

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, APRIL 29, 2014  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>5-28-BZ</b>	<p>Eric Palatnik, P.C. <b>664 New York Avenue, Brooklyn</b> Amendment (§11-413) of a previously approved variance which permitted the operation of an automotive service station (UG 16B). The amendment seeks to change the use to a car rental establishment (UG 8). R6 zoning district. <b>Community Board #9BK</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Granted – 4/29/14</b></p>
<b>2.</b>	<b>197-05-BZ</b>	<p>Law Offices of Marvin B. Mitzner LLC <b>813-815 Broadway, Manhattan</b> Extension of Time to Complete Construction of a previously approved variance (§72-21) permitting an 11-story residential building with commercial on the ground floor, contrary to bulk regulations, which expired on January 12, 2014. C6-1 district. <b>Community Board #2M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 4/29/14</b></p>
<b>3.</b>	<b>247-09-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel <b>123 East 55th Street, Manhattan</b> 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 &amp; C5-2.5 (MiD) zoning district. <b>Community Board #5M</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>SOC – CONTINUED HEARINGS</i></b>		
<b>4.</b>	<b>142-92-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel <b>473-541 6th Street Brooklyn</b> Amendment of a previously approved special permit (§73-48) for a community facility (<i>New York Methodist Hospital</i>). The application seeks to amend the approved plans to accommodate required accessory parking in a new ambulatory care facility (BSA Cal #142-92-BZ) <b>Community Board #6BK</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Closed, Decision – 5/20/14</b></p>
<b>5.</b>	<b>186-96-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>145-21/25 Liberty Avenue, Queens</b> 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 &amp; 6), which expired on May 19, 2003; Waiver of the Rules. R4 zoning district. <b>Community Board #12Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Continued Hearing – 6/10/14</b></p>
<b>6.</b>	<b>178-99-BZ</b>	<p>Eric Palatnik, P.C. <b>8973/95 Bay Parkway, Brooklyn</b> Amendment (§§72-01 &amp; 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. <b>Community Board #11BK</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Closed, Decision – 6/10/14</b></p>
<b>7.</b>	<b>177-07-BZ</b>	<p>Sheldon Lobel, P.C. <b>886 Glenmore Avenue, Brooklyn</b> Amendment of an approved Variance (§72-21) which permitted construction of a two-story and mezzanine, two-family residential building, contrary to front yard regulations (§23-45( a)); the amendment seeks to permit construction of a three-story, three-family residential building. R5 zoning district. <b>Community Board #5BK</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <p><b>Status: Closed, Decision – 5/13/14</b></p>

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<b><i>SOC – NEW CASES</i></b>		
8.	371-03-BZ 372-03-BZ	Kramer Levin Naftalis & Frankel LLP <b>663 &amp; 655 Fifth Avenue, Manhattan</b> Extension of Term of a previously approved Special Permit (§73-36) to allow the operation of a physical culture establishment ( <i>The Facility</i> ) which expire0s May 11, 2014. C5-3 (MID) zoning district. <b>Community Board #5M</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Closed, Decision – 5/13/14</b>

<b><i>APPEALS – DECISIONS</i></b>		
9.	143-11-A thru 146-11-A	Philip L. Rampulla <b>20, 25, 35, 40 Harborlights Court, Staten Island</b> Appeal challenging the Fire Department’s determination that the grade of the fire apparatus road shall not exceed 10 percent, per NYC Fire Code Section FC 503.2.7. R2 zoning district. <b>Community Board #1SI</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Granted – 4/29/14</b>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
10.	266-07-A	Law Office of Fredrick A. Becker <b>1602-1610 Avenue S, Brooklyn</b> 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. <b>Community Board #3BK</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Adjourned, Continued Hearing – 5/13/14</b>

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<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
11.	80-11-A & 84/85-11-A & 103-11-A	Law Office of Marvin B. Mitzner LLC <b>335, 333, 331, 329 East 9th Street, Manhattan</b> 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. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Continued Hearing – 6/10/14</b>
12.	166-12-A	NYC Department of Buildings <b>638 East 11th Street, Manhattan</b> Application to revoke the Certificate of Occupancy. R8B zoning district. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Adjourned, Continued Hearing – 6/17/14</b>
13.	107-13-A	Law Office of Marvin B. Mitzner LLC <b>638 East 11th Street, Manhattan</b> An appeal seeking a determination that the owner has acquired a common law vested right to continue development commenced under the prior R7- 2 zoning district. R7B zoning district. <b>Community Board #3M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Adjourned, Continued Hearing – 6/17/14</b>

<b><i>APPEAL – NEW CASES</i></b>		
14.	43-14-A	Rosan & Rosan, P.C. <b>242 West 76th Street, Manhattan</b> Extension of Time to obtain a Class B Certificate of Occupancy to legalize 120 hotel units, as provided recent (2010) legislation under Chapters 225 and 566 of the Laws of New York. R8B zoning district. <b>Community Board #7M</b>
		<b>Examiner: Toni Matias (212) 386-0085</b>
		<b>Status: Closed, Decision – 5/13/14</b>

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<b><i>BZ – DECISIONS</i></b>		
<b>1.</b>	<b>211-12-BZ</b>	<p>Rothkrug, Rothkrug &amp; Spector LLP <b>164 Coffey Street, Brooklyn</b> Variance (§72-21) to permit the proposed re-establishment of a residential building, contrary to use regulations (§42-00). M1-1 zoning district. <b>Community Board #6BK</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Deferred Decision – 6/17/14</b></p>
<b>2.</b>	<b>130-13-BZ</b>	<p>Rothkrug Rothdrug &amp; Spector <b>1590 Nostrand Avenue, Brooklyn</b> Re-Instatement (§11-411) of a variance which permitted a one-story motor vehicle storage garage with repair (UG 16B), which expired on February 14, 1981; Amendment (§11-413) to change the use to retail (UG 6); Waiver of the Rules. R6 zoning district. <b>Community Board #17BK</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Granted – 4/29/14</b></p>
<b>3.</b>	<b>163-13-BZ</b>	<p>Eric Palatnik, P.C. <b>133-10 39th Avenue, Queens</b> Special Permit (§73-44) to allow the reduction of parking spaces for the enlargement of a building containing Use Group 6 professional offices. C4-2 zoning district. <b>Community Board #7Q</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Granted – 4/29/14</b></p>
<b>4.</b>	<b>179-13-BZ</b>	<p>Law Office of Fredrick A. Becker <b>933-939 East 24th Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of a single-family home contrary to floor area, open space (§23-141); side yard (§23-461) and less than the required rear yard (§23-47). R2 zoning district. <b>Community Board #14BK</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Granted – 4/29/14</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>5.</b>	<b>228-13-BZ</b>	<p>Herrick, Feinstein LLP <b>157 Columbus Avenue, Manhattan</b> 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. <b>Community Board #7M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 5/20/14</b></p>
<b>6.</b>	<b>246-13-BZ</b>	<p>Rothkurg Rothkrug &amp; Spector LLP <b>514 49th Street, Brooklyn</b> Variance (§72-21) to permit the enlargement of an existing ambulatory diagnostic treatment health facility (UG4), contrary to floor area (§24-11) and rear yard (§24-36) regulations. R6B/C4-3A zoning districts. <b>Community Board #7BK</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Granted – 4/29/14</b></p>
<b>7.</b>	<b>270-13-BZ</b>	<p>Eric Palatnik, P.C. <b>288 Dover Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141). R3-1 zoning district. <b>Community Board #15BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 4/29/14</b></p>
<b>8.</b>	<b>285-13-BZ</b>	<p>Warshaw Burstein, LLP <b>495 Flatbush Avenue, Brooklyn</b> Special Permit (§73-36) to allow a physical culture establishment (<i>Fitness Center</i>). C8-6 zoning district. <b>Community Board #9BK</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Granted – 4/29/14</b></p>

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<b><i>BZ – DECISIONS</i></b>		
<b>9.</b>	<b>302-13-BZ</b>	Francis R. Angelino, Esq. <b>140 West 23rd Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment ( <i>Peloton Fitness</i> ). C6-3X zoning district. <b>Community Board #4M</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Granted – 4/29/14</b>

<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>10.</b>	<b>54-12-BZ</b>	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> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Continued Hearing – 5/20/14</b>
<b>11.</b>	<b>214-12-BZ</b>	Phillips Nizer, LLP <b>2784 Coney Island Avenue, Brooklyn</b> Variance (§72-21) to permit the operation of an auto laundry (UG 16B), contrary to use regulations. C2-2/R5 zoning district. <b>Community Board #13BK</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Continued Hearing – 6/24/14</b>
<b>12.</b>	<b>311-12-BZ</b>	Eric Palatnik, P.C. <b>964 Dean Street, Brooklyn</b> Variance (§72-21) to permit the residential conversion of an existing factory building, contrary to use regulations (§42-00). M1-1 zoning district. <b>Community Board #8BK</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Continued Hearing – 7/15/14</b>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>13.</b>	<b>347-12-BZ</b>	<p>Law Office of Vincent L. Petraro <b>42-31 Union Street, Queens</b> Variance (§72-21) to permit a transient hotel and community facility use (<i>North Queens Medical Center</i>), contrary to use regulations (§22-10), and Special Permit (§73-66) to allow projection into flight obstruction area of La Guardia airport.. R7-1 (C1-2) zoning district. <b>Community Board #7Q</b></p> <p style="color: green;"><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p style="color: red;"><b>Status: Adjourned, Continued Hearing – 5/13/14</b></p>
<b>14.</b>	<b>65-13-BZ</b>	<p>Eric Palatnik, Esq. <b>123 Franklin Avenue, Brooklyn</b> Variance (§72-21) to permit a residential development, contrary to use regulations (§42-00). M1-1 zoning district. <b>Community Board #3BK</b></p> <p style="color: green;"><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p style="color: red;"><b>Status: Continued Hearing – 6/24/14</b></p>
<b>15.</b>	<b>213-13-BZ</b>	<p>Rothkrug 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> <p style="color: green;"><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p style="color: red;"><b>Status: Continued Hearing – 5/20/14</b></p>
<b>16.</b>	<b>216-13-BZ 217-13-A</b>	<p>Rampulla Associates Architects <b>750 Barclay Avenue, Staten Island</b> 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. <b>Community Board #3SI</b></p> <p style="color: green;"><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p style="color: red;"><b>Status: Adjourned, Continued Hearing – 5/13/14</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
<b>17.</b>	<b>252-13-BZ</b>	<p>Law Office of Fredrick A. Becker <b>1221 East 22nd Street, Brooklyn</b> Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area and open space (§23-141) and less than the required rear yard (§23-47). R-2 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 5/13/14</b></p>
<b>18.</b>	<b>253-13-BZ</b>	<p>Eric Palatnik, P.C. <b>66-31 Booth Street, Queens</b> Special Permit (§73-621) for the enlargement of an existing two-story, two-family home, contrary to floor area (§23-141B) regulations. R4B zoning district. <b>Community Board #6Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 5/13/14</b></p>
<b>19.</b>	<b>275-13-BZ</b>	<p>Warshaw Burstein, LLP <b>404-406 Broadway, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment (<i>Bikram Yoga Sobo</i>). M1-5 zoning district. <b>Community Board #1M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 5/20/14</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>20.</b>	<b>277-12-BZ</b>	Rothkrug Rothkrug & Spector LLP <b>1776 Eastchester Road, Bronx</b> Special Permit (§73-49) to allow 130 parking spaces on the roof of an accessory parking structure. M1-1 zoning district. <b>Community Board #11BX</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Closed, Decision – 6/10/14</b>
<b>21.</b>	<b>251-13-BZ</b>	Rothkrug Rothkrug & Spector LLP <b>1240 Waters Place, Bronx</b> Special Permit (§73-49) to allow 109 parking spaces on the roof of an accessory parking structure. M1-1 zoning. <b>Community Board #11BX</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Closed, Decision – 6/10/14</b>
<b>22.</b>	<b>2-13-BZ</b>	Alfonso Duarte <b>438 Targee Street, Staten Island</b> Variance (§72-21) to legalize the extension of a retail building, contrary to use regulations (§23-00). R3A zoning district. <b>Community Board #1SI</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
		<b>Status: Continued Hearing – 7/15/14</b>
<b>23.</b>	<b>319-13-BZ</b>	Herrick, Feinstein LLP <b>1800 Park Avenue, Manhattan</b> 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. <b>Community Board #11M</b>
		<b>Examiner: Joshua Saal (212) 386-0081</b>
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24.	325-13-BZ	<p>Eric Palatnik, P.C. <b>3170 Webster Avenue, Bronx</b> Special Permit (§73-36) to permit the operation of Physical Cultural Establishment (<i>Crunch Fitness</i>) within a portions of a commercial building. C2-4/R7D zoning district. <b>Community Board #7BX</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Continued Hearing – 5/20/14</b></p>
25.	1-14-BZ	<p>Law Office of Fredrick A Becker <b>525 West 42nd Street, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Massage Envy</i>). C6-4 zoning district. <b>Community Board #4M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 5/20/14</b></p>
26.	2-14-BZ	<p>Law Office of Fredrick A. Becker <b>555 6th Avenue, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>BFX Studio</i>). C6-2A/R8B zoning district. <b>Community Board #4M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 5/20/14</b></p>
27.	4-14-BZ	<p>Rothkrug Rothkrug &amp; Spector, LLP <b>1065 Avenue of The Americas, aka 111 West 40th Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment (<i>Blink Fitness</i>) within portions of an existing commercial building. C5-3(mid)(T) zoning district. <b>Community Board #5M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 5/20/14</b></p>

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