

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, DECEMBER 17, 2013

10:00 A.M.

| <i>SOC – DECISIONS</i> | | |
|-------------------------------|------------------|---|
| 1. | 774-55-BZ | <p>Sahn Ward Coschignano & Baker 2155-2159 Newbold Avenue, Bronx Extension of Term (§11-411) of a previously granted variance for the continued operation of a (UG8) parking lot for the employees and customers of an existing bank (<i>Citibank</i>), which expire d on January 31, 2013; Waiver of the Rules. R5/C1-2 & R5/C2-2 zoning district. Community Board #9BX Examiner: Henry Segovia (212) 386-0074 Status: Granted – 12/17/13</p> |
| 2. | 182-69-BZ | <p>Kramer Levin Naftalis & Frankel LLP 211-235 East 19th Street, Manhattan Amendment to previous special permit which allowed construction of a hospital building, contrary to height and setback, yards, distance between buildings, and floor area (§§ 23-145, ZR-23-711 and ZR23-89). Amendment proposes a residential conversion of existing buildings. R8B zoning district. Community Board #6M Examiner: Status: Granted – 12/17/13</p> |
| 3. | 380-01-BZ | <p>Law office of Fredrick A. Becker 230 West 41st Street, Manhattan 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>), located in a 21-story commercial office building, which expired on April 9, 2012; Waiver of the Rules. C6-6.5 M1-6 (Mid) zoning district. Community Board #5M Examiner: Henry Segovia (212) 386-0074 Status: Granted – 12/17/13</p> |
| 4. | 17-02-BZ | <p>The Law Office of Fredrick A. Becker 445-455 Fifth Avenue aka 453 Fifth Avenue, Brooklyn 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 June 4, 2012; Waiver of the Rules. C4-3 zoning district. Community Board #6BK Examiner: Henry Segovia (212) 386-0074 Status: Granted – 12/17/13</p> |

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| <i>SOC – NEW CASES</i> | | |
|-------------------------------|------------------|--|
| 5. | 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: Continued Hearing – 1/28/14</p> |
| 6. | 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: Continued Hearing – 1/28/14</p> |
| 7. | 119-03-BZ | <p>Rothkrug Rothkrug & Spector LLP 10 Columbus Circle aka 301 West 58th Street and 303 West 60th Street, Manhattan 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 Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 1/28/14</p> |
| 8. | 209-03-BZ | <p>Law Office of Fredrick A. Becker 150 Central Park South, Manhattan 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 Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 1/28/14</p> |

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| 9. | 176-09-BZ | <p>Bryan Cave LLP 220-236 West 28th Street, Manhattan 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 <i>Segovia</i></p> |
| | | Examiner: Henry Segovia (212) 386-0074 |
| | | Status: Closed, Decision – 1/28/14 |

| <i>APPEALS – DECISIONS</i> | | |
|-----------------------------------|-----------------|---|
| 10. | 90-12-A | <p>Fried, Frank, Harris, Shriver & Jacobson, LLP 111 Varick Street, Manhattan Reopening by court remand for supplemental review of whether the subject wall was occupied by an art installation or an advertising sign. M1-6 zoning district. Community Board #2M</p> |
| | | Examiner: Toni Matias (212) 386-0085 |
| | | Status: Denied – 12/17/13 |
| 11. | 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> |
| | | Examiner: Toni Matias (212) 386-0085 |
| | | Status: Deferred Decision – 1/28/14 |

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| <i>APPEALS – CONTINUED HEARINGS</i> | | |
|--|------------------------|--|
| 12. | 58-13-A | <p>Rothkrug Rothkrug & Spector LLP 4 Wiman Place, Staten Island 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. Community Board #1SI</p> <p style="color: green;">Examiner: Toni Matias (212) 386-0085</p> <p style="color: red;">Status: Continued Hearing – 1/14/14</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 style="color: green;">Examiner: Toni Matias (212) 386-0085</p> <p style="color: red;">Status: Closed, Decision – 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 style="color: green;">Examiner: Toni Matias (212) 386-0085</p> <p style="color: red;">Status: Closed, Decision – 1/28/14</p> |

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| <i>APPEAL – NEW CASES</i> | | |
|----------------------------------|----------|---|
| 15. | 230-13-A | 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 |
| | | Examiner: Toni Matias (212) 386-0085 |
| | | Status: Continued Hearing – 1/28/14 |
| 16. | 231-13-A | 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 |
| | | Examiner: Toni Matias (212) 386-0085 |
| | | Status: Continued Hearing – 1/28/14 |

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| <i>BZ – DECISIONS</i> | | |
|------------------------------|------------------|---|
| 1. | 254-12-BZ | <p>Patrick W. Jones, P.C. 850 Third Avenue aka 509/519 Second Avenue, Brooklyn 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. Community Board #7BK</p> <p>Examiner:</p> <p>Status: Deferred Decision – 1/14/14</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 – 1/28/14</p> |
| 3. | 206-13-BZ | <p>Fried Frank Harris Shriver and Jacobson LLP 605 West 42nd Street, Manhattan Special Permit (§73-36) to allow a physical culture establishment within an existing building. C6-4 zoning district. Community Board #4M</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Granted – 12/17/13</p> |
| 4. | 219-13-BZ | <p>Eric Palatnik, P.C. 2 Cooper Square, Manhattan Special Permit (§73-36) to allow physical culture establishment (<i>Crunch Fitness</i>) within a portions of an existing mixed use building contrary to §42-10. M1-5B zoning district. Community Board #2M</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Granted – 12/17/13</p> |

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| <i>BZ – CONTINUED HEARINGS</i> | | |
|---------------------------------------|--------------------------------|---|
| 5. | 279-12-BZ | 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 Examiner: Status: Continued Hearing – 1/28/14 |
| 6. | 92-13-BZ & 93-13-BZ | 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 Examiner: Henry Segovia (212) 386-0074 Status: Continued Hearing – 1/28/14 |
| 7. | 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: Continued Hearing – 1/28/14 |
| 8. | 187-13-BZ | Warshaw Burnstein, LLP 1024-1030 Southern Boulevard, Bronx 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. Community Board #2BX Examiner: Rory Levy (212) 386-0082 Status: Continued Hearing – 1/14/14 |

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| 9. | 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: Continued Hearing – 1/28/14</p> |
| 10. | 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> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Continued Hearing – 1/28/14</p> |
| 11. | 292-13-BZ | <p>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</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 1/28/14</p> |

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| 12. | 69-12-BZ | Eric Palatnik, P.C. 1 Maspeth Avenue, Brooklyn Variance (§72-21) to allow for the construction of residential building, contrary to use regulations (§32-00). C8-2 zoning district. Community Board #1BK Examiner: Status: Continued Hearing – 2/25/14 |
| 13. | 103-13-BZ | Rothkrug Routhkrug & Spector LLP 81 Jefferson Street, Brooklyn 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. Community Board #4BK Examiner: Status: Continued Hearing – 2/4/14 |
| 14. | 124-13-BZ | Rothkrug Rothkrug & Spector LLP 95 Grattan Street, Brooklyn Variance (§72-21) to allow for a new seven-family residential development, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #1BK Examiner: Status: Continued Hearing – 2/4/14 |
| 15. | 125-13-BZ | Rothkrug Rothkrug & Spector LLP 97 Grattan Street, Brooklyn Variance (§72-21) to allow for a new seven-family residential development, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #1BK Examiner: Status: Continued Hearing – 2/4/14 |

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| 16. | 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 – 1/28/14</p> |
| 17. | 255-13-BZ | <p>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</p> <p>Examiner: Rory Levy (212) 386-0082</p> <p>Status: Closed, Decision – 1/28/14</p> |

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