

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, NOVEMBER 19, 2013

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	699-46-BZ	<p>Eric Palatnik, P.C. 224-01 North Conduit Avenue, Queens Amendment (§11-412) of a previously approved variance which permitted the operation of an automotive service station (UG 16B) with accessory use. The amendment seeks to convert existing service bays to a convenience store, increase the number of pump islands, and permit a drive-thru to the proposed convenience store. R3X zoning district. Community Board #13Q Examiner: Carlo Costanza (212) 386-0068 Status: Granted – 11/19/13</p>
2.	405-01-BZ	<p>Eric Palatnik, P.C. 1275 36th Street aka 123 Clara Street, Brooklyn Extension of Time to complete construction of a previously granted Variance (§72-21) for the construction of a five-story school and synagogue, which expires on February 14, 2014. R5/C2-3 zoning district. Community Board #12BK Examiner: Henry Segovia (212) 386-0074 Status: Granted – 11/19/13</p>
3.	19-05-BZ	<p>Slater & Beckerman, P.C. 151 West 28th Street, Manhattan Extension of Time to complete construction of a previously granted Variance (§72-21) for the change in use of portions of an existing nine-story, mixed-use building to residential use, which expires November 10, 2013. M1-6 zoning district. Community Board #5M Examiner: Henry Segovia (212) 386-0074 Status: Granted – 11/19/13</p>

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<i>SOC – CONTINUED HEARINGS</i>		
4.	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</p> <hr/> <p>Examiner: Carlo Costanza (212) 386-0068</p> <hr/> <p>Status: Closed, Decision – 12/10/13</p>
5.	219-07-BZ	<p>James Chin & Associates, LLC 11 West 36th Street, Manhattan Extension of Term of a previously granted Special Permit (§73-36) to permit the continued operation of a physical culture establishment (<i>Cosmos Spa</i>), which expired on June 3, 2010. M1-6 zoning district. Community Board #5M</p> <hr/> <p>Examiner: Henry Segovia (212) 386-0074</p> <hr/> <p>Status: Withdrawn – 11/19/13</p>

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<i>SOC – NEW CASES</i>		
6.	774-55-BZ	<p>Sahn Ward Coschignano & Baker 2155-2159 Newbold Avenue, Bronx Extension of Term (§11-411) of a previously granted variance for the continued operation of a (UG8) parking lot for the employees and customers of an existing bank (<i>Citibank</i>), which expire d on January 31, 2013; Waiver of the Rules. R5/C1-2 & R5/C2-2 zoning district. Community Board #9BX</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 12/17/13</p>
7.	17-02-BZ	<p>The Law Office of Fredrick A. Becker 445-455 Fifth Avenue aka 453 Fifth Avenue, Brooklyn Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a Physical Culture Establishment (<i>New York Sports Club</i>) which expired June 4, 2012; Waiver of the Rules. C4-3 zoning district. Community Board #6BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 12/17/13</p>
8.	248-03-BZ	<p>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</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 12/10/13</p>

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<i>APPEALS – DECISIONS</i>		
9.	68-13-A	Bryan Cave LLP 330 Bruckner Boulevard, Bronx Appeal challenging Department of Buildings’ determination that the existing sign is not entitled to non-conforming use status. M3-1 zoning district. Community Board #1BX Examiner: Toni Matias (212) 386-0085 Status: Deferred Decision – 1/14/14
10.	127-13-A	Law Offices of Marvin B. Mitzner, LLC 332 West 87th Street, Manhattan 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. Community Board #7M Examiner: Toni Matias (212) 386-0085 Status: Deferred Decision – 12/17/13
11.	221-13-A	Law Office of Jay Goldstein, PLLC 239-26 87th Avenue, Queens Appeal seeking a determination that the owner has a common law vested right to continue construction under the prior R3A zoning district. R2A zoning district. Community Board #13Q Examiner: Toni Matias (212) 386-0085 Status: Granted – 11/19/13
12.	224-13-A	Slater & Beckerman, P.C. 283 Carroll Street, Brooklyn Appeal challenging the determination by the Department of Buildings that an automatic sprinkler system is required in connection with the conversion of a three family dwelling (J-2 occupancy) to a two-family (J-3 occupancy). R6B zoning district. Community Board #6BK Examiner: Toni Matias (212) 386-0085 Status: Partially Denied / Partially Granted – 11/19/13

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<i>APPEALS – DECISIONS</i>		
13.	226-13-A	Rothrug Rothkrug & Spector LLP 29 Kayla Court, Staten Island Proposed construction of a one-family dwelling that does not front on a legally mapped street, contrary to Section 36 Article 3 of the General City Law. R3-2 /R2 NA-1 zoning District. Community Board #2SI Examiner: Toni Matias (212) 386-0085 Status: Granted – 11/19/13
14.	237-13-A thru 242-13-A	Rothkrug Rothkrug & Spector LLP 11, 12, 15, 16, 19, 20 Nino Court, Staten Island Construction of six buildings not fronting on a legally mapped street, contrary to General City Law Section 36. R3X (SSRD) zoning district. Community Board #3SI Examiner: Toni Matias (212) 386-0085 Status: Granted – 11/19/13

<i>APPEALS – CONTINUED HEARINGS</i>		
15.	71-13-A	Goldman Harris LLC 261 Walton Avenue, Bronx Appeal of Department of Buildings’ determination that the subject advertising sign is not entitled to non-conforming use status. M1-4 /R6A (MX-13) zoning districts. Community Board #1BX Examiner: Toni Matias (212) 386-0085 Status: Withdrawn – 11/19/13
16.	98-13-A	Eric Palatnik, P.C. 107 Haven Avenue, Staten Island Proposed two-story two family residential development which is within the unbuilt portion of the mapped street on the corner of Haven Avenue and Hull Street, contrary to General City Law 35 R3-1 zoning district. Community Board #2SI Examiner: Toni Matias (212) 386-0085 Status: Continued Hearing – 1/28/14

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<i>APPEAL – NEW CASES</i>		
17.	123-13-A	<p>Bryan Cave 86 Bedford Street, Manhattan Appeal challenging the determination of the Department of Buildings' to revoke a permit on the basis that (1) a lawful commercial use was not established and (2) even assuming lawful establishment, the commercial use discontinued in 2007. R6 zoning district. Community Board #2M Examiner: Toni Matias (212) 386-0085 Status: Adjourned, Continued Hearing – 11/26/13</p>
18.	166-12-A	<p>NYC Department of Buildings 638 East 11th Street, Manhattan Application to revoke the Certificate of Occupancy. R8B zoning district. Community Board #3M Examiner: Toni Matias (212) 386-0085 Status: Postponed Hearing – 11/26/13</p>
19.	107-13-A	<p>Law Office of Marvin B. Mitzner LLC 638 East 11th Street, Manhattan An appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R7- 2 zoning district. R7B zoning district. Community Board #3M Examiner: Toni Matias (212) 386-0085 Status: Postponed Hearing – 11/26/13</p>
20.	156-13-A	<p>Bryan Cave LLP 450 West 31 Street, Manhattan Appeal of DOB determination that the subject advertising sign is not entitled to non-conforming use status. C6-4/HY zoning district. Community Board #10M Examiner: Toni Matias (212) 386-0085 Status: Continued Hearing – 12/17/13</p>

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<i>BZ – DECISIONS</i>		
1.	43-12-BZ	Slater & Beckerman 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 Examiner: Status: Deferred Decision – 1/14/14
2.	282-12-BZ	Eric Palatnik, P.C. 1995 East 14th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to side yard requirements (§23-461), and a variance (§72-21), contrary to front yard requirements (§23-45). R5 zoning district. Community Board #15BK Examiner: Henry Segovia (212) 386-0074 Status: Granted – 11/19/13
3.	94-13-BZ	Vinod Tewari 11-11 40th Avenue aka 38-78 12th Street, Queens Special Permit (§73-19) to allow a school, contrary to use regulation (§42-00). M1-3 zoning district. Community Board #1Q Examiner: Henry Segovia (212) 386-0074 Status: Deferred Decision – 1/14/14
4.	121-13-BZ	Moshe M. Friedman, P.E. 1514 57th Street, Brooklyn Variance (§72-21) to permit a UG 4 synagogue (<i>Congregation Beth Aron Moshe</i>), contrary to front yard (§24-34), side yards (§24-35) and rear yard (§24-36) requirements. R5 zoning district. Community Board #12BK Examiner: Rory Levy (212) 386-0082 Status: Granted – 11/19/13

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<i>BZ – DECISIONS</i>		
5.	235-13-BZ	<p>Rothkrug Rothkrug & Spector LLP 132 West 31st Street, Manhattan Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Blink Fitness</i>) within an existing commercial building. M1-6 zoning district. Community Board #5M</p> <hr/> <p>Examiner: Rory Levy (212) 386-0082</p> <hr/> <p>Status: Granted – 11/19/13</p>

<i>BZ – CONTINUED HEARINGS</i>		
6.	78-11-BZ & 33-12-A thru 37-12-A	<p>Sheldon Lobel, P.C. 78-70 Winchester Boulevard, Queens Variance (§72-21) to allow for the construction of two assisted living residential buildings, contrary to use regulations (§32-10). Proposed construction of two mixed use buildings that do not have frontage on a legally mapped street, contrary to General City Law Section 36. C8-1 Zoning District. Community Board #13Q</p> <hr/> <p>Examiner: Toni Matias (212) 386-0085</p> <hr/> <p>Status: Adjourned, Continued Hearing – 1/14/14</p>
7.	62-12-BZ	<p>Akerman Senterfitt LLP 614/618 Morris Avenue, Bronx Variance (§72-21) to permit the construction of commercial building, contrary to use regulations (§22-00). R7-1 zoning district. Community Board #1BX</p> <hr/> <p>Examiner:</p> <hr/> <p>Status: Adjourned, Continued Hearing – 2/11/14</p>
8.	77-12-BZ	<p>Moshe M. Friedman, P.E. 91 Franklin Ave, Brooklyn Variance (§72-21) to permit a new residential building, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #3BK</p> <hr/> <p>Examiner:</p> <hr/> <p>Status: Adjourned, Continued Hearing – 1/14/14</p>

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9.	254-12-BZ	<p>Patrick W. Jones, P.C. 850 Third Avenue aka 509/519 Second Avenue, Brooklyn Variance (§72-21) to permit Use Group 10A uses on the first and second floors of an existing eight-story building, contrary to use regulations (§42-00). M3-1 zoning district. Community Board #7BK</p> <p>Examiner:</p> <p>Status: Closed, Decision – 12/17/13</p>
10.	279-12-BZ	<p>Akerman Senterfitt LLP 27-24 College Point Boulevard, Queens Variance (§72-21) to permit a bank (UG 6) in a residential zoning district, contrary to §22-00. R4/R5B zoning district. Community Board #7Q</p> <p>Examiner:</p> <p>Status: Continued Hearing – 12/17/13</p>
11.	299-12-BZ	<p>Goldman Harris LLC 40-56 Tenth Avenue, Manhattan Variance (§72-21) to permit the construction of a 12-story commercial building, contrary to floor area (§43-12), height and setback (§43-43), and rear yard (§43-311/312) regulations. M1-5 zoning district. Community Board #2M</p> <p>Examiner:</p> <p>Status: Adjourned, Continued Hearing – 11/26/13</p>
12.	55-13-BZ	<p>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</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 12/10/13</p>

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13.	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 Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 12/10/13</p>
14.	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 Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 12/10/13</p>
15.	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 Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 12/10/13</p>
16.	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 Examiner: Status: Closed, Decision – 12/10/13</p>

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<i>BZ – NEW CASES</i>		
17.	28-12-BZ	<p>Eric Palatnik, P.C. 13-15 37th Avenue, Queens Special Permit (§73-49) to legalize the off street rooftop parking on an existing two-story office building, contrary to §44-11. M1-1 zoning district. Community Board #1Q</p> <p>Examiner:</p> <p>Status: Off Calendar – 11/19/13</p>
18.	92-13-BZ & 93-13-BZ	<p>Rothkrug Rothkrug & Spector LLP 22 and 26 Lewiston Street, Staten Island Variance (§72-21) to permit the construction of two semi-detached one-family dwellings, contrary to required rear yard regulation (§23-47). R3-1(LDGMA) zoning district. Community Board #2SI</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 12/17/13</p>
19.	95-13-BZ	<p>Eric Palatnik, PC 3120 Corlear Avenue, Bronx Variance (§72-21) to permit the enlargement of an existing school (UG 3) at the second floor, contrary to §24-162. R6/C1-3 and R6 zoning districts. Community Board #8BX</p> <p>Examiner:</p> <p>Status: Continued Hearing – 1/28/14</p>
20.	206-13-BZ	<p>Fried Frank Harris Shriver and Jacobson LLP 605 West 42nd Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment within an existing building. C6-4 zoning district. Community Board #4M</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 12/17/13</p>

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21.	219-13-BZ	<p>Eric Palatnik, P.C. 2 Cooper Square, Manhattan Special Permit (§73-36) to allow physical culture establishment (<i>Crunch Fitness</i>) within a portions of an existing mixed use building contrary to §42-10. M1-5B zoning district. Community Board #2M</p> <hr/> <p>Examiner: Rory Levy (212) 386-0082</p> <hr/> <p>Status: Closed, Decision – 12/17/13</p>
22.	292-13-BZ	<p>Sheldon Lobel, P.C. 2085 Ocean Parkway, Brooklyn Variance (§72-21) to allow the development of a Use Group 4A house of worship (<i>Congregation Bet Yaakob</i>), contrary to floor area, open space ratio, front, rear and side yards, lot coverage, height and setback, planting, landscaping and parking regulations. R5, R6A and R5/OP zoning districts. Community Board #15BK</p> <hr/> <p>Examiner: Rory Levy (212) 386-0082</p> <hr/> <p>Status: Continued Hearing – 12/17/13</p>

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