

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING

TUESDAY MORNING, OCTOBER 22, 2013

10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>606-75-BZ</b>	<p>Sheldon Lobel, P.C.  <b>421 Hudson Street, Manhattan</b>                      Amendment of a previously approved variance (§72-21) which allowed the residential conversion of a manufacturing building; amendment seeks to permit a reallocation of floor area between the maisonette and townhouse units, resulting in a reduction of total units and no net change in total floor area. M1-5 zoning district.  <b>Community Board #2M</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Granted – 10/22/13</b></p>
<b>2.</b>	<b>139-92-BZ</b>	<p>Samuel H. Valencia  <b>52-15 Roosevelt Avenue, Queens</b>                      Extension of term for a previously granted special permit (§73-244) for the continued operation of a UG12 eating and drinking establishment with dancing (<i>Deseos</i>) which expired on March 7, 2013; Waiver of the Rules. C2-2/R6 zoning district.  <b>Community Board#2Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 10/22/13</b></p>
<b>3.</b>	<b>189-96-BZ</b>	<p>John C Chen  <b>85-10/12 Roosevelt Avenue, Queens</b>                      Extension of Term of a previously granted Special Permit (§73-244) of a UG12 Eating and Drinking establishment with entertainment and dancing, which expires on May 19, 2013. C2-3/R6 zoning district.  <b>Community Board #4Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 10/22/13</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
<b>4.</b>	<b>699-46-BZ</b>	<p>Eric Palatnik, P.C.  <b>224-01 North Conduit Avenue, Queens</b>                      Amendment (§11-412) of a previously approved variance which permitted the operation of an automotive service station (UG 16B) with accessory use. The amendment seeks to convert existing service bays to a convenience store, increase the number of pump islands, and permit a drive-thru to the proposed convenience store. R3X zoning district.  <b>Community Board #13Q</b>  <b>Examiner: Carlo Costanza (212) 386-0068</b>  <b>Status: Closed, Decision – 11/19/13</b></p>
<b>5.</b>	<b>327-88-BZ</b>	<p>Eric Palatnik, P.C.  <b>136-36 39th Avenue aka 136-29 &amp; 136-35A Roosevelt Avenue, Queens</b>                      Amendment to a previously granted variance (§72-21) to legalize the addition of a 2,317 square foot mezzanine in a UG 6 eating and drinking establishment (<i>Jade Asian Restaurant</i>). C4-3 zoning district.  <b>Community Board #7Q</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Continued Hearing – 11/26/13</b></p>

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<b><i>SOC – NEW CASES</i></b>		
<b>6.</b>	<b>405-01-BZ</b>	<p>Eric Palatnik, P.C.  <b>1275 36th Street aka 123 Clara Street, Brooklyn</b>                      Extension of Time to complete construction of a previously granted Variance (§72-21) for the construction of a five-story school and synagogue, which expires on February 14, 2014. R5/C2-3 zoning district.  <b>Community Board #12BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 11/19/13</b></p>
<b>7.</b>	<b>19-05-BZ</b>	<p>Slater &amp; Beckerman, P.C.  <b>151 West 28th Street, Manhattan</b>                      Extension of Time to complete construction of a previously granted Variance (§72-21) for the change in use of portions of an existing nine-story, mixed-use building to residential use, which expires November 10, 2013. M1-6 zoning district.  <b>Community Board #5M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 11/19/13</b></p>
<b>8.</b>	<b>219-07-BZ</b>	<p>James Chin &amp; Associates, LLC  <b>11 West 36th Street, Manhattan</b>                      Extension of Term of a previously granted Special Permit (§73-36) to permit the continued operation of a physical culture establishment (<i>Cosmos Spa</i>), which expired on June 3, 2010. M1-6 zoning district.  <b>Community Board #5M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 11/19/13</b></p>

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<b><i>APPEALS – DECISIONS</i></b>		
9.	87-13-A	<p>Bryan Cave LLP  <b>174 Canal Street, Manhattan</b>                      Appeal challenging Department of Buildings’ determination that the existing sign is not entitled to non-conforming use status. C6-1G zoning district.  <b>Community Board #3M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Denied – 10/22/13</b></p>
10.	134-13-A	<p>Bryan Cave  <b>538 10th Avenue aka 460 West 41st Street, Manhattan</b>                      Appeal of NYC Department of Buildings’ determination regarding the right to maintain an existing advertising sign. C2-8/HY zoning district.  <b>Community Board #4M</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Denied – 10/22/13</b></p>
11.	194-13-A thru 205-13-A	<p>Sanna &amp; Loccisano P.C.  <b>36, 35, 31, 27, 23, 19, 15, 11, 12, 16, 20, 24 Savona Court, Staten Island</b>                      Construction of single detached residences not fronting on a legally mapped street, contrary to General City Law Section 36. R3X (SSRD) zoning district.  <b>Community Board #3SI</b>  <b>Examiner: Toni Matias (212) 386-0085</b>  <b>Status: Granted – 10/22/13</b></p>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
12.	58-13-A	Rothkrug Rothkrug & Spector LLP <b>4 Wiman Place, Staten Island</b> 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. <b>Community Board #1SI</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Continued Hearing – 11/26/13</b>
13.	131-13-A & 132-13-A	Sheldon Lobel, P.C. <b>43 &amp; 47 Cecilia Court, Staten Island</b> Proposed construction of a residence not fronting on a legally mapped street, contrary to General City Law Section 36. R2 & R1 (SHPD) zoning districts. <b>Community Board #1SI</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Continued Hearing – 11/26/13</b>
14.	224-13-A	Slater & Beckerman, P.C. <b>283 Carroll Street, Brooklyn</b> Appeal challenging the determination by the Department of Buildings that an automatic sprinkler system is required in connection with the conversion of a three family dwelling (J-2 occupancy) to a two-family (J-3 occupancy). R6B zoning district. <b>Community Board #6BK</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Closed, Decision – 11/19/13</b>

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<b><i>APPEAL – NEW CASES</i></b>		
15.	110-13-A	Abrams Fensterman, LLP <b>120 President Street, Brooklyn</b> Appeal challenging Department of Buildings' interpretation of the Building Code regarding required walkway around a below-grade pool. R6B zoning district. <b>Community Board #6BK</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Continued Hearing – 11/26/13</b>
16.	226-13-A	Rothrug Rothkrug & Spector LLP <b>29 Kayla Court, Staten Island</b> Proposed construction of a one-family dwelling that does not front on a legally mapped street, contrary to Section 36 Article 3 of the General City Law. R3-2 /R2 NA-1 zoning District. <b>Community Board #2SI</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 11/19/13</b>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>35-11-BZ</b>	<p>The Law Office of Fredrick A. Becker  <b>226-10 Francis Lewis Boulevard, Queens</b>                      Variance (§72-21) to allow for the enlargement of an existing synagogue (<i>Congregation Obel</i>), contrary to floor area, lot coverage (§24-11), front yard (§24-34), side yard (§24-35), rear yard (§24-36) and parking (§25-31). R2A zoning district.  <b>Community Board #13Q</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Granted – 10/22/13</b></p>
<b>2.</b>	<b>199-12-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1517 Bushwick Avenue, Brooklyn</b>                      Variance (§72-21) to construct a self-storage facility, contrary to maximum permitted floor area regulations. C8-1 and R6 zoning districts.  <b>Community Board #4BK</b>  <b>Examiner: Ronald Rizzotti (212) 386-0081</b>  <b>Status: Granted – 10/22/13</b></p>
<b>3.</b>	<b>100-13-BZ</b>	<p>Law Office of Fredrick A. Becker  <b>1352 East 24th Street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area, open space (§23-141); side yards (§23-461) and less than the required rear yard (§23-47). R-2 zoning district.  <b>Community Board #14BK</b>  <b>Examiner: Henry Segovia (212) 386-0074</b>  <b>Status: Granted – 10/22/13</b></p>
<b>4.</b>	<b>133-13-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1915 Bartow Avenue, Bronx</b>                      Variance (§72-21) to permit the construction of a new two-story community facility (UG 4A house of worship) (<i>Evangelical Church</i>) building is contrary to parking (§25-31), rear yard (§24-33(b) &amp; §24-36), side yard (§24-35(a)) and front yard requirements (§25-34) zoning requirements. R4 zoning district.  <b>Community Board #12BX</b>  <b>Examiner: Rory Levy (212) 386-0082</b>  <b>Status: Granted – 10/22/13</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>161-13-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>8 West 19th Street, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Soul Cycle</i>) within a portion of an existing building. C6-4A zoning district.  <b>Community Board #5M</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 386-0082</b></p> <p style="margin-left: 20px;"><b>Status: Granted – 10/22/13</b></p>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>6.</b>	<b>54-12-BZ</b>	<p>Gerald J. Caliendo, R.A., AIA  <b>65-39 102nd Street, Queens</b>                      Variance (§72-21) to permit for the construction of a community facility and residential building, contrary to lot coverage (§23-141), lot area (§§23-32, 23-33), front yard (§§23-45, 24-34), side yard (§§23-46, 24-35) and side yard setback (§24-55) regulations. R5 zoning district.  <b>Community Board #6Q</b></p> <p style="margin-left: 20px;"><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p style="margin-left: 20px;"><b>Status: Continued Hearing – 12/10/13</b></p>
<b>7.</b>	<b>282-12-BZ</b>	<p>Eric Palatnik, P.C.  <b>1995 East 14th Street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single family home, contrary to side yard requirements (§23-461), and a variance (§72-21), contrary to front yard requirements (§23-45). R5 zoning district.  <b>Community Board #15BK</b></p> <p style="margin-left: 20px;"><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision – 11/19/13</b></p>

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<b>8.</b>	<b>105-13-BZ</b>	<p>Law Office of Fred A Becker  <b>1932 East 24th street, Brooklyn</b>                      Special Permit (§73-622) for the enlargement of an existing single home, contrary to floor area, open space and lot coverage (§23-141); side yard (§23-461); perimeter wall height (§23-631) and less than the minimum rear yard (§23-47). R3-2 zoning district.  <b>Community Board #15BK</b></p> <hr/> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <hr/> <p><b>Status: Adjourned, Continued Hearing – 11/19/13</b></p>
<b>9.</b>	<b>120-13-BZ</b>	<p>Eric Palatnik, P.C.  <b>1815 Forest Avenue, Staten Island</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/R3-2 zoning district.  <b>Community Board #1SI</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Continued Hearing – 11/26/13</b></p>
<b>10.</b>	<b>162-13-BZ</b>	<p>Bryan Cave LLP  <b>120-140 Avenue of the Americas/72-80 Sullivan street, Manhattan</b>                      Variance (§72-21) to permit the construction of a residential and commercial building with 31 dwelling units, ground floor retail, and 11 parking spaces, contrary to use regulations (§42-00). M1-5B zoning district.  <b>Community Board #2M</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Continued Hearing – 11/19/13</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>11.</b>	<b>254-12-BZ</b>	<p>Patrick W. Jones, P.C.  <b>850 Third Avenue aka 509/519 Second Avenue, Brooklyn</b>                      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.  <b>Community Board #7BK</b></p> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <p><b>Status: Continued Hearing – 11/19/13</b></p>
<b>12.</b>	<b>90-13-BZ</b>	<p>Akerman Senterfitt, LLP  <b>166-05 Cryders Lane, Queens</b>                      Variance (§72-21) to permit the construction of a single-family dwelling, contrary to open area requirements (§23-89). R1-2 zoning district.  <b>Community Board #7Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 11/19/13</b></p>
<b>13.</b>	<b>121-13-BZ</b>	<p>Moshe M. Friedman, P.E.  <b>1514 57th Street, Brooklyn</b>                      Variance (§72-21) to permit a UG 4 synagogue (<i>Congregation Beth Aron Moshe</i>), contrary to front yard (§24-34), side yards (§24-35) and rear yard (§24-36) requirements. R5 zoning district.  <b>Community Board #12BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 11/19/13</b></p>
<b>14.</b>	<b>187-13-BZ</b>	<p>Sheldon Lobel, P.C.  <b>1024-1030 Southern Boulevard, Bronx</b>                      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.  <b>Community Board #2BX</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Continued Hearing – 11/26/13</b></p>

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<b>15.</b>	<b>213-13-BZ</b>	<p>Rothrug Rothkrug &amp; Spector LLP  <b>3858-60 Victory Boulevard, Staten Island</b>                      Special Permit (§73-126) to allow a medical office, contrary to bulk regulations (§22-14). R3A zoning district.  <b>Community Board #2SI</b></p> <hr/> <p><b>Examiner: Ronald Rizzotti (212) 386-0081</b></p> <hr/> <p><b>Status: Continued Hearing – 11/26/13</b></p>
<b>16.</b>	<b>235-13-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP  <b>132 West 31st Street, Manhattan</b>                      Special Permit (§73-36) to permit the operation of a physical culture establishment (<i>Blink Fitness</i>) within an existing commercial building. M1-6 zoning district.  <b>Community Board #5M</b></p> <hr/> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <hr/> <p><b>Status: Closed, Decision – 11/19/13</b></p>

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