

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, DECEMBER 16, 2014  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
1.	245-32-BZ	Sion Hourizadeh <b>123-05 101 Avenue, Queens</b> Extension of Term (§11-411) of a previously approved variance which permitted automotive repair (UG 16B) with a commercial office (UG 6) at the second story. C2-2/R5 zoning district. <b>Community Board #9Q</b>
		<b>Examiner: Carlo Costanza (212) 386-0068</b>
		<b>Status: Granted – 12/16/14</b>
2.	833-52-BZ	Vassalotti Associates Architects, LLP <b>5916-30 Foster Avenue, Brooklyn</b> ZR (§11-411) Extension of Term for the continued operation of a gasoline service station ( <i>Sunoco</i> ) which expired on January 15, 2012; Amendment to convert the existing service bays to a convenience store; Waiver of the Rules. C1-2/R5 zoning district. <b>Community Board #18BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Granted – 12/16/14</b>
3.	921-57-BZ	Eric Palatnik, P.C. <b>6602 New Utrecht Avenue, Brooklyn</b> Extension of Term (§11-411) of a variance which permitted the operation of an Automobile Repair Facility (UG 16B) which expired on May 29, 2013; Waiver of the Rules. C2-2/R5 zoning district. <b>Community Board #11BK</b>
		<b>Examiner: Carlo Costanza (212) 386-0068</b>
		<b>Status: Granted – 12/16/14</b>
4.	902-79-BZ 1096-79-BZ 1097-79-BZ 148-03-BZ	Goldman Harris LLC <b>111/113 West 28th Street and 116-118 &amp; 120 &amp; 114 West 29th Street, Manhattan</b> Amendment of a previously approved Variance (§72-21) the conversion of a three-story and four-story and a twelve-story existing manufacturing buildings to residential use above the ground floor and now to proposed the unused development rights for incorporation into a new as-of-right hotel. M1-6 zoning district. <b>Community Board #5M</b>
		<b>Examiner: Carlo Costanza (212) 386-0068</b>
		<b>Status: Granted – 12/16/14</b>

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<b><i>SOC – DECISIONS</i></b>		
5.	964-87-BZ	Eric Palatnik, P.C. <b>786 Burke Avenue, aka 780-798 Burke Avenue, Bronx</b> Amendment to a previously approved Variance for the operation of an Automotive Service Station (UG 16B), with accessory uses. The Amendment seeks to convert a portion of a service bay to an accessory convenience store; Extension of Time to obtain a Certificate of Occupancy which expired on May 10, 2012; Waiver of the Rules. C1-3/R6 zoning district. <b>Community Board #12BX</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Granted – 12/16/14</b>
6.	164-04-BZ	Warshaw Burstein, LLP <b>2241 Westchester Avenue, Bronx</b> Extension of Term of a previously granted Special Permit (§73-36) for the continued operation of a physical culture establishment ( <i>Planet Fitness Center</i> ) occupying the entire second floor of a two story building which expired on July 15, 2014. R6/C2-4 zoning district. <b>Community Board #10BX</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Granted – 12/16/14</b>

<b><i>SOC – CONTINUED HEARINGS</i></b>		
7.	164-94-BZ	Jeffrey Chester, Esq. <b>84 Hugh Grant Circle, Bronx</b> Extension of Term of a previously approved Variance (§72-21) which permitted the operation of physical culture establishment ( <i>Lucille Roberts</i> ), which expired on March 1, 2014. C1-2/R6 zoning district. <b>Community Board #9BX</b>
		<b>Examiner: Carlo Costanza (212) 386-0068</b>
		<b>Status: Continued Hearing – 2/10/15</b>

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### ***SOC – NEW CASES***

8.	142-92-BZ 289-13-BZ	Preserve Park Slope, Inc. c/o Albert K. Butzel <b>506 and 473-541 6<sup>th</sup> Street, Brooklyn</b> Rehearing: To request a reargument or rehearing of the Board's decision of June 17, 2014 in which the Board granted a variance that allowed NY Methodist Hospital to build a new ambulatory care facility on the property identified above. R6, R6B, R7B zoning districts. <b>Community Board #6BK</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Denied – 12/16/14</b>

### ***APPEALS – CONTINUED HEARINGS***

9.	300-08-A	Law office of Marvin B. Mitzner LLC <b>39-35 27th Street, Queens</b> Extension of time to complete construction and obtain a Certificate of Occupancy for the construction of a hotel under common law vested rights. M1-2 /R5-B zoning district. <b>Community Board #1Q</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Continued Hearing – 2/10/15</b>

### ***APPEAL – NEW CASES***

10.	65-14-A thru 88-14-A	Rothkrug Rothkrug & Spector LLP <b>Lemon Drop and Apricot Court, Staten Island</b> Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-1(SRD) zoning district. <b>Community Board #3SI</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 1/6/15</b>

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<b>APPEAL – NEW CASES</b>		
11.	113-14-A	Howard Goldman, Esq. <b>86 Bedford Street, Manhattan</b> Appeal seeking revocation of a permit issued that allows a nonconforming use eating/drinking establishment to resume after being discontinued for several years. R6 zoning district. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 2/24/15</b>
12.	128-14-A	Bryan Cave LLP <b>47 East 3rd Street, Manhattan</b> Appeal challenging DOB determination that the proposed off-street loading berth is not accessory to a medical office. C2-5/R7A zoning district. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Continued Hearing – 2/24/15</b>
13.	192-14-A thru 198-14-A	Rothkrug Rothkrug & Spector LLP <b>10, 12, 18, 20, 26, 30, 32 Winslow Place, Staten Island</b> Proposed construction of buildings that do not front on a legally mapped street pursuant to Section 36 Article 3 of the General City Law. R3-2(SRD) zoning district. <b>Community Board #3SI</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 1/6/15</b>

<b>BZ – DECISIONS</b>		
14.	2-13-BZ	Alfonso Duarte <b>438 Targee Street, Staten Island</b> Variance (§72-21) to legalize the extension of a retail building, contrary to use regulations (§23-00). R3A zoning district. <b>Community Board #1SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Granted – 12/16/14</b>

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<b><i>BZ – DECISIONS</i></b>		
15.	119-14-BZ	Law Office of Jay Goldstein, PLLC <b>1151 Third Avenue aka 201 East 67<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>Flywheel Sports</i> ) of the second and third floor of the existing building. Located within a C1-9 zoning district. <b>Community Board #8M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 12/16/14</b>
16.	120-14-BZ	Law Office of Jay Goldstein, PLLC <b>1151 Third Avenue aka 201 East 67, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>Fbitting Room</i> ) on the fifth floor of the existing building. C1-9 zoning district. <b>Community Board #8M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 12/16/14</b>
17.	121-14-BZ	Law Office of Jay Goldstein, PLLC <b>1151 Third Avenue aka 201 East 67<sup>th</sup> Street, Manhattan</b> Special Permit (§73-36) to allow for the operation of a physical culture establishment ( <i>SLT</i> ) on the 4th floor of the existing building. C1-9 zoning district. <b>Community Board #8M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 12/16/14</b>
18.	151-14-BZ	Law Office of Fredrick A. Becker <b>19 West 21st Street, Manhattan</b> Special Permit (§73-36) to legalize the operation of a physical culture establishment/ yoga studio ( <i>Exhale Enterprises</i> ) on a portion of the ground floor of the subject 12-story commercial building. C6-4A zoning district. <b>Community Board #5M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Granted – 12/16/14</b>

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### ***BZ – DECISIONS***

19.	208-14-BZ	Department of Housing Preservation & Development. <b>119 East 7<sup>th</sup> Road, Block 15454, Lot 21. Queens</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3-2 zoning district. <b>Community Board #14Q</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Withdrawn – 12/16/14</b>
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### ***BZ – CONTINUED HEARINGS***

20.	286-12-BZ	Eric Palatnik, P.C. <b>1925 Union Street, Brooklyn</b> Variance (§72-21) to permit a vertical enlargement and conversion of an existing two-story automotive repair facility to a four-story UG 4A House of Worship ( <i>People of Destiny Church</i> ), contrary to coverage ratio (§24-11), R6 zoning district. <b>Community Board #8BK</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Continued Hearing – 3/3/15</b>
21.	343-12-BZ	Akerman LLP. <b>570 East 21st Street, Brooklyn</b> Variance (§72-21) to permit the construction of a Use Group 3 school ( <i>Brooklyn School for Medically Frail Children</i> ) with dormitory facilities in a split zoning lot, contrary to lot coverage (§24-11), yard requirements (§24-382, §24-393, §24-33) and use regulations (§22-13). R1-2/R7A zoning district. <b>Community Board #14BK</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Continued Hearing – 2/24/15</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
22.	350-12-BZ	Sheldon Lobel, P.C. <b>5 32nd Street, Brooklyn</b> Variance (§72-21) to permit the construction of an 11-story community facility/residential building, contrary to use regulations (§42-00). M3-1 zoning district. <b>Community Board #7BK</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Adjourned, Continued Hearing – 2/3/15</b>
23.	254-13-BZ	Law Office of Marvin B. Mitzner <b>2881 Nostrand Avenue, Brooklyn</b> Variance (§72-21) to permit a residential development, contrary to floor area (§23-141(a)), dwelling units (§23-22), lot coverage (§23-141(a)), front yard (§23-45(a)), side yard (§23-462(a)), and building height (§23-631(b)) regulations. R3-2 zoning district. <b>Community Board #18BK</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Closed, Decision – 1/6/15</b>
24.	94-14-BZ	Dennis D. Dell'Angelo <b>1150 East 22nd Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (ZR 23-141) and less than the required rear yard (ZR 23-47). R2 zoning district. <b>Community Board #3BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Closed, Decision – 1/27/15</b>

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TUESDAY AFTERNOON, DECEMBER 16, 2014

1:00 P.M.

<b>BZ – NEW CASES</b>		
1.	63-14-BZ	Rothkrug Rothkrug & Spector LLP <b>5500 Broadway, Bronx</b> Special Permit (§73-36) to allow the legalization of an existing physical culture establishment ( <i>Astral Fitness</i> ). M1-1 zoning district. <b>Community Board #8BX</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Continued Hearing – 1/27/15</b>
2.	118-14-BZ	Rampulla Associates <b>1891 Richmond Road, Staten Island</b> Variance (§72-21) to allow a three-story sixteen unit condominium contrary to use regulations, with accessory parking for thirty six cars. Located within R3X, R1-2 split zoning district and in an NA-1 designated area. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 2/3/15</b>
3.	124-14-BZ	Sheldon Lobel, P.C. <b>1112 Gilmore Court, Brooklyn</b> Special Permit (§73-622) for the enlargement of a single-family detached residence to be converted into a two-family home contrary to floor area, lot coverage and open space (ZR 23-141); side yards (ZR 23-461) and less than the required rear yard (ZR 23-47). R4 zoning district. <b>Community Board #15BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Continued Hearing – 2/3/15</b>
4.	168-14-BZ	Warshaw Burnstein, LLP <b>419 Lafayette Street, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>Barry's Bootcamp</i> ) within the existing building. M1-5B zoning district. <b>Community Board #2M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Closed, Decision – 1/13/15</b>

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<b>BZ – NEW CASES</b>		
5.	177-14-BZ	Eric Palatnik, P.C. <b>1038 Flatbush Avenue, Brooklyn</b> Special Permit (§73-36) to allow a physical culture establishment ( <i>Crunch Fitness</i> ) within a portion of an altered building. C4-4A/R6A zoning district. <b>Community Board #14BK</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Closed, Decision – 1/27/15</b>
6.	184-14-BZ	Sheldon Lobel, P.C. <b>1-37 12th Street, Brooklyn</b> Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>Retro Fitness</i> ) on the third floor of the existing building at the premises. M1-2 zoning district. <b>Community Board #6BK</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Continued Hearing – 1/13/15</b>
7.	185-14-BZ	Sheldon Lobel, P.C. <b>14 Wall Street, Manhattan</b> Special Permit (§73-36) to permit the operation of a Physical Culture Establishment (PCE) on the cellar and sub-cellar floor of the existing building at the premises, which is located in a C5-5 zoning district. <b>Community Board #1M</b>
		<b>Examiner: Rory Levy (212) 386-0082</b>
		<b>Status: Continued Hearing – 1/13/15</b>
8.	285-14-BZ & 286-14-BZ	Department of Housing Preservation and Development <b>84 McLaughlin Street</b> <b>20 Orlando Street</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 1/13/15</b>

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<b>BZ – NEW CASES</b>		
9	287-14-BZ	Department of Housing Preservation and Development <b>138 Roma Avenue</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Granted – 12/16/14</b>
10.	288-14-BZ	Department of Housing Preservation and Development <b>131 Cedar Grove Avenue</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 1/13/15</b>
11.	291-14-BZ thru 296-14-A	Department of Housing Preservation and Development <b>19 Milbank Road</b> <b>23 Neutral Avenue</b> <b>58 Seafoam Avenue</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy. (GCL 36) waiver for properties located on an unmapped street on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Granted – 12/16/14</b>

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<b>BZ – NEW CASES</b>		
12.	297-14-BZ thru 300-14-A	Department of Housing Preservation and Development <b>6 &amp; 28 Topping Street</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy. (GCL 36) waiver for properties located on an unmapped street on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 1/13/15</b>
13.	303-14-BZ thru 306-14-BZ	Department of Housing Preservation and Development <b>1032 &amp; 1034 Olympia Boulevard</b> <b>296 Adams Avenue</b> <b>156 Baden Place</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Granted – 12/16/14</b>
14.	307-14-BZ	Department of Housing Preservation and Development <b>540 Hunter Avenue</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 1/13/15</b>

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<b><i>BZ – NEW CASES</i></b>		
15.	308-14-BZ	<p>Department of Housing Preservation and Development <b>179 Kiswick Street</b> <b>Staten Island</b></p> <p>Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.</p> <p><b>Community Board #2SI</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Continued Hearing – 1/13/15</b></p>
16.	309-14-BZ	<p>Department of Housing Preservation and Development <b>55 Hempstead Avenue</b> <b>Staten Island</b></p> <p>Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.</p> <p><b>Community Board #2SI</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Granted – 12/16/14</b></p>
17.	310-14-BZ	<p>Department of Housing Preservation and Development <b>297 Colony Avenue</b> <b>Staten Island</b></p> <p>Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program.</p> <p><b>Community Board #2SI</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Continued Hearing – 1/13/15</b></p>

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<b>BZ – NEW CASES</b>		
18.	311-14-BZ	Department of Housing Preservation and Development <b>178 Kiswick Street</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Withdrawn – 12/16/14</b>
19.	312-14-BZ	Department of Housing Preservation and Development <b>65 Hempstead Avenue</b> <b>Staten Island</b> Special Permit (ZR 64-92) to waive bulk regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>Community Board #2SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 1/13/15</b>

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

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