

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JANUARY 14, 2014

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</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:</b></p> <p><b>Status: Granted – 1/14/14</b></p>
<b>2.</b>	<b>68-94-BZ</b>	<p>Troutman Sanders LLP  <b>2100 Bartow Avenue, Bronx</b>                      Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>Bally's Total Fitness</i>) which expires on November 1, 2014; Extension of Time to obtain a Certificate of Occupancy which expired on September 11, 2013; waiver of the Rules. C4-3/M1-1 zoning district.  <b>Community Board #10BX</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 1/14/14</b></p>
<b>3.</b>	<b>358-02-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>200 Park Avenue, Manhattan</b>                      Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment in a multi-story commercial, retail and office building, which expired on June 3, 2013; Waiver of the Rules. C5-3 (MID) zoning district.  <b>Community Board #5M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 1/14/14</b></p>
<b>4.</b>	<b>206-03-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>980 Madison Avenue, Manhattan</b>                      Extension of Term of a Special Permit (§73-36) for the continued operation of a physical culture establishment (<i>Exhale Spa</i>) which expired on November 5, 2013. C5-1 (MP) zoning district.  <b>Community Board #5M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 1/14/14</b></p>

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<b>5.</b>	<b>265-08-BZ</b>	Herrick, Feinstein LLP <b>70 Wyckoff Avenue, Brooklyn</b> Extension of Time to Obtain a Certificate of Occupancy for a previously granted Variance (§72-21) for the legalization of residential units in a manufacturing building, which expired on September 27, 2013. M1-1 zoning district. <b>Community Board #4BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Granted – 1/14/14</b>
<b>6.</b>	<b>20-12-BZ</b>	Herrick Feinstein LLP <b>203 Berry Street, Brooklyn</b> Amendment to a previously granted Special Permit (§73-36) for the legalization of a physical culture establishment ( <i>Retro Fitness</i> ) to obtain additional time to obtain a public assembly license. M1-2/R6B Special MX-8 zoning district. <b>Community Board #1BK</b>
		<b>Examiner: Henry Segovia (212) 386-0074</b>
		<b>Status: Granted – 1/14/14</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
7.	74-49-BZ	<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>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision - 2/11/14</b></p>
8.	327-88-BZ	<p>Eric Palatnik, P.C.  <b>136-36 39th Avenue aka 136-29 &amp; 136-35A Roosevelt Avenue, Queens</b>                      Amendment to a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (<i>Jade Asian Restaurant</i>). C4-3 zoning district.  <b>Community Board #7Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision - 2/11/14</b></p>
9.	239-02-BZ	<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>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision - 2/11/14</b></p>
10.	25-08-BZ	<p>Eric Palatnik, P.C.  <b>444 Beach 6th Street, Queens</b>                      Amendment to a Variance (§72-21) which permitted bulk waivers for the construction of a school (<i>Torah Academy for Girls</i>). The proposed amendment seeks to enlarge the school to provide additional classrooms. R4-1 zoning district.  <b>Community Board #14Q</b>  <b>Examiner: Rory Levy (212) 386-0082</b>  <b>Status: Closed, Decision - 2/4/14</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>11.</b>	<b>13-78-BZ</b>	<p>Sheldon Lobel, P.C.  <b>144-02 Liberty Avenue, Queens</b>            Extension of Term of a previously granted Variance (§72-21) for the continued operation of a plumbing supply establishment (<i>Jamaica Plumbing and Heating Supply, Inc.</i>) which expired on June 27, 2013. R4-1 &amp; R6A/C2-4 zoning districts.  <b>Community Board #12Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Continued Hearing – 2/11/14</b></p>
<b>12.</b>	<b>42-03-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>1221 Avenue of the Americas, Manhattan</b>            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 on July 22, 2013; Amendment to the hours of operation; Waiver of the Rules. C6-5, C6-6 (MID) zoning district.  <b>Community Board #5M</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision - 2/4/14</b></p>
<b>13.</b>	<b>381-04-BZ</b>	<p>Sheldon Lobel, P.C.  <b>83 Bushwick Place aka 225-227 Boerum Street, Brooklyn</b>            Extension of Time to complete construction of a previously granted Variance (72-21) for the construction of a four-story residential building with parking which expired on September 12, 2010; Waiver of the Rules. M1-1 zoning district.  <b>Community Board #1BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision - 2/4/14</b></p>
<b>14.</b>	<b>297-06-BZ</b>	<p>Eric Palatnik, P.C.  <b>130 Montgomery Avenue, Staten Island</b>            Extension of Time to complete construction of a previously granted Variance (§72-21) for the construction of a four-story residential building with ground and cellar level retail, which expired on October 16, 2011; Waiver of the Rules. C4-2 (HS) zoning district.  <b>Community Board #1SI</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Closed, Decision - 2/4/14</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>15.</b>	<b>68-13-A</b>	<p>Bryan Cave LLP  <b>330 Bruckner Boulevard, Bronx</b>                      Appeal challenging Department of Buildings’ determination that the existing sign is not entitled to non-conforming use status. M3-1 zoning district.  <b>Community Board #1BX</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Deferred Decision – 1/28/14</b></p>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>16.</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: Closed, Decision - 2/4/14</b></p>
<b>17.</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: Adjourned, Continued Hearing – 2/25/14</b></p>
<b>18.</b>	<b>58-13-A</b>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>4 Wiman Place, Staten Island</b>                      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.  <b>Community Board #1SI</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Granted – 1/14/14</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
19.	123-13-A	<p>Bryan Cave  <b>86 Bedford Street, Manhattan</b>                      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.  <b>Community Board #2M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Adjourned, Continued Hearing – 2/11/14</b></p>
20.	191-13-A	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>3161 Richmond Terrace, Staten Island</b>                      Proposed construction of a three-story office building within the bed of a mapped street, pursuant to Article 3 of General City Law 35. M3-1 zoning district.  <b>Community Board #1SI</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Adjourned, Continued Hearing – 2/11/14</b></p>
21.	287-13-A & 288-13-A	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>525 &amp; 529 Durant Avenue, Staten Island</b>                      Proposed construction of a building that does not front on a legally mapped street, contrary to General City Law Section 36. R3X SRD district.  <b>Community Board #3SI</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Adjourned, Continued Hearing – 2/11/14</b></p>

<b><i>APPEAL – NEW CASES</i></b>		
22.	296-13-A	<p>Jack Lester, Esq.  <b>280 Bond Street, Brooklyn</b>                      An appeal to Department of Buildings’ determination to permit an eating and drinking establishment. Appellant argues that the non-conforming use has been discontinued and the use is contrary to open space regulations (§52-332). R6B zoning district.  <b>Community Board #3BK</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Continued Hearing – 3/25/14</b></p>

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<b><i>BZ – DECISIONS</i></b>		
1.	<b>6-12-BZ</b>	<p>Syeda Laila  <b>39-06 52nd Street aka 51-24 39<sup>th</sup> Avenue, Queens</b>                      Variance (§72-21) to permit a four-story residential building, contrary to floor area, (§103-211), dwelling unit (§23-22), front yard (§23-46), side yard (§23-46) and height (§23-631) regulations. R4 zoning district.  <b>Community Board #2Q</b></p> <p><b>Examiner:</b></p> <p><b>Status: Deferred Decision – 2/25/14</b></p>
2.	<b>16-12-BZ</b>	<p>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></p> <p><b>Examiner:</b></p> <p><b>Status: Granted – 1/14/14</b></p>
3.	<b>43-12-BZ</b>	<p>Slater &amp; Beckerman  <b>25 Great Jones Street, Manhattan</b>                      Variance (§72-21) to permit a residential building, contrary to use regulations (§42-00). M1-5B zoning district.  <b>Community Board #2M</b></p> <p><b>Examiner:</b></p> <p><b>Status: Closed, Decision – 2/11/14</b></p>
4.	<b>254-12-BZ</b>	<p>Patrick W. Jones, P.C.  <b>850 Third Avenue aka 509/519 Second Avenue, Brooklyn</b>                      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.  <b>Community Board #7BK</b></p> <p><b>Examiner:</b></p> <p><b>Status: Granted – 1/14/14</b></p>
5.	<b>262-12-BZ</b>	<p>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></p> <p><b>Examiner:</b></p> <p><b>Status: Granted – 1/14/14</b></p>

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<b>6.</b>	<b>94-13-BZ</b>	<p>Vinod Tewari <b>11-11 40th Avenue aka 38-78 12th Street, Queens</b> Special Permit (§73-19) to allow a school, contrary to use regulation (§42-00). M1-3 zoning district. <b>Community Board #1Q</b></p> <p><b>Examiner:</b></p> <p><b>Status: Deferred Decision – 2/25/14</b></p>
<b>7.</b>	<b>120-13-BZ</b>	<p>Eric Palatnik, P.C. <b>1815 Forest Avenue, Staten Island</b> Special Permit (§73-243) to allow for an eating and drinking establishment (UG 6) (<i>McDonald's</i>) with an accessory drive-through facility. C1-2/R3-2 zoning district. <b>Community Board #1SI</b></p> <p><b>Examiner:</b></p> <p><b>Status: Granted – 1/14/14</b></p>
<b>8.</b>	<b>171-13-BZ</b>	<p>Law Office of Fredrick A. Becker <b>1034 East 26th Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R2 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 1/14/14</b></p>
<b>9.</b>	<b>187-13-BZ</b>	<p>Warshaw Burnstein, LLP <b>1024-1030 Southern Boulevard, Bronx</b> Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Planet Fitness</i>), and Special Permit (§73-52) to extend commercial use into the portion of the lot located within a residential zoning district. C4-4/R7-1 zoning district. <b>Community Board #2BX</b></p> <p><b>Examiner: Rory Levy (212) 386-0083</b></p> <p><b>Status: Granted – 1/14/14</b></p>

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<b>10.</b>	<b>223-13-BZ</b>	<p>Stroock &amp; Stroock &amp; Lavan LLP  <b>29 West Kingsbridge Road aka Kingsbridge Armory Building, Bronx</b>                      Special Permit (§73-36) to allow a physical culture establishment (<i>Kingsbridge National Ice Wellness Center</i>) in an existing building. C4-4/R6 zoning district.  <b>Community Board #7BX</b>  <b>Examiner: Rory Levy (212) 386-0083</b>  <b>Status: Granted – 1/14/14</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>11.</b>	<b>78-11-BZ &amp; 33-12-A thru 37-12-A</b>	<p>Sheldon Lobel, P.C.  <b>78-70 Winchester Boulevard, Queens</b>                      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.  <b>Community Board #13Q</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Adjourned, Continued Hearing – 2/25/14</b></p>
<b>12.</b>	<b>77-12-BZ</b>	<p>Moshe M. Friedman, P.E.  <b>91 Franklin Ave, Brooklyn</b>                      Variance (§72-21) to permit a new residential building, contrary to use regulations (§42-00). M1-1 zoning district.  <b>Community Board #3BK</b>  <b>Examiner:</b>  <b>Status: Continued Hearing – 2/25/14</b></p>

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<b>13.</b>	<b>299-12-BZ</b>	<p>Goldman Harris LLC  <b>40-56 Tenth Avenue, Manhattan</b>                      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.  <b>Community Board #2M</b></p> <p><b>Examiner:</b></p> <p><b>Status: Continued Hearing – 2/11/14</b></p>
<b>14.</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 (<i>Yeshiva Obr Yisrael</i>), 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><b>Examiner: Rory Levy (212) 386-0083</b></p> <p><b>Status: Closed, Decision – 2/4/14</b></p>
<b>15.</b>	<b>154-13-BZ</b>	<p>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></p> <p><b>Examiner:</b></p> <p><b>Status: Closed, Decision – 2/4/14</b></p>
<b>16.</b>	<b>192-13-BZ</b>	<p>Fox Rothschild, LLP  <b>354/361 West Street, Manhattan</b>                      Variance (§72-21) to permit the construction of a residential building with accessory parking, contrary to use regulations (§42-10). M1-5 zoning district.  <b>Community Board #2M</b></p> <p><b>Examiner:</b></p> <p><b>Status: Continued Hearing – 2/4/14</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
17.	243-13-BZ	Kramer Levin Naftalis & Frankel LLP <b>22 Thames Street aka 125-129 Greenwich Street, Manhattan</b> Variance (§72-21) to permit construction of a mixed use building, contrary to setback requirements (§91-32). C5-5 (LM) zoning district. <b>Community Board #1M</b>
		<b>Examiner:</b>
		<b>Status: Closed, Decision – 2/4/14</b>
18.	249-13-BZ	Eric Palatnik, P.C. <b>747 Broadway, Brooklyn</b> Special Permit (§73-36) to allow a physical cultural establishment ( <i>Crunch Fitness</i> ) within portions of existing commercial building. C4-3 zoning district. <b>Community Board #1BK</b>
		<b>Examiner: Rory Levy (212) 386-0083</b>
		<b>Status: Closed, Decision – 2/4/14</b>

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<b><i>BZ – NEW CASES</i></b>		
19.	<b>209-13-BZ</b>	<p>Sheldon Lobel, P.C.  <b>12 West 21st Street, Manhattan</b>                      Special Permit (§73-36) to allow a physical culture establishment (<i>NY Physical Training Fitness Studio</i>) within the existing building, contrary to C6-4-A zoning district.  <b>Community Board #5M</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 386-0083</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/4/14</b></p>
20.	<b>220-13-BZ</b>	<p>Law Office of Jay Goldstein, PLLC  <b>2115 Avenue J, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area and open space (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.  <b>Community Board #14BK</b></p> <p style="color: green;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="color: red;"><b>Status: Continued Hearing – 2/4/14</b></p>
21.	<b>245-13-BZ</b>	<p>Eric Palatnik, P.C.  <b>2660 East 27th 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) and less than the required rear yard (§23-47). R4 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: Closed, Decision – 2/11/14</b></p>
22.	<b>267-13-BZ</b>	<p>Law Office of Jay Goldstein, PLLC  <b>689 5th Avenue aka 1 East 54<sup>th</sup> Street, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Blink Fitness</i>). C5-3 (MID) zoning district.  <b>Community Board #5M</b></p> <p style="color: green;"><b>Examiner: Rory Levy (212) 386-0083</b></p> <p style="color: red;"><b>Status: Closed, Decision – 2/4/14</b></p>

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

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