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# BULLETIN

OF THE  
NEW YORK CITY BOARD OF STANDARDS  
AND APPEALS

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Volume 91, No. 38

October 6, 2006

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## DIRECTORY

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58-06-BZ	499 Broadway, Manhattan
112-06-BZ	507 East 176 <sup>th</sup> Street, Bronx
149-06-BZ	3701 14 <sup>th</sup> Avenue, Brooklyn

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# DOCKETS

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New Case Filed Up to September 26, 2006  
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**258-06-BZ**

79-48 259th Street, Entire block bounded by Union Turnpike, 79th Avenue, 259th Street., Block 8695, Lot 1, 60, Borough of **Queens, Community Board: 13**. Under 72-21-To permit the proposed-story proposed new church sanctuary which would be built on a portinn edifice.

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**259-06-BZ**

1885-1891 Ocean Parkway, Northeast corner of the intersection of Ocean Parkway and Avenue S., Block 6682, Lot 60, Borough of **Brooklyn, Community Board: 15**. Under-72-21-To allow the enlargement of an existing synagogue at the subject premises.

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**260-06-BZ**

547 Greenwich Street, aka 112 Charlton Street, southeast corner of Greenwich and Charlton Street, Block 597, Lot 45, Borough of **Manhattan, Community Board: 2**. Under - 73-36-Physical Culture Establishment.

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**261-06-BZ**

87-99 Union Avenue, West side of Union Avenue, at the intersection of Harrison Avenue, Union Avenue and Lorimer Street., Block 2241, Lot 39, Borough of **Brooklyn, Community Board: 1**. Under 72-21-To permit the construction of a five-story Yeshiva.

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**262-06-BZ**

71-13 60th Lane, Between 71st Avenue and Myrtle Avenue., Block 3538, Lot 67, Borough of **Queens, Community Board: 5**. Under 72-21-To allow residential conversions of vacant factory building.

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**263-06-BZ**

2801-2805 Avenue L, Northeast corner of the intersection of East 28th Street and AvenueL., Block 7628, Lot 8, Borough of **Brooklyn, Community Board: 14**. (SPECIAL PERMIT) 73-622-To allow the enlargement of a single family residence.

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**264-06-BZ**

1632 East 28th Street, Between Avenue P and Quentin Road(approximately 150' south of Avenue P., Block 6790, Lot 11, Borough of **Brooklyn, Community Board: 15**. (SPECIAL PERMIT) 73-622-To allow the enlargement of a single family residence.

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**DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.**

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# CALENDAR

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**OCTOBER 31, 2006, 10:00 A.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing, Tuesday morning, October 31, 2006, 10:00 A.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**SPECIAL ORDER CALENDAR**

**363-04-BZ**

APPLICANT – Mark A. Levine, Esq., for 6002 Fort Hamilton Parkway Partners, owners.

SUBJECT – Application June 27, 2006 – Amendment to reconfigure internal layout and minor changes to the structural façade. The premise is located in an M1-1 zoning district.

PREMISES AFFECTED – 6002 Fort Hamilton Parkway, a/k/a 949-959 61<sup>st</sup> Street, a/k/a 940-966 60<sup>th</sup> Street, south of 61<sup>st</sup> Street, east of Fort Hamilton Parkway, Block 5715, Lots 21 & 27, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

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**APPEALS CALENDAR**

**84-06-BZY**

APPLICANT – Eric Palatnik, P.C., for Debra Wexelman, owner.

SUBJECT – Application May 4, 2006 – Proposed extension of time to complete construction minor development pursuant to ZR §11-331 for a four story mixed use building. Prior zoning was R6 and new zoning district is R4-1 as of April 5, 2006.

PREMISES AFFECTED – 1472 East 19<sup>th</sup> Street, between Avenue N and Avenue O, Block 6756, Lot 36, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**102-06-A**

APPLICANT – Gary Lenhart, R.A., for The Breezy Point Cooperative, Inc., owner; Marie & Louis Livan, lessees.

SUBJECT – Application May 23, 2006 – Proposed reconstruction and enlargement of an existing single family dwelling located in the bed of a mapped street (Oceanside Avenue) contrary to General City Law Section 35 and the upgrade of an existing private disposal system located in the bed of mapped street contrary to Section 35, Article 3 of General City Law.

PREMISES AFFECTED – 1 Arcadia Walk, intersection of Oceanside Avenue and Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens.

**COMMUNITY BOARD #14Q**

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**OCTOBER 31, 2006, 1:30 P.M.**

**NOTICE IS HEREBY GIVEN** of a public hearing,

Tuesday afternoon, October 31, 2006, at 1:30 P.M., at 40 Rector Street, 6<sup>th</sup> Floor, New York, N.Y. 10006, on the following matters:

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**ZONING CALENDAR**

**67-06-BZ**

APPLICANT – Joseph P. Morsellino, Esq., for Jhong Ulk Kim, owner; Walgreens, lessee.

SUBJECT – Application April 14, 2006 – Variance pursuant to Z.R. §72-21 to permit the proposed 8,847 square foot drugstore without the number of parking spaces required in a C2-1 zoning district (59 spaces) and to use the R2 portion of the zoning lot for accessory required parking. The proposal is requesting waivers of Z.R. §22-00 and §36-21. The proposed number of parking spaces pursuant to a waiver of Z.R. §36-21 will be 34. The site is currently occupied by a 5,594 square foot diner with accessory parking for 37 cars.

PREMISES AFFECTED – 2270 Clove Road, corner of Clove Road and Woodlawn Avenue, Block 3209, Lots 149, 168, Richmond, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

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**128-06-BZ**

APPLICANT – Juan D. Reyes III, Esq., for Atlantic Walk, LLC, owner.

SUBJECT – Application June 16, 2006 – Zoning variance pursuant to ZR §72-21 to allow a nine-story residential building in an M1-5 district (Area B-2 of Special Tribeca Mixed Use District). Twenty Six (26) dwelling units and twenty six (26) parking spaces are proposed. The development would be contrary to use (Z.R. §111-104(d) and §42-10), height and setback (Z.R. §43-43), and floor area ratio regulations (Z.R. §111-104(d) and §43-12). The number of parking spaces exceeds the maximum allowed is contrary to Z.R. §13-12.

PREMISES AFFECTED – 415 Washington Street, west side of Washington Street, corner formed by Vestry Street and Washington Street, Block 218, Lot 6, Borough of Manhattan.

**COMMUNITY BOARD #1M**

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**159-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for Shalom Kalnicki, owner.

SUBJECT – Application July 18, 2006 – Pursuant to ZR §72-21 for a variance to construct a single family home on a

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# CALENDAR

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vacant lot which does not comply with the minimum lot width ZR §23-32 and less than the total required side yard, ZR §23-461. The premise is located in an R1-1 zoning district.

PREMISES AFFECTED – 4540 Palisade Avenue, east side of Palisade Avenue, 573’ from 246<sup>th</sup> Street, Block 5923, Lot 231, Borough of The Bronx.

**COMMUNITY BOARD #8BX**

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**226-06-BZ**

APPLICANT – Eric Palatnik, P.C., for Bracha Weinstock, owner.

SUBJECT – Application September 5, 2006 – Pursuant to ZR §73-622 for the enlargement of a single family semi-detached residence. This application seeks to vary ZR §23-141(a) for open space and floor area; ZR §23-461(b) for less than the minimum side yard of 8 feet; ZR §23-47 for less than the minimum rear yard and ZR §23-631 for perimeter wall height. The premise is located in an R3-2(HS) zoning district.

PREMISES AFFECTED – 1766 East 28<sup>th</sup> Street, between Avenue R and Quentin Road, Block 6810, Lot 34, Borough of Brooklyn.

**COMMUNITY BOARD #15BK**

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**234-06-BZ**

APPLICANT– Law Office of Fredrick A. Becker, for Martin Gross and Batsheva Gross, owners.

SUBJECT – Application September 11, 2006 – Pursuant to ZR §73-622 for the enlargement of single family residence. This application seeks to vary ZR §23-141(a) for open space and floor area, ZR §23-47 for less than the minimum rear yard and ZR §23-461 for less than the minimum side yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 1085 East 22<sup>nd</sup> Street, east side, between Avenue J and K, Block 7604, Lot 38, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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**235-06-BZ**

APPLICANT– Law Office of Fredrick A. Becker, for Susan Rosenberg, owner.

SUBJECT – Application September 11, 2006 – Pursuant to ZR §73-622 for the enlargement of a single family residence. This application seeks to vary ZR §23-141 for open space and floor area and ZR §23-47 for less than the minimum rear yard. The premise is located in an R-2 zoning district.

PREMISES AFFECTED – 3155 Bedford Avenue, east side of Bedford Avenue, between Avenue J and Avenue K, Block 7607, Lot 33, Borough of Brooklyn.

**COMMUNITY BOARD #14BK**

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*Jeff Mulligan, Executive Director*

# MINUTES

## REGULAR MEETING TUESDAY MORNING, SEPTEMBER 26, 2006 10:00 A.M.

Present: Chair Srinivasan, Vice Chair Babbar and Commissioner Collins.

The motion is to approve the minutes of regular meetings of the Board held on Tuesday morning and afternoon, July 18, 2006 as printed in the bulletin of July 27, 2006, Vol. 91, No. 29. If there be no objection, it is so ordered.

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### SPECIAL ORDER CALENDAR

#### 341-43-BZ

APPLICANT – Martyn & Don Weston, for 3319 Holding Corp., owner.

SUBJECT – Application June 8, 2006 – Extension of Term/Amendment filed pursuant to Z.R. §11-411 and §11-412, to permit the continuance of a storage warehouse (UG 16) in a C8-2 and R5 zoning district for an additional 10 years. The application also seeks an amendment for the removal of an internal partition and the change from a chain link enclosure to a masonry enclosure of the accessory parking area.

PREMISES AFFECTED – 3319 Atlantic Avenue, northeast corner Euclid Avenue, Block 4145, Lots 1, 13, 23, Borough of Brooklyn.

#### COMMUNITY BOARD #5BK

##### APPEARANCES –

For Applicant: Don Weston.

**ACTION OF THE BOARD** – Application granted on condition.

##### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

##### THE RESOLUTION:

WHEREAS, this application is a request for a reopening, an extension of term, and an amendment to a previously granted variance; and

WHEREAS, a public hearing was held on this application on September 12, 2006 after due notice by publication in *The City Record*, and then to decision on September 26, 2006; and

WHEREAS, the site is located on the northeast corner of Atlantic Avenue and Euclid Avenue, and is comprised of three tax lots (Lots 1, 13, and 23); and

WHEREAS, the site is located partially within a C8-2 zoning district and partially within an R5 zoning district, and is improved upon with one two-story and two one-story buildings, all used for the storage of office records; and

WHEREAS, the Board has exercised jurisdiction over the subject site since January 4, 1944 when, under the subject

calendar number, the Board granted a variance for the maintenance and enlargement of an existing laundry establishment; and

WHEREAS, subsequently, the grant has been amended and the term extended by the Board at various times; and

WHEREAS, the most recent amendment involved a change of use from a laundry establishment (UG 16) to a storage warehouse (UG 16), and was granted by the Board on June 4, 1996; and

WHEREAS, this grant also included the elimination of another tax lot (Lot 123) from the zoning lot (Lot 123 was part of zoning lot when the original grant was made in 1944); and

WHEREAS, additionally, the grant was extended for a term of ten years, to expire on June 4, 2006; and

WHEREAS, the applicant now requests an additional ten-year term; and

WHEREAS, pursuant to Z.R. §11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, additionally, the applicant requests approval of proposed modifications to the approved plans; and

WHEREAS, specifically, the applicant proposes to remove a partition on the second floor and to replace the chain link fence around the accessory parking area with masonry; and

WHEREAS, pursuant to Z.R. §11-412, the Board may permit these types of alterations to buildings and sites subject to a previously granted variance; and

WHEREAS, based upon the above, the Board finds that the requested extension of term and amendments to the approved plans are appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens, and amends* the resolution, as adopted on January 4, 1944, and as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to extend the term for ten years from June 4, 2006, to expire on June 4, 2016 and to permit modifications to the previously approved plans *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘June 8, 2006’-(2) sheets; and *on further condition*:

THAT the term of this grant shall expire on June 4, 2016;

THAT the above condition shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.”

(DOB Application No. 302172823)

Adopted by the Board of Standards and Appeals,

# MINUTES

September 26, 2006.  
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## 595-44-BZ, Vol. II

APPLICANT – Law Office of Howard Goldman, for Cinzia 30 CPS, Inc.

SUBJECT – Application July 7, 2006 – Pursuant to ZR §11-413 to permit the change of use on the entire 15th floor (Penthouse) from UG12 Restaurant to a UG6 Office Space. Floors one thru fourteen are a UG6 non-resident doctors' offices. The premise is located in R-10H zoning district.

PREMISES AFFECTED – 30 Central Park South, south side of street, 320' east of Avenue of the Americas, Block 1274, Lot 1055, Borough of Manhattan.

### COMMUNITY BOARD #5M

APPEARANCES –

For Applicant: Emily Simons.

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

**THE RESOLUTION:**

WHEREAS, this application is a request for a re-opening and an amendment to a previously granted variance to permit a change in use from restaurant (UG 12) to office space (UG 6); and

WHEREAS, a public hearing was held on this application on September 12, 2006, after due notice by publication in *The City Record*, and then to decision on September 26, 2006; and

WHEREAS, the site is located on the south side of Central Park South, 320 feet east of Avenue of the Americas and is within an R10H zoning district; and

WHEREAS, the zoning lot is improved with a 15-story commercial building and is within an R10H zoning district; and

WHEREAS, on July 15, 1955, the Board granted a variance under the subject calendar number to permit, within what was then a general residence district, the first 14 floors of the building to be used for doctors' offices; and

WHEREAS, this same grant allowed the 15<sup>th</sup> floor to be occupied by a restaurant, for a term of 20 years; and

WHEREAS, the term of the grant was extended multiple times, most recently on December 6, 2005, to expire on July 12, 2015; and

WHEREAS, at that time, the grant was amended to reflect certain layout modifications; and

WHEREAS, on June 1, 2004, the former owner of the 15<sup>th</sup> floor condominium unit proposed to change the use to residential use; and

WHEREAS, on July 26, 2004, at said owner's request, the Board provided a letter of no objection to DOB indicating that it did not object to the proposed use change, subject to DOB approval; and

WHEREAS, the Board notes that the conversion of the 15<sup>th</sup> floor to residential use was never effected; and

WHEREAS, the applicant, on behalf of a new owner, now proposes to convert the 15<sup>th</sup> floor restaurant into office space; and

WHEREAS, the applicant states that the restaurant has ceased operations and the 15<sup>th</sup> floor is vacant; and

WHEREAS, at hearing, the Board inquired about the use of an interior staircase between the 14<sup>th</sup> and 15<sup>th</sup> floors; and

WHEREAS, the applicant responded that the staircase was not actively used, was not used as a required means of egress, and would be closed off; and

WHEREAS, pursuant to ZR § 11-413, the Board may permit a change in use for a previously granted variance from Use Group 12 to Use Group 6; and

WHEREAS, accordingly, based upon the submitted evidence, the Board finds that the requested change in use is appropriate with certain conditions as set forth below.

*Therefore it is Resolved*, that the Board of Standards and Appeals reopens and amends the resolution, said resolution having been adopted on July 15, 1955, so that as amended this portion of the resolution shall read: "to permit a change in use from restaurant (UG 12) to office (UG 6) on the 15<sup>th</sup> floor of the existing building, *on condition* that all work shall substantially conform to drawings filed with this application and marked 'July 7, 2006'-(1)sheet; and *on further condition*:

THAT all conditions from the prior resolutions not specifically waived by the Board remain in effect to the extent relevant;

THAT all exiting requirements shall be as reviewed and approved by the Department of Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application. No. 104458506)

Adopted by the Board of Standards and Appeals, September 26, 2006.  
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## 558-51-BZ

APPLICANT – Eric Palatnik, P.C., for BP Products North America, owner.

SUBJECT – Application April 19, 2006 – pursuant to ZR §11-411 to extend the term of a Automotive Service Station expiring December 21, 2006. The application does not seek any physical changes from the previous approval.

PREMISES AFFECTED – 68-22 Northern Boulevard, southwest corner of Northern Boulevard and 69<sup>th</sup> Street, Block 1186, Lot 19, Borough of Queens.

# MINUTES

## COMMUNITY BOARD #3Q

### APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

### THE RESOLUTION:

WHEREAS, this is an application for a reopening, and, pursuant to ZR § 11-411, an extension of term of a prior grant for a gasoline service station, which expires on December 21, 2006; and

WHEREAS, a public hearing was held on this application on September 12, 2006, after due notice by publication in *The City Record*, and then to decision on September 26, 2006; and

WHEREAS, Community Board 3, Queens, recommends approval of this application provided all conditions of the prior grant are complied with; and

WHEREAS, the subject 10,000 sq. ft lot is located on the southwest corner of Northern Boulevard and 69<sup>th</sup> Street; and

WHEREAS, the site is located within an C2-2(R5) zoning district and is improved upon with a gasoline service station; and

WHEREAS, the Board has exercised jurisdiction over the subject site since February 5, 1952 when, under the subject calendar number, the Board granted an application to permit the construction and maintenance of a gasoline service station with accessory uses and parking for cars awaiting service for a term of 15 years; and

WHEREAS, subsequently, the term has been extended and the grant amended by the Board at various times; the most recent extension was on January 13, 1998, for a term of ten years from the expiration of the prior grant, expiring on December 21, 2006; and

WHEREAS, the applicant now seeks an extension of term for ten years; and

WHEREAS, pursuant to ZR § 11-411, the Board may permit an extension of term for a previously granted variance; and

WHEREAS, accordingly, based upon the submitted evidence, the Board finds the requested extension of term appropriate, with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals waives the Rules of Practice and Procedure and *reopens and amends* the resolution, as adopted on February 5, 1952, as subsequently extended and amended, so that as amended this portion of the resolution shall read: “to permit an extension of term for an additional period of ten years from the expiration of the prior grant, to expire on December 21, 2016, *on condition* that the use shall substantially conform to drawings as filed with this application, marked ‘Received September 18, 2006’–(6) sheets, and *on further condition*:

THAT the term of this grant shall be for ten years from the expiration of the prior grant, to expire on December 21, 2016;

THAT the above condition shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.”

(DOB Application No. 402307598)

Adopted by the Board of Standards and Appeals, September 26, 2006.

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## 670-83-BZ

APPLICANT – Eric Palatnik, P.C., for Brett Adams and Paul Reisch, owner.

SUBJECT – Application July 10, 2006 – Pursuant to ZR §72-01 and §72-22 to Re-open and Amend the previous BSA resolution for the Extension of Term for a non-conforming UG6 (Talent Agency in the basement of a Residential Building for ten years which expired on May 22, 2005. The application is also seeking a Waiver of the Rules of Practice and Procedure for filing more than a year after the expiration of the term. The premise is located in an R8 (Special Clinton District) zoning district.

PREMISES AFFECTED – 488 West 44<sup>th</sup> Street, Between 9<sup>th</sup> and 10<sup>th</sup> Avenues, Block 1053, Lot 55, Borough of Manhattan.

## COMMUNITY BOARD #4M

### APPEARANCES –

For Applicant: Eric Palatnik.

**ACTION OF THE BOARD** – Application granted on condition.

### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

### THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure and an extension of the term for a previously granted variance, which expired on May 22, 2005; and

WHEREAS, a public hearing was held on this application on August 22, 2006, after due notice by publication in *The City Record*, and then to decision on September 26, 2006; and

WHEREAS, the premises is located on the south side of West 44<sup>th</sup> Street, between Ninth and Tenth Avenues; and

WHEREAS, the site is located within an R8 zoning district in the Special Clinton District and is improved upon with a three-story and basement residential building; and

WHEREAS, the Board has exercised jurisdiction over the subject site since May 22, 1984 when, under the subject

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calendar number, the Board granted a variance to permit the legalization of the basement level for use as a commercial office; and

WHEREAS, subsequently, on June 20, 1995, the Board extended the term of the variance for a period of ten years, to expire on May 22, 2005; and

WHEREAS, the applicant now seeks an extension of term for ten years; and

WHEREAS, based upon the above, the Board finds it appropriate to approve the proposed extension of term, with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals waives the Rules of Practice and Procedure and *reopens and amends* the resolution, as adopted on May 22, 1984, as subsequently extended, so that as amended this portion of the resolution shall read: "to extend the term for ten years from May 22, 2005, to expire on May 22, 2015, *on condition* that the use shall substantially conform to drawings as filed with this application, marked 'September 16, 2006'-(3) sheets; and *on further condition*:

THAT the term of this grant shall be for ten years, to expire on May 22, 2015;

THAT the above condition shall be listed on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted." (DOB Application No. 104102007)

Adopted by the Board of Standards and Appeals, September 26, 2006.

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## **182-95-BZ**

APPLICANT – Rothkrug Rothkrug & Spector, for 2465 Broadway Associates, owner; Equinox 92<sup>nd</sup> Street, Inc., lessee.

SUBJECT – Application February 21, 2006 – Pursuant to ZR §73-11 to reopen and amend the resolution for the Extension of Term of a Physical Culture Establishment (Equinox) in the cellar, first and second floors of a commercial building. This is a companion case to 183-95-BZ. The special permit expired on October 1, 2005.

PREMISES AFFECTED – 2465/73 Broadway, west Broadway, 50' south of intersection with 92<sup>nd</sup> Street, Block 1239, Lot 52, Borough of Manhattan.

## **COMMUNITY BOARD #7M**

### **APPEARANCES –**

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of a previously granted special permit for a physical culture establishment (PCE), which expired on November 1, 2005; and

WHEREAS, a public hearing was held on this application on July 18, 2006, after due notice by publication in *The City Record*, with continued hearings on August 15, 2006 and September 12, 2006, and then to decision on September 26, 2006; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject premises is located on the west side of Broadway, 50 feet south of the intersection with 92<sup>nd</sup> Street; and

WHEREAS, the site is occupied by a two-story with cellar commercial building, located within a split C4-6A/R8 zoning district; and

WHEREAS, the portion of the building occupied by the PCE is within the C4-6A zoning district; and

WHEREAS, on March 18, 1997, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36, to permit the legalization of a PCE within portions of the first floor, mezzanine, and cellar level of a three-story building;

WHEREAS, the grant expired on November 1, 2005; and

WHEREAS, on September 26, 2000, the grant was amended to legalize an expansion onto the second floor; and

WHEREAS, as approved, the PCE occupies 14,259 sq. ft. of zoning floor area on the first floor, first floor mezzanine, and second floor of the subject building, with an additional 9,921 sq. ft. in the cellar, and 3,469 sq. ft. in the cellar of the adjoining building at 2473 Broadway; and

WHEREAS, the portion of the PCE at 2473 Broadway was approved under BSA Cal. No. 183-95-BZ; an application for an extension of term of this grant was brought concurrently with this application; and

WHEREAS, the PCE is operated as an Equinox Fitness; and

WHEREAS, the applicant states that since the time of the original grant the ownership of Equinox Fitness has changed; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the applicant seeks to extend the term of the special permit for ten years; and

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WHEREAS, at hearing, the Board expressed concern about fire safety and egress; and

WHEREAS, specifically, the Board was concerned about the elevator's location within the staircase enclosure; and

WHEREAS, the applicant responded that no changes to the plans have been made since the PCE obtained its certificate of occupancy; and

WHEREAS, the Board noted that the stairs and elevator shall be as approved by DOB; and

WHEREAS, accordingly, the Board finds that the proposed ten-year extension of term is appropriate, with the conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated March 18, 1997, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, *on condition* that all work and site conditions shall comply with drawings marked "Received September 6, 2006"--(5) sheets; and *on further condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years from November 1, 2005, expiring November 1, 2015;

THAT the above conditions shall appear on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT DOB shall review and verify the BSA-approved plans, including the location of stairs and elevators, prior to issuing a new certificate of occupancy;

THAT DOB shall review the BSA-approved plans for Local Law 58/87 and applicable egress requirement compliance;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application No. 100795917)

Adopted by the Board of Standards and Appeals, September 26, 2006.

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## 183-95-BZ

APPLICANT – Rothkrug Rothkrug & Spector, for Haymes Broadway, LLC, owner; Equinox 92<sup>nd</sup> Street, Inc., lessee.

SUBJECT – Application February 21, 2006 – Pursuant to ZR §73-11 to reopen and amend the resolution for the Extension of Term of a Physical Culture Establishment (Equinox) in the cellar of a commercial building. This is a companion case to

182-95-BZ. The special permit expired on October 1, 2005. PREMISES AFFECTED – 2473/5 Broadway, southwest corner of Broadway, and West 92<sup>nd</sup> Street, Block 1239, Lot 55, Borough of Manhattan.

## COMMUNITY BOARD #7M

APPEARANCES –

For Applicant: Adam Rothkrug.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar, and Commissioner Collins.....3

Negative:.....0

THE RESOLUTION:

WHEREAS, this is an application for a waiver of the Rules of Practice and Procedure, a re-opening, and an extension of the term of a previously granted special permit for a physical culture establishment (PCE), which expired on November 1, 2005; and

WHEREAS, a public hearing was held on this application on July 18, 2006, after due notice by publication in *The City Record*, with continued hearings on August 15, 2006 and September 12, 2006, and then to decision on September 26, 2006; and

WHEREAS, Community Board 7, Manhattan, recommends approval of this application; and

WHEREAS, the subject premises is located at the southwest corner of Broadway and 92<sup>nd</sup> Street; and

WHEREAS, the site is occupied by a two-story with cellar commercial building, located within a split C4-6A/R8 zoning district; and

WHEREAS, the portion of the building occupied by the PCE is within the C4-6A zoning district; and

WHEREAS, on March 18, 1997, under the subject calendar number, the Board granted a special permit pursuant to ZR § 73-36, to permit the legalization of a PCE within the cellar of a two-story building; and

WHEREAS, the grant expired on November 1, 2005; and

WHEREAS, as approved, the PCE occupies 3,469 sq. ft. in the cellar of the subject building and 14,259 sq. ft. of zoning floor area on the first floor, first floor mezzanine, and second floor and 9,921 sq. ft. in the cellar of the of the adjoining building at 2465 Broadway; and

WHEREAS, the PCE at 2465 Broadway was approved under BSA Cal. No. 182-95-BZ; an application for an extension of term of this grant was brought concurrently with this application; and

WHEREAS, the PCE is operated as an Equinox Fitness; and

WHEREAS, the applicant states that since the time of the original grant the ownership of Equinox Fitness has changed; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be

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# MINUTES

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satisfactory; and

WHEREAS, the applicant seeks to extend the term of the special permit for ten years; and

WHEREAS, at hearing, the Board expressed concern about fire safety and egress; and

WHEREAS, specifically, the Board was concerned about the elevator's location within the staircase enclosure of the adjoining building; and

WHEREAS, the applicant responded that no changes to the plans have been made since the PCE obtained its certificate of occupancy; and

WHEREAS, the Board noted that the stairs and elevator shall be as approved by DOB; and

WHEREAS, accordingly, the Board finds that the proposed ten-year extension of term is appropriate, with the conditions set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals waives the Rules of Practice and Procedure, and reopens and amends the resolution, dated March 18, 1997, so that as amended this portion of the resolution shall read: "to grant an extension of the special permit for a term of ten years from the expiration of the last grant; *on condition* that the use and operation of the PCE shall substantially conform to BSA-approved plans, *on condition* that all work and site conditions shall comply with drawings marked "Received September 6, 2006"--(5) sheets; and *on further condition*:

THAT there shall be no change in ownership or operating control of the PCE without prior approval from the Board;

THAT this grant shall be limited to a term of ten years from November 1, 2005, expiring November 1, 2015;

THAT the above conditions shall appear on the certificate of occupancy;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect;

THAT DOB shall review and verify the BSA-approved plans, including the location of stairs and elevators, prior to issuing a new certificate of occupancy;

THAT DOB shall review the BSA-approved plans for Local Law 58/87 and applicable egress requirement compliance;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB Application No. 100795917)

Adopted by the Board of Standards and Appeals, September 26, 2006.

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## 933-28-BZ, Vol. II

APPLICANT – Michael M. Robbins, R.A., A.I.A., P.C., for Roger Budhu, owner.

SUBJECT – Application September 12, 2005 – Pursuant to ZR 11-411 for the extension of term/waiver of an automotive service station with auto repairs which expired on October 29, 2004, and an amendment to legalize a portion of the building to an accessory convenience store. The premise is located in an R-5 zoning district.

PREMISES AFFECTED – 125-24 Metropolitan Avenue, southwest corner of 126<sup>th</sup> Street, Metropolitan Avenue. Block 9271, Lot 4, Borough of Queens.

### COMMUNITY BOARD #9Q

APPEARANCES –

For Applicant: Michael M. Robbins.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 10 A.M., for decision, hearing closed.

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## 802-48-BZ

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for Sheldon Rodbell 1993 Trust #2, owner; Beach Channel Island Drive, lessee.

SUBJECT – Application November 2, 2005 – Pursuant to ZR § 11-411 for the Extension of Term of a UG16 gasoline service station with automotive repair for a term of ten years, to expire in June 24, 2015. This application also purposes to legalize the conversion of two service bays to an accessory convenience store, maintain one service bay for minor auto repairs and the continuation of gasoline service sales. The premise is located in an R5 zoning district.

PREMISES AFFECTED – 13-46 Beach Channel Dr., a/k/a 2118 Dix Place, Northeast corner of Beach Channel Drive and Dix Place, Block 15527, Lot 1, Borough of Queens.

### COMMUNITY BOARD #14Q

APPEARANCES –

For Applicant: Adam Rothkrug.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for decision, hearing closed.

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## 229-84-BZ

APPLICANT – Cozen O'Connor by Barbara Hair, for High Definition Realty LLC, owner. Bally Total Fitness Corporation, lessee.

SUBJECT – Application June 30, 2006 – Extension of Term/Waiver for a previously approved Physical Culture Establishment, located in an M1-1 zoning district, which was granted under section 73-36 of the zoning resolution and expired on November 27, 2004.

PREMISES AFFECTED – 75-28 Queens Boulevard, southside between Kneeland and Jacobus Streets. Block

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2450, Lot 1, Borough of Queens.

## COMMUNITY BOARD #4Q

### APPEARANCES –

For Applicant: Barbara Hair.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for decision, hearing closed.

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## 144-89-BZ, Vol. III

APPLICANT – Law Office of Howard Goldman, LLP, for 93rd Street Associates LLC, owner.

SUBJECT – This application is to reopen and to Extend the Time to Complete Construction on a 10 story residential building with retail on the ground floor which expired on December 15, 2003 and a Waiver of the Rules of Practice and Procedure. The premise is located in a C2-8(TA) zoning district.

PREMISES AFFECTED – 1800 Second Avenue, between 93rd and 94th Street, Block 1556, Lot 1, Borough of Manhattan.

## COMMUNITY BOARD #8M

### APPEARANCES –

For Applicant: Chris Wrights.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for decision, hearing closed.

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## 111-01-BZ

APPLICANT – Eric Palatnik, P.C., for George Marinello, owner; Wendy’s Restaurant, lessee.

SUBJECT – Application January 12, 2006 – Pursuant to Z.R. §§72-21 and 72-22 for the extension of term for ten years for an accessory drive thru facility at an eating and drinking establishment (Wendy’s) which one-year term expired February 1, 2006. An amendment is also proposed to extend the hours of operation of the accessory drive-thru facility to operate until 4 a.m. daily. The premise is located in a C1-2/R-5 zoning district.

PREMISES AFFECTED – 9001 Ditmas Avenue, between 91<sup>st</sup> Street and Remsen Avenue, Block 8108, Lot 6, Borough of Brooklyn.

## COMMUNITY BOARD#17BK

### APPEARANCES –

For Applicant: Eric Palatnik & Esme Trotman.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October

17, 2006, at 10 A.M., for decision, hearing closed.

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## 112-01-BZ

APPLICANT – Sheldon Lobel, P.C., for Doris Laufer, owner.

SUBJECT – Application May 15, 2006 – Pursuant to ZR §72-01 and §72-21 for an Extension of Time to obtain a Certificate of Occupancy which expired on November 20, 2003 for a Community Use Facility-Use Group 4 (Congregation Noam Emimelech) and an Amendment that seeks to modify the previously approved plans for floor area/FAR – ZR §24-11, front wall height-ZR §24-521, front yard-ZR §24-31, side yard-24-35, lot coverage-ZR §24-11 and ZR §23-141(b) and off-street parking requirement for dwelling units-ZR §25-22.

PREMISES AFFECTED – 102 & 1406 59<sup>th</sup> Street, Block 5713, Lots 8 &10, Borough of Brooklyn.

## COMMUNITY BOARD #12BK

### APPEARANCES –

For Applicant: Jordan Most.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 31, 2006, at 10 A.M., for decision, hearing closed.

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## APPEALS CALENDAR

### 61-06-A

APPLICANT – Miro C. Stracar, P.E., for Breezy Point Cooperative, Inc., owner; Mrs. Allie Hagen, lessee.

SUBJECT – Application April 5, 2006 – Proposed reconstruction and enlargement of an existing one family home located within the bed of a mapped street which is contrary to General City Law Section 35. Premises is located within the R4 Zoning District.

PREMISES AFFECTED – 152 Ocean Avenue, westerly side of Ocean Avenue, Block 16350, Lot 500, Borough of Queens.

## COMMUNITY BOARD #14Q

### APPEARANCES – None.

**ACTION OF THE BOARD** – Application granted on condition.

### THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

### THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

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THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated May 3, 2006, acting on Department of Buildings Application No. 402154360, reads, in pertinent part:

“1. Proposal to rebuild and enlarge the existing first floor and add a new second floor on a home which lies within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.”; and

WHEREAS, a public hearing was held on this application on September 26, 2006 after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, by letter dated April 13, 2006, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated May 3, 2006, the Department of Environmental Protection states that it has reviewed the above project and has no objections; and

WHEREAS, by letter dated July 24, 2006, the Department of Transportation states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved* that the decision of the Queens Borough Commissioner, dated May 3, 2006, acting on Department of Buildings Application No. 402154360 is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received September 21, 2006”-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 26, 2006.

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**92-06-A**

APPLICANT – Vito J. Fossella, P.E., for Norris Heath, owner.

SUBJECT – Application May 9, 2006 – Proposed construction of a two story/two family detached not fronting on a mapped street contrary to General City Law Section 36. Premises is located within R3A Zoning District.

PREMISES AFFECTED – 5 Lockman Place, Block 1236, Lot 122 (tentative), Borough of Staten Island.

**COMMUNITY BOARD #1SI**

APPEARANCES –

For Applicant: Sameh M. El-Menrawy.

**ACTION OF THE BOARD** – Application granted on condition.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Staten Island Borough Commissioner, dated May 2, 2006, acting on Department of Buildings Application No. 500830121, reads, in pertinent part:

“The street giving access to proposed building is not placed duly on the official map of the City of New York, therefore:

- A) No Certificate of occupancy can be issued pursuant to Article 3, Section 36 of the General City Law;
- B) Proposed construction does not have at least 8% of the total perimeter of building’s fronting directly upon a legally mapped street or frontage space contrary to Section 27-291 of the NYC Building Code.”; and

WHEREAS, a public hearing was held on this application on September 26, 2006 after due notice by publication in the *City Record*, and then to closure and decision on this same date; and

WHEREAS, by letter dated September 25, 2006, the Fire Department states that it has reviewed the above project and has no objections; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved* that the decision of the Staten Island Borough Commissioner, dated May 2, 2006, acting on Department of Buildings Application No. 500830121 is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received August 23, 2006”-(1)sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure

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compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 26, 2006.

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## 286-05-A

APPLICANT – Kramer Levin Naftalis & Frankel, LLP, for Ezra G. Levin, owner.

SUBJECT – Application September 14, 2006 – Proposed reconstruction and alteration of an existing building located in the bed of a mapped street (Sycamore Avenue) is contrary to General City Law Section 35. Premises is located within the R1-2 Zoning District.

PREMISES AFFECTED – 5260 Sycamore Avenue, east side of Sycamore between West 252<sup>nd</sup> Street and West 254<sup>th</sup> Street, Block 5939, Lot 380, Borough of The Bronx.

### COMMUNITY BOARD #8BX

APPEARANCES –

For Applicant: James Power and Page Cowley.

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 10 A.M., for continued hearing.

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## 332-05-A

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for LMC Custom Homes, owner.

SUBJECT – Application November 17, 2005 – Application to permit the construction of two one-family dwellings within the bed of a mapped street (Enfield Place). Contrary to General City Law Section 35. Premises is located in an R4 Zoning district.

PREMISES AFFECTED – 72 Summit Avenue, Block 951, Lot p/o 19 (tent 25 and 27), Borough of Staten Island

### COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for decision, hearing closed.

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## 333-05-A

APPLICANT – Rothkrug Rothkrug Weinberg & Spector, for LMC Custom Homes, owner.

SUBJECT – Application November 17, 2005 – Application to permit the construction of two one family dwellings within the bed of a mapped street (Enfield Place). Contrary to General City Law Section 35. Premises is located in an R4

Zoning district.

PREMISES AFFECTED – 74 Summit Avenue, Block 951, Lot p/o 19 (tent 25 & 27), Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for decision, hearing closed.

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## 63-06-A

APPLICANT – Sheldon Lobel, P.C.,

OWNERS: Kevin and Alix O’Mara

SUBJECT – Application April 11, 2006 – Appeal seeking to revoke permits and approvals which allows an enlargement to an existing dwelling which violates various provisions of the Zoning Resolution and Building Code regarding required setbacks and building frontage.

PREMISES AFFECTED – 160 East 83<sup>rd</sup> Street, Lexington Avenue and Third Avenue, Block 1511, Lot 45, Borough of Manhattan.

### COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Jay Segal, Barnett Brimberg, Michael Cronin and Brian Cook.

For Opposition: Margerie Perlmutter

For Administration: Felicia Miller, Department of Buildings, and BC Eugene Carty, Fire Department.

THE VOTE TO REOPEN HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for continued hearing.

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## 81-06-A

APPLICANT – Whitney Schmidt, Esq.

OWNERS: Kevin and Alix O’Mara

SUBJECT – Application May 2, 2006 – Appeal seeking to revoke permits and approvals which allows an enlargement to an existing dwelling which violates various provisions of the Zoning Resolution and Building code regarding required setbacks and building frontage.

PREMISES AFFECTED – 160 East 83<sup>rd</sup> Street, Lexington Avenue and Third Avenue, Block 1511, Lot 45, Borough of Manhattan.

### COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Jay Segal, Barnett Brimberg, Michael Cronin and Brian Cook.

For Opposition: Margerie Perlmutter

For Administration: Felicia Miller, Department of Buildings,

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and BC Eugene Carty, Fire Department.

## THE VOTE TO REOPEN HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for continued hearing.

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## 85-06-BZY

APPLICANT – Sanford Solny, for Menachem Realty, Inc., owner.

SUBJECT – Application May 5, 2006 – Proposed extension of time to complete construction of a minor development pursuant to Z.R. §11-331 for a mixed use building under the prior R6 zoning district. New zoning district is R4-1.

PREMISES AFFECTED – 1623 Avenue “P”, northwest corner of Avenue “P” and East 17<sup>th</sup> Street, Block 6763, Lot 46, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik and Sanford Solny.

For Opposition: Sidney Stern, Bernard Weill, Bessie Triandafelos and other.

For Administration: Narisa Sasitorn, Department of Buildings.

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 10 A.M., for continued hearing.

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## 120-06-A

APPLICANT – Eric Palatnik, P.C., for Harry & Brigitte Schalchter, owners.

SUBJECT – Application June 12, 2006 – An appeal seeking a determination that the owner of said premises has acquired a common law vested right to continue development commenced under the prior R6 zoning district. Current zoning district is R4-1

PREMISES AFFECTED – 1427 East 17<sup>th</sup> Street, between Avenue N and Avenue O, Block 6755, Lot 91, Borough of Brooklyn.

## COMMUNITY BOARD #14BK

APPEARANCES –

For Applicant: Eric Palatnik.

## THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 10 A.M., for decision, hearing closed.

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## 164-06-A

APPLICANT – Cozen O’Connor Attorneys, for Elba and Jeanette Bozzo, owners.

SUBJECT – Application July 26, 2006 – Appeal filed to challenging the Order of Closure issued by the Department of Buildings on June 30, 2006 pursuant to Administrative Code

Section 26-127.2 regarding the use of the basement, first, second and third floor of the subject premises which constitutes an illegal commercial use in a residential district. PREMISES AFFECTED – 148 East 63<sup>rd</sup> Street, south side of East 63<sup>rd</sup> Street, 120’ east of Park Avenue, Block 1397, Lot 48, Borough of Manhattan

## COMMUNITY BOARD #8M

APPEARANCES –

For Applicant: Peter Geis.

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 10 A.M., for continued hearing.

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*Jeffrey Mulligan, Executive Director*

Adjourned: A.M.

## REGULAR MEETING

TUESDAY AFTERNOON, SEPTEMBER 26, 2006

1:30 P.M.

Present: Chair Srinivasan, Vice Chair Babbar and Commissioner Collins.

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## ZONING CALENDAR

### 334-04-BZ

APPLICANT – Sheldon Lobel, P.C., for L & L Realty, owner. Great Roosevelt Plaza Corporation, lessee.

SUBJECT – Application October 8, 2004 – Variance Z.R. §72-21 to permit the proposed construction of a seven-story mixed-use building containing retail, general office and community facility space. No parking will be provided. The site is currently occupied by two commercial buildings which will be demolished as part loading of the proposed action. The site is located is located in a C4-2 zoning district. The proposal is contrary to Z.R. §36-21 (Required parking), §36-62 (Required loading berth), and §33-432 (Sky exposure plane and setback requirements).

PREMISES AFFECTED – 135-28 Roosevelt Avenue, Roosevelt Avenue between Prince Street and Main Street. Block 5036, Lots 26(fka 25/26), Borough of Queens.

## COMMUNITY BOARD #7Q

APPEARANCES – None.

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**ACTION OF THE BOARD** – Application withdrawn.

**THE VOTE TO WITHDRAW** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

Adopted by the Board of Standards and Appeals, September 26, 2006.

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**290-02-BZ thru 314-02-BZ**

**APPLICANT** – Rothkrug Rothkrug Weinberg & Spector, for Edgewater Development, Inc., owner. (Tapei Court)

**SUBJECT** – Application October 24, 2002 – under Z.R. §72-21 – to permit the construction of 28 attached, three-story and cellar, two-family dwellings on a vacant site. The subject site is located in an M1-1 zoning district. The proposal would create 56 dwelling units and 56 parking spaces. The 28 proposed dwellings are intended to be part of a larger and substantially complete development which is located within the adjacent C3 zoning district. The proposed project has been designed to conform and comply with the C3 district regulations that govern the remainder of the subject property and which permits residential development in accordance with the C3 district’s equivalent R3-2 zoning district regulations (pursuant to Sections 32-11 and 34-112). The development as a whole is the subject of a homeowners’ association that will govern maintenance of the common areas, including the parking area, driveways, planted areas and the proposed park. The proposal is contrary to applicable use regulations pursuant to Z.R. Section 42-10.

**PREMISES AFFECTED** – 114-01/03/05/07/09/11/13/17/19/15/21/21/23/25/27/29/31/33/35/20/22/24/26/28/30/32/34 Taipei Court, west of 115<sup>th</sup> Street, Block 4019, Lot 120, Borough of Queens.

**COMMUNITY BOARD #7Q**

**APPEARANCES** –

For Applicant: Adam Rothkrug, Ed Hogan and Tommy Theodore.

**THE VOTE TO CLOSE HEARING** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 1:30 P.M., for decision, hearing closed.

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**165-05-BZ**

**APPLICANT** – Sullivan Chester & Gardner, P.C., for 801-805 Bergen Street, LLC, owner.

**SUBJECT** – Application July 25, 2005 – Variance Z.R. §72-21 to permit the propose four-story residential building, located in an M1-1 zoning district.

**PREMISES AFFECTED** – 799-805 Bergen Street, North Side, 156’-3” East of Grand Avenue, Block 1141, Lots 76-79, Borough of Brooklyn

**COMMUNITY BOARD #8BK**

**APPEARANCES** –

For Applicant: Jeffrey A. Chester and Alberto Degos Rios.

**THE VOTE TO CLOSE HEARING** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 1:30 P.M., for decision, hearing closed.

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**288-05-BZ**

**APPLICANT** – Harold Weinberg, P.E., for Maria Musacchio, owner.

**SUBJECT** – Application September 16, 2005 – Pursuant to ZR §73-622 Special Permit for an In-Part Legalization to a single family home which exceeds the allowable floor area ratio and is less than the allowable open space, 23-141 and exceeds the maximum allowable permierter wall height, 23-631. The premise is located in an R3-1 zoning district.

**PREMISES AFFECTED** – 1060 82<sup>nd</sup> Street, South side, 197’3” west of 11th Avenue, between 10th Avenue, Block 6012, Lot 30, Borough of Brooklyn.

**COMMUNITY BOARD #10BK**

**APPEARANCES** –

For Applicant: Harold Weinberg, Philip Musacchio and Philip Musacchio..

For Opposition: Adriano Santini, Violet Santini and Thomas A. Delorazzo.

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 1:30 P.M., for continued hearing.

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**290-05-BZ**

**APPLICANT** – Stuart A. Klein, for Yeshiva Imrei Chaim Viznitz, owner.

**SUBJECT** – Application September 19, 2005 and updated 4/19/06 – Variance pursuant to Z.R. Section 72-21 to permit a catering hall (Use Group 9) accessory to a synagogue and yeshiva (Use Groups 4 & 3). The site is located in an R5 zoning district.

**PREMISES AFFECTED** – 1824 53<sup>rd</sup> Street, south side, 127.95’ east of the intersection of 53<sup>rd</sup> and 18<sup>th</sup> Avenue, Block 5480, Lot 14, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

**APPEARANCES** – None.

**THE VOTE TO REOPEN HEARING** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**THE VOTE TO CLOSE HEARING** –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 1:30 P.M., for decision, hearing closed.

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**60-06-A**

**APPLICANT** – Stuart A. Klein, for Yeshiva Imrei Chaim

# MINUTES

Viznitz, owner.

SUBJECT – Application April 5, 2006 – Request pursuant to Section 666 of the New York City Charter for a reversal of DOB's denial of a reconsideration request to allow a catering use as an accessory use to a synagogue and yeshiva in an R5 zoning district.

PREMISES AFFECTED – 1824 53<sup>rd</sup> Street, south side, 127.95' east of the intersection of 53<sup>rd</sup> and 18<sup>th</sup> Avenue, Block 5480, Lot 14, Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES – None.

THE VOTE TO REOPEN HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3  
Negative:.....0

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 1:30 P.M., for decision, hearing closed.

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**291-05-BZ**

APPLICANT – Eric Palatnik, P.C. for Rallaele DelliGatti, owner.

SUBJECT – Application September 22, 2005 – Pursuant to ZR 72-21 for a Variance to allow for the demolition of an existing single family residence and its re-development with a new single family residence which has less than the required front yard, ZR 23-45. The premise is located in an R-2A zoning district.

PREMISES AFFECTED - 10-33 Burton Street, Burton Street between 12th Avenue and 12th Road, Block 4607, Lot 26, Borough of Queens.

**COMMUNITY BOARD #7Q**

APPEARANCES –

For Applicant: Eric Palatnik.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 1:30 P.M., for decision, hearing closed.

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**369-05-BZ**

APPLICANT – Eric Palatnik, P.C., for 908 Clove Road, LLC, owner.

SUBJECT – Application December 22, 2005 – Variance ZR §72-21 to allow a proposed four (4) story multiple dwelling containing thirty (30) dwelling units in an R3-2 (HS) Zoning

District; contrary to Z.R. §§23-141, 23-22, 23-631, 25-622, 25-632.

PREMISES AFFECTED – 908 Clove Road (formerly 904-908 Clove Road) between Bard and Tyler Avenue, Block 323, Lots 42-44, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

APPEARANCES –

For Applicant: Eric Palatnik.

For Opposition: MaryAnn McGowan.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 17, 2006, at 1:30 P.M., for decision, hearing closed.

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**50-06-BZ**

APPLICANT – Jeffrey A. Chester, Esq., for 461 Carol Strait, LLC, owner.

SUBJECT – Application March 20, 2006 – Use Variance pursuant to Z.R. §72-21 to permit the conversion and expansion of a commercial/industrial building to a two-family residence. The premise is located in a M1-2 zoning district. The waiver requested relates to the use regulations pursuant to Z.R. §42-00. The subject site was previously used by Linda Tool Co., a custom tool and dye manufacturer which occupied the premises for several decades.

PREMISES AFFECTED – 461 Carroll Street, between Nevins Street and Third Avenue, Block 447, Lot 45, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

APPEARANCES –

For Applicant: Jeffrey Chester and Kim Ackert.

**ACTION OF THE BOARD** – Laid over to October 31, 2006, at 1:30 P.M., for continued hearing.

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**58-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for Rose Weinstein, owner.

SUBJECT – Application March 31, 2006 – Zoning variance under §72-21 to allow retail use (U.G. 6) to be located on the first floor and cellar level of an existing building in an M1-5B district; contrary to §42-10.

PREMISES AFFECTED – 499 Broadway, 100' north of Broome Street, Block 484, Lot 23, Borough of Manhattan.

**COMMUNITY BOARD #2M**

APPEARANCES –

For Applicant: Richard Lobel and Brett Kearney.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and Commissioner Collins.....3  
Negative:.....0

**ACTION OF THE BOARD** – Laid over to October 24, 2006, at 1:30 P.M., for decision, hearing closed.

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# MINUTES

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Negative:.....0  
**ACTION OF THE BOARD** – Laid over to October  
17, 2006, at 1:30 P.M., for decision, hearing closed.  
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*Jeff Mulligan, Executive Director*

*Adjourned: P.M.*

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**112-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for Audubon Housing  
Dev. Fund Corp., owner.

SUBJECT – Application June 5, 2006 – Variance application  
pursuant to Z.R. §72-21 to permit the construction of a seven-  
story and cellar residential and commercial building with  
accessory supportive social services. The accessory  
supporting social services programs and commercial  
component will be located on the first floor. The residential  
component will be located on floors 1 through 7. The  
premises is located in an M1-4 zoning district. The site was  
most recently used for automobile sales and storage. The  
proposal seeks to vary, based on the nearby R7-1 zoning  
district, Z.R. §23-142 (Residential Floor Area), §24-111  
(Total Floor Area), §23-142 (Open Space), 23-22 (Number of  
Dwelling Units), and §23-632 (for Wall Heights, Total  
Height, Setbacks, Sky Exposure Plane, and Number of  
Parking Spaces).

PREMISES AFFECTED – 507 East 176<sup>th</sup> Street, northwest  
corner of Third Avenue and 176<sup>th</sup> Street, Block 2924, Lots  
38, 39, 42, Borough of The Bronx.

**COMMUNITY BOARD #6BX**

APPEARANCES –

For Applicant: Richard Lobel.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and  
Commissioner Collins.....3

Negative:.....0

**ACTION OF THE BOARD** – Laid over to October  
17, 2006, at 1:30 P.M., for decision, hearing closed.  
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**149-06-BZ**

APPLICANT – Sheldon Lobel, P.C., for NYC Department of  
Citywide Administrative Services, owner; Boro Park  
Volunteers of Hatzolah, Inc., lessee.

SUBJECT – Application July 7, 2006 – Variance pursuant to  
Z.R. §72-21 to permit the development of the site to  
accommodate a not-for-profit ambulance/emergency vehicle  
garage, dispatch, and training facility. The premise is located  
in an M2-1 zoning district. The proposal is request variance  
waivers relating to floor area (Z.R. §43-12) and the number  
of parking spaces (Z.R. §44-21).

PREMISES AFFECTED – 3701 14<sup>th</sup> Avenue, southwest  
corner of the intersection formed by 14<sup>th</sup> Avenue and 37<sup>th</sup>  
Street, Block 5348, Lot 9 (portion), Borough of Brooklyn.

**COMMUNITY BOARD #12BK**

APPEARANCES –

For Applicant: Sheldon Lobel, Larry Morrish, Douglas  
Jablon, Elliot Rosman, Bernie Gips, Simcha Felder, Sister  
Barbara Mullen and Ron Mandel.

THE VOTE TO CLOSE HEARING –

Affirmative: Chair Srinivasan, Vice-Chair Babbar and  
Commissioner Collins.....3