

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, JULY 29, 2014  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>186-96-BZ</b>	Rothkrug Rothkrug & Spector LLP <b>145-21/25 Liberty Avenue, Queens</b> Extension of Term of a previously granted variance (§72-21) for the continued operation of a one story warehouse and office/retail store building (UG 16 & 6), which expired on May 19, 2003; Waiver of the Rules. R4 zoning district. <b>Community Board #12Q</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Granted – 7/29/14</b>
<b>2.</b>	<b>47-97-BZ</b>	Sheldon Lobel, P.C. <b>7802 Flatlands Avenue, Brooklyn</b> Amendment of a previously approved Variance (§72-21) which permitted construction of a one-story and cellar retail drug store and five smaller stores with accessory parking. The amendment is seeking to remove the twenty-year term restriction imposed by the Board. C2-3/R5D & R5B zoning district. <b>Community Board #18BK</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Granted – 7/29/14</b>
<b>3.</b>	<b>24-03-BZ</b>	Warshaw Burstein, LLP <b>178-02 Union turnpike, Queens</b> Extension of Term (§11-411) of a previously approved variance which permitted a gasoline service station and an automobile repair facility (UG 16) which expired on July 15, 2013; Waiver of the Rules. C1-2/R2A zoning district. <b>Community Board #8Q</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Granted – 7/29/14</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>4.</b>	<b>245-32-BZ</b>	<p>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></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Continued Hearing – 8/19/14</b></p>
<b>5.</b>	<b>427-70-BZ</b>	<p>Carl A. Sulfaro, Esq. <b>38-01 &amp; 38-05 Beach Channel Drive, Queens</b> 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. <b>Community Board #14Q</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Closed, Decision – 9/16/14</b></p>
<b>6.</b>	<b>751-78-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>200-15 Northern Boulevard, Queens</b> Extension of Term of a previously granted under variance (§72-21) for the continued operation of a UG16 Automotive Repair Shop (<i>Genesis Auto Town</i>) which expired on January 23, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on September 12, 2001; Waiver of the Rules. C2-2/R3-2 zoning district. <b>Community Board #11Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 8/19/14</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>7.</b>	<b>140-92-BZ</b>	<p>Law Office of Fredrick A. Becker <b>39-21 Crescent Street, Queens</b> Extension of Time to Complete Construction of a previously granted Variance (ZR 72-21) for the enlargement of an existing school (UG3) which expired on January 26, 2014. M1-2/R5D zoning district. <b>Community Board #1Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 9/16/14</b></p>
<b>8.</b>	<b>72-11-BZ</b>	<p>Walter T. Gorman, P.E. <b>101-06 Astoria Boulevard, Queens</b> Extension of Time to obtain a Certificate of Occupancy for a previously granted Variance for the continued operation of an Automotive Service Station (Getty) which expired on October 25, 2012; Waiver of the Rules. C1-3 in R6B zoning district. <b>Community Board #3Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 8/19/14</b></p>

<b><i>APPEALS – DECISIONS</i></b>		
<b>9.</b>	<b>80-11-A &amp; 84/85-11-A &amp; 103-11-A</b>	<p>Law Office of Marvin B. Mitzner LLC <b>335, 333, 331, 329 East 9th Street, Manhattan</b> An amendment to the previously approved waivers to the Multiple Dwelling Law (MDL) to address MDL objections raised by the Department of Buildings. R8B zoning district. <b>Community Board #3M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Granted – 7/29/14</b></p>
<b>10.</b>	<b>304-13-A 312-13-A 313-13-A</b>	<p>Simons &amp; Wright <b>517- 519, 521- 525 &amp; 531 West 19th Street, Manhattan</b> Appeals challenging Department of Building's determination that subject premises is considered an art gallery and therefore a Certificate of Operation for place of assembly shall be required. C6-2/WCH special district. <b>Community Board #4M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Denied – 7/29/14</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>11.</b>	<b>49-14-A</b>	<p>Fox Rothschild <b>5655 Independence Avenue, Bronx</b> Proposed enlargement to an existing community facility, contrary to General City Law Section 35. R1-1 zoning district. <b>Community Board #8BX</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <hr/> <p><b>Status: Granted – 7/29/14</b></p>

<b><i>APPEAL – NEW CASES</i></b>		
<b>12.</b>	<b>89-14-A</b>	<p>Kramer Levin Naftalis &amp; Frankel LLP <b>215 East 64th Street, Manhattan</b> Extension of Time to obtain a Class B Certificate of Occupancy to legalize a hotel (<i>Affinia Gardens Hotel</i>) under MDL Section 120(b) (3), as provided under recent amendments under Chapters 225 and 566 of the Laws of New York. R8B zoning district. <b>Community Board #8M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <hr/> <p><b>Status: Closed, Decision – 10/28/14</b></p>
<b>13.</b>	<b>145-14-A</b>	<p>Yuk Lam <b>136-16 Carlton Place, Queens</b> Proposed four-story building not fronting on a mapped street, contrary to Article 3, Section 36 of the General City Law. <b>Community Board #4Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <hr/> <p><b>Status: Continued Hearing – 9/9/14</b></p>

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<b><i>BZ – DECISIONS</i></b>		
14.	28-12-BZ	<p>Eric Palatnik, P.C. <b>3-15 37th Avenue, Queens</b> Special Permit (§73-49) to legalize the required accessory off street rooftop parking on the roof of an existing two-story office building, contrary to ZR 44-11, and Special Permit (§73-44) to reduce required accessory off street parking for office use, contrary to ZR 44-20. M1-1 zoning district. <b>Community Board #1Q</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Granted – 7/29/14</b></p>
15.	243-12-BZ	<p>EPDSCO, Inc. <b>236 Richmond Valley Road, Staten Island</b> Special Permit (§73-36) to permit the legalization of a physical culture establishment (<i>Intoxxx Fitness</i>). M3-1 zoning district. <b>Community Board #3SI</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Granted – 7/29/14</b></p>
16.	256/259-13-BZ 260/263-13-A	<p>Eric Palatnik PC <b>25, 27, 31, 33, Sheridan Avenue aka 2080 Clove Road, Staten Island</b> Variance (§72-21) to permit four detached and semi-detached homes, contrary to side yard (§23-461) and open area (§23-891) regulations, and bulk non-compliances resulting from the location of a mapped street (§23-45). The proposed buildings are also located within the bed of a mapped street, contrary to General City Law Section 35. R3-2 zoning district. <b>Community Board #2SI</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Granted – 7/29/14</b></p>
17.	311-13-BZ	<p>Francis R. Angelino, Esq. <b>325 Avenue Y, Brooklyn</b> Special Permit (§73-36) to allow physical culture establishment (<i>Retro Fitness</i>). M1-1 zoning district. <b>Community Board #15BK</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Granted – 7/29/14</b></p>

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18.	<b>317-13-BZ</b>	<p>Law office of Lyra J. Altman <b>1146 East 27th Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing two family home, to be converted to a single family home, contrary to floor area and open space (§23-141); side yards (§23-461) and rear yard (§23-47) regulations. R2 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 7/29/14</b></p>
19.	<b>324-13-BZ</b>	<p>Sheldon Lobel, P.C. <b>78-32 138th Street, Queens</b> Special Permit (§73-621) to allow the enlargement of a single-family residence, contrary to floor area and open space regulations (§23-141). R2 zoning district. <b>Community Board #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 7/29/14</b></p>
20.	<b>36-14-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector, LLP <b>101 Maiden Lane aka 201 Pearl Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment (<i>Soulcycle</i>) within a mixed use. C5-5(LM) zoning district. <b>Community Board #1M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Granted – 7/29/14</b></p>
21.	<b>55-14-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel LLP <b>388 Bridge Street, Brooklyn</b> Special Permit (§73-36) to allow a physical culture establishment (<i>388 Athletic Club</i>) to operate on the fifth and sixth floors of a new 53 Story commercial and residential building. C6-45 zoning district. <b>Community Board #2BK</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Granted – 7/29/14</b></p>

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<b>22.</b>	<b>133-14-BZ 134-14-BZ 135-14-A</b>	Department of Housing Preservation & Development <b>175 Father Capodanno Boulevard</b> <b>53 Doty Avenue, Staten Island</b> Special Permit (§64-92) to waive yard regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. <b>19 Sunnymeade Village, Staten Island</b> Waiver of Section 36, Article 3 of the General City Law, property is not fronting a mapped street. R3-1 Zoning District. <b>Community Board #2SI</b> <hr/> <b>Examiner: Toni Matias (212) 386-0085</b> <hr/> <b>Status: Granted – 7/29/14</b>
<b>23.</b>	<b>136-14-BZ thru 139-14-BZ</b>	Department of Housing Preservation & Development <b>74 Kiswick Street</b> <b>1099 Olympia Boulevard</b> <b>555 Lincoln Avenue</b> <b>16 Mapleton Avenue, Staten Island</b> Special Permit (§64-92) to waive yard regulations for the replacement of homes damaged/destroyed by Hurricane Sandy, on properties which are registered in the NYC Build it Back Program. R3-1 Zoning District. <b>Community Board #2SI</b> <hr/> <b>Examiner: Toni Matias (212) 386-0085</b> <hr/> <b>Status: Granted – 7/29/14</b>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>24.</b>	<b>214-12-BZ</b>	Phillips Nizer, LLP <b>2784 Coney Island Avenue, Brooklyn</b> Variance (§72-21) to permit the operation of an auto laundry (UG 16B), contrary to use regulations. C2-2/R5 zoning district. <b>Community Board #13BK</b> <hr/> <b>Examiner: Carlo Costanza (212) 386-0068</b> <hr/> <b>Status: Closed, Decision – 9/16/14</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
25.	2-13-BZ	<p>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></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Continued Hearing – 9/9/14</b></p>
26.	155-13-BZ	<p>Law Office of Fredrick A. Becker <b>1782-1784 East 28th Street, Brooklyn</b> Variance (§72-21) to permit the enlargement of an existing synagogue (<i>Congregation Kozover Sichron Chaim Shloime</i>) and rabbi's residence (UG 4) and the legalization of a Mikvah, contrary to floor area (§24-11), lot coverage (§24-11), wall height and setbacks (§24-521), front yard (§24-34), side yard (§24-35), rear yard (§24-36), and parking (§25-18, 25-31) requirements. R3-2 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Adjourned, Continued Hearing – 8/19/14</b></p>
27.	208-13-BZ	<p>Issa Khorasanchi <b>1601 Gravesend Neck Road, Brooklyn</b> Special Permit (§73-36) to legalize the use of a physical culture establishment (<i>Fitness Gallery</i>) located on the second floor of a two story commercial building. C8-1/R4 zoning district. <b>Community Board #3BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 9/16/14</b></p>
28.	283-13-BZ	<p>Alexander Levkovich <b>4930 20th Avenue, Brooklyn</b> Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>NYC Fitness Club</i>) on the first floor of a one story building. M1-1 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Adjourned, Continued Hearing – 8/19/14</b></p>

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<b>29.</b>	<b>294-13-BZ</b>	<p>Law Offices of Marvin B. Mitzner, Esq. <b>220 Lafayette Street, Manhattan</b> Variance (§72-21) to allow for the enlargement and conversion of a commercial building for residential use (UG 2) with ground floor commercial UG6), contrary to use regulations (§43-17, 42-141). M1-5B zoning district. <b>Community Board #2M</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Continued Hearing – 8/19/14</b></p>
<b>30.</b>	<b>17-14-BZ</b>	<p>Moshe M. Friedman, PE <b>600 McDonald Avenue, Brooklyn</b> Variance (§72-21) to add a third and fourth floor to an existing school building (<i>Congregation Chasidei Belz Beth Malka</i>), contrary to floor area (§24-11) lot coverage, maximum wall height (§24-521), side yard (§24-35), front yard (§24-34) and rear yard (§24-361) regulations. R5 zoning district. <b>Community Board #12BK</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Adjourned, Continued Hearing – 9/9/14</b></p>
<b>31.</b>	<b>47-14-BZ</b>	<p>John M. Marmora, Esq. <b>122-21 Merrick Boulevard, Queens</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/R5D zoning district. <b>Community Board #12Q</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Closed, Decision – 9/16/14</b></p>

<b><i>BZ – NEW CASES</i></b>		
<b>32.</b>	<b>271-13-BZ</b>	<p>Eric Palatnik, P.C. <b>129 Norfolk Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and lot coverage (§23-141); side yard (§23-461) and rear yard (§23-47) regulations. R3-1 zoning district. <b>Community Board #15BK</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Continued Hearing – 9/9/14</b></p>

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33.	315-13-BZ	<p>Law office of Stuart Klein <b>415-427 Greenwich Street, 12-18 Hubert Street &amp; Laight Street, Manhattan</b> Special Permit (§73-36) to allow the legalization of a physical culture establishment (<i>Flywheel Sports</i>). C6-2A (TMU) zoning district. <b>Community Board #1M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 9/16/14</b></p>
34.	328-13-BZ	<p>Eric Palatnik, P.C. <b>8 Berry Street, Brooklyn</b> Special Permit (§73-36) to permit the operation of physical cultural establishment (<i>Brooklyn Athletic Club</i>). M1-1 zoning district. <b>Community Board #1BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Continued Hearing – 8/19/14</b></p>
35.	5-14-BZ	<p>Law Office of Lyra J. Altman <b>1807 East 22nd 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 yards (§23-461) and rear yard (§23-47) regulations. R3-2 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 8/19/14</b></p>
36.	40-14-BZ	<p>Rothkrug Rothkrug &amp; Spector, LLP <b>1413/21 Fulton Street, Brooklyn</b> Special Permit (§73-36) to allow a physical culture establishment (<i>Blink Fitness</i>) within an existing commercial building. C2-4 zoning district. <b>Community Board #3BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 9/16/14</b></p>

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