NEW YORK CITY BOARD OF STANDARDS AND APPEALS
REGULAR MEETING
TUESDAY MORNING, DECEMBER 17, 2013
10:00 A.M.

SOC – DECISIONS

1. 774-55-BZ
   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 (Citibank), which expired 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

2. 182-69-BZ
   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

3. 380-01-BZ
   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 (New York Sports Club), 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

4. 17-02-BZ
   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 (New York Sports Club) 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

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************************************************************************DISCLAIMER************************************************************************
## SOC – NEW CASES

### 5. 406-82-BZ
- **Attorney:** Eric Palatnik, P.C.
- **Address:** 2411 86th Street, Brooklyn

Extension of term of a special permit (§73-243) allowing an eating and drinking establishment (McDonald’s) 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**

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<tr>
<th>Examiner</th>
<th>Henry Segovia (212) 386-0074</th>
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### 6. 20-02-BZ
- **Attorney:** Law office of Fredrick A. Becker
- **Address:** 303 Park Avenue South, Manhattan

Extension of term of a special permit (§73-36) to allow the operation of a physical culture establishment (New York Sports Club) in a five story mixed use loft building, which expired on August 21, 2013. C6-4 zoning district.

**Community Board #5M**

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### 7. 119-03-BZ
- **Attorney:** Rothkrug Rothkrug & Spector LLP
- **Address:** 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 (Equinox), which expired on September 16, 2013. C6-6 (MID) zoning district.

**Community Board #4M**

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<th>Examiner</th>
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### 8. 209-03-BZ
- **Attorney:** Law Office of Fredrick A. Becker
- **Address:** 150 Central Park South, Manhattan

Extension of term of a variance (§72-21) for the continued operation of physical culture establishment (Exhale Spa) located in a portion of a 37-story residential building which expired on October 21, 2013. R10-H zoning district.

**Community Board #5M**

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NEW YORK CITY BOARD OF STANDARDS AND APPEALS
REGULAR MEETING
TUESDAY MORNING, DECEMBER 17, 2013
10:00 A.M.

SOC – NEW CASES

| 9. | 176-09-BZ | 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 (Fashion Institute of Technology) which expired on October 6, 2013.  
C6-2 zoning district.  
Community Board #5M  
Segovia  
Examiner: Henry Segovia (212) 386-0074  
Status: Closed, Decision – 1/28/14 |

APPEALS – DECISIONS

| 10. | 90-12-A | 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  
Examiner: Toni Matias (212) 386-0085  
Status: Denied – 12/17/13 |

| 11. | 127-13-A | 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  
Examiner: Toni Matias (212) 386-0085  
Status: Deferred Decision – 1/28/14 |
# NEW YORK CITY BOARD OF STANDARDS AND APPEALS
## REGULAR MEETING
### TUESDAY MORNING, DECEMBER 17, 2013
10:00 A.M.

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<tr>
<th><strong>APPEALS – CONTINUED HEARINGS</strong></th>
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| **12.** 58-13-A | 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  
Examiner: Toni Matias (212) 386-0085  
Status: Continued Hearing – 1/14/14 |
| **13.** 131-13-A & 132-13-A | 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  
Examiner: Toni Matias (212) 386-0085  
Status: Closed, Decision – 1/28/14 |
| **14.** 156-13-A | 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  
Examiner: Toni Matias (212) 386-0085  
Status: Closed, Decision – 1/28/14 |

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<td><strong>APPEAL – NEW CASES</strong></td>
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|   | **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 |
|   | **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 |
### BZ – DECISIONS

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| **1.** | **254-12-BZ** | 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  
**Examiner:**  
Status:  Deferred Decision – 1/14/14 |
| **2.** | **303-12-BZ** | 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 (**Tabernacle of Praise**), 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  
**Examiner:** Rory Levy (212) 386-0082  
Status:  Deferred Decision – 1/28/14 |
| **3.** | **206-13-BZ** | 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  
**Examiner:** Rory Levy (212) 386-0082  
Status:  Granted – 12/17/13 |
| **4.** | **219-13-BZ** | Eric Palatnik, P.C.  
**2 Cooper Square, Manhattan**  
Special Permit (§73-36) to allow physical culture establishment (**Crunch Fitness**) within a portions of an existing mixed use building contrary to §42-10.  
**M1-5B zoning district.**  
Community Board #2M  
**Examiner:** Rory Levy (212) 386-0082  
Status:  Granted – 12/17/13 |
# NEW YORK CITY BOARD OF STANDARDS AND APPEALS
## REGULAR MEETING
### TUESDAY MORNING, DECEMBER 17, 2013
#### 10:00 A.M.

### BZ – CONTINUED HEARINGS

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| 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 |
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 (*Planet Fitness*), 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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<td>9.</td>
<td>Rothkrug Rothkrug &amp; 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. <strong>Community Board #2SI</strong>  <strong>Examiner:</strong>  <strong>Status:</strong> Continued Hearing – 1/28/14</td>
<td>Herrick, Feinstein LLP 157 Columbus Avenue, Manhattan Special Permit (§73-36) to allow a physical culture establishment (Cross Fit) located in the cellar level of an existing 31-story building. C4-7 zoning district. <strong>Community Board #7M</strong>  <strong>Examiner:</strong> Rory Levy (212) 386-0082  <strong>Status:</strong> Continued Hearing – 1/28/14</td>
<td>Sheldon Lobel, P.C. 2085 Ocean Parkway, Brooklyn Variance (§72-21) to allow the development of a Use Group 4A house of worship (Congregation Bet Yaakob), 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. <strong>Community Board #15BK</strong>  <strong>Examiner:</strong> Rory Levy (212) 386-0082  <strong>Status:</strong> Closed, Decision – 1/28/14</td>
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**NEW YORK CITY BOARD OF STANDARDS AND APPEALS**

**REGULAR MEETING**

**TUESDAY MORNING, DECEMBER 17, 2013**

**10:00 A.M.**

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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 |
### NEW YORK CITY BOARD OF STANDARDS AND APPEALS

**REGULAR MEETING**  
**Tuesday Morning, December 17, 2013**  
**10:00 A.M.**

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**BZ – NEW CASES**

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| 16. 128-13-BZ | 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  
**Examiner:** Henry Segovia (212) 386-0074  
**Status:** Continued Hearing – 1/28/14 |
| 17. 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 (*Blink Fitness*) establishment within an existing commercial building. C2-4 (R7-A) zoning district.  
Community Board #12BX  
**Examiner:** Rory Levy (212) 386-0082  
**Status:** Closed, Decision – 1/28/14 |