

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, JUNE 10, 2014

10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	457-56-BZ	<p>Rothkrug Rothkrug & Spector LLP 152-154 India Street, Brooklyn Extension of Term of variance permitting accessory parking of motor vehicles, customer parking, and loading and unloading in conjunction with adjacent factory building. R6B zoning district. Community Board #1BK</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Granted – 6/10/14</p>
2.	192-96-BZ	<p>Sheldon Lobel, PC 1832-1854 86th Street, Brooklyn Amendment of a previously approved variance (§72-21) which permitted a large retail store (UG 10) contrary to use regulations. The application seeks to eliminate the term, which expires on September 23, 2022. C1-2/R5 zoning district. Community Board #11BK</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Granted – 6/10/14</p>
3.	178-99-BZ	<p>Eric Palatnik, P.C. 8973/95 Bay Parkway, Brooklyn Amendment (§§72-01 & 72-22) of a previously granted variance (§72-21) which permitted an enlargement of an existing non-conforming department store (UG 10A). The amendment seeks to replace an existing 7,502 sf ft. building on the zoning lot with a new 34,626 sq. ft. building to be occupied by a department store (UG 10A) contrary to §42-12. M3-1 zoning district. Community Board #11BK</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Granted – 6/10/14</p>
4.	322-05-BZ	<p>Eric Palatnik P.C. 69-69 Main Street, Queens Extension of Time to Complete Construction for a previously granted variance (§72-21) for an enlargement of an existing two story home and the change in use to a community use facility (<i>Queens Jewish Community Council</i>), which expired on March 7, 2014. R4B zoning district. Community Board #8Q</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 6/10/14</p>

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5.	174-07-BZ	<p>Carl A. Sulfaro, Esq. 1935 Coney Island Avenue, Brooklyn Extension of Time to complete construction of an approved Special Permit (§73-211) which permitted the reconstruction of an existing auto service station (UG 16B), which expired on June 17, 2012; Amendment to permit changes to the canopy structure, exterior yard and interior accessory convenience store layout. C2-3/R7-A zoning district. Community Board #12BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 386-0074</p> <p style="color: red;">Status: Granted – 6/10/14</p>
6.	173-09-BZ	<p>Goldman Harris LLC 839-845 Broadway aka 12-14 Park Street, Brooklyn Extension of Time to Complete Construction of a previously granted Variance (§72-21) for the construction of a four-story mixed use building, which expires on December 14, 2014. C8-2/M1-1 zoning district. Community Board #4BK</p> <p style="color: green;">Examiner: Henry Segovia (212) 386-0074</p> <p style="color: red;">Status: Granted – 6/10/14</p>
7.	247-09-BZ	<p>Kramer Levin Naftalis & Frankel 123 East 55th Street, Manhattan Extension of Time to complete construction of a previously approved variance (§72-21) for the expansion of a UG4 community use facility (<i>Central Synagogue</i>), which expires on February 23, 2014. C5-2 & C5-2.5 (MiD) zoning district. Community Board #5M</p> <p style="color: green;">Examiner: Henry Segovia (212) 386-0074</p> <p style="color: red;">Status: Granted – 6/10/14</p>

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<i>SOC – CONTINUED HEARINGS</i>		
8.	24-96-BZ	Rothkrug Rothkrug & Spector LLP 213 Madison Street, Manhattan Extension of Time to obtain a Certificate of Occupancy of a previously granted variance for the continued operation of a UG6 eating and drinking establishment (<i>McDonald's</i>), which expired on May 18, 2009; Waiver of the Rules. R7-2 zoning district. Community Board #3M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 7/15/14
9.	186-96-BZ	Rothkrug Rothkrug & Spector LLP 145-21/25 Liberty Avenue, Queens 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. Community Board #12Q Examiner: Henry Segovia (212) 386-0074 Status: Adjourned, Continued Hearing – 7/15/14
10.	160-00-BZ	Vassalotti Associates Architects, LLP 244-04 Francis Lewis Boulevard, Queens ZR 11-411 Extension of Term for the continued operation of an automotive service station (<i>Citgo</i>) which expired on November 21, 2010; Extension of Time to obtain a Certificate of Occupancy which expired on November 21, 2001; Waiver of the Rules. C1-3/R3-2 zoning district. Community Board #13Q Examiner: Henry Segovia (212) 386-0074 Status: Adjourned, Continued Hearing – 7/15/14

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<i>SOC – NEW CASES</i>		
11.	245-32-BZ	<p>Sion Hourizadeh 123-05 101 Avenue, Queens 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. Community Board #9Q</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Continued Hearing – 7/29/14</p>
12.	47-97-BZ	<p>Sheldon Lobel, P.C. 7802 Flatlands Avenue, Brooklyn 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. Community Board #18BK</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Continued Hearing – 7/15/14</p>
13.	280-01-BZ	<p>Akerman, LLP 663-673 2nd Avenue, Manhattan Extension of Time to Complete Construction and obtain a Certificate of Occupancy of a previously granted Variance (§72-21) for construction of a mixed use building, which expires on May 7, 2014. C1-9 zoning district. Community Board #6M</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 7/15/14</p>
14.	341-02-BZ	<p>Sheldon Lobel, P.C. 231 East 58th Street, Manhattan Amendment of previously approved Variance (§72-21) which permitted retail stores (UG 6) on the first floor of an existing five story building. The amendment seeks to eliminate the term, which expires in April 8, 2023. R8B zoning district. Community Board #6M</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Closed, Decision – 7/15/14</p>

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<i>APPEALS – DECISIONS</i>		
15.	164-13-A	<p>Slater & Beckerman 307 West 79th Street, Manhattan</p> <p>Appeal seeking to reverse Department of Buildings’ determination not to issue a Letter of No Objection that would have stated that the use of the premises as Class A single room occupancy for periods of no less than one week is permitted by the existing Certificate of Occupancy. R10A zoning district.</p> <p>Community Board #7M</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Denied – 6/10/14</p>

<i>APPEALS – CONTINUED HEARINGS</i>		
16.	266-07-A	<p>Law Office of Fredrick A. Becker 1602-1610 Avenue S, Brooklyn</p> <p>Extension of time to complete construction and obtain a certificate of occupancy of a previously granted common law vested rights application, which expired on December 9, 2012. R4-1 Zoning District.</p> <p>Community Board #3BK</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 7/15/14</p>
17.	80-11-A & 84/85-11-A & 103-11-A	<p>Law Office of Marvin B. Mitzner LLC 335, 333, 331, 329 East 9th Street, Manhattan</p> <p>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.</p> <p>Community Board #3M</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Continued Hearing – 7/15/14</p>

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<i>APPEAL – NEW CASES</i>		
18.	45-07-A	<p>Eric Palatnik, P.C. 1472 East 19th Street, Brooklyn Application to permit an extension of time to complete construction and obtain a certificate of occupancy under the Common Law vested rights doctrine for a mixed- used residential community facility approved under the previous R6 zoning district. R4-1 zoning district. Community Board #14BK</p> <p>Examiner: Toni Matias (212) 386-0085</p> <p>Status: Closed, Decision – 7/15/14</p>

<i>BZ – DECISIONS</i>		
19.	277-12-BZ	<p>Rothkrug Rothkrug & Spector LLP 1776 Eastchester Road, Bronx Special Permit (§73-49) to allow 130 parking spaces on the roof of an accessory parking structure. M1-1 zoning district. Community Board #11BX</p> <p>Examiner: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/10/14</p>
20.	251-13-BZ	<p>Rothkrug Rothkrug & Spector LLP 1240 Waters Place, Bronx Special Permit (§73-49) to allow 109 parking spaces on the roof of an accessory parking structure. M1-1 zoning. Community Board #11BX</p> <p>Examiner: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/10/14</p>
21.	178-13-BZ	<p>Gonzalez, Saggio & Harlan, LLP 21-41 Mott Avenue, Queens Special Permit (§73-243) to allow an eating and drinking establishment with an existing accessory drive-through facility. C1-2 zoning district. Community Board #14Q</p> <p>Examiner: Carlo Costanza (212) 386-0068</p> <p>Status: Granted – 6/10/14</p>

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<i>BZ – DECISIONS</i>		
22.	233-13-BZ	<p>Law office of Fredrick A. Becker 2413 Avenue R, Brooklyn Special Permit (§73-622) for an enlargement of an existing single family residence, contrary to floor area, lot coverage and open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R3-2 zoning district. Community Board #15BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 6/10/14</p>
23.	316-13-BZ	<p>Slater & Beckerman, PC 210 Joralemon Street, Brooklyn Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Yoga Works</i>) in the cellar and first floor of the building. C5-2A (Special Downtown Brooklyn) zoning district. Community Board #3BK</p> <p>Examiner: Rory Levy (212) 386-0066</p> <p>Status: Granted – 6/10/14</p>
24.	319-13-BZ	<p>Herrick, Feinstein LLP 1800 Park Avenue, Manhattan Variance (§72-21) to waive the minimum parking requirements (§25-23) to permit the construction of a new, 682 unit, 32-story mixed used building. 123 parking spaces are proposed. C4-7 zoning district. Community Board #11M</p> <p>Examiner: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/10/14</p>
25.	331-13-BZ	<p>Warshaw Burstein, LLP 2005 86th Street aka 2007 86th Street, Brooklyn Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Planet Fitness</i>) within the existing building at the Premises. C4-2 zoning district. Community Board #11BK</p> <p>Examiner: Rory Levy (212) 386-0066</p> <p>Status: Granted – 6/10/14</p>

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26.	7-14-BZ	<p>Greenberg Traurig, LLP 1380 Rockaway Parkway, Brooklyn Special Permit (§73-36) to permit the conversion of the existing on-story, plus cellar to a physical culture establishment (<i>Planet Fitness</i>) in connection with an application to rezone the property from an R5D/C1-3(Z) to an R5D/C2-3(ZD). Community Board #18BK</p> <p>Examiner: Rory Levy (212) 386-0066</p> <p>Status: Granted – 6/10/14</p>
27.	16-14-BZ	<p>Law Office of Lyra J. Altman 1648 Madison Place, Brooklyn Special Permit (§73-621) for the enlargement of an existing one family residence, contrary to floor area, lot coverage and open space (§23-141). R3-2 zoning district. Community Board #18BK</p> <p>Examiner: Henry Segovia (212) 386-0074</p> <p>Status: Granted – 6/10/14</p>
28.	20-14-BZ	<p>Sandy Anagnostou, Assoc, AIA 312 East 23rd Street, Manhattan Special Permit (§73-36) to allow the operation of a physical culture (<i>Massage Envy</i>) establishment on the first floor of an existing mixed use building. C1-9A zoning district. Community Board #10M</p> <p>Examiner: Rory Levy (212) 386-0066</p> <p>Status: Granted – 6/10/14</p>

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<i>BZ – CONTINUED HEARINGS</i>		
29.	216-13-BZ 217-13-A	<p>Rampulla Associates Architects 750 Barclay Avenue, Staten Island Variance (§72-21) to demolish an existing restaurant damaged by Hurricane Sandy and construct a new eating and drinking establishment with accessory parking for 25 cars, contrary to use (§23-00) regulations, and located in the bed of the mapped street, (<i>Boardwalk Avenue</i>), contrary to General City law Section 35. R3X (SRD) zoning district. Community Board #3SI Examiner: Joshua Saal (212) 386-0081 Status: Closed, Decision – 6/24/14</p>
30.	250-13-BZ	<p>Warshaw Burstein, LLP 3555 White Plains Road, Bronx Special Permit (§73-36) to allow a physical culture establishment (<i>Fitness Center</i>). R7A/C2-4 zoning district. Community Board #12BX Examiner: Rory Levy (212) 386-0066 Status: Withdrawn – 6/10/14</p>
31.	254-13-BZ	<p>Law Office of Marvin B. Mitzner 2881 Nostrand Avenue, Brooklyn 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. Community Board #18BK Examiner: Joshua Saal (212) 386-0081 Status: Continued Hearing – 7/15/14</p>
32.	279-13-BZ	<p>Warshaw Burnstein, LLP 223 West 34th Street (a/k/a 218-222 West 35th Street), Manhattan Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Planet Fitness</i>) on the cellar, first through third floors of a new building to be constructed. C6-4M and M1-6 zoning districts. Community Board #5M Examiner: Rory Levy (212) 386-0066 Status: Closed, Decision – 6/24/14</p>

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33.	284-13-BZ	<p>Warshaw Burstein, LLP 168-42 Jamaica Avenue, Queens Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Planet Fitness</i>) on the cellar and the first floor of the building. R6-A/C2-4 (Downtown Jamaica) zoning district. Community Board #12Q</p> <hr/> <p>Examiner: Rory Levy (212) 386-0066</p> <hr/> <p>Status: Closed, Decision – 6/24/14</p>
34.	286-13-BZ	<p>Eric Palatnik, P.C. 2904 Voorhies Avenue, Brooklyn Variance (§72-21) for the proposed enlargement of an existing one-story residential home, contrary to front yard (§23-45); side yard (§23-161); floor area and lot coverage (§23-141) and off street parking requirements (§25-621(B)). R4 zoning district. Community Board #15BK</p> <hr/> <p>Examiner: Henry Segovia (212) 386-0074</p> <hr/> <p>Status: Closed, Decision – 6/24/14</p>
35.	310-13-BZ	<p>Eric Palatnik, P.C. 459 East 149th Street, Bronx Variance (§72-21) to allow a UG3 college (<i>Metropolitan College of New York</i>) within a proposed mixed use building, contrary to use regulations (§44-00). M1-1/C4-4 zoning district. Community Board #1BX</p> <hr/> <p>Examiner: Rory Levy (212) 386-0066</p> <hr/> <p>Status: Closed, Decision – 6/24/14</p>

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<i>BZ – NEW CASES</i>		
36.	256/259-13-BZ 260/263-13-A	<p>Eric Palatnik PC 25, 27, 31, 33, Sheridan Avenue aka 2080 Clove Road, Staten Island 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. Community Board #2SI</p> <p style="text-align: center;">Examiner: Joshua Saal (212) 386-0081</p> <p style="text-align: center;">Status: Continued Hearing – 7/15/14</p>
37.	299-13-BZ	<p>Eric Palatnik, P.C. 4299 Hylan Boulevard, Staten Island Special Permit (§73-126) to allow the patrial legalization and connection of two adjacent ambulatory diagnostic treatment health care facilities (UG4). R3-A zoning district. Community Board #3SI</p> <p style="text-align: center;">Examiner: Rory Levy (212) 386-0066</p> <p style="text-align: center;">Status: Continued Hearing – 7/15/14</p>
38.	324-13-BZ	<p>Sheldon Lobel, P.C. 78-32 138th Street, Queens 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. Community Board #8Q</p> <p style="text-align: center;">Examiner: Henry Segovia (212) 386-0074</p> <p style="text-align: center;">Status: Continued Hearing – 7/15/14</p>
39.	15-14-BZ	<p>Davidoff Hatcher & Citron LLP 12-03 150th Street, Queens Variance (§72-21) to permit the enlargement of an existing school building (<i>Holy Cross Greek Orthodox Church</i>), contrary to floor area (§24-111), sky exposure plane (§24-54), and accessory parking spaces (§25-31). R2 zoning district. Community Board #7Q</p> <p style="text-align: center;">Examiner: Rory Levy (212) 386-0066</p> <p style="text-align: center;">Status: Closed, Decision – 7/15/14</p>

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40.	27-14-BZ	<p>Sheldon Lobel, P.C. 496 Broadway, Manhattan Variance (§72-21) to permit a UG 6 retail use on the first floor and cellar, contrary to use regulations (§42-14D(2)(b)). M1-5B zoning district. Community Board #2M Examiner: Joshua Saal (212) 386-0081 Status: Continued Hearing – 7/22/14</p>
41.	39-14-BZ	<p>Francis R. Angelino, Esq. 97 Reade Street, Manhattan Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Exceed Fitness</i>). C6-3A zoning district. Community Board #1M Examiner: Toni Matias (212) 386-0085 Status: Closed, Decision – 7/22/14</p>

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