

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, JANUARY 28, 2014
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	119-03-BZ	<p>Rothkrug Rothkrug & Spector LLP 10 Columbus Circle aka 301 West 58th Street and 303 West 60th Street, Manhattan</p> <p>Extension of term of a special permit (§73-36) to allow the continued operation of a physical culture establishment (<i>Equinox</i>), which expired on September 16, 2013. C6-6 (MID) zoning district. Community Board #4M</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 1/28/14</p>
2.	209-03-BZ	<p>Law Office of Fredrick A. Becker 150 Central Park South, Manhattan</p> <p>Extension of term of a variance (§72-21) for the continued operation of physical culture establishment (<i>Exhale Spa</i>) located in a portion of a 37-story residential building which expired on October 21, 2013. R10-H zoning district. Community Board #5M</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 1/28/14</p>
3.	176-09-BZ	<p>Bryan Cave LLP 220-236 West 28th Street, Manhattan</p> <p>Extension of time to complete construction of a Special Permit (§73-64) to waive height and setback regulations (§33-432) for a community use facility (<i>Fashion Institute of Technology</i>) which expired on October 6, 2013. C6-2 zoning district. Community Board #5M</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 1/28/14</p>

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<i>SOC – CONTINUED HEARINGS</i>		
4.	406-82-BZ	<p>Eric Palatnik, P.C. 2411 86th Street, Brooklyn Extension of term of a special permit (§73-243) allowing an eating and drinking establishment (<i>McDonald's</i>) with accessory drive-thru which expired on January 18, 2013; Extension of time to obtain a Certificate of Occupancy which expired on September 11, 2013; Waiver of the Rules. C1-3/R5 zoning district. Community Board #11BK Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 2/11/14</p>
5.	20-02-BZ	<p>Law office of Fredrick A. Becker 303 Park Avenue South, Manhattan Extension of term of a special permit (§73-36) to allow the operation of a physical culture establishment (<i>New York Sports Club</i>) in a five story mixed use loft building, which expired on August 21, 2013. C6-4 zoning district. Community Board #5M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 2/25/14</p>

<i>SOC – NEW CASES</i>		
6.	427-70-BZ	<p>Carl A. Sulfaro, Esq. 38-01 & 38-05 Beach Channel Drive, Queens Amendment of a previously approved Variance (§72-21) which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to legalize a one-story accessory convenience store. C2-2/R4 zoning district. Community Board #14Q Examiner: Carlo Costanza (212) 386-0068 Status: Continued Hearing – 3/25/14</p>

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<i>SOC – NEW CASES</i>		
7.	799-89-BZ	<p>Law Office of Jay Goldstein, PLLC 1460-1470 Bruckner Blvd. aka 970 Colgate Avenue, Bronx Extension of Term of a previously approved Variance (ZR 72-21) for the continued operation of a UG 17 Contractor's Establishment (<i>Colgate Scaffolding</i>) which expired on December 23, 2013. C8-1/R6 zoning district. Community Board #9BX Examiner: Henry Segovia (212) 386-0074 Status: Continued Hearing – 3/4/14</p>
8.	331-04-BZ	<p>Sheldon Lobel, P.C. 26 Cortlandt Street, Manhattan Amendment of a previously approved Variance (§72-21) which permitted the expansion of floor area in an existing commercial structure (<i>Century 21</i>). The amendment seeks to permit a rooftop addition above the existing building which exceeds the maximum permitted floor area. C5-5 (LM) zoning district. Community Board #1M Examiner: Carlo Costanza (212) 386-0068 Status: Continued Hearing – 2/25/14</p>
9.	238-07-BZ	<p>Goldman Harris LLC 5-11 47th Avenue, Queens Amendment of a previously approved Variance (§72-21) which permitted the construction of a 12-story mixed-use building and a 6-story community facility dormitory and faculty housing building (<i>CUNY Graduate Center</i>), contrary to use and bulk regulations. The amendment seeks the elimination of the cellar and other design changes to the Dormitory Building. M1-4/R6A (LIC) zoning district. Community Board #2Q Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 2/25/14</p>

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<i>APPEALS – DECISIONS</i>		
10.	348-12-A & 349-12-A	<p>Rothkrug Rothkrug & Spector LLP 15 & 19 Starr Avenue, Staten Island Proposed construction of two one-family dwellings located within the bed of a mapped street, contrary to General City Law, Section 35. R2 zoning district. Community Board #1SI</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Deferred Decision – 2/11/14</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: Denied – 1/28/14</p>
12.	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</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Deferred Decision – 2/25/14</p>
13.	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</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Granted – 1/28/14</p>
14.	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</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Deferred Decision – 2/11/14</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
15.	166-12-A	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: Continued Hearing – 3/11/14
16.	107-13-A	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: Adjourned, Continued Hearing – 3/11/14
17.	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: Adjourned, Continued Hearing – 3/4/14
18.	110-13-A	Abrams Fensterman, LLP 120 President Street, Brooklyn Appeal challenging Department of Buildings’ interpretation of the Building Code regarding required walkway around a below-grade pool. R6B zoning district. Community Board #6BK
		Examiner: Toni Matias (212) 386-0085
		Status: Continued Hearing – 2/25/14

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<i>APPEALS – CONTINUED HEARINGS</i>		
19.	230-13-A	<p>Nikolaos Sellas 29-19 Newtown Avenue, Queens Proposed construction of a four-story residential building located within the bed of a mapped street (29th Street), contrary to General City Law Section 35. R6A/R6B zoning district. Community Board #4Q</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Granted – 1/28/14</p>
20.	231-13-A	<p>Nikolaos Sellas 29-15 Newtown Avenue, Queens Proposed construction of a six-story residential building located within the bed of a mapped street (29th Street), contrary to General City Law Section 35. R6A/R6B zoning district. Community Board #4Q</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Granted – 1/28/14</p>

<i>APPEAL – NEW CASES</i>		
21.	214-13-A	<p>Slater & Beckerman, P.C. 219-08 141st Avenue, Queens Appeal seeking a determination that the owner has acquired a common law vested right to complete construction under the prior R3-2 zoning district. R3-X zoning district. Community Board #13Q</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 2/25/14</p>
22.	300-13-A	<p>Goldman Harris LLC 112, 114 & 120 Fulton Street, Manhattan Proposed construction of a mixed-use development to be located partially within the bed of a mapped but unbuilt portion of Fulton Street, contrary to General City law Section 35 and the bulk regulations pursuant to §72-01-(g). C5-5/C6-4 zoning district. Community Board #1M</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 2/25/14</p>

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<i>BZ – DECISIONS</i>		
1.	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: Granted – 1/28/14</p>
2.	303-12-BZ	<p>Eric Palatnik, P.C. 1106-1108 Utica Avenue, Brooklyn 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. Community Board #17BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Deferred Decision – 3/4/14</p>
3.	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:</p> <p>Status: Deferred Decision – 3/4/14</p>
4.	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</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Granted – 1/28/14</p>

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5.	167-13-BZ	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: Status: Granted – 1/28/14
6.	218-13-BZ	Warshaw Burstein, LLP 136 Church Street, Manhattan Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Ultrafit</i>). C6-3A zoning district. Community Board #1M Examiner: Rory Levy (212) 386-0082 Status: Granted – 1/28/14
7.	255-13-BZ	Rothkrug Rothkrug & Spector LLP 3560/84 White Plains Road, Bronx Special Permit (§73-36) to permit the operation of a physical culture (<i>Blink Fitness</i>) establishment within an existing commercial building. C2-4 (R7-A) zoning district. Community Board #12BX Examiner: Rory Levy (212) 386-0082 Status: Granted – 1/28/14
8.	292-13-BZ	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 Examiner: Rory Levy (212) 386-0082 Status: Granted – 1/28/14

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<i>BZ – CONTINUED HEARINGS</i>		
9.	54-12-BZ	<p>Gerald J. Caliendo, R.A., AIA 65-39 102nd Street, Queens Variance (§72-21) to permit for the construction of a community facility and residential building, contrary to lot coverage (§23-141), lot area (§§23-32, 23-33), front yard (§§23-45, 24-34), side yard (§§23-46, 24-35) and side yard setback (§24-55) regulations. R5 zoning district. Community Board #6Q</p> <p>Examiner:</p> <p>Status: Adjourned, Continued Hearing – 3/11/14</p>
10.	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 – 3/4/14</p>
11.	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: Closed, Decision – 2/25/14</p>
12.	128-13-BZ	<p>Sheldon Lobel, P.C. 1668 East 28th Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space and lot coverage (§23-141(b)); side yards (§23-461(a)); less than the required rear yard (§23-47) and perimeter wall height (§23-631(b)) regulations. R3-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Continued Hearing – 3/4/14</p>

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13.	130-13-BZ	<p>Rothkrug Rothdrug & Spector 1590 Nostrand Avenue, Brooklyn Re-Instatement (§11-411) of a variance which permitted a one-story motor vehicle storage garage with repair (UG 16B), which expired on February 14, 1981; Amendment (§11-413) to change the use to retail (UG 6); Waiver of the Rules. R6 zoning district. Community Board #17BK</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Continued Hearing – 3/4/14</p>
14.	153-13-BZ	<p>Eric Palatnik, P.C. 107 South 6th Street, Brooklyn Special Permit (§73-36) to permit the legalization of a physical culture establishment (<i>Soma Health Club</i>) contrary to §32-10. C4-3 zoning district. Community Board #1BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 2/25/14</p>
15.	212-13-BZ	<p>Eric Palatnik, P.C. 151 Coleridge Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (ZR 23-141) and less than the required rear yard (ZR 23-47). R3-1 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 2/11/14</p>
16.	213-13-BZ	<p>Rothkrug Rothkrug & Spector LLP 3858-60 Victory Boulevard, Staten Island Special Permit (§73-126) to allow a medical office, contrary to bulk regulations (§22-14). R3A zoning district. Community Board #2SI</p> <p>Examiner:</p> <p>Status: Adjourned, Continued Hearing – 2/25/14</p>

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17.	228-13-BZ	<p>Herrick, Feinstein LLP 157 Columbus Avenue, Manhattan Special Permit (§73-36) to allow a physical culture establishment (<i>Cross Fit</i>) located in the cellar level of an existing 31-story building. C4-7 zoning district. Community Board #7M</p> <hr/> <p>Examiner: Rory Levy (212) 386-0082</p> <hr/> <p>Status: Continued Hearing – 3/11/14</p>

<i>BZ – NEW CASES</i>		
18.	76-13-BZ	<p>Eric Palatnik, P.C. 176 Oxford Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single family home, contrary to lot coverage and floor area (§23-141), side yards (§23-461), and less than the minimum required rear yard (§23-47). R3-1 zoning district. Community Board #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 386-0074</p> <hr/> <p>Status: Continued Hearing – 2/25/14</p>
19.	157-13-BZ	<p>Sheldon Lobel, P.C 1368 & 1374 East 23rd Street, Brooklyn Special Permit (§73-622) for the enlargement of an existing single home, contrary to floor area and open space (§23-141(a)); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district. Community Board #14BK</p> <hr/> <p>Examiner: Henry Segovia (212) 386-0074</p> <hr/> <p>Status: Continued Hearing – 3/4/14</p>
20.	193-13-BZ	<p>Eric Palatnik, P.C. 4770 White Plains Road, Bronx Special Permit (§73-44) for the reduction in parking from 190 to 95 spaces to facilitate the conversion of an existing building to UG 6 office and retail use. C2-2/R6A & R-5 zoning districts. Community Board #12BX</p> <hr/> <p>Examiner:</p> <hr/> <p>Status: Continued Hearing – 3/11/14</p>

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21.	207-13-BZ	<p>Harold Weinberg, P.E. 177 Hastings Street, Brooklyn 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). R3-1 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 2/25/14</p>
22.	236-13-BZ	<p>Warshaw Burstein, LLP 423 West 55th Street, Manhattan Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Planet Fitness</i>) on the first and mezzanine floors of the existing building, and Special Permit (§73-52) to allow the fitness center use to extend 25'-0" into the R8 portion of the zoning lot. C6-2 & R8 zoning district. Community Board #4M</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Continued Hearing – 2/25/14</p>
23.	274-13-BZ	<p>Sheldon Lobel, P.C. 7914 Third Avenue, Brooklyn Variance (§72-21) to permit the operation of a physical culture establishment (<i>H.I.T. Factory Improved</i>) on the second floor of the existing building. C1-3/R6B zoning district. Community Board #10BK</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Continued Hearing – 2/25/14</p>

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