

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, SEPTEMBER 24, 2013

10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|--|
| 1. | 139-92-BZ | <p>Samuel H. Valencia 52-15 Roosevelt Avenue, Queens Extension of term for a previously granted special permit (§73-244) for the continued operation of a UG12 eating and drinking establishment with dancing (<i>Deseos</i>) which expired on March 7, 2013; Waiver of the Rules. C2-2/R6 zoning district. Community Board#2Q Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 10/22/13</p> |
| 2. | 239-02-BZ | <p>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: Adjourned, Continued Hearing – 10/29/13</p> |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|------------------|---|
| 3. | 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</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <hr/> <p>Status: Continued Hearing – 10/29/13</p> |
| 4. | 606-75-BZ | <p>Sheldon Lobel, P.C. 421 Hudson Street, Manhattan Amendment of a previously approved variance (§72-21) which allowed the residential conversion of a manufacturing building; amendment seeks to permit a reallocation of floor area between the maisonette and townhouse units, resulting in a reduction of total units and no net change in total floor area. M1-5 zoning district. Community Board #2M</p> <hr/> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <hr/> <p>Status: Closed, Decision – 10/22/13</p> |

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| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|----------|---|
| 5. | 157-12-A | <p>Sheldon Lobel, P.C. 184-27 Hovenden Road, Queens Appeal challenging Department of Buildings' determination that the subject property not be developed as an "existing small lot" pursuant to ZR §23-33 as it does not meet the definition of ZR §12-10. R1-2 zoning district. Community Board #8Q Examiner: Toni Matias (212) 386-0085 Status: Granted – 9/24/13</p> |
| 6. | 67-13-A | <p>Bryan Cave LLC 945 Zerega Avenue, Bronx Appeal challenging Department of Buildings' determination that the existing roof sign is not entitled to non-conforming use status. M1-1 zoning district. Community Board #9BX Examiner: Toni Matias (212) 386-0085 Status: Denied – 9/24/13</p> |
| 7. | 127-13-A | <p>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 – 11/19/13</p> |
| 8. | 227-13-A | <p>Chris Tomlan 45 Water Street, Brooklyn Variance pursuant to the NYC Building Code (Appendix G, Section G304.1.2) to allow for the redevelopment of an historic structure (<i>Tobacco Warehouse</i>) within Brooklyn Bridge Park to be located below the flood zone. M3-1 zoning district. Community Board #2BK Examiner: Ronald Rizzotti (212) 386-0081 Status: Granted – 9/24/13</p> |

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| <i>APPEALS – CONTINUED HEARINGS</i> | | |
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| 9. | 143-11-A thru 146-11-A | <p>Philip L. Rampulla 20, 25, 35, 40 Harborlights Court, Staten Island 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. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Continued Hearing – 10/29/13</p> |
| 10. | 58-13-A | <p>Rothkrug Rothkrug & Spector LLP 4 Wiman Place, Staten Island Proposed construction of a twelve-family residential building located partially within the bed of a mapped but unbuilt street contrary to General City Law Section 35. R4/M3-1 zoning district. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Adjourned, Continued Hearing – 10/22/13</p> |
| 11. | 68-13-A | <p>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</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 11/19/13</p> |
| 12. | 87-13-A | <p>Bryan Cave LLP 174 Canal Street, Manhattan Appeal challenging Department of Buildings’ determination that the existing sign is not entitled to non-conforming use status. C6-1G zoning district Community Board #3M</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 10/22/13</p> |

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| 13. | 98-13-A | <p>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: Adjourned, Continued Hearing – 11/19/13</p> |

| <i>APPEAL – NEW CASES</i> | | |
|----------------------------------|------------------------|--|
| 14. | 131-13-A & 132-13-A | <p>Sheldon Lobel, P.C. 43 & 47 Cecilia Court, Staten Island Proposed construction of a residence not fronting on a legally mapped street, contrary to General City Law Section 36. R2 & R1 (SHPD) zoning districts. Community Board #1SI Examiner: Toni Matias (212) 386-0085 Status: Continued Hearing – 10/22/13</p> |
| 15. | 224-13-A | <p>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: Continued Hearing – 10/22/13</p> |

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| <i>BZ – DECISIONS</i> | | |
|------------------------------|--------------------------------|---|
| 1. | 16-12-BZ | <p>Eric Palatnik, P.C. 184 Nostrand Avenue, Brooklyn Special Permit (§73-19) to allow for a school (<i>Congregation Adas Yereim</i>) contrary to use regulations (§42-00). M1-2 zoning district. Community Board #4BK</p> <p>Examiner: Ronald Rizzotti (212) 386-0081 Status: Deferred Decision – 10/29/13</p> |
| 2. | 13-13-BZ & 14-13-BZ | <p>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</p> <p>Examiner: Ronald Rizzotti (212) 386-0081 Status: Deferred Decision – 10/29/13</p> |
| 3. | 77-13-BZ | <p>Friedman & Gotbaum, LLP 45 Great Jones Street, Manhattan 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. Community Board #2M</p> <p>Examiner: Ronald Rizzotti (212) 386-0081 Status: Deferred Decision – 10/29/13</p> |
| 4. | 211-13-BZ | <p>Kramer Levin Naftalis & Frankel LLP 346 Broadway, Manhattan Re-instatement (§11-411) of a previously approved variance, which permitted the use of the cellar and basement levels of a 12-story building as a public parking garage, which expired in 1971; Amendment to permit a change to the curb-cut configuration; Waiver of the rules. C6-4A zoning district. Community Board #1M</p> <p>Examiner: Carlo Costanza (212) 386-0068 Status: Granted – 9/24/13</p> |

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| 5. | 50-12-BZ | <p>Gerald J. Caliendo, R.A., AIA 177-60 South Conduit Avenue, Queens Variance (§72-21) to allow for the construction of a commercial building, contrary to use regulations (§22-00). R3-2 zoning district. Community Board #12Q</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Adjourned, Continued Hearing – 10/29/13</p> |
| 6. | 72-12-BZ | <p>Watchtel Masyr & Missry, LLP 213-223 Flatbush Avenue, Brooklyn Variance (§72-21) to allow for the construction of a new mixed use building, contrary to off-street parking (§25-23), floor area, open space, lot coverage (§23-145), maximum base height and maximum building height (§23-633) regulations. R7A/C2-4 and R6B zoning districts. Community Board #6BK</p> <p>Examiner: Ronald Rizzotti (212) 386-0081</p> <p>Status: Withdrawn – 9/24/13</p> |
| 7. | 282-12-BZ | <p>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</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 10/22/13</p> |
| 8. | 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: Ronald Rizzotti (212) 386-0081</p> <p>Status: Closed, Decision – 10/29/13</p> |

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| 9. | 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 Examiner: Carlo Costanza (212) 386-0068 Status: Adjourned, Continued Hearing – 10/29/13</p> |

| <i>BZ – NEW CASES</i> | | |
|------------------------------|------------------|--|
| 10. | 339-12-BZ | <p>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: Ronald Rizzotti (212) 386-0081 Status: Continued Hearing – 10/29/13</p> |
| 11. | 100-13-BZ | <p>Law Office of Fredrick A. Becker 1352 East 24th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R-2 zoning district. Community Board #14BK Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 10/22/13</p> |

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| 12. | 106-13-BZ | <p>Law office of Fredrick A Becker 2022 East 21st Street, Brooklyn 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. Community Board #15BK Examiner: Henry Segovia (212) 386-0074 Status: Continued Hearing – 10/29/13</p> |
| 13. | 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: Ronald Rizzotti (212) 386-0081 Status: Continued Hearing – 10/22/13</p> |
| 14. | 167-13-BZ | <p>Rothkrug Rothkrug & Spector LLP 1614/26 86th Street Brooklyn Variance (§72-21) to permit the enlargement of an existing one-story automobile sales establishment, contrary to use regulations (§22-10). R5 zoning district. Community Board #11BK Examiner: Ronald Rizzotti (212) 386-0081 Status: Continued Hearing – 10/29/13</p> |

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