



250 Broadway, 29th Floor
 New York, NY 10007
 212-386-0009 - Phone
 646-500-6271 - Fax
 www.nyc.gov/bsa

**Board of Standards
 and Appeals**

ZONING (BZ) CALENDAR
 Application Form

BSA APPLICATION NO. 263-14 BZ
 CEQR NO. _____

Section A

Applicant/
 Owner

Eric Palatnik, P.C. NAME OF APPLICANT	Viktoriya Midyany OWNER OF RECORD
32 Broadway, Suite 114 ADDRESS	1601 Oriental Boulevard ADDRESS
New York NY 10004 CITY STATE ZIP	Brooklyn NY 11235 CITY STATE ZIP
212 425-4343 AREA CODE TELEPHONE	_____ LESSEE / CONTRACT VENDEE
212 968-7129 AREA CODE FAX	_____ ADDRESS
eric@ericpalatnikpc.com EMAIL	_____ CITY STATE ZIP

Section B

Site
 Data

1601 Oriental Boulevard 11235
 STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

The corner of Oriental Boulevard and Norfolk Street
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

<u>8757</u> BLOCK	<u>23</u> LOT(S)	<u>Brooklyn</u> BOROUGH	<u>15</u> COMMUNITY DISTRICT	<u>N/A</u> LANDMARK/HISTORIC DISTRICT
<u>Chaim M. Deutsch</u> CITY COUNCIL MEMBER	<u>R3-1</u> ZONING DISTRICT (include special district, if any)	<u>23b</u> ZONING MAP NUMBER		

Section C

Dept of Building
 Decision

BSA AUTHORIZING SECTION(S) 73-622 for VARIANCE SPECIAL PERMIT (Including 11-41)
 Section(s) of the Zoning Resolution to be varied 23-141(b), 23-45 (a), 23-461 (a)
 DOB Decision (Objection/ Denial) date: 9/25/2014 Acting on Application No: 320916648

Section D

Description

(LEGALIZATION YES NO IN PART)

This application is filed pursuant to §73-622 of the Zoning Resolution of the City of New York, as amended (hereinafter the "Zoning Resolution"), to request a Special Permit to enlarge a one-story dwelling in a residential zoning district (R3-1).

Section E

BSA History
 and
 Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS

	YES	NO
1. Has the premises been the subject of any previous BSA application(s)? PRIOR BSA APPLICATION NO(S): _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any applications concerning the premises pending before any other government agency?....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the property the subject of any court action?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section F

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE.

Signature of Applicant, Corporate Officer or Other Authorized Representative: Eric Palatnik
 Title: Attorney

NOTARY PUBLIC, STATE OF NEW YORK
 NO. 01GO6097433
 QUALIFIED IN KINGS COUNTY
 COMMISSION EXPIRES 08/18/07
 NOTARY PUBLIC

ERIC PALATNIK, P.C.

ATTORNEY AT LAW
32 BROADWAY, SUITE 114
NEW YORK, NEW YORK 10004

(212) 425-4343
FAX (212) 968-7129
E-MAIL ERIC@ERICPALATNIKPC.COM

October 23, 2014

STATEMENT OF FACTS AND FINDINGS

BSA Cal. No.
Premises: 1601 Oriental Boulevard
Brooklyn, New York
Block 8757, Lot 23

JURISDICTION, IDENTIFICATION OF PREMISES, AND OBJECTIONS

This application is filed pursuant to §73-622 of the Zoning Resolution of the City of New York, as amended (hereinafter the “Zoning Resolution”), to request a Special Permit to enlarge a one-story dwelling in a residential zoning district (R3-1). Located within Community Board 15, the Premises is situated on a two thousand five hundred square foot lot further identified on the New York City Tax Map as Block 8757, Lot 23. It is located on the corner of Oriental Boulevard and Norfolk Street.

The Premises is improved with an existing residential structure (single family home) which is a one story dwelling. The requested approval seeks permission to construct a two-story horizontal enlargement and a one-story vertical enlargement in accordance with the provisions of Zoning Resolution §73-622.

More specifically, the enlargement will increase the total floor area, construct a second floor, increase the first floor elevation, construct an attic, and construct a parking space.

The Premises is a corner lot and therefore consists of two front yards and two side yards. The West front yard, facing Norfolk Street, will remain a non-complying 1'-1", which may continue to exist pursuant to Z.R. 54-11. The South front yard, facing Oriental Boulevard, will decrease from 22'-8" to a complying 15'-0". The first side yard, between the properties on Oriental Boulevard, will remain a non-complying 4'-3" which may

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continue to exist pursuant to Z.R. 54-11. The second side yard, between the properties on Norfolk Street, will decrease from 31'-4" to a complying 20'.

The floor area will increase from 904 square feet to 2,125 square feet. The total height of the building will increase from 13'-2" to 33'-1". As indicated on the zoning analysis form, this proposal complies with the Flood Resilience Text Amendment 64-334 and 64-61(a).

Accordingly, plans were filed with the Department of Buildings ("DOB") in order to permit the enlargement. The following and only objection was issued:

"BOARD OF STANDARDS AND APPEALS DENIAL"

The proposed horizontal and vertical enlargement of the existing one family residence in an R3-1 Zoning District:

- 1) Creates a new non-compliance with Floor Area and is contrary to Section 23-141(b) of the Zoning Resolution (ZR).
- 2) Increases the degree of non-compliance with respect to Lot Coverage and is contrary to Section 23-141(b) (ZR).
- 3) Increases the degree of non-compliance with respect to Open Space and is contrary to Section 23-141(b) (ZR).
- 4) Creates a new non-compliance with respect to the front yard and is contrary to Section 23-45(a) (ZR).
- 5) Increases the degree of non compliance with respect to the side yard and is contrary to Sections 23-461(a) ZR and 54-31-ZR.

AUTHORITY OF SECTION 73-622

Pursuant to Zoning Resolution §73-622, the Board of Standards and Appeals ("BSA") may permit the enlargement of detached and semi-detached, qualifying single and two-family residences. This authority allows for the creation of new non-compliances or the extension of existing non-compliances within designated areas provided that several

conditions and findings are satisfied. We submit that those conditions have been met and that the findings should be made with respect to this application.

Zoning Resolution §73-622(a) lists “*Community Districts 10, 11 and 15, in the Borough of Brooklyn*” as a designated Special Permit area. As evidenced by the enclosed application materials, the Premises, which is located in Community District 15, qualifies as the subject of a Special Permit application.

DESCRIPTION OF OBJECTIONS

PROPOSED FLOOR AREA IS CONTRARY TO ZR 23-141(B)

The proposal would create a new non-compliance with respect to floor area. Under Zoning Resolution §23-141, the permitted floor area is 1500 square feet. The existing floor area is 904 square feet. The proposed floor area is 2,125 square feet.

PROPOSED LOT COVERAGE IS CONTRARY TO ZR 23-141(B)

The proposal would increase the degree of non-compliance with respect to lot coverage. Under Zoning Resolution §23-141, the maximum permitted lot coverage is 35%. The existing lot coverage is 36%. The proposed lot coverage is 42%.

PROPOSED OPEN SPACE IS CONTRARY TO ZR SECTION 23-141 (B)

The proposal would increase the degree of non-compliance with respect to open space. Under Zoning Resolution §23-141(B), the minimum required open space is 1,625 square feet. The existing open space measures 1,596. The proposed open space measures 1,446.

PROPOSED WEST FRONT YARD IS CONTRARY TO ZR SECTION 23-45(A)

The proposal would maintain an existing non-compliance with respect to the West front yard measurements. Under Zoning Resolution §23-45(a), the minimum required front yard is 10'. The existing West front yard measures 1'-1". The proposed first front yard will remain 1'-1".

PROPOSED EAST SIDE YARD IS CONTRARY TO ZR SECTION 23-461

The proposal would maintain the degree of non-compliance with respect to the East side yard measurements. Pursuant to Zoning Resolution 23-461, the minimum required front yard is 5'. The existing East side yard measures 4'-3", which may continue as per Z.R. 54-11 because the existing side yard predates 1961. The proposed first side yard will remain 4'-3".

SUMMARY

Zoning Resolution §73-622 allows the creation of such non-compliances, provided that the enlargement does not alter the existing character of the neighborhood or impair future use or development of the surrounding area.

SATISFACTION OF FINDINGS

In order to permit the enlargement, the BSA must find that the enlargement "will not alter the essential character of the neighborhood or district in which the building is located, nor impair the future use or development of the surrounding area". Accordingly, the dwelling has been designed to not alter the essential character of the neighborhood or impair the future use or development of the surrounding area.

- Since the introduction of the special permit home enlargement pursuant to Z.R. 73-622, houses in Manhattan Beach have evolved into larger homes beyond that which is permitted by zoning. Almost all of the buildings in Manhattan Beach range in height between one and three stories. Accordingly, a two story home would not alter the essential character of the neighborhood;
- The proposed 15'-0" south front yard is compliant with the 15' minimum required front yard and no variation of the district zoning regulations is requested;
- The proposed 20' second side yard is compliant with the underlying regulations and no variation of the district zoning regulations is requested;
- The proposed 33'-1" total height is compliant with the 35' maximum permitted;

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Lastly, the attached land use study by Urban Cartographics demonstrates that of the 94 properties improved upon with one- or two-family homes located within 400 feet of the Premises, 39 (or approximately 41%) are improved upon with homes exceeding 0.75 FAR. Of these 39 homes, 8 (or approximately 8.5%) are improved upon with homes exceeding 1.0 FAR. These include homes ranging in FAR from 0.76-1.48; and ranging in floor area from 924 square feet to 3,700 square feet.

VIOLATIONS

We note that there are no open violations or any violation history for this property.

CONCLUSION

The enlargement is located within a designated area and meets the requirements of Zoning Resolution §73-622. It conforms to the character of the neighborhood and will not impair the use or development of the area.

We are confident that the conditions and findings of Zoning Resolution §73-622 are satisfied in the instant matter and, therefore, respectfully submit that the granting of the Special Permit in this matter is both appropriate and fully supported by the facts.

Respectfully Submitted,

Eric Palatnik P.C.

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO.

BLOCK 8757

LOT 23

SUBJECT SITE ADDRESS

1601 Oriental Boulevard, Brooklyn, NY 11235

APPLICANT

ZONING DISTRICT R3-1

PRIOR BSA #

SPECIAL/HISTORIC DISTRICT None

COMMUNITY BOARD 315

COMPLIANT: "Y"

IF NOT: "N" and

INDICATE AMT

OVER/UNDER

LOT AREA

LOT WIDTH

USE GROUP (S)

FA RESIDENTIAL

FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

FAR RESIDENTIAL

FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

OPEN SPACE

OPEN SPACE RATIO

LOT COVERAGE (%)

NO. DWELLING UNITS

WALL HEIGHT

TOTAL HEIGHT

NUMBER OF STORIES

FRONT YARD

SIDE YARD

SIDE YARD

REAR YARD

SETBACK (S)

SKY EXP. PLANE (SLOPE)

NO. PARKING SPACES

LOADING BERTH (S)

OTHER:

	* APPLICABLE		MINIMUM REQUIRED	LEGAL PER. C of O or BSA	EXISTING		PROPOSED	
	ZR SECTION	MAXIMUM PERMITTED						
LOT AREA	23-32		3,800 sf	N/A	2,500 sf	2,500 sf		N - 1,300 sf*
LOT WIDTH	23-32		40'	N/A	25'	25'		N - 15''*
USE GROUP (S)	22-00	4		N/A	1	1		Y
FA RESIDENTIAL	23-141(b)	1,500 sf		N/A	904 sf	2,125 sf		N + 625 sf
FA COMMUNITY FACILITY	24-11	2,500 sf		N/A	0	0		Y
FA COMMERCIAL/INDUST.	N/A	0		N/A	0	0		Y
FLOOR AREA TOTAL	23-141(b)	1,500 sf		N/A	904 sf	2,125 sf		N + 625 sf
FAR RESIDENTIAL	23-141(b)	.60		N/A	0.36	0.85		N + 0.25
FAR COMMUNITY FACILITY	24-11	1.00		N/A	0	0		Y
FAR COMMERCIAL/INDUST.	N/A	0		N/A	0	0		Y
FAR TOTAL	23-141(b)	.60		N/A	0.30	0.85		N + 0.25
OPEN SPACE	23-141(b)1		1,625 sf	N/A	1,596 sf	1,446 sf		N + 179 s.f.
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A		N/A
LOT COVERAGE (%)	23-141(b)	35		N/A	36	42		N + 7
NO. DWELLING UNITS	23-22	2		N/A	1	1		Y
WALL HEIGHT	23-631(b)	21'		N/A	8'-8"	21'		Y***
TOTAL HEIGHT	23-631(b)	35'		N/A	13'-2"	33'-1"		Y***
NUMBER OF STORIES				N/A	1	2		N/A
FRONT YARD	23-45(a)		10'	N/A	1'-1"****	1'-1"		N
SIDE YARD	23-45(a)		15'	N/A	22'-8"	15'-0"		Y
SIDE YARD	23-461(a)		5'	N/A	4'-3"	4'-3"		N - 9"***
REAR YARD	23-461(a)		20'	N/A	31'-4"	20'		Y
SETBACK (S)	N/A		N/A	N/A	N/A	N/A		N/A
SKY EXP. PLANE (SLOPE)	N/A	N/A		N/A	N/A	N/A		N/A
NO. PARKING SPACES	25-15	3	0	N/A	0	1		Y
LOADING BERTH (S)	N/A	N/A	N/A	N/A	N/A	N/A		N/A
OTHER:	N/A	N/A	N/A	N/A	N/A	N/A		N/A

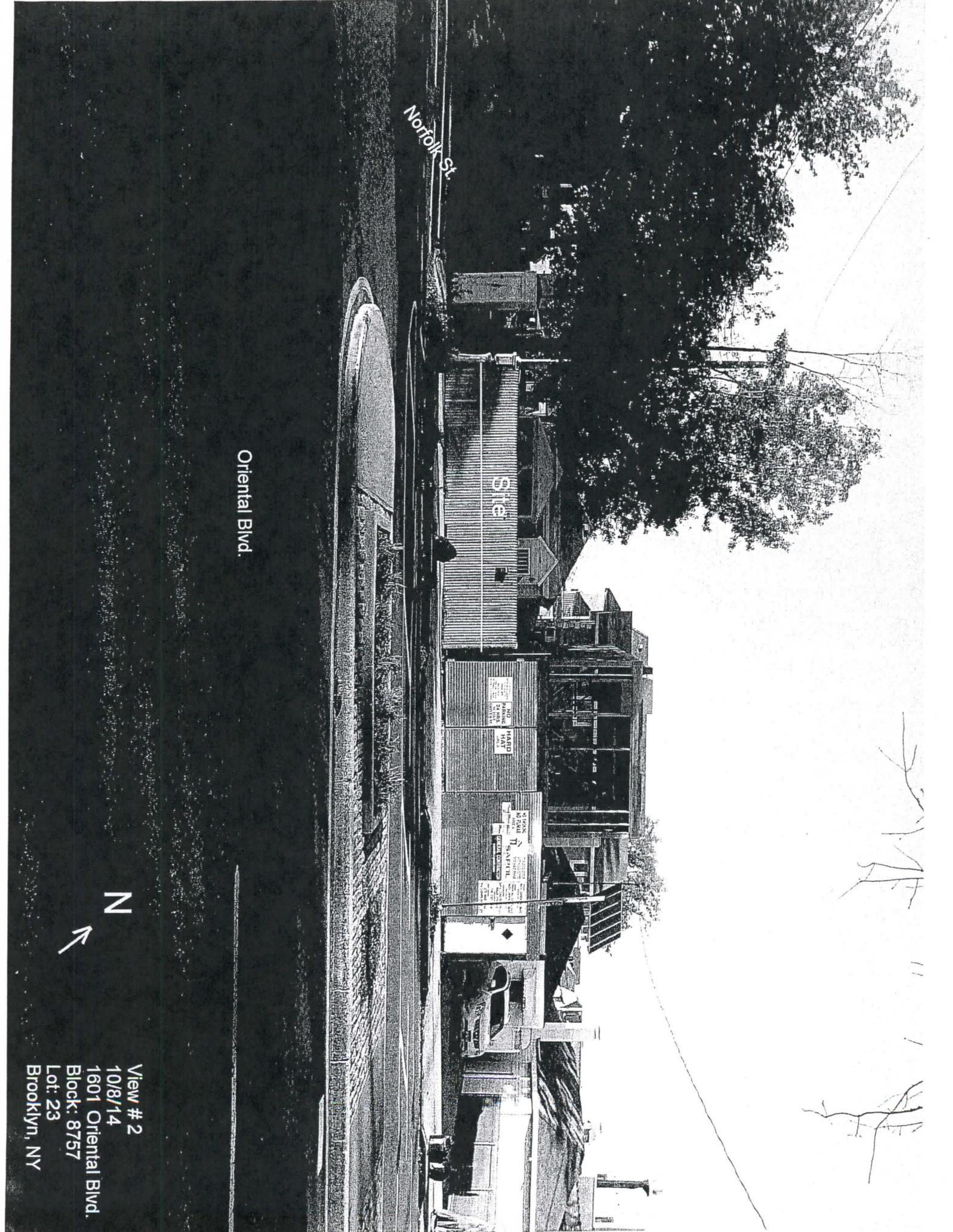
* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included.

NOTES: *The zoning lot predates 1961 and is therefore an existing non-complying

condition that may continue as per 54-11. **The existing side yard predates 1961 and are therefore existing

non-complying conditions that may continue as per 54-11. ***Complies with Flood Resilience Text

Amendment 64-334 and 64-61(a).



Norfolk St

Oriental Blvd.

Site

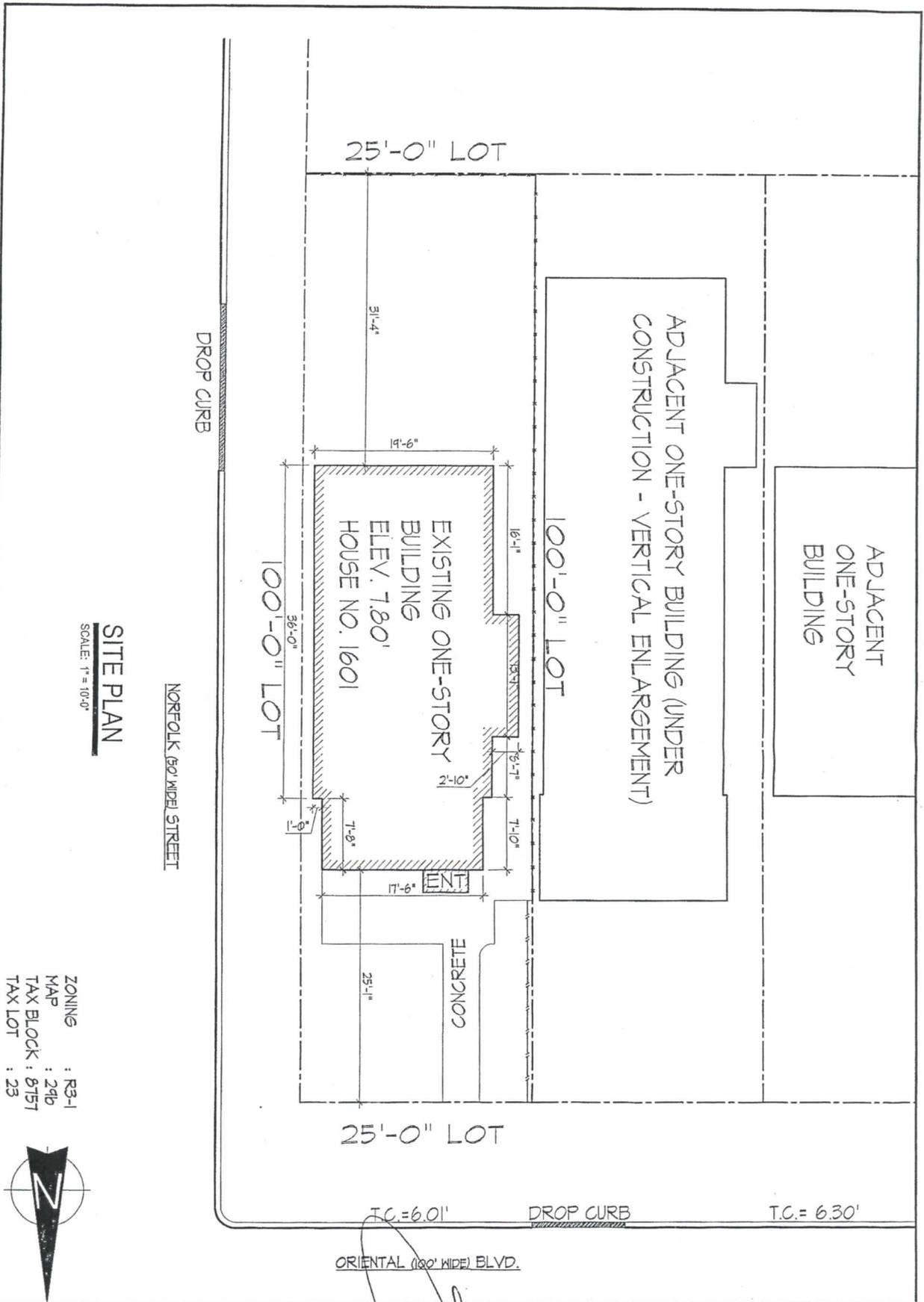
NO PARKING
HARD HAT
AREA

STREET
NO PARKING
HARD HAT
AREA
ORIENTAL BLVD

N



View # 2
10/8/14
1601 Oriental Blvd.
Block: 8757
Lot: 23
Brooklyn, NY



<p>DRAWING AE-101</p> <p>SHEET 19 OF 28</p> <p>PROJECT NO: 8110</p> <p>DRAWN BY: M.L.H.</p> <p>CHK'D BY: J.M.</p>	<p>SHEET TITLE EXISTING SITE PLAN</p> <p>PROJECT PROPOSED EXTENSION & RENOVATION</p> <p>1601 ORIENTAL BLVD., MANHATTAN BEACH, NY 11235</p> <p>© 2011 BY MIELE ASSOCIATES. WARNING: UNLICENSED COPYING VIOLATES U.S. COPYRIGHT LAWS. MIELE ASSOCIATES, LLP THE ARCHITECT/ENGINEER OF THIS PROJECT DOES NOT AUTHORIZE THE COPYING OF THESE DESIGNS WITHOUT IT'S EXPRESSED WRITTEN PERMISSION.</p>		<p>MIELE ASSOCIATES, LLP ARCHITECTS ENGINEERS PLANNERS</p> <p>MIDDLE VILLAGE, N.Y. 11379 81-01 FURMANVILLE AVENUE WWW.MIELEASSOCIATES.COM TEL. 718-894-2222</p>
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FINAL INTERIOR LAYOUT SUBJECT TO APPROVAL BY D.O.B.

OPEN SPACE AND FLOOR AREA REGULATIONS AS PER Z.R. 23-141(b)
 MAX F.A.R. = 0.50 F.L.U.S. 20% UNDER A SLOPING ROOF
 THEREFORE MAX F.A.R. = 0.60
 ALLOWABLE FLOOR AREA = 0.60 x 2500 = 1500

MAX. LOT COVERAGE = 35%
 MIN. OPEN SPACE = 65%

- LEGEND:**
-  PROPOSED ONE-STORY VERTICAL ENLARGEMENT OVER EXISTING ONE-STORY TO REMAIN.
 -  PROPOSED TWO-STORY HORIZONTAL ENLARGEMENT.

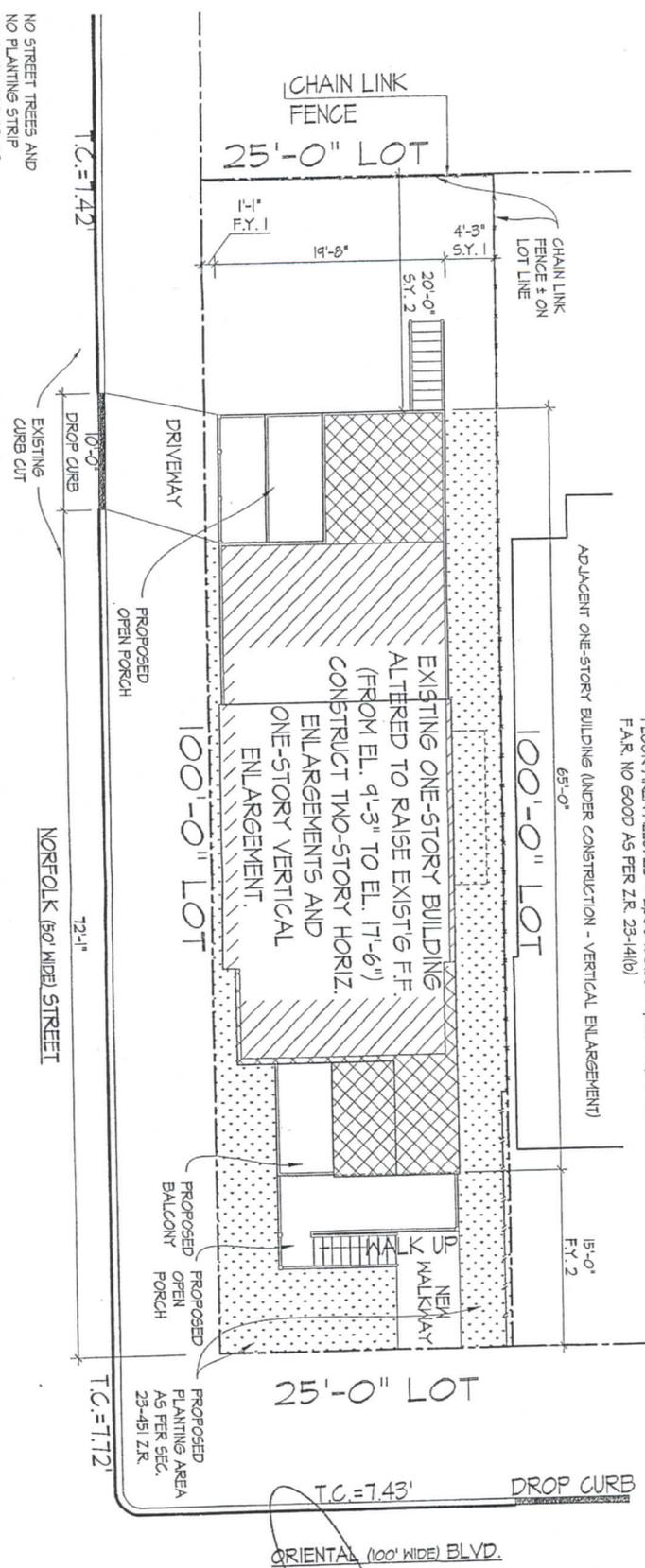
FLOOR AREA:	EXISTING	EXISTING TO BE REMOVED	DEDUCTION	PROPOSED
FIRST FLOOR	904 S.F.	42 S.F.	0 S.F.	457 S.F.
SECOND FLOOR	0 S.F.	0 S.F.	0 S.F.	1054 S.F.
ATTIC	0 S.F.	0 S.F.	0 S.F.	14 S.F.
TOTAL FLOOR AREA	904 S.F.	42 S.F.	41 S.F.	2125 S.F.

ATTIC SPACE = 114 S.F. x 0.10 x 2500 S.F. THEREFORE OK AS PER SEC. 23-141(b) Z.R.

NOTE: THE LOWEST FLOOR IS MET FLOOD-PROOFED AND EXEMPT FROM THE DEFINITION OF FLOOR AREA AS PER SEC. 64-41(b).

PERMITTED FLOOR AREA RATIO REGULATIONS

FLOOR AREA RATIO = 2125 / 2500 = 0.85 > 0.60 THEREFORE NO GOOD
 FLOOR AREA ALLOWED = 2500 x 0.60 = 1500 < 2125 THEREFORE NO GOOD
 F.A.R. NO GOOD AS PER Z.R. 23-141(b)



NO STREET TREES AND NO PLANTING STRIP REQUIRED AS PER 23-03 AND 23-04 ZR

THIS SITE IS LOCATED IN ZONE AE(II) AS PER THE MOST RECENT PRELIMINARY FEWA FIRM #3604703546. THE FLOOR IS ELEV. 11' (NAVDS) PLUS 2' FREEBOARD. ALL ELEVATIONS SHOWN HEREON REFERENCE BROOKLYN HIGHWAY DATUM. TO CONVERT THE NAVDS ELEVATIONS TO BROOKLYN HIGHWAY DATUM YOU MUST ADD 110.1' AND SUBTRACT 2.541' FROM THE NAVDS ELEVATION.

SITE PLAN

SCALE: 1" = 10'-0"

ZONING : R3-1
 MAP : 24b
 TAX BLOCK : 8757
 TAX LOT : 23



DRAWING A-101	SHEET TITLE PROPOSED SITE PLAN		MIELE ASSOCIATES, LLP ARCHITECTS ENGINEERS PLANNERS
	PROJECT PROPOSED EXTENSION & RENOVATION		
SHEET 1 OF 20	1601 ORIENTAL BLVD., MANHATTAN BEACH, NY 11235		
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DRAWN BY: M.L.H.	CHK'D BY: J.M.		