

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 29, 2013

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>163-04-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>671/99 Fulton Street, Brooklyn</b>                      Extension of time to obtain a certificate of occupancy for a previously granted physical culture establishment (<i>Crunch Fitness</i>) which expired on July 17, 2013. C2-4/R7A zoning district.  <b>Community Board #2BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 10/29/13</b></p>
<b>2.</b>	<b>177-07-BZ</b>	<p>Sheldon Lobel, P.C.  <b>886 Glenmore Avenue, Brooklyn</b>                      Extension of time to complete construction of a previously approved variance (§72-21) which permitted the construction of a two-story, two-family residential building, which expired on June 23, 2013. R5 zoning district.  <b>Community Board #5BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 10/29/13</b></p>

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# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 22, 2013

10:00 A.M.

<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>3.</b>	<b>360-65-BZ</b>	<p>Greenberg Traurig, LLP  <b>108-114 East 89th Street, Manhattan</b>                      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.  <b>Community Board #8M</b></p> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p><b>Status: Closed, Decision – 12/10/13</b></p>
<b>4.</b>	<b>605-84-BZ</b>	<p>Sheldon Lobel, P.C.  <b>2629 Cropsey Avenue, Brooklyn</b>                      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.  <b>Community Board #13BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 12/10/13</b></p>
<b>5.</b>	<b>239-02-BZ</b>	<p>Greenberg Traurig, LLP  <b>110 Waverly Place, Manhattan</b>                      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.  <b>Community Board #2M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Adjourned, Continued Hearing – 12/10/13</b></p>

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10:00 A.M.

<b><i>SOC – NEW CASES</i></b>		
<b>6.</b>	<b>74-49-BZ</b>	<p>Sheldon Lobel, P.C.  <b>515 Seventh Avenue, Manhattan</b>                      Extension of Time to obtain a Certificate of Occupancy for an existing parking garage, which expired on January 11, 2012; Waiver of the Rules. M1-6 (<i>Garment Center</i>) zoning district.  <b>Community Board #5M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Continued Hearing – 11/26/13</b></p>
<b>7.</b>	<b>647-70-BZ</b>	<p>Jeffrey A. Chester Esq.  <b>59-14 Beach Channel Drive, Queens</b>                      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.  <b>Community Board #14Q</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b>  <b>Status: Continued Hearing – 11/26/13</b></p>
<b>8.</b>	<b>259-12-BZ</b>	<p>Davidoff Hutcher &amp; Citron LLP  <b>5241 Independence Avenue, Bronx</b>                      Reopening of a variance (§72-21) to permit the development of a single-family house, contrary to lot width requirement (§23-32), to allow admission of the Certificate of Appropriateness into the record. R1-1, NA-2 zoning district.  <b>Community Board #8BX</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 10/29/13</b></p>

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10:00 A.M.

<b><i>APPEALS – DECISIONS</i></b>		
<b>9.</b>	<b>247-13-A</b>	<p>Sheldon Lobel, P.C. <b>123 Beach 93rd Street, Queens</b> Common Law Vested Right to continue development of proposed six-story residential building under prior R6 zoning district. R5A zoning district. <b>Community Board #14Q</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Granted – 10/29/13</b></p>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>10.</b>	<b>41-11-A</b>	<p>Eric Palatnik, P.C. <b>1314 Avenue S, Brooklyn</b> Appeal seeking a determination that the owner has acquired a common law vested right to continue development under the prior R-6 zoning district. R4 Zoning District. <b>Community Board #15BK</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Adjourned, Continued Hearing – 11/26/13</b></p>
<b>11.</b>	<b>143-11-A thru 146-11-A</b>	<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 – 1/14/14</b></p>
<b>12.</b>	<b>66-13-A</b>	<p>Goldman Harris <b>111 E. 161 Street, Bronx</b> Appeal challenging Department of Buildings’ determination that pursuant to §122-20 advertising signs are not permitted regardless of non-conforming use status. R8/C1-4 Grand Concourse Preservation zoning district. <b>Community Board #4BX</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Withdrawn – 10/29/13</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
13.	237-13-A thru 242-13-A	Rothkrug Rothkrug & Spector LLP <b>11, 12, 15, 16, 19, 20 Nino Court, Staten Island</b> Construction of six buildings not fronting on a legally mapped street, contrary to General City Law Section 36. R3X (SSRD) zoning district. <b>Community Board #3SI</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 11/19/13</b>

<b><i>APPEAL – NEW CASES</i></b>		
14.	90-12-A	Fried, Frank, Harris, Shriver & Jacobson, LLP <b>111 Varick Street, Manhattan</b> Reopening by court remand for supplemental review of whether the subject wall was occupied by an art installation or an advertising sign. M1-6 zoning district. <b>Community Board #2M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 12/17/13</b>
15.	221-13-A	Law Office of Jay Goldstein, PLLC <b>239-26 87th Avenue, Queens</b> 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. <b>Community Board #13Q</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 11/19/13</b>

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10:00 A.M.

<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>16-12-BZ</b>	Eric Palatnik, P.C. <b>184 Nostrand Avenue, Brooklyn</b> Special Permit (§73-19) to allow for a school ( <i>Congregation Adas Yereim</i> ) contrary to use regulations (§42-00). M1-2 zoning district. <b>Community Board #4BK</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Deferred Decision – 11/26/13</b>
<b>2.</b>	<b>13-13-BZ &amp; 14-13-BZ</b>	Slater & Beckerman, P.C. <b>98 &amp; 96 DeGraw Street, Brooklyn</b> Variance (§72-21) to allow two single-family residential buildings, contrary to use regulations (§42-00). M1-1 zoning district. <b>Community Board #6BK</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Deferred Decision – 12/10/13</b>
<b>3.</b>	<b>77-13-BZ</b>	Friedman & Gotbaum, LLP <b>45 Great Jones Street, Manhattan</b> Variance (§72-21) to permit residential use, contrary to ZR 42-00 and ground floor commercial use contrary to ZR§42-14(D)(2)(b). M1-5B zoning district. <b>Community Board #2M</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Granted – 10/29/13</b>
<b>4.</b>	<b>78-13-BZ</b>	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& R7A/C2-4 zoning districts. <b>Community Board #3BK</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Deferred Decision – 12/10/13</b>
<b>5.</b>	<b>158-13-BZ</b>	Kramer Levin Naftalis & Frankel LLP <b>883 Avenue of the Americas, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>Golf &amp; Body</i> ). C6-6(MID) zoning district. <b>Community Board #5M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 10/29/13</b>

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<b><i>BZ – DECISIONS</i></b>		
<b>6.</b>	<b>159-13-BZ</b>	<p>Sheldon Lobel, P.C. <b>3791-3799 Broadway, Manhattan</b> Special Permit (§73-36) to legalize the operation of a physical culture establishment (<i>Planet Fitness</i>); Special Permit (§73-52) to allow the extension of the proposed use into 25' feet of the residential portion of the zoning lot. C4-4 and R8 zoning districts. <b>Community Board #12M</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Granted – 10/29/13</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>7.</b>	<b>50-12-BZ</b>	<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> <b>Examiner: Ronald Rizzotti (212) 386-0081</b> <b>Status: Closed, Decision – 11/26/13</b></p>
<b>8.</b>	<b>236-12-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>1487 Richmond Road, Staten Island</b> 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. <b>Community Board #2SI</b> <b>Examiner: Ronald Rizzotti (212) 386-0081</b> <b>Status: Closed, Decision – 12/10/13</b></p>
<b>9.</b>	<b>263-12-BZ &amp; 264-12-A</b>	<p>Sheldon Lobel, P.C. <b>232 &amp; 222 City Island Avenue, Bronx</b> Variance (§72-21) to permit senior housing (UG 2), contrary to use regulations (§42-00). Variance (Appendix G, Section BC G107, NYC Administrative Code) to permit construction in a flood hazard area which does not comply with Appendix G, Section G304.1.2 of the Building Code. M1-1 zoning district. <b>Community Board #10BX</b> <b>Examiner: Ronald Rizzotti (212) 386-0081</b> <b>Status: Continued Hearing – 2/4/14</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>10.</b>	<b>303-12-BZ</b>	<p>Eric Palatnik, P.C. <b>1106-1108 Utica Avenue, Brooklyn</b> Variance (§72-21) to permit the development of a sub-cellar, cellar and three story church, with accessory educational and social facilities (<i>Tabernacle of Praise</i>), contrary to rear yard setback (§33-292), sky exposure plane and wall height (§34-432), and parking (§36-21) regulations. C8-1 zoning district. <b>Community Board #17BK</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 386-0082</b></p> <p style="color: red;"><b>Status: Closed, Decision – 12/17/13</b></p>
<b>11.</b>	<b>339-12-BZ</b>	<p>Sheldon Lobel, P.C. <b>252-29 Northern Boulevard, Queens</b> 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 &amp; C1-2/R3-1 zoning districts. <b>Community Board #11Q</b></p> <p style="color: green;"><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p style="color: red;"><b>Status: Continued Hearing – 11/26/13</b></p>
<b>12.</b>	<b>6-13-BZ</b>	<p>Sheldon Lobel, P.C. <b>2899 Nostrand Avenue, Brooklyn</b> Variance (§72-21) to permit the construction of a synagogue and school, 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. <b>Community Board #18BK</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 386-0082</b></p> <p style="color: red;"><b>Status: Continued Hearing – 12/10/13</b></p>
<b>13.</b>	<b>81-13-BZ</b>	<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> <p style="color: green;"><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p style="color: red;"><b>Status: Continued Hearing – 12/10/13</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>14.</b>	<b>106-13-BZ</b>	<p>Law office of Fredrick A Becker  <b>2022 East 21st 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 perimeter wall height (§23-631); R3-2 zoning district.  <b>Community Board #15BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision – 11/26/13</b></p>
<b>15.</b>	<b>129-13-BZ</b>	<p>Lewis E. Garfinkel  <b>1010 East 22nd 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(a)); side yards (§23-461(a)); 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: Closed, Decision – 11/26/13</b></p>
<b>16.</b>	<b>167-13-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>1614/26 86th Street Brooklyn</b>                      Variance (§72-21) to permit the enlargement of an existing one-story automobile sales establishment, contrary to use regulations (§22-10). R5 zoning district.  <b>Community Board #11BK</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Continued Hearing – 11/26/13</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>17.</b>	<b>262-12-BZ</b>	Patrick W. Jones, P.C. <b>132-10 149th Avenue aka 132-35 132<sup>nd</sup> Street, Queens</b> Variance (§72-21) to permit a hotel (UG 5), contrary to use regulations (§42-00). M2-1 zoning district. <b>Community Board #10Q</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Continued Hearing – 11/26/13</b>
<b>18.</b>	<b>154-13-BZ</b>	Sheldon Lobel, P.C. <b>1054-1064 Bergen Avenue, Brooklyn</b> Variance (§72-21) to allow the construction of a retail building (UG 6), contrary to use regulations (§22-10). R5 zoning district. <b>Community Board #18BK</b>
		<b>Examiner: Ronald Rizzotti (212) 386-0081</b>
		<b>Status: Continued Hearing – 12/10/13</b>
<b>19.</b>	<b>168-13-BZ</b>	Lewis E Garfinkel <b>1323 East 26th Street, Brooklyn</b> Special Permit (§73-622) to permit the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141(a)); side yard (§23-461(a)); less than the required rear yard; (§23-47) and perimeter wall height (§23-631). R3-2 zoning district. <b>Community Board #14BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Closed, Decision – 11/26/13</b>
<b>20.</b>	<b>173-13-BZ</b>	Greenberg Traurig, LLP <b>752-758 West End Avenue aka 260-268 West 97<sup>th</sup> Street, Manhattan</b> Variance (§72-21) to legalize the existing Physical culture establishment ( <i>Paris Health Club</i> ), which occupies the cellar, first floor and the first floor mezzanine of a 24-story residential building, contrary to use regulations (§22-00). R10A zoning district. <b>Community Board #7M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Closed, Decision – 11/26/13</b>

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<b><i>BZ – NEW CASES</i></b>		
21.	<b>229-13-BZ</b>	Rothkrug Rothrug & Spector LLP <b>3779-3861 Nostrand Avenue, 2928/48 Ave Z, 2502/84 Haring Street, Brooklyn</b> Special Permit (§73-36) to allow a physical culture establishment ( <i>Blink Fitness</i> ) within an existing commercial building. C2-2/R3-2 zoning district. <b>Community Board #15BK</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Closed, Decision – 11/26/13</b>
22.	<b>232-13-BZ</b>	Rothkrug Rothkrug & Spector LLP <b>364 Bay Street, Staten Island</b> Special Permit (§73-36) to allow a physical culture establishment ( <i>Crunch Fitness</i> ) within portions of proposed commercial building. M1-1 zoning district. <b>Community Board #1SI</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Closed, Decision – 12/10/13</b>

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