

# NEW YORK CITY BOARD OF STANDARDS AND APPEALS

REGULAR MEETING  
TUESDAY, AUGUST 23, 2005

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<i><b>SOC – DECISIONS</b></i>		
<b>1.</b>	<b>558-51-BZ</b>	Eric Palatnik, P.C. <b>68-22 Northern Boulevard, QUEENS</b> Reopening for Extension of Time to obtain a Certificate of Occupancy for a gasoline service station which expires on August 5, 2005. The premise is located in an C2-2/R-5 zoning district. <b>COMMUNITY BOARD #3Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 8/23/05</b>
<b>2.</b>	<b>227-00-BZ</b>	Sheldon Lobel, P.C. <b>1869 East 23<sup>rd</sup> Street, BROOKLYN</b> Reopening for Extension of Time to obtain a Certificate of Occupancy for a single family residence. The premise is located in an R3-2 zoning district. <b>COMMUNITY BOARD #15BK</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 8/23/05</b>
<b>3.</b>	<b>294-00-BZ</b>	Law Office of Fredrick A. Becker <b>501 Broadway and 72 Mercer Street, MANHATTAN</b> Reopening for Extension of Time to complete substantial construction on a mixed use, commercial/residential building. The premise is located in an M1-5B zoning district. <b>COMMUNITY BOARD #2M</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 8/23/05</b>
<b>4.</b>	<b>359-02-BZ</b>	Law Office of Fredrick A. Becker <b>53-55 Beach Street, MANHATTAN</b> Reopening for Amendment to a previous variance Z.R. §72-21 that allowed the operation of a school on the first floor and cellar in a six story building; the amendment is to relocate the operation of the school from the cellar floor to the second floor and to maintain the use on the first floor. The premises is located an M1-5(TMU) zoning district. <b>COMMUNITY BOARD #1M</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Granted – 8/23/05</b>

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<b><i>SOC – CONTINUED HEARINGS</i></b>		
5.	<b>234-84-BZ</b>	Vito J. Fossella, P.E. <b>1976/82 Forest Avenue, STATEN ISLAND</b> Reopening for Extension of Term for commercial UG6 establishment partially located in a R3-2 residential zoning district. <b>COMMUNITY BOARD #1SI</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Closed, Decision – 9/13/05</b>
6.	<b>162-93-BZ</b>	Fredrick A. Becker, Esq. <b>270 West 17<sup>th</sup> Street, a/k/a 124-128 Eighth Avenue, MANHATTAN</b> Reopening for Extension of Term and to legalize an Amendment to expand the floor area of previously granted special permit for a physical culture establishment, and a waiver of the rules of procedure for a late filing. The premises is located in a C2-5, R8 and C6-2M zoning district. <b>COMMUNITY BOARD #4M</b> <b>Examiner: Henry Segovia (212) 788-8757</b> <b>Status: Closed, Decision – 9/13/05</b>

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<b><i>SOC – NEW CASES</i></b>		
7.	990-77-BZ	Greenberg Traurig, LLP <b>260 Broadway, MANHATTAN</b> Reopening for an Amendment to an existing variance within the Special Tribeca Mixed Use District that allowed in an M1-5 district, floors 3 through 11 of the Building to be converted to residential use. The amendment seeks to allow a portion of the first floor to be converted to residential use and to legalize the conversion of the entire second floor to residential use. <b>COMMUNITY BOARD #1M</b>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Closed, Decision – 9/20/05</b>
8.	364-82-BZ	Cozen O'Connor <b>245-02/34 Horace Harding Expressway, QUEENS</b> Reopening for a Waiver of Rules and an extension of term for a physical culture establishment located in a C1-2(R3-2) zoning district. <b>COMMUNITY BOARD #11Q</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Continued Hearing - 9/13/05</b>
9.	37-93-BZ	Cozen O'Connor <b>2040 Forest Avenue, STATEN ISLAND</b> Reopening for a Special Permit for a Physical Culture Establishment which is not permitted as of right, located in a C8-1 zoning district. <b>COMMUNITY BOARD #1SI</b>
		<b>Examiner: Henry Segovia (212) 788-8757</b>
		<b>Status: Postponed – 9/27/05</b>

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## *APPEALS – DECISIONS*

10.	313-04-A	Sheldon Lobel, P.C. <b>132-02 Hook Creek Boulevard, QUEENS</b> Proposed enlargement of an existing two story, single family residence, located within the bed of mapped street, is contrary to Section 35, Article 3 of the General City Law. <b>COMMUNITY BOARD #13Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Granted – 8/23/05</b>

## *APPEALS – CONTINUED HEARINGS*

11.	53-04-A & 62-04-A	New York City Department of Buildings OWNER OF RECORD: Thomas Huang <b>140-26A/28/28A/30/30A/32/32A/34/34A/36 34<sup>th</sup> Avenue, QUEENS</b> Application to Revoke Certificate of Occupancies on the basis that the Certificate of Occupancies allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code. <b>COMMUNITY BOARD #11Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Closed, Decision – 12/13/05</b>
12.	54-05-A	New York City Department of Buildings OWNER OF RECORD: Thomas Huang <b>140-26A/28/28A/30/30A/32/32A/34/34A/36 34<sup>th</sup> Avenue, QUEENS</b> Application to Revoke Certificate of Occupancies on the basis that the Certificate of Occupancies allows conditions at the referenced premises that are contrary to the Zoning Resolution and the Administrative Code. <b>COMMUNITY BOARD #11Q</b>
		<b>Examiner: Toni Matias (212) 788-8752</b>
		<b>Status: Removed from Calendar – 8/23/05</b>

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<b><i>BZ – DECISIONS</i></b>		
1.	<b>357-03-BZ</b>	<p>Agusta &amp; Ross  <b>33 Berry Street, aka 144 North 12<sup>th</sup> Street, BROOKLYN</b>                      Variance: Under Z.R. §72-21 to permit the proposed four-story and penthouse multiple dwelling, located in an M1-2 district.  <b>COMMUNITY BOARD #1BK</b></p>
		<p><b>Examiner: Rory Levy (212) 788-8749</b></p>
		<p><b>Status: Withdraw by Applicant</b></p>
2.	<b>378-03-BZ</b>	<p>Harold Weinberg, P.E.  <b>2920 Coney Island Avenue, BROOKLYN</b>                      Variance: Under Z.R. §72-21 – For a variation of the Zoning Resolution in an R5 zoning district in the Ocean Parkway Special zoning district so as to permit the erection of a new two story building which seeks to waive zoning resolution sections 23-141 (Lot Coverage, 23-462 (Side Yards) 23-45 (Front Yard), and 23-631 (Perimeter Wall Height &amp; Sky Exposure Plane and Setback) to be used as a non-profit institution, without sleeping accommodations for teaching of circus skills.  <b>COMMUNITY BOARD #15BK</b></p>
		<p><b>Examiner: Carlo Costanza (212) 788-8739</b></p>
		<p><b>Status: Granted</b></p>
3.	<b>189-04-BZ</b>	<p>D.E.C. Designs, for City of Faith Church of God, owner.  <b>3445 White Plains Road, THE BRONX</b>                      Special Permit: Under Z.R. §73-19 – To allow a school (UG 3), in a C8-1 zoning district which is not permitted as per section 32-00 of the Zoning Resolution.  <b>COMMUNITY BOARD #12BX</b></p>
		<p><b>Examiner: Carlo Costanza (212) 788-8739</b></p>
		<p><b>Status: Granted</b></p>
4.	<b>257-04-BZ</b>	<p>Patrick W. Jones, Esq.  <b>252/60 Atlantic Avenue (a/k/a - 83/87 Boerum Place, 239/47 Pacific Street), BROOKLYN</b>                      Variance: Under Z.R. §72-21 – To permit the proposed construction of an eight-story mixed-use, retail-residential building, located in R6A, R6, C2-4 and C2-3 zoning districts which does not comply with the zoning requirements for floor area ratio, lot coverage, building height and loading berth.  <b>COMMUNITY BOARD #2BK</b></p>
		<p><b>Examiner: Roy Starrin (212) 788-8797</b></p>
		<p><b>Status: Granted</b></p>

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<b><i>BZ – DECISIONS</i></b>		
5.	<b>353-04-BZ</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector <b>18-15 Francis Lewis Boulevard, QUEENS</b> Special Permit: Under Z.R. §§11-411 and 11-412 – To permit the reestablishment of an expired approval, previously granted under Cal. No. 612-59-BZ for a professional office building in an R3-2 zoning district, the legalization of minor changes in the interior layout of the building, and the proposed installation of a circular staircase within the existing structure, is contrary to Z.R. §22-10. <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Granted</b></p>
6.	<b>43-05-BZ</b>	<p>Harold Weinberg, P.E. <b>1826 East 28<sup>th</sup> Street, BROOKLYN</b> Special Permit: Under Z.R. §73-622 – To permit an enlargement to the rear of a single family home to vary Sections Z.R. §23-141 floor area and open space, Z.R. §23-461 side yards and Z.R. §23-47 for rear yard. The premise is located in an R3-2 zoning district. <b>COMMUNITY BOARD #15BK</b></p> <p><b>Examiner: Henry Segovia</b></p> <p><b>Status: Granted</b></p>

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<b><i>BZ – CONTINUED HEARINGS</i></b>		
7.	<b>154-04-BZ</b>	<p>Rothkrug Rothkrug Weinberg &amp; Spector <b>63 Rapeleye Street, BROOKLYN</b> Variance: Under Z.R. §72-21 to permit the proposed construction of a four family dwelling, Use Group 2, located in M1-1 zoning district. <b>COMMUNITY BOARD #6BK</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Continued Hearing – 10/18/05</b></p>
8.	<b>175-04-BZ thru 177-04-BZ Heard 6/14</b>	<p>Joseph P. Morsellino <b>7-05/09/13 130<sup>th</sup> Street, QUEENS</b> Variance: Under Z.R. §72-21 – Proposed construction of two, three-story, three family dwellings, which do not comply with FAR, perimeter wall height, and minimum distance between buildings in a single zoning lot. <b>COMMUNITY BOARD #7Q</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Continued Hearing – 9/27/05</b></p>
9.	<b>234-04-BZ</b>	<p>Sheldon Lobel, P.C. <b>255 McKibbin Street, BROOKLYN</b> Variance: Under Z.R. §72-21 – To permit in a M1-1 and M1-2 district, approval sought to legalize residential occupancy of 73 dwelling units in a four-story and basement industrial building, which was constructed in 1931. The legal use is listed artist loft space for the 73 units. There are proposed 18 parking spaces on the open portion of the lot, which consists of 25,620 SF in its entirety. The use is contrary to district use regulations. <b>COMMUNITY BOARD #1BK</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 9/27/05</b></p>
10.	<b>272-04-BZ</b>	<p>Sullivan Chester &amp; Gardner <b>14-38/40 31<sup>st</sup> Drive, QUEENS</b> Variance: Under Z.R. §72-21 to permit the construction of a four-story multiple dwelling with 16 dwelling units. There are proposed 14 parking spaces. The proposed development is non-compliant to FAR, open space, density and yard requirements. <b>COMMUNITY BOARD #1Q</b></p> <p><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p><b>Status: Closed, Decision – 9/20/05</b></p>

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11.	<b>299-04-BZ</b>	<p>Patrick W. Jones, Esq. <b>111-02 Sutphin Boulevard (aka 111-04/12 Sutphin Boulevard), QUEENS</b> Variance: Under Z.R. §72-21 – To permit the proposed construction of a one-story retail building, Use Group 6, located in an R3-2 zoning district. <b>COMMUNITY BOARD#12Q</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision – 10/18/05</b></p>
12.	<b>374-04-BZ</b>	<p>Deirdre A. Carson, Esq. <b>246 Front Street, a/k/a 267½ Water Street, MANHATTAN</b> Variance: Under Z.R. §72-21 – To permit the proposed development of a seven-story residential building with ground floor commercial space in a C6-2A Special Lower Manhattan District and the South Street Seaport Historic District, to vary Sections 23-145, 23-32, 23-533, 23-692, 23-711, and 24-32 of the Resolution. <b>COMMUNITY BOARD #1M</b></p> <p style="margin-left: 20px;"><b>Examiner: Rory Levy (212) 788-8749</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision – 10/18/05</b></p>
13.	<b>388-04-BZ</b>	<p>H. Irving Sigman <b>133-16 Springfield Boulevard, QUEENS</b> Variance: Under Z.R. §72-21 – To permit the proposed construction of a one story and cellar commercial building, comprising of four stores, and accessory parking, Use Group 6, located in an R2 and C8-1 zoning district, is contrary to Z.R. §22-00. <b>COMMUNITY BOARD #12Q</b></p> <p style="margin-left: 20px;"><b>Examiner: Roy Starrin (212) 788-8797</b></p> <p style="margin-left: 20px;"><b>Status: Closed, Decision – 9/20/05</b></p>
14.	<b>29-05-BZ</b>	<p>Stephen J. Rizzo, Esq. (CR&amp;A) <b>350 West Broadway, MANHATTAN</b> Variance: Under Z.R. §72-21 – To permit the construction of a thirteen story residential building with retail uses located on the cellar and ground floor levels, located in an M1-5A zoning district, is contrary to Z.R. §42-14, §42-00 and §42-10. <b>COMMUNITY BOARD #2M</b></p> <p style="margin-left: 20px;"><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p style="margin-left: 20px;"><b>Status: Continued Hearing – 9/20/05</b></p>

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<b><i>BZ – NEW CASES</i></b>		
15.	<b>289-04-BZ</b>	<p>Sheldon Lobel, P.C. <b>341 Canal Street, MANHATTAN</b> Variance: Under Z.R. §72-21 – to permit the proposed construction of a six-story mixed-use building, with retail use on the ground floor, and residential (UG2) use (34 units) on the upper floors. The proposed development is contrary to M1-5B district use regulations.</p> <p><b>COMMUNITY BOARD #2M</b></p>
		<b>Examiner: Roy Starrin (212) 788-8797</b>
		<b>Status: Continued Hearing – 9/27/05</b>
16.	<b>375-04-BZ</b>	<p>Greenberg Traurig, LLP <b>1527, 1529 and 1533 60<sup>th</sup> Street, BROOKLYN</b> Variance: Under Z.R. §72-21 – to permit the proposed expansion of an existing jewelry manufacturer and wholesaler establishment, located in an M1-1 zoning district, which does not comply with zoning requirements for floor area ratio, rear yard, street wall height and adequate parking.</p> <p><b>COMMUNITY BOARD #12BK</b></p>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Continued Hearing – 9/27/05</b>
17.	<b>68-05-BZ</b>	<p>Sheldon Lobel, P.C. <b>4911 17<sup>th</sup> Avenue, BROOKLYN</b> Variance: Under Z.R. §72-21 – to permit the proposed enlargement of a three story plus attic building, currently housing a synagogue, with accessory residential on the second, third, and attic floors, which does comply with the zoning requirements for floor area ratio, side and front yards, is contrary to Z.R. §24-11, §24-162, §24-35, §24-34 and §23-141.</p> <p><b>COMMUNITY BOARD #12BK</b></p>
		<b>Examiner: Rory Levy (212) 788-8749</b>
		<b>Status: Continued Hearing – 9/20/05</b>

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<b><i>BZ – NEW CASES</i></b>		
18.	<b>77-05-BZ</b>	<p>Greenberg Traurig, LLP <b>132 West 26<sup>th</sup> Street, MANHATTAN</b> Variance: Under Z.R. §72-21 – to permit the proposed construction of a twelve-story mixed building, containing residential and retail uses, located within an M1-6 zoning district, in which residential use is not permitted as of right, is contrary to Z.R. §42-00. <b>COMMUNITY BOARD #4M</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Continued Hearing – 10/25/05</b></p>
19.	<b>74-05-BZ</b>	<p>Snyder &amp; Snyder, LLP <b>1089 Rockland Avenue, STATEN ISLAND</b> Special Permit: Under Z.R. §§73-30 and 22-21 – to permit the proposed construction of a non-accessory radio tower for public utility wireless communications (disguised as a 50-foot tall flagpole), located in an R3-2 zoning district. <b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Postponed until – 11/15/05</b></p>
20.	<b>75-05-BZ</b>	<p>Snyder &amp; Snyder, LLP <b>2018 Richmond Avenue, STATEN ISLAND</b> Special Permit: Under Z.R. §§73-30 and 22-21 – to permit the proposed construction of a non-accessory radio tower for public utility wireless communications (disguised as a 90-foot tall flagpole), located in an R3-2 zoning district. <b>COMMUNITY BOARD #2SI</b></p> <p><b>Examiner: Jed Weiss (212) 788-8781</b></p> <p><b>Status: Postponed until – 11/15/05</b></p>

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