



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. 214-00-BZ

**Section A**

Applicant/  
Owner

Sheldon Lobel, P.C. <hr/> NAME OF APPLICANT 18 East 41st Street <hr/> ADDRESS New York NY 10017 <hr/> CITY STATE ZIP 212 725-2727 <hr/> AREA CODE TELEPHONE 212 725-3910 <hr/> AREA CODE FAX rlobel@sheldonlobelpc.com <hr/> EMAIL	Zaliv, LLC <hr/> OWNER OF RECORD 110-64 Queens Boulevard <hr/> ADDRESS Forest Hills NY 11375 <hr/> CITY STATE ZIP <hr/> LESSEE / CONTRACT VENDOR <hr/> ADDRESS <hr/> CITY STATE ZIP
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**Section B**

Site Data

2761 Plumb 2nd Street 11235  
STREET ADDRESS (INCLUDE ANY AKA) ZIP CODE

Located along the Shell Bank Creek, fronting Plumb 2nd Street and portion of Harkness Avenue  
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

8841	500	Brooklyn	15	N/A
<small>BLOCK</small>	<small>LOT(S)</small>	<small>BOROUGH</small>	<small>COMMUNITY DISTRICT</small>	<small>LANDMARK/HISTORIC DISTRICT</small>
Alan Maisel		C3		29a
<small>CITY COUNCIL MEMBER</small>		<small>ZONING DISTRICT</small> <small>(include special zoning district, if any)</small>		<small>ZONING MAP NUMBER</small>

**Section C**

Description

(LEGALIZATION  YES  NO  IN PART)

Pursuant to ZR Sections 72-01 and 72-22, this application requests an extension of term of the previously granted special permit for the UG6 eating and drinking establishment in the existing building at the Premises and an amendment to the previously approved plans.

**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: 3/20/13
- Amendment to Previous Board Approval
- Extension of Term of the:
  - Variance  Special Permit
  - For a term of 5 years
  - Expiration Date: 11/16/15
- 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 \_\_\_\_\_



BSA CALENDAR NO. 214-00-BZ BLOCK 8841  
 SUBJECT SITE ADDRESS 2761 PLUMB 2ND STREET - BROOKLYN, NY  
 APPLICANT Sheldon Lobel, P.C.

ZONING DISTRICT C3 PRIOR BSA # 214-00-BZ

SPECIAL/HISTORIC DISTRICT \_\_\_\_\_  
 COMMUNITY BOARD \_\_\_\_\_



	* APPLICABLE	MAXIMUM	MINIMUM	LEGAL PER	EXISTING	PROPOSED	OVER/UNDER
	ZR SECTION	PERMITTED	REQUIRED	C of O or BSA			
LOT AREA	N/A		N/A	37,450.47	37,450.47	37,450.47	
LOT WIDTH	N/A						
USE GROUP (S)	32-00	14		6	6	6	Y
FA RESIDENTIAL	34-112 23-141	18,725.23		N/A	0	0	N/A
FA COMMUNITY FACILITY	33-123	37,450.47		N/A	0	0	N/A
FA COMMERCIAL/INDUST.	33-122	18,725.23		18,573	16,121.84	16,121.84	Y
FLOOR AREA TOTAL	33-122	18,725.23		16,121.84	16,121.84	16,121.84	Y
FAR RESIDENTIAL	34-112 23-141	0.50		N/A	0	0	N/A
FAR COMMUNITY FACILITY	33-123	1.00		N/A	0	0	N/A
FAR COMMERCIAL/INDUST.	33-122	0.50		0.50	0.43	0.43	Y
FAR TOTAL	33-122	0.50		0.43	0.43	0.43	Y
OPEN SPACE	34-112 23-141		65%	N/A	0	0	N/A
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A	N/A
LOT COVERAGE (%)	34-112 23-141	35%		N/A	N/A	N/A	N/A
NO. DWELLING UNITS	34-00 23-22	6		N/A	0	0	N/A
WALL HEIGHT	33-432	30'-0" OR 2-STORY		14'-0"	26'-0"	26'-0"	Y
TOTAL HEIGHT	33-432	30'-0" OR 2-STORY		14'-0"	26'-0"	26'-0"	Y
NUMBER OF STORIES						2	Y
FRONT YARD	N/A		N/A	N/A	N/A	N/A	N/A
SIDE YARD	33-25		NONE OR 8'-0" MIN	31'-9"	31'-9"	31'-9"	Y
SIDE YARD	33-25		N/A	40.45'	40.45'	40.45'	Y
REAR YARD	62-332		30'-0"				Y
SETBACK (S)	33-432		15'-0"	30'-0"	30'-0"	30'-0"	Y
SKY EXP. PLANE (SLOPE)	33-432	1 TO 1		N/A	N/A	N/A	Y
NO. PARKING SPACES	36-21	1:150 SF	107.5	57	57	57	Y
LOADING BERTH (S)	36-62	N/A	1	1	1	1	Y
OTHER:	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: DATE: 11/2/15



**Sheldon Lobel &**

**ATTORNEYS AT LAW**

18 East 41st Street, 5th Floor  
New York, New York 10017  
212-725-2727 FAX 212-725-3910  
info@sheldonlobelpc.com  
[www.sheldonlobelpc.com](http://www.sheldonlobelpc.com)

November 13, 2015

**STATEMENT OF FACTS**

BSA Cal. No.:  
Premises: Block 8841, Lot 500  
2761 Plumb 2<sup>nd</sup> Street  
Brooklyn, New York (the "Premises")

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**PRELIMINARY STATEMENT**

This application, filed pursuant to Sections 72-01, 73-242, and 73-03(f) of the Zoning Resolution of the City of New York, as amended (referred to herein as the "Zoning Resolution" or "ZR"), requests (i) an extension of term of the previously granted special permit for the Use Group ("UG") 6 eating and drinking establishment in the existing building at the Premises set to expire November 16, 2015, (ii) an extension of time to obtain a Certificate of Occupancy ("CO") which expired on November 16, 2011, (iii) an amendment to the previously approved plans, and (iv) a waiver of the Board of Standards & Appeals (the "Board" or "BSA") Rules of Practice and Procedure for an extension of time to obtain a CO, which expired on November 16, 2011.

**SITE INFORMATION AND EXISTING CONDITIONS**

The Premises is located in the Plumb Beach neighborhood in Brooklyn and is known as Block 8841, Lot 500 on the New York City Tax Map. The Premises is located on the northeast corner of the intersection formed by Plumb 2nd Street and Harkness Avenue. The Premises has

frontage on the Shell Bank Creek and is located within a C3 zoning district. The C3 zoning district requires a special permit for use as an eating and drinking establishment pursuant to ZR Section 73-232. The Premises has been continuously used as an eating and drinking establishment since the original grant of the special permit in 1987.

**BSA RESOLUTION HISTORY**

The Board has exercised jurisdiction over the subject site since May 27, 1980 when, under BSA Cal. No. 1233-79-BZ, the Board granted a variance pursuant to ZR § 72-21 to permit the construction of a two-story enlargement to an existing wholesale and retail fish-packing establishment that increased the degree of non-conformity.

On July 14, 1981, under BSA Cal. No. 1233-79-BZ, the BSA reopened and amended the above resolution adopted on May 27, 1980, to extend the time to complete construction.

On December 1, 1987, under BSA Cal. No. 233-86-BZ, the Board granted a special permit pursuant to ZR § 73-242 to permit a one-story enlargement of the existing building and for a partial conversion of that portion of the building into an eating and drinking establishment, for a term of five years.

On the same date, under BSA Cal. No. 734-86-A, the BSA granted an appeal from the decision of the Department of Buildings (“DOB”) Borough Superintendent, allowing the applicant to locate part of the proposed eating and drinking establishment and accessory parking in the bed of a mapped street, pursuant to General City Law (“GCL”) § 35.

On April 26, 1994, under BSA Cal. No. 733-86-BZ, the BSA extended the term of the special permit for five years to December 1, 1997.



On March 26, 2002, under BSA Cal. No. 214-00-BZ, the Board permitted the re-establishment of the special permit for a term of five years to March 26, 2007 pursuant to ZR § 73-242.

On July 10, 2007, the Board extended the term for an additional five years to March 26, 2012, extended the time to obtain a certificate of occupancy (which had expired on April 10, 2008), and granted an amendment to legalize certain modifications to the site.

Most recently, on November 16, 2010, the Board extended the term for five years to November 16, 2015, extended the time to obtain a certificate of occupancy (which expired on November 16, 2011), and granted an amendment to legalize a one-story enlargement of the subject building.

Copies of the Board's resolutions are submitted with this application.

#### **APPROVED CONDITIONS**

The most recent BSA-approved plans, dated August 11, 2010, show a one-story eating and drinking establishment (Use Group 6) and accessory parking area. The building had 15,069 existing square feet and 3,504 proposed square feet of new retail area, for a total of 18,573 square feet and .5 floor area ratio ("FAR"). The applicant's floor area consisted of 9,940 square feet.

#### **CURRENT CONDITIONS**

The building has approximately 16,120 square feet of existing floor area. The reduction in floor area from the previously-approved plans pertains to the 3,504 proposed square feet of retail area. Only 1,051 square feet of additional retail area was built since the 2010 grant. The floor area from the prior grant was allocated to an adjoining retail establishment, not the applicant. The applicant's floor area remains 9,940 square feet.



Additionally, the interior partitions at the Premises have changed since the prior grant. Several walls in the dining area have been removed in order to move the bar to the center of the Premises, and a non-illuminated accessory sign has been added over the main entrance.

#### EXTENSION OF TIME

As stated above, the Board's March 20, 2010 resolution required that the applicant obtain a CO within one year. This application seeks an extension of time since a CO was not obtained by March 20, 2013. Six temporary COs have been in effect for the Premises since this time. A current temporary CO is currently in effect, expiring February 7, 2016.

#### AMENDMENT

The proposed plans indicate the applicant's intent to build a canopy over the existing loading berth. Additionally, it is requested that the hours of operation be changed. The 2002 grant specifies hours of operation from 11:30 A.M. to 12:00 Midnight, Sunday through Thursday, and from 11:30 A.M. to 3:00 A.M. Friday and Saturday. The Premises currently operates from 11:00 AM to 1:00 A.M. Sunday through Thursday, and from 11:00 A.M. to 1:00 A.M. Friday and Saturday. The requested hours of operation are from 11:00 AM to 1:00 A.M. Sunday through Thursday, and from 11:00 A.M. to 3:00 A.M. Friday and Saturday. No additional changes are proposed.

#### WAIVER OF THE RULES

This application also seeks a waiver of Section 1-07.3(d)(2) of the Board's Rules of Practice and Procedure. Section 1-07.3(d)(2) requires that an extension of time application to obtain a CO be filed within 30 days of the expiration of the BSA-mandated period to obtain a CO, which was March 20, 2013. An extension of time application to obtain a CO was not filed within 30 days of March 20, 2013, necessitating this waiver.

VIOLATIONS

According to the DOB Building Information System (“BIS”) website, there are no open DOB violations and no open Environmental Control Board (“ECB”) violations issued to the Premises. A copy of the DOB’s BIS website is submitted herewith.

CONDITION COMPLIANCE

The applicant has complied with most of the conditions set forth in the resolution adopted on March 20, 2012. The conditions of the March 20, 2012 resolution specifically relating to the Premises are as follows: (verbatim):

THAT the terms of this grant shall expire on November 16, 2015;

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

THAT a certificate of occupancy shall be obtained by November 16, 2011;

THAT DOB shall review the proposed enlargement for compliance with all relevant provisions of the Building Code and Zoning Resolution;

THAT all conditions from prior resolutions not specifically waived by the Board remain in effect and shall be listed on the certificate of occupancy;

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.



As previously mentioned, the applicant has not obtained a new CO, and the term is therefore not listed on the CO. Further, the hours of operation, expressed in the 2002 grant and never specifically waived by the Board, have been slightly modified. Should the Board grant the requested extension of time to obtain a CO, the applicant would be in substantial compliance with the 2010 grant.

CONCLUSION

For the reasons discussed above, we respectfully request that the Board grant (i) an extension of term of the previously granted special permit for the Use Group 6 eating and drinking establishment in the existing building at the Premises set to expire November 16, 2015, (ii) an extension of time to obtain a Certificate of Occupancy which expired on November 16, 2011, (iii) an amendment to the previously approved plans, and (iv) a waiver of the Board's Rules of Practice and Procedure for an extension of time to obtain a CO, which expired on November 16, 2011.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "RLM", written in a cursive style.

Richard Lobel

RL/ha

## BSA RESOLUTION HISTORY

Premises: Block 8841, Lot 500  
2761 Plumb 2<sup>nd</sup> Street  
Brooklyn, New York (the "Premises")

The Board has exercised jurisdiction over the subject site since May 27, 1980 when, under BSA Cal. No. 1233-79-BZ, the Board granted a variance pursuant to ZR § 72-21 to permit the construction of a two-story enlargement to an existing wholesale and retail fish-packing establishment that increased the degree of non-conformity.

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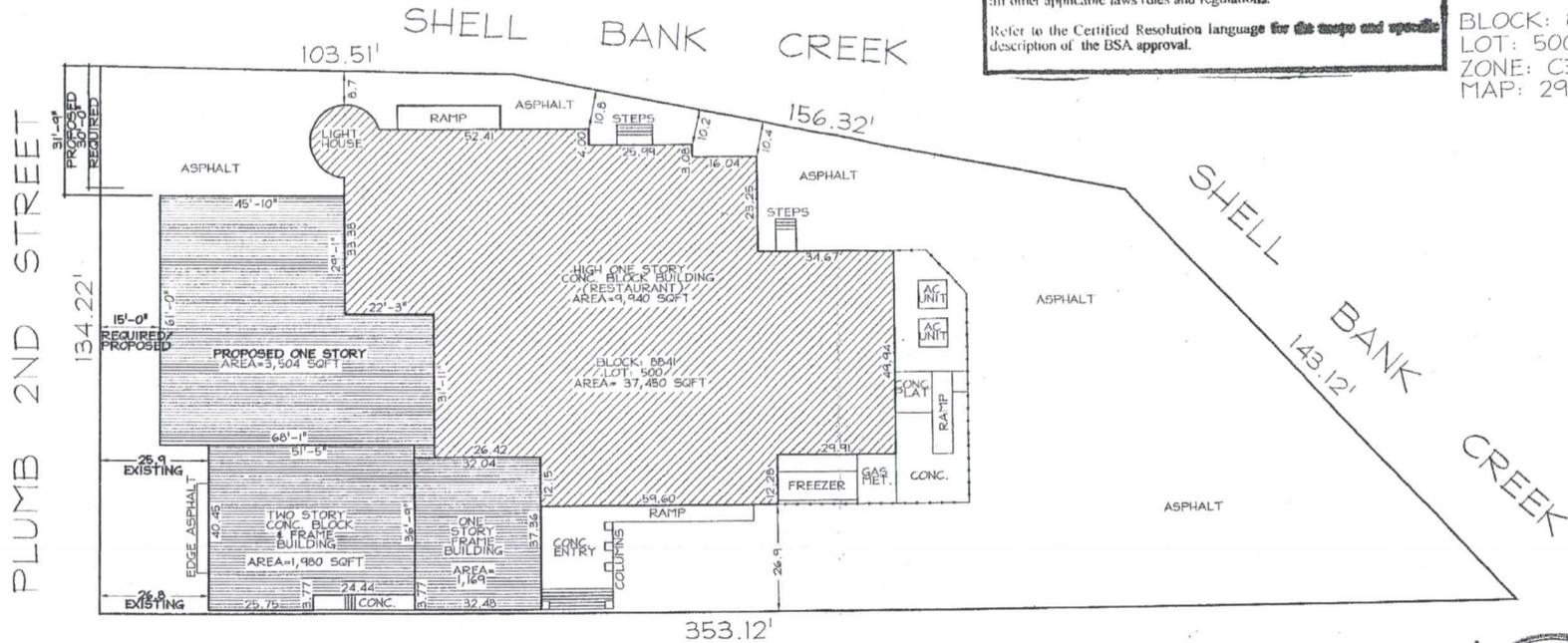
**APPROVED PLANS**  
**BOARD OF STANDARDS AND APPEALS**

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 rules and regulations.

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



BLOCK: 884I  
 LOT: 500  
 ZONE: C3  
 MAP: 29a



RECEIVED  
 BOARD OF STANDARDS & APPEALS  
 2008 AUG 11 P 2:58

FLOOR AREA TABLE	
LOT AREA	=37,450 SQFT
PROPOSED	=3,504 SQFT
EXISTING	=15,069 SQFT
TOTAL	=18,573 SQFT
PROPOSED FAR=0.50	

HARKNESS AVENUE  
 LEGEND

- AREA SUBJECT TO SPECIAL PERMIT
- AREA AS OF RIGHT



PLOT PLAN (PROPOSED CONDITIONS)  
 SCALE: 1"=30'-0"

2777 PLUMB 2ND ST.  
 BROOKLYN, N.Y.  
 BS#A CAL. NO.:214/00 BZ  
 JOB #:2008-48  
 DATE:10/08/08  
 REV:7/27/10

HAROLD WEINBERG P.E.  
 CONSULTING ENGINEER P.C.  
 76 COURT STREET SUITE 20  
 BROOKLYN, N.Y. 11201  
 TEL. (718) 858-5033  
 SHEET 5 OF 11