



Board of Standards and Appeals

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

ZONING (BZ) CALENDAR

Application Form

BSA APPLICATION NO. 11-15 BZ

CEQR NO. _____

Section A

Applicant/
Owner

Eric Palatnik, P.C.			Alexander Pinkusovich		
NAME OF APPLICANT			OWNER OF RECORD		
32 Broadway, Suite 114			155 Dover Street		
ADDRESS			ADDRESS		
New York	NY	10004	Brooklyn	NY	11235
CITY	STATE	ZIP	CITY	STATE	ZIP
212	425-4343		N/A		
AREA CODE	TELEPHONE		LESSEE / CONTRACT VENDEE		
212	968-7129		ADDRESS		
AREA CODE	FAX		CITY STATE ZIP		
Eugene@EricPalatnikPC.com					
EMAIL					

Section B

Site
Data

155 Dover Street 11235
STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

Dover Street, between Hampton Avenue and Oriental Boulevard
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

8736	44	Brooklyn	15	N/A
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
Hon. Chaim M. Deutsch	R3-1		29b	
CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)		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); 23-47

DOB Decision (Objection/ Denial) date: December 17, 2014 Acting on Application No: 320987269

Section D

Description

(LEGALIZATION YES NO IN PART)

This is an application for a special permit pursuant to ZR 73-622 to permit an enlargement of a one family home. The application seeks to waive the floor area, lot coverage, rear yard and open space requirements of the underlying R3-1 zoning district.

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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PRIOR BSA APPLICATION NO(S): _____		
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

Print Name: Eric Palatnik Title: Attorney

NOTARY PUBLIC, STATE OF NEW YORK
GONZALEZ ROBIN
SWORN TO ME THIS 27 DAY OF July 2015
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES 08/18/07
NOTARY PUBLIC

BSA CALENDAR NO.

BLOCK 8736

LOT 44

SUBJECT SITE ADDRESS

155 DOVER STREET, BROOKLYN, NY, 11235

APPLICANT

MARK VERKHOVSKY, R.A.

ZONING DISTRICT R 3-1

PRIOR BSA #

COMPLIANT: "Y"
IF NOT: "N" and
INDICATE AMT
OVER/UNDER

SPECIAL/HISTORIC DISTRICT NONE

COMMUNITY BOARD 315

	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	
LOT AREA	23-32		3 800s.f.	N/A	6 000 s.f.	6 000 s.f.	y
LOT WIDTH	23-32		40'	N/A	60'	60'	y
USE GROUP (S)	22-11	1,2,3,4		N/A	1	1	y
FA RESIDENTIAL	23-141(b)(1)	3600 s.f.		N/A	3553.6s.f.	5826.5s.f	N+2226.5
FA COMMUNITY FACILITY	N/A			N/A	N/A	N/A	N/A
FA COMMERCIAL/INDUST.	N/A			N/A	N/A	N/A	N/A
FLOOR AREA TOTAL	23-141(b)(1)	3600 s.f.		N/A	3553.6s.f	5826.5s.f	N+2226.5
FAR RESIDENTIAL	23-141(b)(1)	0.60		N/A	0.59	0.97	N+0.37
FAR COMMUNITY FACILITY	N/A	N/A		N/A	N/A	N/A	N/A
FAR COMMERCIAL/INDUST.	N/A	N/A		N/A	N/A	N/A	N/A
FAR TOTAL	23-141(b)(1)	0.60		N/A	0.59	0.97	N+0.37
OPEN SPACE	23-141(b)(1)		3900	N/A	4307s.f.	3391.5	N-508.5
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A	N/A
LOT COVERAGE (%)	23-141(b)	35		N/A	28	43	N+8
NO. DWELLING UNITS	22-12(a)(2)	9		N/A	1	1	Y
WALL HEIGHT	23-631(b)	21'		N/A	21'	21'	Y
TOTAL HEIGHT	23-631(b)(1)	35'		N/A	34'	35'	Y
NUMBER OF STORIES				N/A	2.5	2.5	Y
FRONT YARD	23-45		15'-0"	N/A	23'-1"	15'-0"	Y
SIDE YARD	23-46		8'-0"	N/A	8'-11"	8'-11"	Y
SIDE YARD	23-46		5'-0"	N/A	9'-0"	5'-0"	Y
REAR YARD	23-47		30'-0"	N/A	37'-2"	24'-0"	N-6'
SETBACK (S)	23-631(B)		N/A	N/A	N/A	N/A	N/A
SKY EXP. PLANE (SLOPE)	23-631(B)	N/A		N/A	N/A	N/A	N/A
NO. PARKING SPACES	25-15	9	1	N/A	1	1	Y
LOADING BERTH (S)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OTHER:							

* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R-2, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements with R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY USE districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. For all terms noted in the DOB Denial/Objection are included. NOTES: 1. PROPOSED FLOOR AREA RATIO, OPEN SPACE, LOT COVERAGE,

REAR YARD IS CONTRARY TO ZR 23-141(B), ZR 23-47. 2. WALL AND TOTAL HEIGHTS FROM GROUND LEVEL IS 27' & 41'. FROM FIRST FLOOR 21' & 35'. 3. MAX PERMITTED FLOOR AREA. = 0.5 + 20% UNDER SLOPING ROOF = 0.6



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

January 15, 2015

STATEMENT OF FACTS AND FINDINGS

*Premises: 155 Dover Street
Block 8736; Lot 44
Brooklyn, New York*

INTRODUCTION AND JURISDICTION

This is an application for a special permit pursuant to ZR § 73-622 to permit an enlargement of a one family home. The application seeks to waive the floor area, lot coverage, rear yard and open space requirements of the underlying R3-1 zoning district.

The Premises is located on Dover Street, between Oriental Boulevard and Hampton Avenue in the borough of Brooklyn. It is further identified on the New York City Tax Map as Block 8736, Lot 44. The lot is 6,000 square feet and has 60 feet of frontage on Dover Street and a depth of 100 feet. The Premises is in Brooklyn Community Board 15 and is located in an R3-1 zoning district.

The instant application requests to enlarge an existing one family home from 3,553 sq. ft. to 5,826 sq. ft. As this enlargement is contrary to the Article 2 Chapter 3 residential bulk regulations, a special permit pursuant to ZR § 73-622 is required in order to permit the enlargement.

Pursuant to Zoning Resolution §73-622, the Board of Standards and Appeals (“BSA”) may permit an enlargement of single or two family, detached or semi detached residences. This authority allows the BSA to either create a new non-compliance or extend or increase the amount

ERIC PALATNIK

or degree of an existing non-compliance within designated areas provided that several conditions and findings are satisfied. Your Board is empowered to grant the instant request as ZR § 73-622 allows your Board to waive the floor area, lot coverage, open space and rear yard requirements in the underlying district. We submit that the application meets the required findings and respectfully request that the application be granted in all respects.

Zoning Resolution §73-622 (a) lists “Community Districts 10, 11 and 15, in the Borough of Brooklyn” as designated Special Permit areas. 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.

EXISTING CONDITIONS AND DOB OBJECTIONS

The Premises is improved upon with a one family, two story home with an attic and cellar. The building has a floor area of 3,553 square feet and an FAR of 0.59. The building has a lot coverage of 28%, a 23’1” front yard; a rear yard of 37’2” and side yards of 8’11” and 9’. The existing first floor has an elevation of 11.34’ and the building has a height of 34’. The existing building has a first floor area of 1,693 sq. ft.; the second floor is 1,275 sq. ft.; and the attic is 585 sq. ft.

Plans were filed with the Department of Buildings (“DOB”) under Job Number: 3209872689 in order to permit the enlargements. The following objections were issued:

Objection #1: Proposed floor area is contrary to ZR 23-141(b).

Objection #2: Proposed open space is contrary to ZR 23-141(b).

Objection #3: Proposed lot coverage is contrary to ZR 23-141(b).

Objection #4: Proposed rear yard is contrary to ZR 23-47.

DESCRIPTION OF OBJECTIONS

Floor Area Ratio is Contrary to ZR 23-141(b)

The proposal will increase the floor area ratio from 0.59 to 0.97. This will create a new non-compliance. Under Zoning Resolution §23-141(b), the maximum permitted floor area ratio is 0.50 (the existing home has an attic bonus of 20% as noted on the zoning analysis form). The existing floor area ratio is 0.59. The proposed is 0.97.

Zoning Resolution §73-622 allows the Board to increase the amount or degree of an existing non-compliance, provided that the enlargement does not alter the existing character of the neighborhood or impair the future use or development of the surrounding area.

Open Space is Contrary to ZR 23-141(b)

The proposal will create a non-compliance with respect to open space. Under Zoning Resolution §23-141(b), the minimum required open space is 65%. The existing open space is 72%. The proposed open space is 57%.

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 the future use or development of the surrounding area.

Lot Coverage is Contrary to ZR 23-141(b)

The proposal will create a non-compliance with respect to lot coverage. Under Zoning Resolution §23-141(b), the maximum permitted lot coverage is 35%. The existing lot coverage is 28%. The proposed lot coverage is 43%.

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 the future use or development of the surrounding area.

Rear Yard is Contrary to ZR 23-47(b)

The proposal will decrease the rear yard from 37'2" to 24'. This will create a new non-compliance. Under Zoning Resolution §23-47, a rear yard with a depth of not less than 30 feet shall be provided at every rear lot line, except as otherwise provided.

Zoning Resolution §73-622 allows the Board to create a new non-compliance or increase the amount or degree of such an existing non-compliance where there is a minimum 20'0" rear yard measurement (ZR §73-622(b)(2)), provided that the enlargement does not alter the existing character of the neighborhood or impair the future use or development of the surrounding area.

PROPOSED ENLARGEMENT

The proposed enlargement seeks to enlarge the existing two story and cellar building. The enlargement will occur by expanding the rear with a one story enlargement; by adding a second story to the one story portion of the building at the front; and by expanding the building at the front with a new two and a half story enlargement (*Please see the Proposed Plot Plan, Drawing A-107.00*).

The proposed enlargement will have a floor area of 5,826 square feet and an FAR of 0.97. The building will have a lot coverage of 43%, a 15'0" front yard; a rear yard of 24'0" and side yards of 8'11" and 5'. The lowest occupiable first floor will have an elevation of 11.34' and the building will have a height of 35'. The enlarged building will have a first floor area of 2,608.5 sq. ft.; a second floor of 1,917.8 sq. ft.; and an attic of 1,290.5 sq. ft.

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." (Zoning Resolution §73-622).

ERIC PALATNIK

The proposed 15' front yard is compliant with the minimum required and no variation of the Zoning Resolution is required. The proposed 24' rear yard, although not compliant with the required 30 foot minimum, falls within the 20 foot requirement that your Board is authorized to approve. The proposed two side yards of 8'11" and 5'0" will remain compliant with the required minimum and no variation of the Zoning Resolution is required.

Rear Yard:

The proposed rear yard enlargement will be limited to a one story enlargement. Such an enlargement will not alter the character of the neighborhood nor impair the use or development of the surrounding area. It will not cast shadows on neighboring properties and will not adversely impact the neighbors' use and enjoyment of their rear yards.

Bulk of the Building and the Neighborhood of Manhattan Beach:

The proposed floor area ratio of 0.97, will not alter the character of the neighborhood and will not impair the use or development of the area. The neighborhood of Manhattan Beach features an eclectic mix of homes with varied architectural designs and dimensions. The neighborhood has many homes which are similar in size and design to the proposed enlargement.

As the attached Land Use Study by Urban Cartographics shows, within 400 feet of the site, 18 lots are improved upon with homes that have an FAR greater than 0.75. Of these homes, three have an FAR that is greater than 1.0.

Granting the requested bulk of 5,826 square feet (FAR of 0.97) will not alter the character of the neighborhood. Although the neighborhood is not predominated by buildings with an FAR that is almost one (1), such buildings are not out of the ordinary. They are an integral part of the neighborhood and form its essential character. They contribute to property values and make the neighborhood more scenic. Non conforming FARs are common in this neighborhood and granting the instant application will not set a new precedent.

ERIC PALATNIK

The Proposal within the Context of Dover Street

As shown on the Photo Streetscape Diagram (included as an attachment), the character of Dover Street is consistent with the rather eclectic character of the Manhattan Beach neighborhood. Neighborhood homes range in floor area from 1,792 (170 Dover Street) to 9,000 (adjacent property at 149 Dover Street) and the architectural styles are just as varied.

As shown on the Photo Streetscape Diagram, the proposed bulk will not alter the character of the neighborhood as several homes on the block have floor areas greater than 4,000 sq. ft. (149 Dover, 156 Dover, and 131 Dover). The proposed architectural design will not alter the character of the neighborhood as the character of the subject block is not its uniformity.

VIOLATIONS

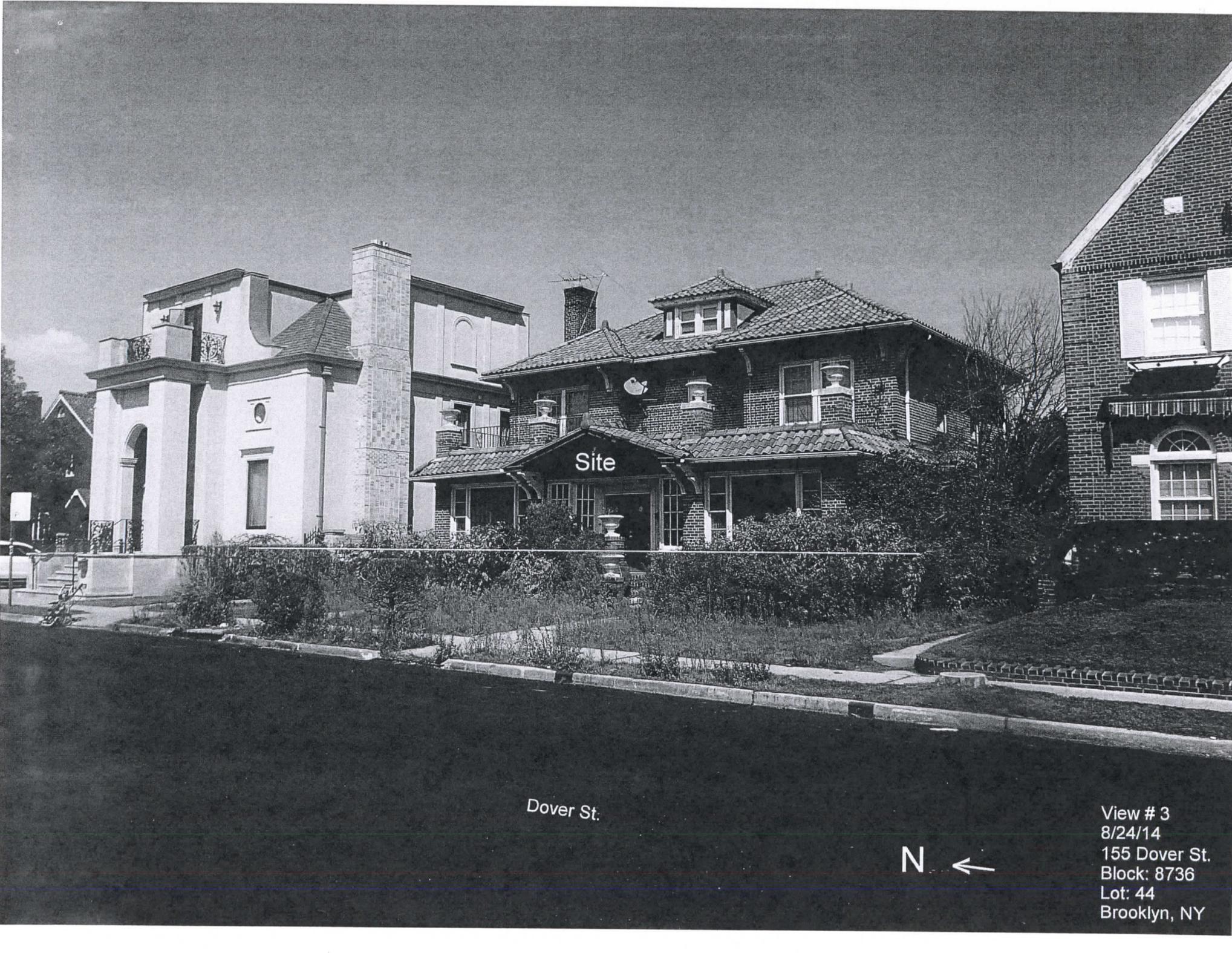
There are no prior violations at the Premises.

CONCLUSION

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 supported by the facts.

Respectfully Submitted,

Eric Palatnik, P.C.

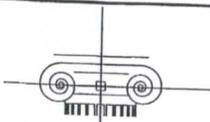
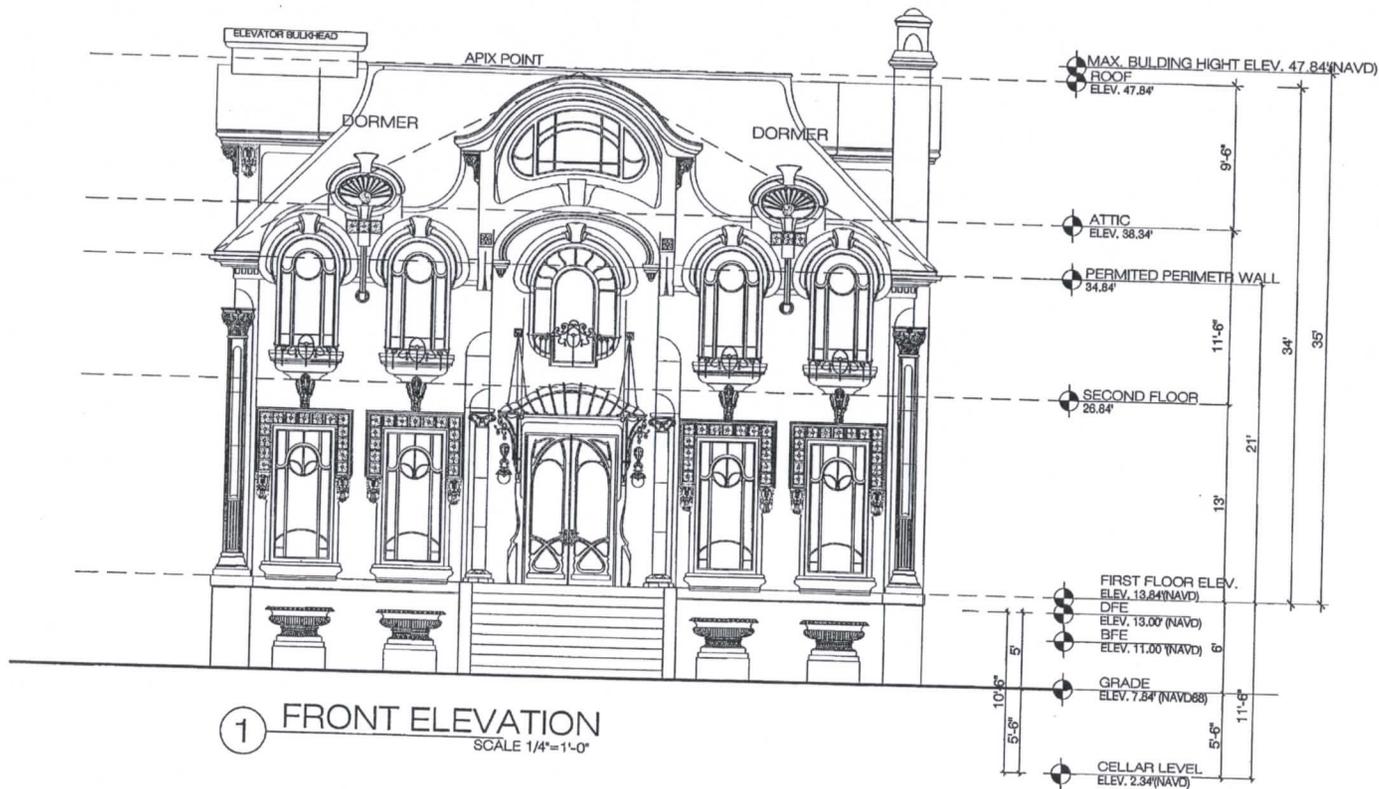


Site

Dover St.

N ←

View # 3
8/24/14
155 Dover St.
Block: 8736
Lot: 44
Brooklyn, NY



AR KISSIL
CORPORATION
ARCH AND INT DESIGN

MARK
VERKHOVSKY
R.A.

121 Brick Church Road,
Spring Valley, NY, 10977.
Tel: 845-364-0373

E: markverk3@verizon.net

PROJECT

PINKUSOVICH
RESIDENCE

PROPOSED ALTERATION
2 1/2 STORY BUILDING
155 DOVER ST., BROOKLYN,
NY 11235

SHEET TITLE

PROP. FRONT
ELEVATION

SEAL & SIGNATURE



DATE: 01 - 13 - 2015

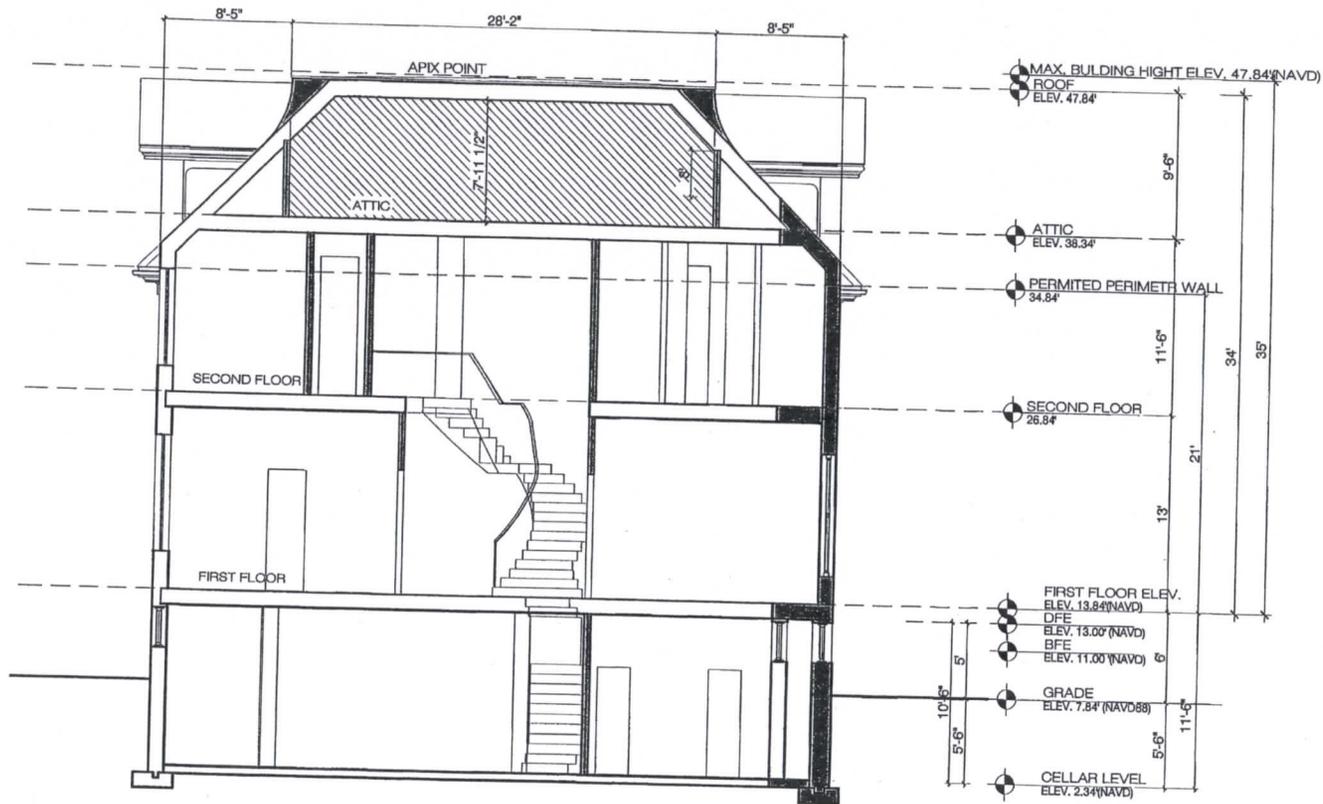
PROJECT No: 2014-07

DRAWING BY: A.K.

CHK BY: M.V.

DWG No: 13 OF 31

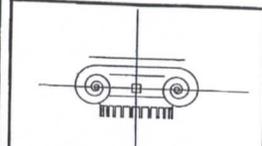
A-213.00



1 LEGEND

-  NEW CONSTRUCTION EXTERIOR WALL
-  NEW CONSTRUCTION INTERIOR WALL
-  EXISTING STRUCTURE TO REMAIN
-  EXISTING STRUCTURE TO BE REMOVED

2 PROPOSED SECTION A-A
SCALE 1/8"=1'-0"



AR KISSIL CORPORATION
ARCH AND INT DESIGN

MARK VERKHOVSKY R.A.
121 Brick Church Road,
Spring Valley, NY, 10977.
Tel: 845-364-0373
E: markverk3@verizon.net

PROJECT
PINKUSOVICH RESIDENCE
PROPOSED ALTERATION
2 1/2 STORY BUILDING
155 DOVER ST., BROOKLYN,
NY 11235

SHEET TITLE
PROPOSED SECTION A-A

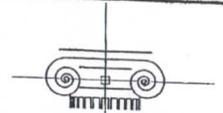


DATE: 01-13-2015
PROJECT No: 2014-07
DRAWING BY: A.K.
CHK BY: M.V.
DWG No: 18 OF 31

A-318.00



① EXISTING FRONT ELEVATION
SCALE 1/4"=1'-0"



AR KISSIL
CORPORATION
ARCH AND INT DESIGN

MARK
VERKHOVSKY
R.A.

121 Brick Church Road,
Spring Valley, NY, 10977.
Tel: 845-364-0373
E: markverk3@verizon.net

PROJECT
PINKUSOVICH
RESIDENCE
PROPOSED ALTERATION
2 1/2 STORY BUILDING
155 DOVER ST., BROOKLYN,
NY 11235

SHEET TITLE
EXST'G FRONT
ELEVATION

SEAL & SIGNATURE



DATE: 01-13-2015

PROJECT No: 2014-07

DRAWING BY: A.K.

CHK BY: M.V.

DWG No: 25 OF 31

A-225.00