



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

SPECIAL ORDER CALENDAR (SOC)
 Application Form

BSA APPLICATION NO. 42-08-BZ

Section A

**Applicant/
 Owner**

Eric Palatnik, P.C.			David Nikcchemny		
NAME OF APPLICANT			OWNER OF RECORD		
32 Broadway, Suite 114			182 Girard Street		
ADDRESS			ADDRESS		
New York	New York	10004	Brooklyn	NY	11235
CITY	STATE	ZIP	CITY	STATE	ZIP
212	425-4343				
AREA CODE	TELEPHONE		LESSEE / CONTRACT VENDEE		
212	968-7129		ADDRESS		
AREA CODE	FAX		CITY		
eric@ericpalatnikpc.com			STATE		
EMAIL			ZIP		

Section B

Site Data

182 Girard Street			11235		
STREET ADDRESS (INCLUDE ANY A/K/A)			ZIP CODE		
Girard Street between Oriental Boulevard and Hampton					
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS					
8749	25	Brooklyn	15	n/a	
BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT	
Hon. Chaim Deutsch	R3-1		29b		
CITY COUNCILMEMBER	ZONING DISTRICT (include special zoning district, if any)		ZONING MAP NUMBER		

Section C

Description

(LEGALIZATION YES NO IN PART)

This is an application for an extension of time to complete construction. On January 2009, the Premises was granted a ZR Section 73-622 Special Permit to enlarge the two family home under BSA Cal. No.: 42-08-BZ. The period to complete construction expired on January 27, 2013. Accordingly, we are respectfully requesting an extension of four (4) years to allow the applicant to complete construction. Additionally, this application seeks to amend the previous Board Approval to raise the height of the building. +

Section D

Actions

APPLICATION IS HEREBY MADE TO:

- Waive of the Rules of Practice and Procedure (Explain in your statement)
- Extension of Time to:
 - Complete construction Obtain a Certificate of Occupancy Expiration Date: _____
- Amendment to Previous Board Approval
- Extension of Term of the:
 - Variance Special Permit For a term of ____ years Expiration Date: _____
- Other (Explain in your statement)

Authorizing Section(s) of the Zoning Resolution:

§ 11-411 § 11-412 § 11-413 §§ 72-01 and 72-22 § 73-11 Other _____

Section E

**Department
Of
Buildings
Information**

	YES	NO
1. Have plans been filed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have plans been approved?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(If Yes, Date Approved <u>January 27, 2009</u>)		
3. Has a permit been obtained?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(If Yes, Permit No. <u>329821740-01</u> Date Issued <u>October 8, 2014</u>)		
4. Is work in progress?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Percentage of work completed _____%)		
5. Has a temporary or permanent Certificate of Occupancy been obtained?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Expiration Date _____ Attach a copy)		

If you have answered "No" to any of these questions, include a paragraph in your statement describing the reason(s) for delay and the projected schedule of completion.

Section F

**Board
History**

List all prior Board actions associated with the subject Zoning Lot and attach one copy of each resolution:

On January 27, 2009, when the Zoning District was R3-1, an application was granted by the Board under Section _____ to permit:

within an R3-1 zoning district, the proposed enlargement of an existing two family residence to be converted to a single family home, which did not comply with the zoning requirements for floor area, lot coverage, open space, and rear yard, contrary to ZR 23-141(b) and 23-47.

Section G

**Inspection
and
Compliance**

	YES	NO
1. Have you reviewed the Board's case file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Have you recently inspected the premises and surrounding area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(If Yes, date of most recent site inspection _____)		
3. Did you find:		
a. Compliance with the terms and conditions of the Board's resolution?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attach a completed Certificate of Inspection and Compliance		
b. Any significant condition changes (e.g. rezoning, city map amendments, recent developments) within the affected area since the Board's last action on this application?.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If the answer is "yes" to any of the questions below, explain further in your statement.		
4. Is there currently a proposal before the City Planning Commission to change the subject Zoning District, or any other action which includes the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(File / CP No. _____)		
5. Are there any outstanding violation(s) on the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, submit a DOB BIS printout)		
6. Is there any other application before the Board which affects the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(If Yes, Cal No. _____)		
7. Is there any other application at any government agency which affects the premises?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Section H

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

SWORN TO ME THIS 4 DAY OF June 2015

CONZALEZ ROBIN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 0160097433
COMMISSION EXPIRES 02/18/17

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

June 4, 2015

REVISED STATEMENT OF FACTS AND FINDINGS

BSA Cal No.: 42-08-BZ

Premises: 182 Girard Street
Block 8749, Lot 275
Brooklyn, NY

This is an application for an extension of time to complete construction and obtain a certificate of occupancy. The application also seeks a waiver of the rules of practice and procedure since the application is being filed after the permitted filing period. Additionally, this application seeks to amend the previous Board Approval to raise the height of the building in order to comply with FEMA's new flood regulations.

On January 27, 2009, the Premises was granted a ZR § 73-622 Special Permit to enlarge the two family home under BSA Cal. No.: 42-08-BZ. The period to complete construction expired on January 27, 2013. Accordingly, we are respectfully requesting an extension of four (4) years to allow the applicant to complete construction and obtain a certificate of occupancy.

On January 27, 2009 under BSA Cal. No.: 42-08-BZ, the Board issued a resolution to permit, within an R3-1 zoning district, the proposed enlargement of an existing two family residence to be converted to a single family home, which did not comply with the zoning requirements for floor area, lot coverage, open space, and rear yard, contrary to ZR §§ 23-141(b) and 23-47.

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Contemporaneously to the BSA approval, an economic recession affected the owner's willingness to build the property pursuant to the grant. Shortly thereafter, the area surrounding the Premises was twice flooded. Following the aftermath of Hurricane Irene in 2011 and Hurricane Sandy in 2012, the owner was uncertain about the future of the real estate market in the subject area and did not move forward with construction.

After the Hurricanes, the Premises is now located in a FEMA Z Flood Zone, and the architect's changed the plans that had been approved by the BSA in 2009 to raise the height of the building in order to comply with the new regulations. Therefore, On May 21, 2015, the Department of Buildings (DOB) issued an objection stating in pertinent part that:

"Raising building First Floor base plane 5'-2" above grade to satisfy new FEMA and Free Board elevations must be referred back to BSA for review."

Procedural History and Flood Regulations

Between the BSA approval and the present, there have been various sets of plans, submissions, hearings and correspondence regarding the Premises.

- January 27, 2009 – BSA granted a Special Permit for construction of a single family home on the Premises (Attached – “January 2009- BSA Approved Plans”)
- After the Hurricanes of 2011 and 2011, the Premises is now located in a FEMA X Flood zone.
- January 27, 2013 – The Special Permit for the work expired.
- January 28, 2014 – Architect received a DOB objection. One of the objections was to raising the house to comply with new flood regulations.

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- February 2014 – BSA approved an Amendment by Letter to make minor changes to the plans, none regarding the new flood regulations or raising the house.
- July 10, 2014 – In response to Objection 7, the architect filed two reconsiderations with the DOB arguing that the building should not have to comply with the new flood regulations. One of the reconsiderations was about whether the proposal needed to comply with Appendix G at all. The other proposed raising the building by 2' just in case compliance was required. Since the architect was unsure of how DOB would resolve this issue, they submitted new plans to the DOB that raised the building.
- July 17, 2014 - An application for an extension of time to complete construction on the premises was filed, as well as a waiver of the rules of practice and procedure since the application was filed after the permitted filing period.
- July 22, 2014- While the architect questioned whether complying with the new FEMA regulations was necessary, it submitted plans to the DOB in which the height of the building was raised that the DOB approved.
- July 30, 2014 – The DOB approved two amended pages of the July 22 plans, A007.00 and A008.00. The amended page A008.00 shows the letter from the architect discussing that the premises was not substantially damaged or improved by the Hurricane, thus us should not have to comply with the new FEMA regulations for the existing cellar.
- October 8, 2014 – DOB issues permits for the work

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- February 2015 – A submission was made that enclosed a copy of the resolved Reconsideration from the DOB confirming that the structure complies with the new flood regulations.
- February 25 and 26, 2015 – An e-mail thread between Eric Palatnik P.C. and the Brooklyn Borough Commissioner of the Department of Buildings .The Borough Commissioner confirmed that the DOB thoroughly reviewed the July 2014 plans for compliance with the flood regulation.
- May 21, 2015 – The architect has obtained a new objections sheet from the DOB stating in pertinent part that *“Raising building First Floor base plane 5’-2” above grade to satisfy new FEMA and Free Board elevations must be referred back to BSA for review.”*

Present Proposal

In response to the Board’s concerns, the architect has edited the plans to include a clear demarcation of the differences in the proposed and the substantial compliance plans (See “Plans Indicating Differences in Proposed and Substantial Compliance Plans”). Pages A007.02-A014.02 of the plans show how the new flood regulations are now being met; the pertinent area is bubbled and marked with the number 2, which is clarified in the “revisions and submissions” section of the plans as “Raising of the building by 5’-2”.

The owner will begin construction immediately upon approval of the instant application now that the uncertainty created by the impact of two hurricanes in consecutive years is behind him. The owner is a licensed contractor and will perform the work on the property himself. The vehicles that were parked in the rear of the house belonged to a family member – who was storing them there and they have been removed from the Premises. There are no unresolved violations for the subject Premises.

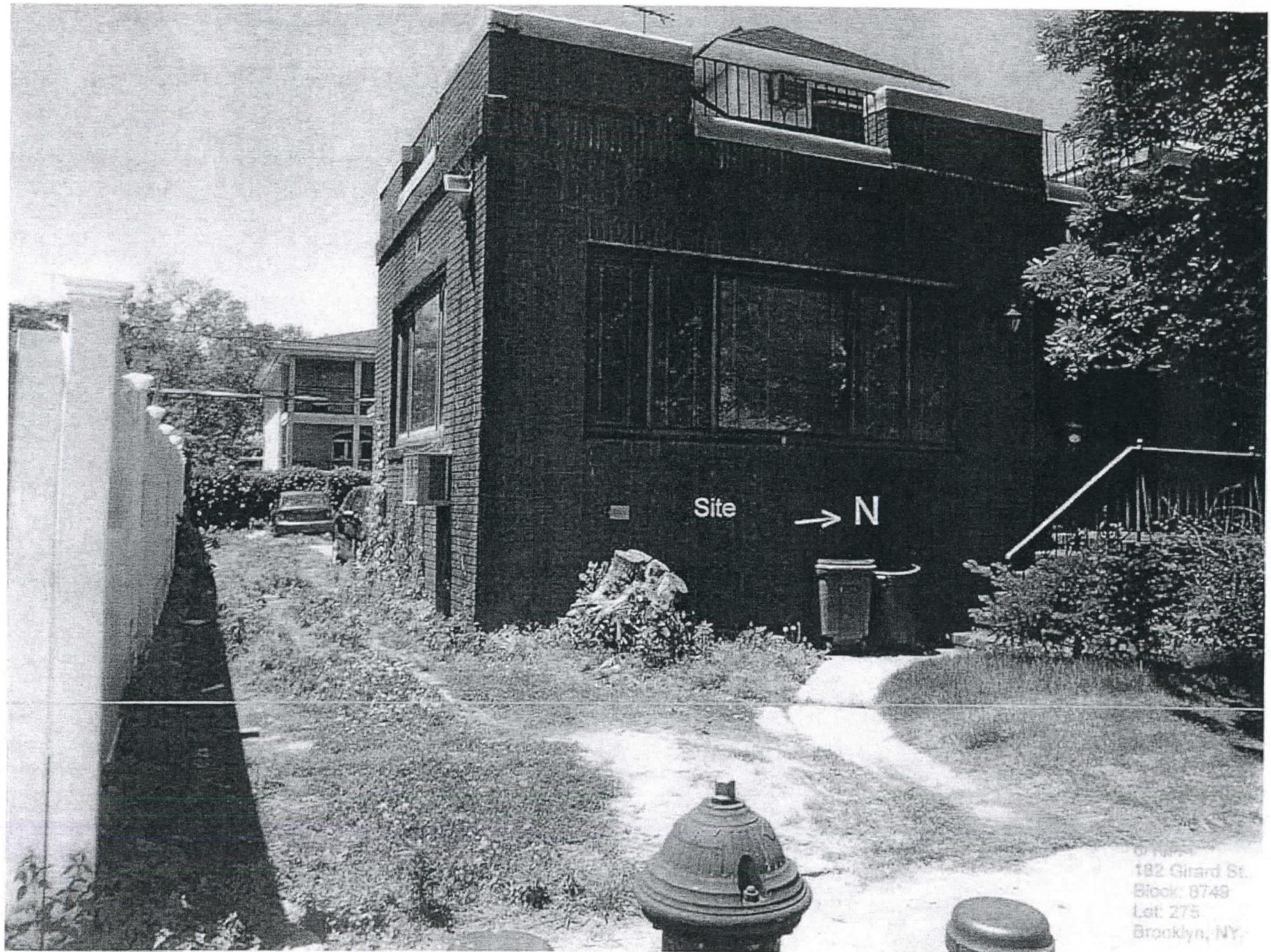
ERIC PALATNIK

Conclusion

The applicant seeks an extension of time to complete construction pursuant to the 2009 grant and an amendment to the previous BSA approval. For all of the foregoing reasons, it is respectfully requested that the application be granted in all respects.

Respectfully Submitted,

Eric Palatnik, P.C.



182 Girard St.
Block: 8749
Lot: 275
Brooklyn, NY

January 2009 – BSA Approved
Plans

ZONING ANALYSIS

LOT SIZE: 60'-0" X 104'-0"
 LOT AREA: 6,240 SF

23-141b MAXIMUM LOT COVERAGE AND MAXIMUM F.A.R.:

MAX F.A.R. (permitted): 0.5
 MAX FLOOR AREA (permitted): F.A.R. X LOT AREA = .5 X 6,240 sf = 3,120 sf
 FLOOR AREA (proposed): 6,159.9 sf (subject to approval by BSA)
 MAXIMUM LOT COVERAGE (allowable): 35% - 2184.0 sf
 LOT COVERAGE (proposed): 3622.1 sf - 41.9% (subject to approval by BSA)

OPEN SPACE (required): 65% - 4,056.0 sf
 OPEN SPACE (proposed): 6,240 sf - 3,622.1 sf = 2617.9 sf - 56.1% (subject to approval by BSA)

23-14 (2.19)

23-45 FRONT YARD REQUIREMENTS:

MIN. FRONT YARD REQUIRED: 15'-0"
 FRONT YARD PROPOSED: 15'-0" (existing), THEREFORE: O.K.

23-462c SIDE YARD REQUIREMENTS:

NUMBER OF SIDE YARDS (required): 2
 SIDE YARDS (proposed): 2, THEREFORE: O.K.
 MIN. SIDE YARD (required): 5'-0"
 PROPOSED SIDE YARDS: 7'-11" + 7'-11", THEREFORE: O.K.
 TOTAL WIDTH OF SIDE YARDS (required): 13'-0"
 TOTAL SIDE YARDS (proposed): 15'-10" > 13'-0", THEREFORE: O.K.

23-47 MINIMUM REQUIRED REAR YARD:

REAR YARD REQUIRED: 30'-0"
 REAR YARD PROPOSED: 22'-0"

23-631a HEIGHT AND SETBACK REGULATIONS:

MAXIMUM WALL HEIGHT PERMITTED: 21'-0"
 WALLS HEIGHT PROPOSED: 21'-0", THEREFORE: O.K.
 MAXIMUM BUILDING HEIGHT PERMITTED: 35'-0"
 BUILDING HEIGHT PROPOSED: 35'-0", THEREFORE: O.K.

25-15 OFF STREET PARKING REQUIREMENTS:

MAX NUMBER OF PARKING SPACES PERMITTED: 3
 PARKING SPACES PROPOSED: 3

	TOTAL SQ.FT.
FIRST FLOOR	2187.8
SECOND FLOOR	2617.9
ATTIC FLOOR	1354.5
TOTAL	6159.9

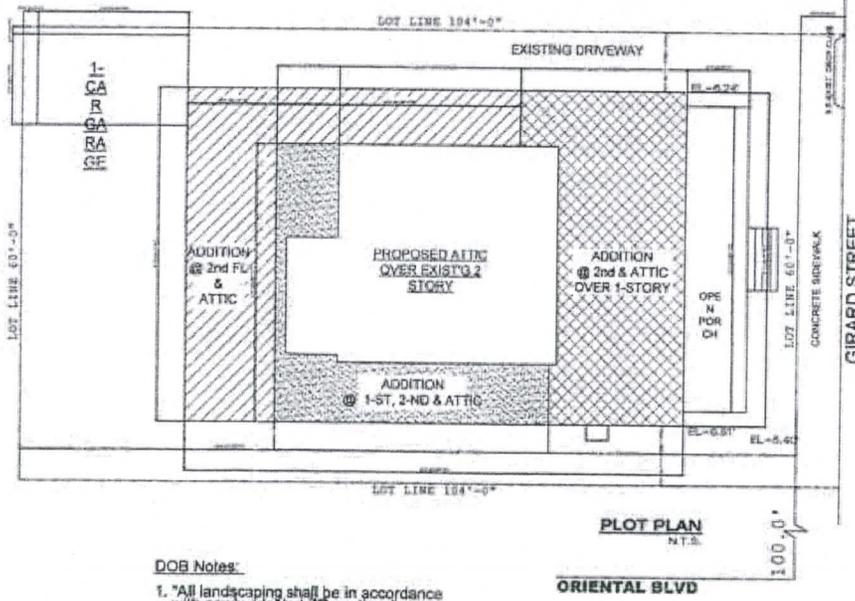
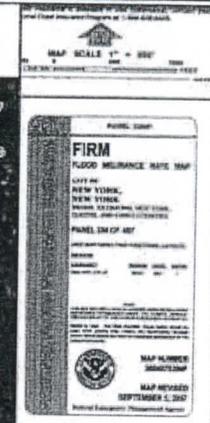
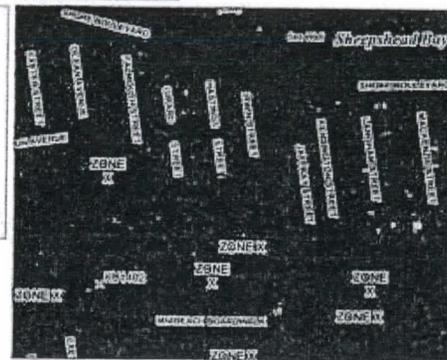
BSA # 42-08-BZ

NOTE:

This site is currently located in a FEMA X Zone and was not substantially damaged by Hurricane Sandy, even though the costs are more than \$40,000. The applicant has informed the owners that the site will be an AE Zone under the new advisory maps issued in mid-2013.

BLOCK - 8749
 LOT - 275
 ZONE - R-3-1
 MAP - 29b

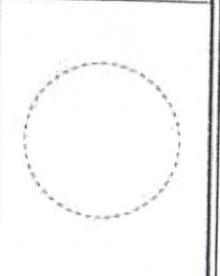
FEMA MAP



- DOB Notes:
- All landscaping shall be in accordance with newly adopted ZR sections.
 - All proposed porches are subject to approval by NYC DOB.
 - Entire Building - to be sprinklered. Sprinkler System to be filed under separate application.
 - This is a No-Work Application, all Physical work filed under application # 310312685.
 - Proposed Alteration approved by BSA # 42-08-BZ

CORPORATE DESIGN of AMERICA ARCHITECTS
 Robert J. Palermo, AIA
 REGISTERED ARCHITECT
 1818 VOORHIES AVE.
 SHEEPSHEAD BAY BROOKLYN
 NEW YORK 11233 718
 332-4119

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Robert James Palermo
 NY State License
 # 013124

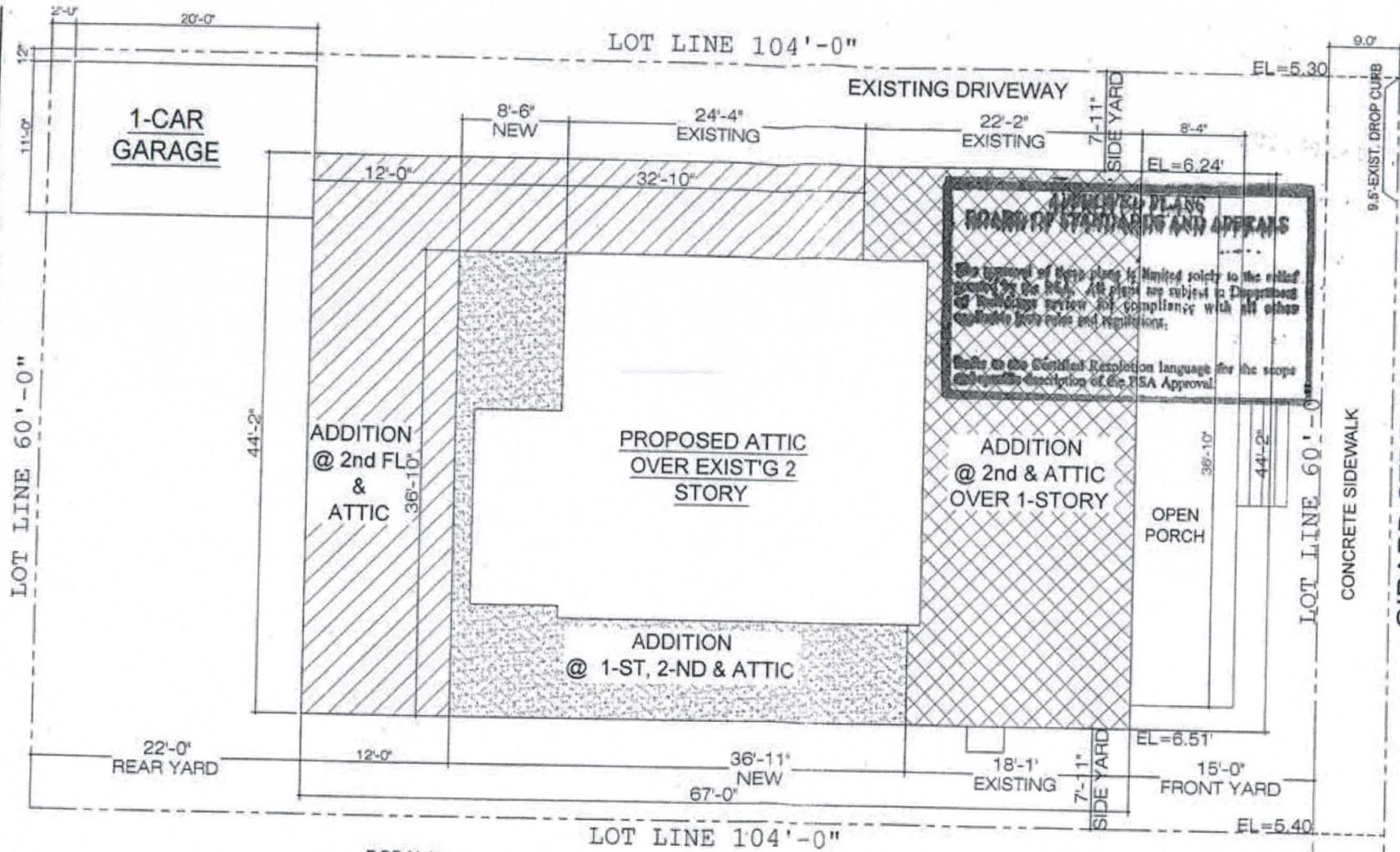
DAVID NICHEMNY
 182 Girard St.
 Brooklyn, NY

Alteration

DATE: 09/2013
 DRAWN BY: JOR VERIFIED BY: RJP
 SCALE: AS NOTED
 PROJECT NO: 27-2013
 SHEET TITLE:

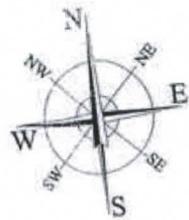
Plot Plan

SHEET NO: A001.00
 1 of X
 CAD FILE: 182jrw.dwg



- DOB Notes:
1. "All landscaping shall be in accordance with newly adopted ZR sections".
 2. "All proposed porches are subject to approval by NYC DOB".

	TOTAL SQ.FT.
FIRST FLOOR	2187.6
SECOND FLOOR	2617.9
ATTIC FLOOR	1354.5
TOTAL	6159.9



PLOT PLAN
SCALE: 1/8" = 1'-0"

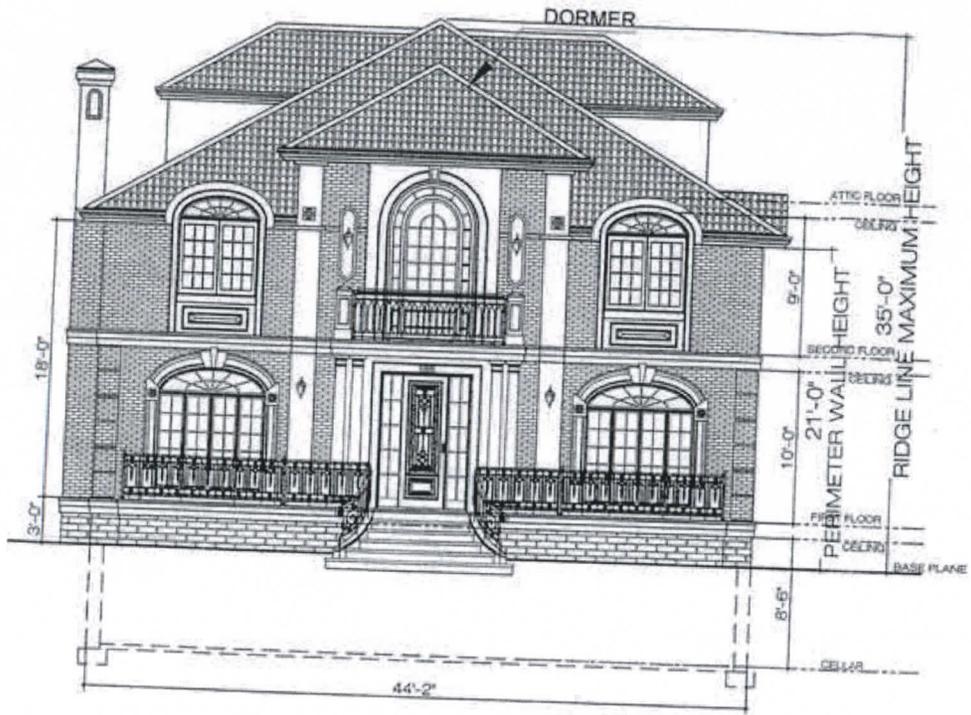


ORIENTAL BLVD

BSA # 42-08-BZ

A-1											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 0.8em;">JOB #:</td> <td style="font-size: 0.8em;">A.3602</td> </tr> <tr> <td style="font-size: 0.8em;">DRAWN:</td> <td style="font-size: 0.8em;">S.T.</td> </tr> <tr> <td style="font-size: 0.8em;">CHECKED:</td> <td style="font-size: 0.8em;">B.L.</td> </tr> <tr> <td style="font-size: 0.8em;">DATE:</td> <td style="font-size: 0.8em;">AUG-08</td> </tr> <tr> <td style="font-size: 0.8em;">SCALE:</td> <td style="font-size: 0.8em;">1/8"=1'-0"</td> </tr> </table>	JOB #:	A.3602	DRAWN:	S.T.	CHECKED:	B.L.	DATE:	AUG-08	SCALE:	1/8"=1'-0"	
JOB #:	A.3602										
DRAWN:	S.T.										
CHECKED:	B.L.										
DATE:	AUG-08										
SCALE:	1/8"=1'-0"										
<p>Boris Levin PE Consulting Engineer</p> <p style="font-size: 0.8em;">360 Montreal Avenue Staten Island, NY 10306 Tel: 718-668-1203, Fax: 718-668-1204</p>											
<p>PLOT PLAN</p>	<p>PROPOSED ALTERATION @ 182 GIRARD STREET BROOKLYN, NY BLOCK-8749- LOT-275</p>										

A-7



FRONT ELEVATION
SCALE: 1/8" = 1'-0"

APPROVED PLANS
BOARD OF STANDARDS AND APPEALS

The approval of these plans is limited solely to the relief granted by the BSA. All plans are subject to Department of Buildings review for compliance with all other applicable laws and regulations.

Refer to the Certified Resolution language for the scope and specific description of the BSA Approval.



Julian

BSA # 42-08-BZ

PROJECT:	A 1602
DRAWN:	S.T.
CHECKED:	B.L.
DATE:	11/01/08
SCALE:	1/8"=1'-0"

Boris Levin PE
Consulting Engineer

360 Montreal Avenue
Staten Island, NY 10306
Tel: 718 668-1203 Fax: 718 668-1204

FRONT ELEVATIONS

PROPOSED ALTERATION
@ 182 GIRARD STREET BROOKLYN, NY
BLOCK-8749; LOT-275

Plans Approved by February
2014 Amendment by Letter