

NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING
TUESDAY MORNING, JUNE 17, 2014
10:00 A.M.

<i>SOC – DECISIONS</i>		
1.	278-86-BZ	<p>Eric Palatnik P.C. 1677 Bruckner Boulevard, Bronx Extension of Term of a previously approved Special Permit (§73-243) to permit the operation of an accessory drive-thru facility to an eating and drinking establishment (<i>White Castle</i>), which expired on November 26, 2011, amendment to the plans, and Waiver of the Rules. C1-2/R5 zoning district. Community Board #9BX Examiner: Henry Segovia (212) 386-0074 Status: Granted – 6/17/14</p>
2.	142-92-BZ	<p>Kramer Levin Naftalis & Frankel 473-541 6th Street Brooklyn 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) Community Board #6BK Examiner: Joshua Saal (212) 386-0081 Status: Granted – 6/17/14</p>
3.	11-93-BZ	<p>Sheldon Lobel, P.C. 46-45 Kissena Boulevard aka 140-01 Laburnum Avenue, Queens Extension of Time to obtain a Certificate of Occupancy for a previously approved variance (§72-21), which expired on March 20, 2012; Waiver of the Rules. R3-2/C2-2 zoning district. Community Board #7Q Examiner: Henry Segovia (212) 386-0074 Status: Granted – 6/17/14</p>
4.	326-09-BZ	<p>Bryan Cave LLP 37-10 Union Street aka 38-15 138th Street, Queens Extension of Time to Complete Construction of a previously approved special permit (§73-66) for the development of four mixed use buildings (<i>Flushing Commons</i>), which expires on July 27th 2014. C4-4 zoning district. Community Board #7Q Examiner: Henry Segovia (212) 386-0074 Status: Granted – 6/17/14</p>

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5.	49-11-BZ	Warsaw Burstein, LLP 135 West 20th Street, Manhattan Amendment of a previously approved Special Permit (§73-36) to allow the extension of physical culture establishment. C6-3A zoning district. Community Board #4M <hr/> Examiner: Carlo Costanza (212) 386-0068 <hr/> Status: Granted – 6/17/14

<i>SOC – CONTINUED HEARINGS</i>		
6.	611-52-BZ	Gerald J. Caliendo 35-35 24th Street, Queens Extension of Term (§11-411) of a previously approved variance permitting a one story warehouse building, which expired on May 5, 2013. R5 zoning district. Community Board #1Q <hr/> Examiner: Henry Segovia (212) 386-0074 <hr/> Status: Closed, Decision – 8/19/14
7.	751-78-BZ	Rothkrug Rothkrug & Spector LLP 200-15 Northern Boulevard, Queens Extension of Term of a previously granted under variance (§72-21) for the continued operation of a UG16 Automotive Repair Shop (<i>Genesis Auto Town</i>) which expired on January 23, 2009; Extension of Time to obtain a Certificate of Occupancy which expired on September 12, 2001; Waiver of the Rules. C2-2/R3-2 zoning district. Community Board #11Q <hr/> Examiner: Henry Segovia (212) 386-0074 <hr/> Status: Continued Hearing – 7/29/14

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<i>SOC – CONTINUED HEARINGS</i>		
8.	775-85-BZ	<p>Sheldon Lobel, P.C. 133-33 Brookville Boulevard, Queens Extension of Term of a previously approved Variance (§72-21) which permitted the construction of a three-story office building, contrary to permitted height and use regulations, which expired on February 24, 2012; Amendment to modify the parking layout, eliminate buffering and eliminate the term; Waiver of the Rules. C1-3/R2 and R2 zoning district. Community Board #13Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 386-0068</p> <p style="color: red;">Status: Closed, Decision – 7/22/14</p>
9.	245-03-BZ	<p>Jeffrey A. Chester, Esq 160-11 Willets Point Boulevard, Queens Extension of Term of a previously granted special permit (§72-243) for an accessory drive-thru to an existing eating and drinking establishment (<i>McDonald's</i>), which expired on December 12, 2013. C1-2/R3-2 zoning district. Community Board #7Q</p> <p style="color: green;">Examiner: Carlo Costanza (212) 386-0068</p> <p style="color: red;">Status: Closed, Decision – 7/22/14</p>

<i>SOC – NEW CASES</i>		
10.	997-84-BZ	<p>Sheldon Lobel, P.C. 798-804 Union Street, Brooklyn Amendment (§11-413) to a previous variance for a public parking garage. The amendment would convert the building to mixed use, with retail (UG 6) on first floor and cellar, and residential (UG 2) on the second through sixth floors. R6A & C1-1/R6A zoning district. Community Board #6BK</p> <p style="color: green;">Examiner: Carlo Costanza (212) 386-0068</p> <p style="color: red;">Status: Continued Hearing – 7/22/14</p>

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<i>SOC – NEW CASES</i>		
11.	24-03-BZ	<p>Warshaw Burstein, LLP 178-02 Union turnpike, Queens 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. Community Board #8Q Examiner: Carlo Costanza (212) 386-0068 Status: Continued Hearing – 7/15/14</p>
12.	271-07-BZ	<p>Eric Palatnik, P.C. 215 West 23rd Street, Manhattan Amendment of a special permit (§73-36) and variance (§72-21) authorizing a physical culture establishment (<i>Crunch</i>) by allowing a change in operator, Extension of Term, Extension of Time to obtain a Certificate of Occupancy, and Waiver of the Rules. C2-7A/R8A zoning district. Community Board #4M Examiner: Henry Segovia (212) 386-0074 Status: Closed, Decision – 7/22/14</p>

<i>APPEALS – DECISIONS</i>		
13.	51-13-A	<p>Carl A. Sulfaro, Esq. 10 Woodward Avenue, Queens Proposed construction of a one-story warehouse located partially within the bed of mapped street (<i>Metropolitan Avenue</i>), contrary to General City Law Section 35. M3-1 zoning district. Community Board #5Q Examiner: Toni Matias (212) 386-0085 Status: Granted – 6/17/14</p>
14.	59-13-A	<p>Carl A. Sulfaro, Esq. 11-30 143rd Place, Queens Proposed construction of a new one family residence located in the bed of a mapped street, contrary to General City Law Section 35. R1-2 zoning district. Community Board #7Q Examiner: Toni Matias (212) 386-0085 Status: Granted – 6/17/14</p>

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<i>APPEALS – CONTINUED HEARINGS</i>		
15.	166-12-A	NYC Department of Buildings 638 East 11th Street, Manhattan Application to revoke the Certificate of Occupancy. R8B zoning district. Community Board #3M
		Examiner: Toni Matias (212) 386-0085
		Status: Continued Hearing – 8/19/14
16.	107-13-A	Law Office of Marvin B. Mitzner LLC 638 East 11th Street, Manhattan 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. Community Board #3M
		Examiner: Toni Matias (212) 386-0085
		Status: Continued Hearing – 8/19/14
17.	110-13-A	Abrams Fensterman, LLP 120 President Street, Brooklyn Appeal challenging Department of Buildings’ interpretation of the Building Code regarding required walkway around a below-grade pool. R6B zoning district. Community Board #6BK
		Examiner: Toni Matias (212) 386-0085
		Status: Continued Hearing – 8/12/14
18.	296-13-A	Jack Lester, Esq. 280 Bond Street, Brooklyn An appeal to Department of Buildings’ determination to permit an eating and drinking establishment. Appellant argues that the non-conforming use has been discontinued and the use is contrary to open space regulations (§52-332). R6B zoning district. Community Board #6BK
		Examiner: Toni Matias (212) 386-0085
		Status: Closed, Decision – 8/12/14

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<i>APPEAL – NEW CASES</i>		
19.	89-14-A	<p>Kramer Levin Naftalis & Frankel LLP 215 East 64th Street, Manhattan Extension of Time to obtain a Class B Certificate of Occupancy to legalize a hotel (<i>Affinia Gardens Hotel</i>) under MDL Section 120(b) (3), as provided under recent amendments under Chapters 225 and 566 of the Laws of New York. R8B zoning district. Community Board #8M Examiner: Toni Matias (212) 386-0085 Status: Postponed Hearing – 7/29/14</p>
20.	103-14-A	<p>Akerman LLP 55 Eckford Street, Brooklyn 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. Community Board #1BK Examiner: Toni Matias (212) 386-0085 Status: Continued Hearing – 7/15/14</p>

<i>BZ – DECISIONS</i>		
21.	54-12-BZ	<p>Gerald J. Caliendo, R.A., AIA 65-39 102nd Street, Queens 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. Community Board #6Q Examiner: Joshua Saal (212) 386-0081 Status: Granted – 6/17/14</p>
22.	211-12-BZ	<p>Rothkrug, Rothkrug & Spector LLP 164 Coffey Street, Brooklyn Variance (§72-21) to permit the proposed re-establishment of a residential building, contrary to use regulations (§42-00). M1-1 zoning district. Community Board #6BK Examiner: Joshua Saal (212) 386-0081 Status: Deferred Decision – 8/12/14</p>

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23.	263-12-BZ	<p>Sheldon Lobel, P.C. 232 & 222 City Island Avenue, Bronx Variance (§72-21) to permit senior housing (UG 2), contrary to use regulations (§42-00). M1-1 zoning district. Community Board #10BX</p> <p>Examiner: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/17/14</p>
24.	347-12-BZ	<p>Law Office of Vincent L. Petraro 42-31 Union Street, Queens 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. Community Board #7Q</p> <p>Examiner: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/17/14</p>
25.	103-13-BZ	<p>Rothkrug, Rothkrug & 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</p> <p>Examiner: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/17/14</p>
26.	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: Joshua Saal (212) 386-0081</p> <p>Status: Granted – 6/17/14</p>

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27.	273-13-BZ	<p>Akerman Senterfitt, LLP 321 East 60th Street, Manhattan Variance (§72-21) to permit the development of an eight-story residential building containing 28 dwelling units, contrary to use regulations (§32-10). C8-4 zoning district. Community Board #8M</p> <hr/> <p>Examiner: Joshua Saal (212) 386-0081</p> <hr/> <p>Status: Granted – 6/17/14</p>
28.	289-13-BZ	<p>Kramer Levin Naftalis & Frankel LLP 473-541 6th Street Brooklyn Variance (§72-21) to allow the development of a new, 304,000 s.f. ambulatory care facility on the campus of New York Methodist Hospital, contrary to floor area (§§24-11, 24-17 and 77-02), lot coverage (§24-11), rear yard (§24-382), height and setback (§24-522), rear yard setback (§24-552), and sign (§22-321) regulations. R6, C1-3/R6, and R6B zoning district. Community Board #6BK</p> <hr/> <p>Examiner: Joshua Saal (212) 386-0081</p> <hr/> <p>Status: Granted – 6/17/14</p>
29.	326-13-BZ	<p>Rothkrug Rothkrug & Spector, LLP 16-16 Whitestone Expressway, Queens Special Permit (§73-44) to reduce the required number of accessory parking space from 192 to 138 spaces for an office building (UG 6). M1-1 (CP) zoning district. Community Board #7Q</p> <hr/> <p>Examiner: Carlo Costanza (212) 386-0068</p> <hr/> <p>Status: Granted – 6/17/14</p>

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<i>BZ – CONTINUED HEARINGS</i>		
30.	210-13-BZ	<p>Sheldon Lobel, P.C. 43-12 50th Street, Queens Variance (§72-21) to legalize the operation of a physical culture establishment (<i>The Physique</i>). C1-4/R7A zoning district. Community Board #2Q</p> <p style="color: green;">Examiner: Rory Levy (212) 386-0082</p> <p style="color: red;">Status: Closed, Decision – 7/22/14</p>
31.	277-13-BZ	<p>Jeffrey A. Chester, Esq 1769 Fort George Hill, Manhattan 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. Community Board #12M</p> <p style="color: green;">Examiner: Joshua Saal (212) 386-0081</p> <p style="color: red;">Status: Continued Hearing – 7/15/14</p>
32.	3-14-BZ	<p>Friedman & Gotbaum LLP 12-22 East 89th Street aka 1236 Madison Avenue, Manhattan Variance (§72-21) to permit the enlargement of a school (<i>Saint David's School</i>), contrary to lot coverage (§24-11, 24-12), floor area (§24-11), rear yard (§24-36), rear wall setback (§24-552b), base height (§24-522, 24-633), streetwall (§23-692c, 99-051b), maximum height (§99-054b), and enlargement to a non-complying building (§54-31) regulations. R8B/R10/C1-5MP zoning district. Community Board # 8M</p> <p style="color: green;">Examiner: Joshua Saal (212) 386-0081</p> <p style="color: red;">Status: Closed, Decision – 8/12/14</p>

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33.	300-12-BZ	Davidoff Hutcher & Citron LLP 36 West 93rd Street aka 33 West 92nd Street, Manhattan Variance (§72-21) to permit an enlargement of an existing school building (<i>Columbia Grammar and Preparatory</i>), contrary to lot coverage (§24-11), permitted obstruction (§24-33), rear yard equivalent (§24-332), initial setback distance (§24-522), height (§23-692), and side yard (§24-35(b)) regulations. R7-2 zoning district. Community Board #7M
		Examiner: Rory Levy (212) 386-0082
		Status: Continued Hearing – 8/19/14
34.	350-12-BZ	Sheldon Lobel, P.C. 5 32nd Street, Brooklyn Variance (§72-21) to permit the construction of an 11-story community facility/residential building, contrary to use regulations (§42-00). M3-1 zoning district. Community Board #7BK
		Examiner: Joshua Saal (212) 386-0081
		Status: Continued Hearing – 8/19/14
35.	208-13-BZ	Issa Khorasanchi 1601 Gravesend Neck Road, Brooklyn Special Permit (§73-36) to legalize the use of a physical culture establishment (<i>Fitness Gallery</i>) located on the second floor of a two story commercial building. C8-1/R4 zoning district. Community Board #3BK
		Examiner: Rory Levy (212) 386-0082
		Status: Continued Hearing – 7/29/14
36.	283-13-BZ	Alexander Levkovich 4930 20th Avenue, Brooklyn Special Permit (§73-36) to allow the operation of a physical culture establishment (<i>NYC Fitness Club</i>) on the first floor of a one story building. M1-1 zoning district. Community Board #14BK
		Examiner: Rory Levy (212) 386-0082
		Status: Continued Hearing – 7/29/14

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<i>BZ – NEW CASES</i>		
37.	57-14-BZ	Law Office of Jay Goldstein 1 New York Plaza, Manhattan 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. Community Board #1M
		Examiner: Toni Matias (212) 386-0085
		Status: Closed, Decision – 7/15/14

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