>	Greenberg Traurig, LLP <b>246 Front Street, Manhattan</b> Extension of Time to complete construction of a previously-granted Variance (§72-21) for the development of a seven-story residential building with ground floor commercial space, which expired on October 18, 2009; Amendment to approved plans; and waiver of the Rules. C6-2A zoning district/SLMD. <b>Community Board #1M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 3/19/13</b>

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

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>2.</b>	<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>  <b>Examiner: Henry Segovia (212 386-0074)</b>  <b>Status: Continued Hearing – 4/16/13</b></p>
<b>3.</b>	<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>  <b>Examiner: Carlo Costanza (212) 386-0068</b>  <b>Status: Adjourned, Continued Hearing – 4/16/13</b></p>
<b>4.</b>	<b>410-68-BZ</b>	<p>Eric Palatnik, P.C.  <b>85-05 Astoria Boulevard, Queens</b>                      Extension of Term (§11-411) of approved variance which permitted the operation of (UG16B) automotive service station (<i>Citgo</i>) with accessory uses, which expired on November 26, 2008; Extension of Time to obtain a Certificate of Occupancy which expired on January 11, 2008; Waiver of the Rules. R3-2 zoning district.  <b>Community Board #3Q</b>  <b>Examiner: Henry Segovia (212 386-0074)</b>  <b>Status: Adjourned, Continued Hearing – 4/23/13</b></p>
<b>5.</b>	<b>167-95-BZ</b>	<p>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: Closed, Decision – 4/16/13</b></p>

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<b>SOC – NEW CASES</b>		
<b>6.</b>	<b>390-61-BZ</b>	<p>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: Closed, Decision – 4/16/13</b></p>
<b>7.</b>	<b>11-80-BZ</b>	<p>Herrick, Feinstein, LLP  <b>146 West 28<sup>th</sup> 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>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Continued Hearing – 4/16/13</b></p>
<b>8.</b>	<b>543-91-BZ</b>	<p>Eric Palatnik P.C.  <b>576-80 86<sup>th</sup> Street, Brooklyn</b>                      Extension of Term of a previously approved variance (§72-21) permitting a one-story household appliance store (<i>P.C. Richards</i>) which expired on July 28, 2012; Waiver of the Rules. C4-2A/R4-1 zoning district.  <b>Community Board #10BK</b>  <b>Examiner: Henry Segovia (212 386-0074)</b>  <b>Status: Continued Hearing – 4/23/13</b></p>
<b>9.</b>	<b>78-08-BZ</b>	<p>Stephen Grasso  <b>611 East 133<sup>rd</sup> Street, Bronx</b>                      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.  <b>Community Board #1BX</b>  <b>Examiner: Henry Segovia (212 386-0074)</b>  <b>Status: Closed, Decision – 4/9/13</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
10.	<b>110-10-BZY</b>	<p>Sheldon Lobel, P.C.  <b>123 Beach 93<sup>rd</sup> Street, Queens</b>                      Extension of time to complete construction (§11-332) for an additional two years for a minor development, which expired on October 19, 2012. R5A zoning district.  <b>Community Board #14Q</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Granted – 3/19/13</b></p>
11.	<b>201-10-BZY</b>	<p>Kramer Levin Naftalis &amp; Frankel  <b>180 Orchard Street, Manhattan</b>                      Extension of time to complete construction (§11-332) for an additional two years for a minor development, which will expire on March 15, 2013. C4-4A zoning district.  <b>Community Board #3M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Granted – 3/19/13</b></p>
12.	<b>190-12-A thru 192-12-A</b>	<p>Davidoff Hutcher &amp; Citron, LLP  <b>42-45 12<sup>th</sup> Street, Queens</b>                      Appeals from Department of Buildings' determination that signs are not entitled to continued legal status as advertising sign. M1-4 zoning district.  <b>Community Board #2Q</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Deferred Decision – 4/9/13</b></p>
13.	<b>197-12-A</b>	<p>Davidoff Hutcher &amp; Citron LLP  <b>1-37 12<sup>th</sup> Street, Brooklyn</b>                      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.  <b>Community Board #7BK</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Deferred Decision – 4/9/13</b></p>

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## *APPEALS – DECISIONS*

14.	203-12-A	Davidoff Hutcher & Citron LLP 442 West 36 <sup>th</sup> 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
		Examiner: Toni Matias (212) 386-0085
		Status: Deferred Decision – 4/9/13

## *APPEALS – CONTINUED HEARINGS*

15.	89-07-A 92-07-A thru 95-07-A	Eric Palatnik, P.C. 460, 472, 476, 480 Thornycroft Avenue and 281 Oakland Street, Staten Island
		Proposal to build three two-family and one one-family homes located within the bed of a mapped street (Thornycroft Avenue), contrary to Section 35 of the General City Law. R3-2 Zoning district.
		Community Board #3SI
		Examiner: Toni Matias (212) 386-0085
		Status: Adjourned, Continued Hearing – 4/23/13

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<b><i>APPEAL – NEW CASES</i></b>		
16.	251-12-A	<p>Davidoff Hutcher &amp; Citron LLP  <b>330 East 59<sup>th</sup> Street, Manhattan</b>                      Appeal from Department of Buildings' determination that a sign is not entitled to continued non-conforming use status as an advertising sign. C2-5 Zoning District.  <b>Community Board # 6M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Continued Hearing – 5/7/13</b></p>
17.	292-12-A	<p>Gary Lenhart, R.A.  <b>19 Marion Walk, Queens</b>                      Proposed reconstruction and enlargement of existing single-family dwelling located partially in the bed of a mapped street, contrary to Article 3, Section 35 of the General City Law; proposed upgrade of the existing private disposal system in the bed of the mapped street, contrary to Article 3, Section 35 of the General City Law. R4 zoning district.  <b>Community Board #14Q</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Granted – 3/19/13</b></p>
18.	297-12-A	<p>Law Office of Fredrick A. Becker  <b>28-18/20 Astoria Boulevard, Queens</b>                      Appeal seeking a determination that the owner of the premises has acquired a common law vested right to complete construction commenced under the prior R6 zoning district. R6-A/C1-1 zoning district.  <b>Community Board #1Q</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Closed, Decision – 4/23/13</b></p>
19.	307-12-A	<p>Gary Lenhart  <b>25 Olive Walk, Queens, Queens</b>                      Reconstruction and enlargement of existing single-family dwelling not fronting a mapped street, contrary to Article 3, section 36 of the General City law. The proposed upgrade of the existing non-conforming private disposal system located partially in the bed of the service road, contrary to building department policy. R4 zoning district.  <b>Community Board #14Q</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Granted – 3/19/13</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>67-12-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1442 First Avenue, Manhattan</b>                      Variance (§72-21) to allow for the extension of an eating and drinking establishment to the second floor, contrary to use regulations (§32-421). C1-9 zoning district.  <b>Community Board #8M</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Withdrawn – 3/19/13</b></p>
<b>2.</b>	<b>233-12-BZ</b>	<p>Fried Frank Harris Shriver &amp; Jacob  <b>246-12 South Conduit Avenue, Queens</b>                      Variance (§72-21) to legalize an advertising sign in a residential district, contrary to use regulations (§22-00). R3X zoning district.  <b>Community Board #13Q</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Granted – 3/19/13</b></p>
<b>3.</b>	<b>302-12-BZ</b>	<p>Davidoff Hutcher &amp; Citgron LLP  <b>32 West 18<sup>th</sup> Street, Manhattan</b>                      Special Permit (§73-36) to allow a physical culture establishment (<i>Litbe Method</i>). C6-4A zoning district.  <b>Community Board #5M</b>  <b>Examiner: Rory Levy (212) 386-0082</b>  <b>Status: Withdrawn – 3/19/13</b></p>
<b>4.</b>	<b>318-12-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector, LLP  <b>45 Crosby Street, Manhattan</b>                      Special permit (§73-36) to allow a physical culture establishment (<i>SoulCycle</i>) within a portion of an existing building. M1-5B zoning district.  <b>Community Board #2M</b>  <b>Examiner: Rory Levy (212) 386-0082</b>  <b>Status: Granted – 3/19/13</b></p>

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<b>5.</b>	<b>320-12-BZ</b>	Rothkrug Rothkrug & Spector, LLP <b>23 West 116<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment ( <i>Blink Fitness</i> ). C4-5X zoning district. <b>Community Board #10M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 3/19/13</b>

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<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>  <b>Examiner: Henry Segovia (212 386-0074)</b>  <b>Status: Adjourned, Continued Hearing – 4/16/13</b></p>
<b>7.</b>	<b>153-12-BZ</b>	<p>Harold Weinberg, P.E.  <b>24/34 Cobek Court, Brooklyn</b>                      Special Permit (§73-36) to legalize a physical culture establishment (<i>Fight Factory Gym</i>). M1-1/OP zoning district.  <b>Community Board #13BK</b>  <b>Examiner: Rory Levy (212) 386-0082</b>  <b>Status: Closed, Decision – 4/23/13</b></p>
<b>8.</b>	<b>199-12-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1517 Bushwick Avenue, Brooklyn</b>                      Variance (§72-21) to construct a self-storage facility, contrary to maximum permitted floor area regulations. C8-1 and R6 zoning districts.  <b>Community Board #4BK</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Adjourned, Continued Hearing – 4/23/13</b></p>
<b>9.</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>  <b>Examiner: Henry Segovia (212 386-0074)</b>  <b>Status: Continued Hearing – 4/16/13</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>10.</b>	<b>295-12-BZ</b>	Sheldon Lobel, P.C. <b>49-33 Little Neck Parkway, Queens</b> 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. <b>Community Board #11Q</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Closed, Decision – 4/23/13</b>
<b>11.</b>	<b>315-12-BZ</b>	Akerman Senterfitt, LLP <b>23-25 31<sup>st</sup> Street, Queens</b> Special Permit (§73-50) to allow for a community facility building, contrary to rear yard requirements (§33-29). C4-3 zoning district. <b>Community Board #1Q</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Continued Hearing – 4/23/13</b>

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<b><i>BZ – NEW CASES</i></b>		
12.	<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 less than the required rear yard ZR 23-47. 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: Postponed Hearing – 4/16/13</b></p>
13.	<b>338-12-BZ</b>	<p>Eric Palatnik, P.C.  <b>164-20 Northern Boulevard, Queens</b>                      Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Metro Gym</i>) located in an existing one-story and cellar commercial building. C2-2/R5B zoning district.  <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 386-0082</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/7/13</b></p>
14.	<b>1-13-BZ</b>	<p>Sheldon Lobel, P.C.  <b>420 Fifth Avenue, aka 408 Fifth Avenue, Manhattan</b>                      Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Reebok Crossfit</i>) at the cellar of an existing building. C5-3 zoning district.  <b>Community Board #5M</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 386-0082</b></p> <p style="color: red;"><b>Status: Closed, Decision – 4/23/13</b></p>
15.	<b>7-13-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>1644 Madison Place, Brooklyn</b>                      Special Permit (§73-621) for the enlargement of a single-family home, contrary to floor area, open space and lot coverage (§23-141). R3-2 zoning district.  <b>Community Board #18BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212 386-0074)</b></p> <p style="color: red;"><b>Status: Closed, Decision – 4/23/13</b></p>

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<b>16.</b>	<b>9-13-BZ</b>	Slater & 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>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Continued Hearing – 4/16/13</b>

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