

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, MAY 6, 2014  
10:00 A.M.

| <b><i>SOC – DECISIONS</i></b> |                  |  |
|-------------------------------|------------------|--|
| <b>1.</b>                     | <b>823-19-BZ</b> | <p>Eric Palatnik, P.C.<br/><b>1901 10th Avenue, Brooklyn</b><br/>Amendment (§§ 11-412 and 11-413) of a previously approved variance which permitted a one story warehouse (UG 16). The application seeks to construct an as-of-right two-story community facility (UG 4) atop the warehouse and reduce the warehouse space to accommodate 13 required accessory parking spaces for the proposed community facility use. R5 zoning district.<br/><b>Community Board #7BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <hr/> <p><b>Status: Granted – 5/6/14</b></p> |
| <b>2.</b>                     | <b>156-02-BZ</b> | <p>Herrick Feinstein<br/><b>964 65th Street, Brooklyn</b><br/>Extension of Term (§11-411) of an approved variance which permitted a car sales lot with accessory office and parking, which expired on August 5, 2013: Amendment (§11-413) to permit change in use to an accessory parking lot to an existing bank. R5B zoning district.<br/><b>Community Board #10BK</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <hr/> <p><b>Status: Granted – 5/6/14</b></p>  |

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**NEW YORK CITY BOARD OF STANDARDS AND APPEALS**

**REGULAR MEETING**

**TUESDAY MORNING, MAY 6, 2014**

**10:00 A.M.**

| <b><i>SOC – CONTINUED HEARINGS</i></b> |                  |  |
|--|------------------|--|
| <b>3.</b>                              | <b>192-96-BZ</b> | Sheldon Lobel, PC<br><b>1832-1854 86th Street, Brooklyn</b><br>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.<br><b>Community Board #11BK</b>   |
|  |                  | <b>Examiner: Carlo Costanza (212) 386-0068</b>   |
|  |                  | <b>Status: Closed, Decision – 6/10/14</b>  |
| <b>4.</b>                              | <b>174-07-BZ</b> | Carl A. Sulfaro, Esq.<br><b>1935 Coney Island Avenue, Brooklyn</b><br>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.<br><b>Community Board #12BK</b> |
|  |                  | <b>Examiner: Henry Segovia (212) 386-0074</b>  |
|  |                  | <b>Status: Closed, Decision – 6/10/14</b>  |

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| <b><i>SOC – NEW CASES</i></b> |           |   |
|-------------------------------|-----------|---|
| 5.                            | 245-32-BZ | <p>Sion Hourizadeh<br/><b>123-05 101 Avenue, Queens</b><br/>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.<br/><b>Community Board #9Q</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Postponed Hearing – 6/10/14</b></p>   |
| 6.                            | 611-52-BZ | <p>Gerald J. Caliendo<br/><b>35-35 24th Street, Queens</b><br/>Extension of Term (§11-411) of a previously approved variance permitting a one story warehouse building, which expired on May 5, 2013. R5 zoning district.<br/><b>Community Board #1Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 6/17/14</b></p>   |
| 7.                            | 322-05-BZ | <p>Eric Palatnik P.C.<br/><b>69-69 Main Street, Queens</b><br/>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.<br/><b>Community Board #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 6/10/14</b></p> |
| 8.                            | 173-09-BZ | <p>Goldman Harris LLC<br/><b>839-845 Broadway aka 12-14 Park Street, Brooklyn</b><br/>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.<br/><b>Community Board #4BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 6/10/14</b></p>  |

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| <b><i>APPEALS – DECISIONS</i></b> |                                    |   |
|-----------------------------------|------------------------------------|---|
| <b>9.</b>                         | <b>140-11-A &amp;<br/>141-11-A</b> | <p>Sheldon Lobel, P.C.<br/><b>69-17 38th Avenue aka 69-19 38<sup>th</sup> Avenue, Queens</b><br/>Extension of time and complete construction and secure Certificates of Occupancy. R5D zoning district.<br/><b>Community Board #2Q</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <hr/> <p><b>Status: Granted – 5/6/14</b></p>  |
| <b>10.</b>                        | <b>123-13-A</b>                    | <p>Bryan Cave LLP<br/><b>86 Bedford Street, Manhattan</b><br/>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.<br/><b>Community Board #2M</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <hr/> <p><b>Status: Withdrawn – 5/6/14</b></p> |

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

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| <b><i>APPEAL – NEW CASES</i></b> |          |   |
|----------------------------------|----------|---|
| 12.                              | 304-13-A | <p>Simons &amp; Wright<br/><b>517- 519 West 19th Street, Manhattan</b><br/>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.<br/><b>Community Board #4M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Continued Hearing – 6/24/14</b></p> |
| 13.                              | 312-13-A | <p>Simons &amp; Wright<br/><b>521- 525 West 19th Street, Manhattan</b><br/>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.<br/><b>Community Board #4M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Continued Hearing – 6/24/14</b></p> |
| 14.                              | 313-13-A | <p>Simons &amp; Wright<br/><b>531 West 19th Street, Manhattan</b><br/>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.<br/><b>Community Board #4M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Continued Hearing – 6/24/14</b></p>      |

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| <b><i>BZ – DECISIONS</i></b> |                  |  |
|------------------------------|------------------|--|
| <b>1.</b>                    | <b>303-12-BZ</b> | Eric Palatnik, P.C.<br><b>1106-1108 Utica Avenue, Brooklyn</b><br>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.<br><b>Community Board #17BK</b> |
|                              |                  | <b>Examiner: Rory Levy (212) 386-0082</b>  |
|                              |                  | <b>Status: Granted – 5/6/14</b>  |
| <b>2.</b>                    | <b>103-13-BZ</b> | Rothkrug, Rothkrug & Spector LLP<br><b>81 Jefferson Street, Brooklyn</b><br>Variance (§72-21) to permit the development of a cellar and four-story, eight-family residential building, contrary to §42-10 zoning resolution. M1-1 zoning district.<br><b>Community Board #4BK</b>  |
|                              |                  | <b>Examiner: Joshua Saal (212) 386-0081</b>  |
|                              |                  | <b>Status: Deferred Decision – 6/17/14</b>   |
| <b>3.</b>                    | <b>269-13-BZ</b> | Law Office of Marvin B. Mitzner, LLC<br><b>110 West 73rd Street, Manhattan</b><br>Special Permit (§73-42) to permit the expansion of UG6 restaurant ( <i>Arte Café</i> ) across zoning district boundary lines. R8B zoning district.<br><b>Community Board #7M</b>   |
|                              |                  | <b>Examiner: Joshua Saal (212) 386-0081</b>  |
|                              |                  | <b>Status: Granted – 5/6/14</b>  |
| <b>4.</b>                    | <b>273-13-BZ</b> | Akerman Senterfitt, LLP<br><b>321 East 60th Street, Manhattan</b><br>Variance (§72-21) to permit the development of an eight-story residential building containing 28 dwelling units, contrary to use regulations (§32-10). C8-4 zoning district.<br><b>Community Board #8M</b>  |
|                              |                  | <b>Examiner: Joshua Saal (212) 386-0081</b>  |
|                              |                  | <b>Status: Deferred Decision – 6/17/14</b>   |

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| <b>5.</b>                    | <b>305-13-BZ</b> | <p>Akerman LLP<br/><b>30-50 Whitestone Expressway, Queens</b><br/>Special Permit (§73-36) to allow a physical culture establishment (<i>Dolphin Fitness</i>). M1-1 zoning district.<br/><b>Community Board #7Q</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <hr/> <p><b>Status: Granted – 5/6/14</b></p>                                  |
| <b>6.</b>                    | <b>318-13-BZ</b> | <p>Bryan Cave LLP<br/><b>74 Grand Street, Manhattan</b><br/>Variance (§72-21) to permit a five-story building containing retail and residential use, contrary to use regulations (§44-00). M1-5B zoning district.<br/><b>Community Board # 2M</b></p> <hr/> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <hr/> <p><b>Status: Granted – 5/6/14</b></p> |

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| <b><i>BZ – CONTINUED HEARINGS</i></b> |           |   |
|---------------------------------------|-----------|---|
| 7.                                    | 124-13-BZ | Rothkrug, Rothkrug & Spector LLP<br><b>95 Grattan Street, Brooklyn</b><br>Variance (§72-21) to allow for a new seven-family residential development, contrary to use regulations (§42-00). M1-1 zoning district.<br><b>Community Board #1BK</b><br><b>Examiner: Joshua Saal (212) 386-0081</b><br><b>Status: Adjourned, Continued Hearing – 5/20/14</b> |
| 8.                                    | 125-13-BZ | Rothkrug, Rothkrug & Spector LLP<br><b>97 Grattan Street, Brooklyn</b><br>Variance (§72-21) to allow for a new seven-family residential development, contrary to use regulations (§42-00). M1-1 zoning district.<br><b>Community Board #1BK</b><br><b>Examiner: Joshua Saal (212) 386-0081</b><br><b>Status: Adjourned, Continued Hearing – 5/20/14</b> |
| 9.                                    | 178-13-BZ | Gonzalez, Saggio & Harlan, LLP<br><b>21-41 Mott Avenue, Queens</b><br>Special Permit (§73-243) to allow an eating and drinking establishment with an existing accessory drive-through facility. C1-2 zoning district.<br><b>Community Board #14Q</b><br><b>Examiner: Carlo Costanza (212) 386-0068</b><br><b>Status: Closed, Decision – 6/10/14</b>     |
| 10.                                   | 250-13-BZ | Warshaw Burstein, LLP<br><b>3555 White Plains Road, Bronx</b><br>Special Permit (§73-36) to allow a physical culture establishment ( <i>Fitness Center</i> ). R7A/C2-4 zoning district.<br><b>Community Board #12BX</b><br><b>Examiner: Rory Levy (212) 386-0082</b><br><b>Status: Adjourned, Continued Hearing – 6/10/14</b>                           |

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|---------------------------------------|------------------|---|
| <b>11.</b>                            | <b>254-13-BZ</b> | <p>Law Office of Marvin B. Mitzner<br/><b>2881 Nostrand Avenue, Brooklyn</b><br/>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.<br/><b>Community Board #18BK</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Adjourned, Continued Hearing – 6/10/14</b></p> |
| <b>12.</b>                            | <b>286-13-BZ</b> | <p>Eric Palatnik, P.C.<br/><b>2904 Voorhies Avenue, Brooklyn</b><br/>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.<br/><b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 6/10/14</b></p>                              |
| <b>13.</b>                            | <b>310-13-BZ</b> | <p>Eric Palatnik, P.C.<br/><b>459 East 149th Street, Bronx</b><br/>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.<br/><b>Community Board #1BX</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Continued Hearing – 5/20/14</b></p>   |

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| <b><i>BZ – NEW CASES</i></b> |                  |   |
|------------------------------|------------------|---|
| 14.                          | <b>277-13-BZ</b> | <p>Jeffrey A. Chester, Esq<br/><b>1769 Fort George Hill, Manhattan</b><br/>Variance (§72-21) to permit a proposed development of a 12-story, 125 unit residential building with two floors of community facility/church space, contrary to floor area (§23-145), lot coverage (§23-145), base and building height (§23-633), and parking (§25-23). R7-2 zoning district.<br/><b>Community Board #12M</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Continued Hearing – 6/17/14</b></p> |
| 15.                          | <b>279-13-BZ</b> | <p>Warshaw Burnstein, LLP<br/><b>218-222 West 35th Street, Manhattan</b><br/>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. M1-6 zoning district.<br/><b>Community Board #5M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Continued Hearing – 6/10/14</b></p>  |
| 16.                          | <b>294-13-BZ</b> | <p>Law Offices of Marvin B. Mitzner, Esq.<br/><b>220 Lafayette Street, Manhattan</b><br/>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.<br/><b>Community Board #2M</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Continued Hearing – 6/24/14</b></p>  |
| 17.                          | <b>331-13-BZ</b> | <p>Warshaw Burstein, LLP<br/><b>2005 86th Street aka 2007 86<sup>th</sup> Street, Brooklyn</b><br/>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.<br/><b>Community Board #11BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 6/10/14</b></p>  |

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| <b>18.</b>                   | <b>3-14-BZ</b> | <p>Friedman &amp; Gotbaum LLP<br/><b>12-22 East 89th Street aka 1238 Madison Avenue, Manhattan</b><br/>Variance (§72-21) to permit the enlargement of a school (<i>Saint David's School</i>), contrary to lot coverage (§24-11, 24-12), floor area (§24-11), rear yard (§24-36), rear wall setback (§24-552b), base height (§24-522, 24-633), streetwall (§23-692c, 99-051b), maximum height (§99-054b), and enlargement to a non-complying building (§54-31) regulations.<br/>R8B/R10/C1-5MP zoning district.<br/><b>Community Board # 8M</b></p> <p style="margin-left: 20px;"><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p style="margin-left: 20px;"><b>Status: Continued Hearing – 6/17/14</b></p> |
| <b>19.</b>                   | <b>7-14-BZ</b> | <p>Greenberg Traurig, LLP<br/><b>1380 Rockaway Parkway, Brooklyn</b><br/>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).<br/><b>Community Board #18BK</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 386-0082</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision – 6/10/14</b></p>   |

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