

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY MORNING, JULY 15, 2014  
10:00 A.M.

<b><i>SOC – DECISIONS</i></b>		
<b>1.</b>	<b>24-96-BZ</b>	<p>Rothkrug Rothkrug &amp; Spector LLP <b>213 Madison Street, Manhattan</b> Extension of Time to obtain a Certificate of Occupancy of a previously granted variance for the continued operation of a UG6 eating and drinking establishment (<i>McDonald's</i>), which expired on May 18, 2009; Waiver of the Rules. R7-2 zoning district. <b>Community Board #3M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Deferred Decision – 7/22/14</b></p>
<b>2.</b>	<b>280-01-BZ</b>	<p>Akerman, LLP <b>663-673 2nd Avenue, Manhattan</b> Extension of Time to Complete Construction and obtain a Certificate of Occupancy of a previously granted Variance (§72-21) for construction of a mixed use building, which expires on May 7, 2014. C1-9 zoning district. <b>Community Board #6M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 7/15/14</b></p>
<b>3.</b>	<b>341-02-BZ</b>	<p>Sheldon Lobel, P.C. <b>231 East 58th Street, Manhattan</b> Amendment of previously approved Variance (§72-21) which permitted retail stores (UG 6) on the first floor of an existing five story building. The amendment seeks to eliminate the term, which expires in April 8, 2023. R8B zoning district. <b>Community Board #6M</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Granted – 7/15/14</b></p>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
4.	<b>427-70-BZ</b>	<p>Carl A. Sulfaro, Esq. <b>38-01 &amp; 38-05 Beach Channel Drive, Queens</b> Amendment of a previously approved Variance (§72-21) which permitted the operation of an Automotive Service Station (UG 16B). Amendment seeks to legalize a one-story accessory convenience store. C2-2/R4 zoning district. <b>Community Board #14Q</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Adjourned, Continued Hearing – 7/29/14</b></p>
5.	<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> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Closed, Decision – 7/29/14</b></p>
6.	<b>47-97-BZ</b>	<p>Sheldon Lobel, P.C. <b>7802 Flatlands Avenue, Brooklyn</b> Amendment of a previously approved Variance (§72-21) which permitted construction of a one-story and cellar retail drug store and five smaller stores with accessory parking. The amendment is seeking to remove the twenty-year term restriction imposed by the Board. C2-3/R5D &amp; R5B zoning district. <b>Community Board #18BK</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Closed, Decision – 7/29/14</b></p>
7.	<b>160-00-BZ</b>	<p>Vassalotti Associates Architects, LLP <b>244-04 Francis Lewis Boulevard, Queens</b> ZR 11-411 Extension of Term for the continued operation of an automotive service station (<i>Citgo</i>) which expired on November 21, 2010; Extension of Time to obtain a Certificate of Occupancy which expired on November 21, 2001; Waiver of the Rules. C1-3/R3-2 zoning district. <b>Community Board #13Q</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Continued Hearing – 8/19/14</b></p>

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<b>8.</b>	<b>24-03-BZ</b>	Warsaw Burstein, LLP <b>178-02 Union turnpike, Queens</b> Extension of Term (§11-411) of a previously approved variance which permitted a gasoline service station and an automobile repair facility (UG 16) which expired on July 15, 2013; Waiver of the Rules. C1-2/R2A zoning district. <b>Community Board #8Q</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Closed, Decision – 7/29/14</b>

<b><i>SOC – NEW CASES</i></b>		
<b>9.</b>	<b>765-50-BZ</b>	Kenneth H. Koons <b>1430-36 Unionport Road, Bronx</b> Extension of Term (§11-411) of an approved variance permitting an existing one-story funeral parlor, which expired on November 20, 2013. C1-2 zoning district. <b>Community Board #9BX</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Continued Hearing – 8/19/14</b>
<b>10.</b>	<b>88-92-BZ</b>	Kenneth H. Koons <b>3007 East Tremont Avenue, Bronx</b> Extension of Term (§11-411) of an approved variance for an existing diner, which will expire on June 28, 2014. R4-1 zoning district. <b>Community Board #10BX</b> <b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Continued Hearing – 8/19/14</b>
<b>11.</b>	<b>152-07-BZ</b>	Eric Palatnik, P.C. <b>8701 4th Avenue, Brooklyn</b> Extension of Term of a previously granted Special Permit (§73-36) for the continued use of a physical culture establishment ( <i>Dolphin</i> ) on the second floor of a two-story commercial building which expired on January 1, 2013; Extension of Time to obtain a Certificate of Occupancy which expired on February 5, 2009; Waiver of the Rules. C4-2A zoning district. <b>Community Board #10BK</b> <b>Examiner: Henry Segovia (212) 386-0074</b> <b>Status: Continued Hearing – 8/19/14</b>

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<b><i>APPEALS – DECISIONS</i></b>		
<b>12.</b>	<b>45-07-A</b>	<p>Eric Palatnik, P.C. <b>1472 East 19th Street, Brooklyn</b> Application to permit an extension of time to complete construction and obtain a certificate of occupancy under the Common Law vested rights doctrine for a mixed-used residential community facility approved under the previous R6 zoning district. R4-1 zoning district. <b>Community Board #14BK</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Granted – 7/15/14</b></p>
<b>13.</b>	<b>266-07-A</b>	<p>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></p> <p><b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Granted – 7/15/14</b></p>

<b><i>APPEALS – CONTINUED HEARINGS</i></b>		
<b>14.</b>	<b>80-11-A &amp; 84/85-11-A &amp; 103-11-A</b>	<p>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></p> <p><b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Closed, Decision – 7/29/14</b></p>
<b>15.</b>	<b>103-14-A</b>	<p>Akerman LLP <b>55 Eckford Street, Brooklyn</b> Appeal seeking a determination that the owner has obtained a common law vested right to complete construction under the prior R6/M1-1 zoning district regulations. M1-2/R6B zoning district. <b>Community Board #1BK</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Closed, Decision – 7/22/14</b></p>

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<b><i>APPEAL – NEW CASES</i></b>		
<b>16.</b>	<b>92-14-A</b>	<p>Greenberg Traurig, LLP <b>790 Seventh Avenue, Manhattan</b> Variance pursuant to Multiple Dwelling Law Section 310(2)(c) to waive court requirements and legally required windows under MDL Sections 26 and 30 for the construction of a residential addition to an existing hotel . C6-7/C6-6(MID) zoning district. <b>Community Board #5M</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Closed, Decision – 8/19/14</b></p>

<b><i>BZ – DECISIONS</i></b>		
<b>17.</b>	<b>297-13-BZ</b>	<p>Sheldon Lobel, P.C. <b>308 Cooper Street, Brooklyn</b> Variance (§72-21) to permit the development of a three-story, six-unit residential building, contrary to use regulations (§42-10). M1-1 zoning district. <b>Community Board #4BK</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Deferred Decision – 9/9/14</b></p>
<b>18.</b>	<b>15-14-BZ</b>	<p>Davidoff Hutcher &amp; Citron LLP <b>12-03 150th Street, Queens</b> Variance (§72-21) to permit the enlargement of an existing school building (<i>Holy Cross Greek Orthodox Church</i>), contrary to floor area (§24-111), sky exposure plane (§24-54), and accessory parking spaces (§25-31). R2 zoning district. <b>Community Board #7Q</b> <b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Granted – 7/15/14</b></p>
<b>19.</b>	<b>57-14-BZ</b>	<p>Law Office of Jay Goldstein <b>1 New York Plaza, Manhattan</b> Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>Retro Fitness</i>) in the sub-cellar and concourse level of a 50-story commercial building. C5-5(LM) zoning district. <b>Community Board #1M</b> <b>Examiner: Toni Matias (212) 386-0085</b> <b>Status: Granted – 7/15/14</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
20.	311-12-BZ	<p>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: Closed, Decision – 8/19/14</b></p>
21.	2-13-BZ	<p>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: Adjourned, Continued Hearing – 7/29/14</b></p>
22.	254-13-BZ	<p>Law Office of Marvin B. Mitzner <b>2881 Nostrand Avenue, Brooklyn</b> 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. <b>Community Board #18BK</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Continued Hearing – 8/19/14</b></p>
23.	256/259-13-BZ 260/263-13-A	<p>Eric Palatnik PC <b>25, 27, 31, 33, Sheridan Avenue aka 2080 Clove Road, Staten Island</b> Variance (§72-21) to permit four detached and semi-detached homes, contrary to side yard (§23-461) and open area (§23-891) regulations, and bulk non-compliances resulting from the location of a mapped street (§23-45). The proposed buildings are also located within the bed of a mapped street, contrary to General City Law Section 35. R3-2 zoning district. <b>Community Board #2SI</b> <b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Closed, Decision – 7/29/14</b></p>

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24.	266-13-BZ	<p>Law Offices of Marvin B. Mitzner <b>515 East 5th Street, Manhattan</b> Variance (§72-21) to legalize the enlargement of a six-story, multi-unit residential building, contrary to maximum floor area (§23-145). R7B zoning district. <b>Community Board #3M</b></p> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <p><b>Status: Closed, Decision – 8/19/14</b></p>
25.	277-13-BZ	<p>Jeffrey A. Chester, Esq <b>1769 Fort George Hill, Manhattan</b> 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. <b>Community Board #12M</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b></p> <p><b>Status: Closed, Decision – 8/19/14</b></p>
26.	299-13-BZ	<p>Eric Palatnik, P.C. <b>4299 Hylan Boulevard, Staten Island</b> Special Permit (§73-126) to allow the partial legalization and connection of two adjacent ambulatory diagnostic treatment health care facilities (UG4). R3-A zoning district. <b>Community Board #3SI</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b></p> <p><b>Status: Closed, Decision – 8/19/14</b></p>
27.	324-13-BZ	<p>Sheldon Lobel, P.C. <b>78-32 138th Street, Queens</b> Special Permit (§73-621) to allow the enlargement of a single-family residence, contrary to floor area and open space regulations (§23-141). R2 zoning district. <b>Community Board #8Q</b></p> <p><b>Examiner: Henry Segovia (212) 386-0074</b></p> <p><b>Status: Closed, Decision – 7/29/14</b></p>

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<b><i>BZ – NEW CASES</i></b>		
28.	185-13-BZ	<p>Eric Palatnik P.C. <b>97 Franklin Avenue, Brooklyn</b> Variance (§72-21) to permit the development of a proposed three story, two-unit residential development, contrary to use regulations (§42-00). M1-1 zoning district. <b>Community Board #3BK</b></p> <p><b>Examiner: Joshua Saal (212) 386-0081</b> <b>Status: Continued Hearing – 8/19/14</b></p>
29.	264-13-BZ	<p>Francis R. Angelino, Esq. <b>257 West 17th Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture (<i>Brick CrossFit</i>) on the ground floor and cellar of an existing 10-story building. C6-2A zoning district. <b>Community Board #4M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Continued Hearing – 9/9/14</b></p>
30.	327-13-BZ	<p>Goldman Harris LLC <b>1504 Coney Island Avenue Brooklyn</b> Special Permit (§73-44) to reduce the required number of accessory parking spaces from 346 to 272 spaces for a mixed use building containing UG4 health care and UG 6 office uses. C8-2, C2-3/R5 zoning district. <b>Community Board #12BK</b></p> <p><b>Examiner: Carlo Costanza (212) 386-0068</b> <b>Status: Adjourned, Continued Hearing – 7/22/14</b></p>
31.	36-14-BZ	<p>Rothkrug Rothkrug &amp; Spector, LLP <b>101 Maiden Lane aka 201 Pearl Street, Manhattan</b> Special Permit (§73-36) to allow a physical culture establishment (<i>Soulcycle</i>) within a mixed use. C5-5(LM) zoning district. <b>Community Board #1M</b></p> <p><b>Examiner: Rory Levy (212) 386-0082</b> <b>Status: Closed, Decision – 7/29/14</b></p>

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<b><i>BZ – NEW CASES</i></b>		
<b>32.</b>	<b>47-14-BZ</b>	<p>John M. Marmora, Esq.  <b>122-21 Merrick Boulevard, Queens</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/R5D zoning district.  <b>Community Board #12Q</b></p> <hr/> <p><b>Examiner: Carlo Costanza (212) 386-0068</b></p> <hr/> <p><b>Status: Continued Hearing – 7/29/14</b></p>
<b>33.</b>	<b>55-14-BZ</b>	<p>Kramer Levin Naftalis &amp; Frankel LLP  <b>388 Bridge Street, Brooklyn</b>                      Special Permit (§73-36) to allow a physical culture establishment (<i>388 Athletic Club</i>) to operate on the fifth and sixth floors of a new 53 Story commercial and residential building. C6-45 zoning district.  <b>Community Board #2BK</b></p> <hr/> <p><b>Examiner: Toni Matias (212) 386-0085</b></p> <hr/> <p><b>Status: Closed, Decision – 7/29/14</b></p>

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