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. _____

CEQR NO. _____

Section A — Applicant/ Owner

Eric Palatnik, P.C.	Avner Levy
NAME OF APPLICANT	OWNER OF RECORD
32 Broadway, Suite 114	244 Corbin Place
ADDRESS	ADDRESS
New York / NY / 10004	Brooklyn / NY / 11235
CITY / STATE / ZIP	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

282 Corbin Place — STREET ADDRESS (INCLUDE ANY A/K/A)
11235 — ZIP CODE

On Corbin Place adjacent to the Coney Island Beach and Boardwalk
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

BLOCK	LOT(S)	BOROUGH	COMMUNITY DISTRICT	LANDMARK/HISTORIC DISTRICT
8723	276	Brooklyn	315	

CITY COUNCIL MEMBER	ZONING DISTRICT (include special district, if any)	ZONING MAP NUMBER
Councilman Deutsch	R3-1	29b

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
DOB Decision (Objection/ Denial) date: 11-18-2014 Acting on Application No: 320872383

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"). It requests a special permit to enlarge a single family home 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):		
2. Are there any applications concerning the premises pending before any other government agency?	☐	☑
3. Is the property the subject of any court action?	☐	☑

Section F — Signature

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

_____ SWORN TO ME THIS 12 DAY OF Dec. 20 14
Signature of Applicant, Corporate Officer or Other Authorized Representative

GONZALEZ ROBERT
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01GC6097433
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES 08/18/07

Eric Palatnik — Print Name
Attorney — Title
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

December 12, 2014

STATEMENT OF FACTS AND FINDINGS

Premises: **282 Corbin Place**
Brooklyn, NY, 11235
Block 8723, Lot 276

Jurisdiction

This application is filed pursuant to §73-622 of the Zoning Resolution of the City of New York, as amended (hereinafter the "Zoning Resolution"). It requests a special permit to enlarge a single family home in a residential zoning district (R3-1). The application seeks to vary the floor area ratio, open space, and lot coverage requirements of the Zoning Resolution.

Identification of Premises

The Premises is located in Community Board 315. It is situated on a 7230.5 square foot lot, further identified on the New York City Tax Map as Block 8723, Lot 276. It is located at 282 Corbin Place, in Brooklyn, directly adjacent to the Coney Island Beach and Boardwalk. The Premises is improved with an existing residential structure (single family home), which is a two story dwelling home with a cellar and an attic. The requested approval seeks permission to enlarge the existing single family residential structure in accordance with §73-622 of the Zoning Resolution.

Proposed Development

The proposed development will decrease the front yard from 20'-1" to a complying 15-'0"; the minimum required is 15 feet (§ ZR 23-45). One side yard will decrease from 5'-2" to a complying 5-'0"; the minimum required is 5'-0" (§ ZR 23-461). The other side yard will decrease from 19'-8" to a complying 13'-16"; the minimum required is 8 feet (§ ZR 23-461).

The rear yard will decrease from 64'-3" to a complying 48'-33" (§ ZR 23-47); the minimum required it 30 feet.

The total height of the building will increase from 33 feet to a compliant 35 feet (ZR § 23-631). The open space will decrease from 5,749.5 square feet to a complying 5,143.5 square feet (§ ZR 23-141); the minimum required is 4,699.8 square feet.

The floor area will increase from 3,344 square feet to a non-compliant 4,671 square feet, for a floor area ratio of 0.65 (§ ZR 23-141); the maximum permitted floor area is 4,338.3 square feet, for a floor area ratio of 0.6.

DOB Objections

Accordingly, plans were filed with the Department of Buildings ("DOB") in order to permit the enlargements. The following objections were issued:

1. The proposed plans are contrary to ZR 23-141(b) in that the proposed floor area (FAR) exceeds the maximum permitted.

Description of Objections

Proposed floor area ratio is contrary to ZR 23-141(b).

The proposal will increase the floor area ratio ("FAR") from 0.46 to a non-compliant 0.65. Under Zoning Resolution §23-141(b), the maximum permitted floor area ratio is 0.6.

Zoning Resolution §73-622 allows the creation of such non-compliances, provided that the enlargement does not alter the existing character of the neighborhood nor impair the future use or development of the surrounding area.

Enclosed please find a survey, conducted by Urban Cartographics, which identified one- and two-family homes with FAR's of 0.75-1.0, and 1.0 and greater, within 400 feet of the Premises. *(The source of the data used was the City's PLUTO database, created by the Department of City Planning. After sites were identified, they were searched for prior BSA resolutions on the Board's*

website. Where such resolutions were found, they are noted on the attached table; asterisks indicate floor area and FAR data that was taken from these BSA resolutions. Finally, all sites were checked for current Stop Work Orders on the DOB BIS website. Where found, these are noted and the subject sites omitted from the enclosed analysis.)

Of the 35 properties improved upon with one- or two-family homes located within 400 feet of the Premises, 10 (or approximately 29%) are improved upon with homes exceeding 0.75 FAR. And, 5 of those (or approximately 14%) are improved upon with homes exceeding 1.0 FAR. These include homes ranging in FAR from 0.77–1.29; ranging in floor area from 3,048 SF– 7,600 SF; and ranging in height from 2 to 3 stories. (Photographs of the identified properties are attached.) Since the proposed home enlargement is within the existing range of floor area ratios, floor areas, and building heights in the area in which it was located, we respectfully contend that it is incapable of altering the character of the district.

What's more, as shown in the attached photographic streetscape, the Premises is located adjacent to the north of a six-story apartment building that stands at approximately 60 feet in height and has 36,000 square feet of floor area (which equates to an FAR of 1.78). Alongside this colossal building the proposed enlargement will appear slight, surely making it incapable of altering the character of the district.

Authority of Section 73-622

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 increase the amount or degree of an existing non-compliance, with the applicable bulk regulations for lot coverage, open space, floor area, side yard, rear yard or perimeter wall height regulations, provided that relevant findings are met. 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 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.

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).

As referenced above, the proposed front yard, side yards, and rear yard are all compliant with the relevant sections of the Zoning Resolution (Zoning Resolution §§ 23-45; 23-46; 23-47). Additionally, the FAR is only proposed to increase to .65%, which exceeds the maximum permitted by a nominal .05%. It is not anticipated that such a minimal difference will alter the essential character of the neighborhood. Instead as discussed in further detail below, a home with an increased floor area ratio will surely be congruous with the other homes in the neighborhood.

Description of enclosed survey

The enclosed survey of larger homes in the area surrounding the Premises has been prepared to support the finding that the proposed enlargement will not alter the essential character of the district in which it is located. To reach that conclusion, the survey identifies one- and two-family homes with FAR's of 0.75-1.0, and 1.0 and greater, within 400 feet of the Site. *(The source of the data used was the City's PLUTO database, created by the Department of City Planning. After sites were identified, they were searched for prior BSA resolutions on the Board's website. Where such resolutions were found, they are noted on the attached table; asterisks indicate floor area and FAR data that was taken from these BSA resolutions. Finally, all sites were checked for current Stop Work Orders on the DOB BIS website. Where found, these are noted and the subject sites omitted from the following analysis.)* Of the 35 properties improved upon with one- or two-family homes located within 400 feet of the Site, 10 (or

approximately 29%) are improved upon with homes exceeding 0.75 FAR. And, 5 of those (or approximately 14%) are improved upon with homes exceeding 1.0 FAR. These include homes ranging in FAR from 0.77–1.29; ranging in floor area from 3,048 SF– 7,600 SF; and ranging in height from 2 to 3 stories. (Photographs of the identified properties are attached.) Since the proposed home enlargement is within the existing range of floor area ratios, floor areas, and building heights in the area in which it was located, we respectfully contend that it is incapable of altering the character of the district.

What's more, as shown in the photographs attached, the Premises is located adjacent to the north of a six-story apartment building that stands at approximately 60 feet in height and has 36,000 square feet of floor area (which equates to an FAR of 1.78). Alongside this colossal building the proposed enlargement will appear slight, surely making it incapable of altering the character of the district.

Violations

There are no open DOB violations. There have been nine total DOB violations that range from 1984 to 2007, all of which are unrelated to the Premises. There are no listed ECB violations.

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 supported by the facts.

Respectfully Submitted,

Eric Palatnik, Esq.

NYS RA / PE SEAL AND SIGN

BSA ZONING ANALYSIS

REVISED APRIL 2005

BSA CALENDAR NO. _____ BLOCK 8723 LOT 276

SUBJECT SITE ADDRESS 282 CORBIN PLACE

APPLICANT ERIK POLATNIK

ZONING DISTRICT R3-1

PRIOR BSA # _____

SPECIAL/HISTORIC DISTRICT _____

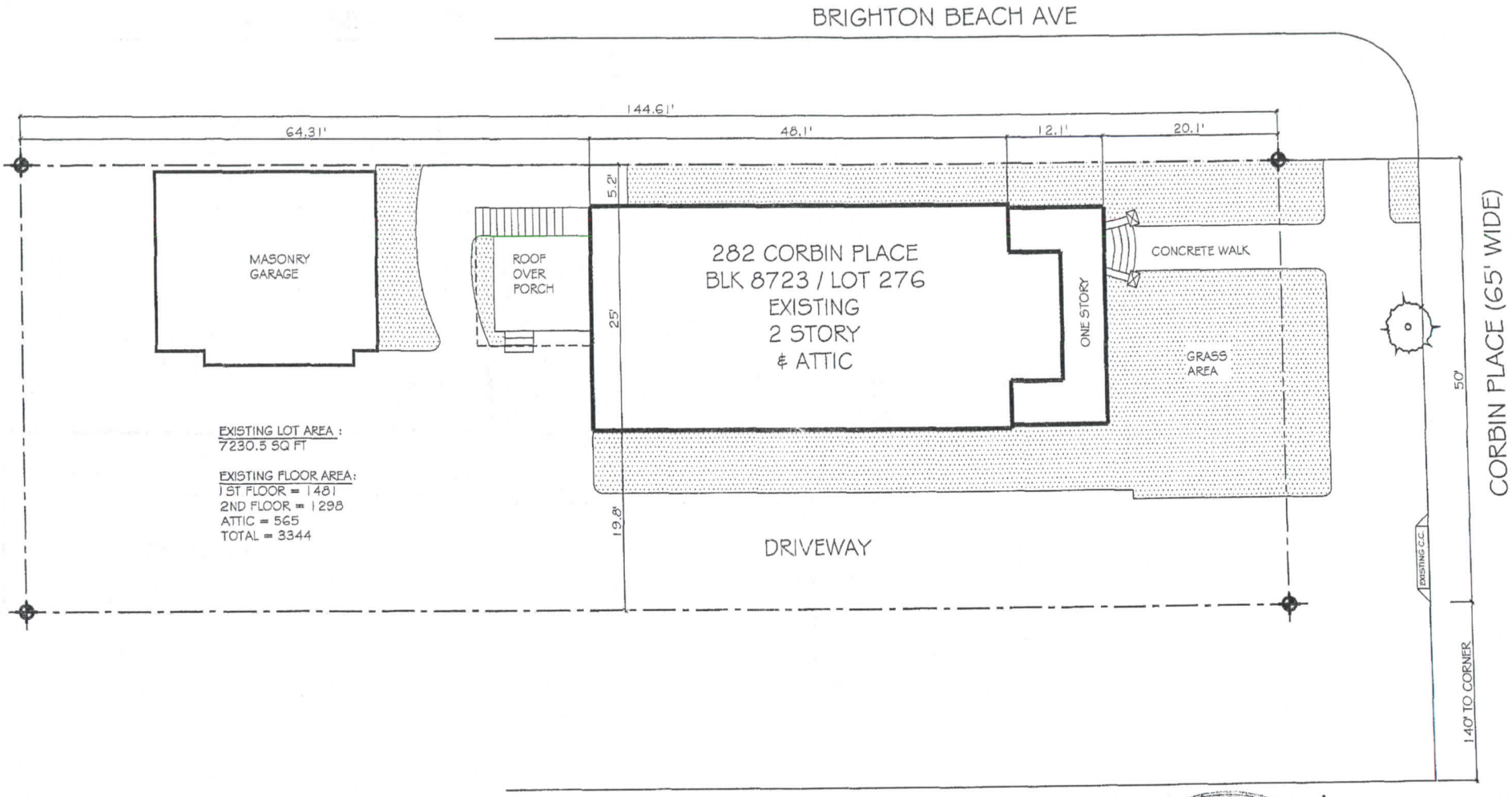
COMMUNITY BOARD 315

	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	COMPLIANT: "Y" IF NOT: "N" and INDICATE AMT OVER/UNDER
LOT AREA	ZR 23-32		3800		7230.5	7230.5	Y
LOT WIDTH	ZR 23-32		40		50	50	Y
USE GROUP (S)							
FA RESIDENTIAL	ZR 23-141	4338.3			3344	4671	N + 333.6
FA COMMUNITY FACILITY							
FA COMMERCIAL/INDUST.							
FLOOR AREA TOTAL	ZR 23-141	4338.3			3344	4671	N + 333.6
FAR RESIDENTIAL	ZR 23-141	.6			.46	.65	N +.05
FAR COMMUNITY FACILITY							
FAR COMMERCIAL/INDUST.							
FAR TOTAL	ZR 23-141	.6			.46	.65	N + .05
OPEN SPACE	ZR 23-141		4699.8		5749.5	5143.5	Y
OPEN SPACE RATIO	ZR 23-141		.65		.79	.7	Y
LOT COVERAGE (%)	ZR 23-141	.55					
NO. DWELLING UNITS	ZR 23-22	2			2	1	Y
WALL HEIGHT	ZR 23-631	21'			21'	21'	Y
TOTAL HEIGHT	ZR 23-631	35'			33'	35'	Y
NUMBER OF STORIES					3	3	Y
FRONT YARD	ZR 23-45		15'		20.1'	15'	Y
SIDE YARD	ZR 23-461		5'		5.2'	5'	Y
SIDE YARD	ZR 23-461		8'		19.8'	13.16'	Y
REAR YARD	ZR 23-47		30"		64.3	48.33'	Y
SETBACK (S)	23-631		N/A		N/A	N/A	
SKY EXP. PLANE (SLOPE)	23-631	N/A			N/A	N/A	
NO. PARKING SPACES							
LOADING BERTH (S)							
OTHER: _____							

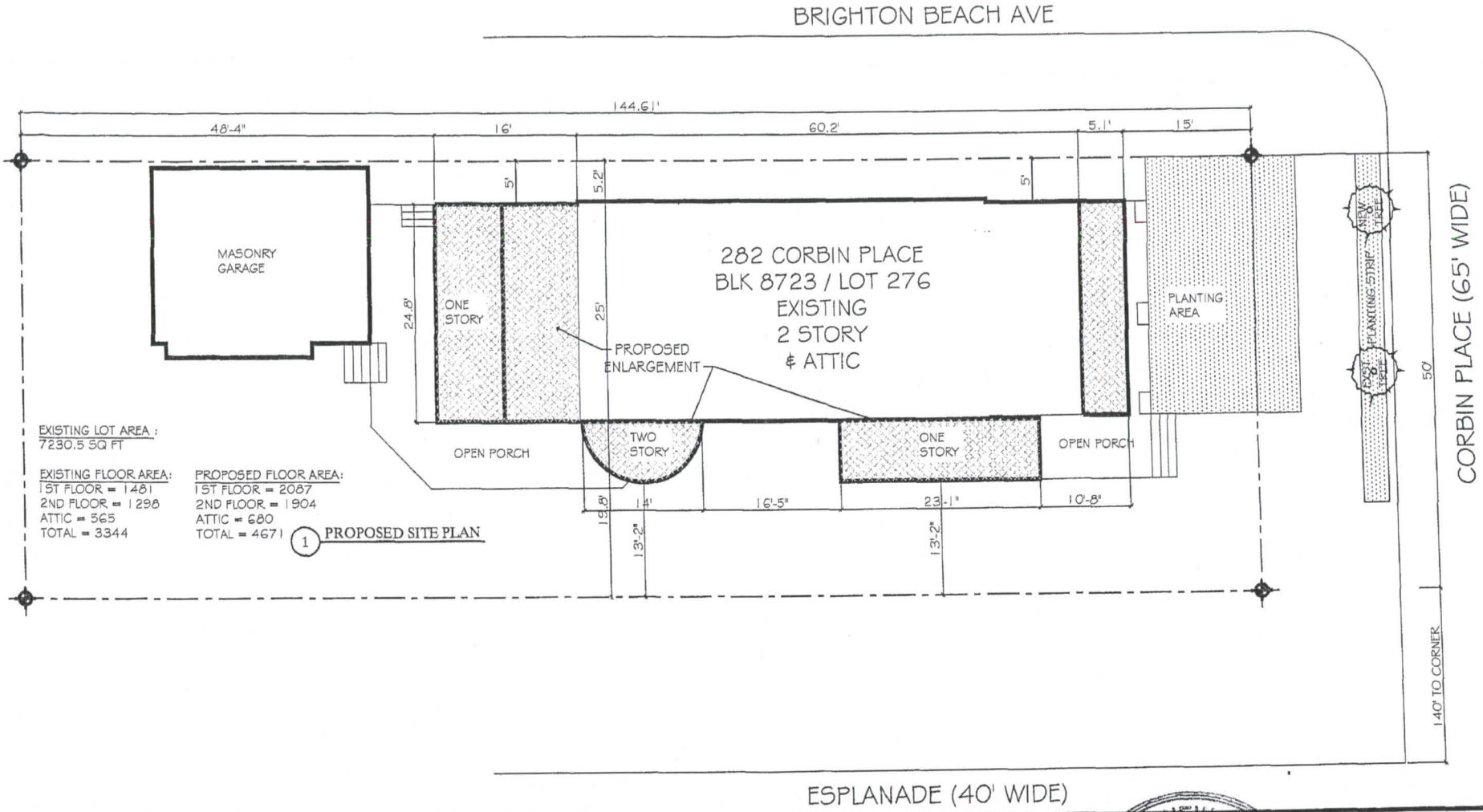
* In *Applicable ZR Section column*: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.,g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to **current R district 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:

Site
Corbin Place
N
View # 2
10.1.14
282 Corbin Place
Block: 8723
Lot: 276
Brooklyn, NY



LEVY RESIDENCE 282 Corbin Place Brooklyn, New York	EXISTING SITE PLAN SCALE: 3/32"=1'-0" 0 5 10 15 20 25 30	APPLICANT OF RECORD: Hesham Elshamy 2 Fieldview Drive Monroe NJ, 08831 609-647-5954	APPLICANT OF RECORD SEAL: STATE OF NEW YORK HESHAM ELSHAMY LICENSED PROFESSIONAL ENGINEER	TITLE: EXISTING SITE DATE: 10-5-2014 DRAWN BY: DC SHEET: E 1



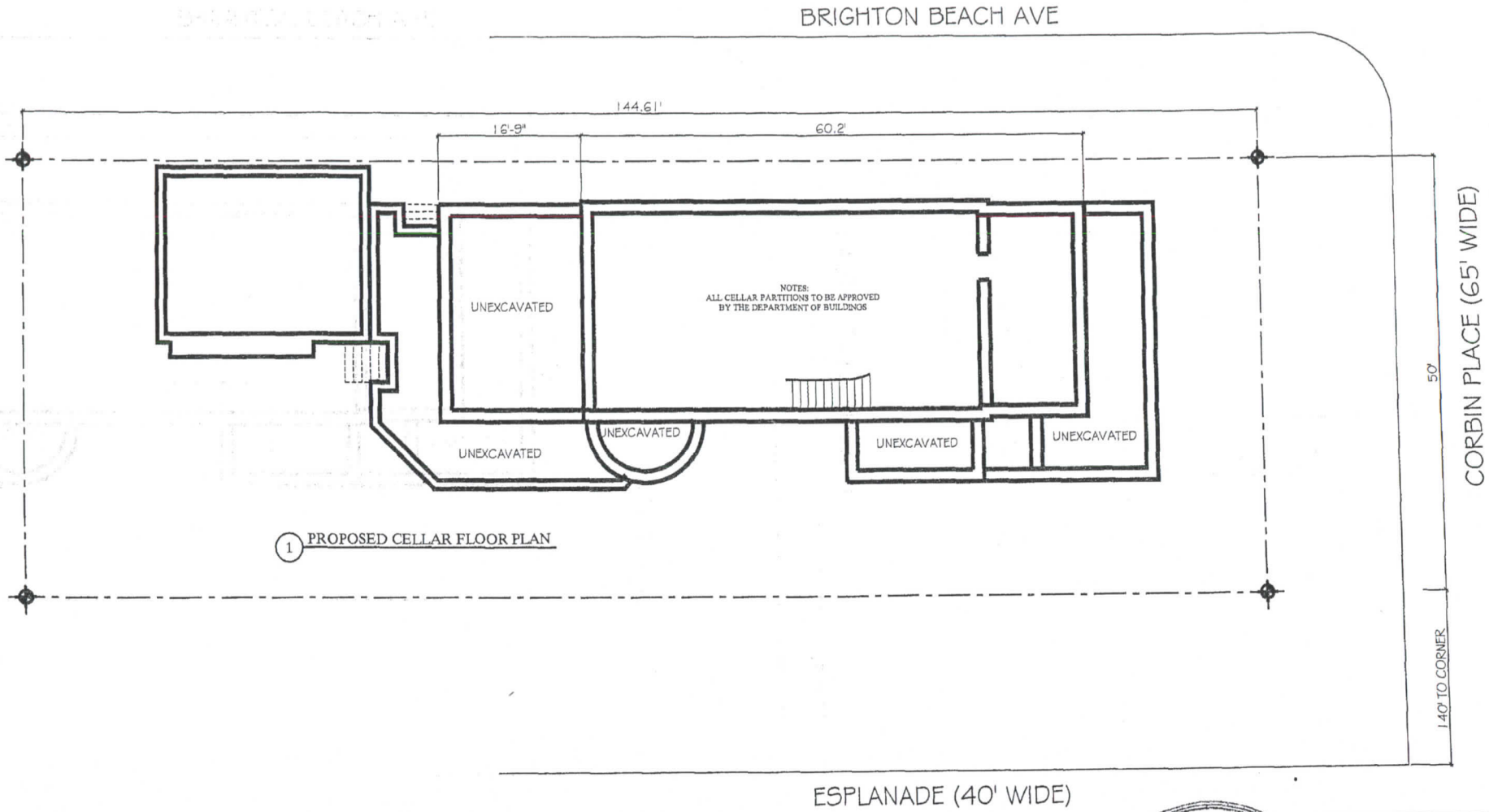
EXISTING LOT AREA :
7230.5 SQ FT

EXISTING FLOOR AREA:
1ST FLOOR = 1481
2ND FLOOR = 1298
ATTIC = 565
TOTAL = 3344

PROPOSED FLOOR AREA:
1ST FLOOR = 2087
2ND FLOOR = 1904
ATTIC = 680
TOTAL = 4671

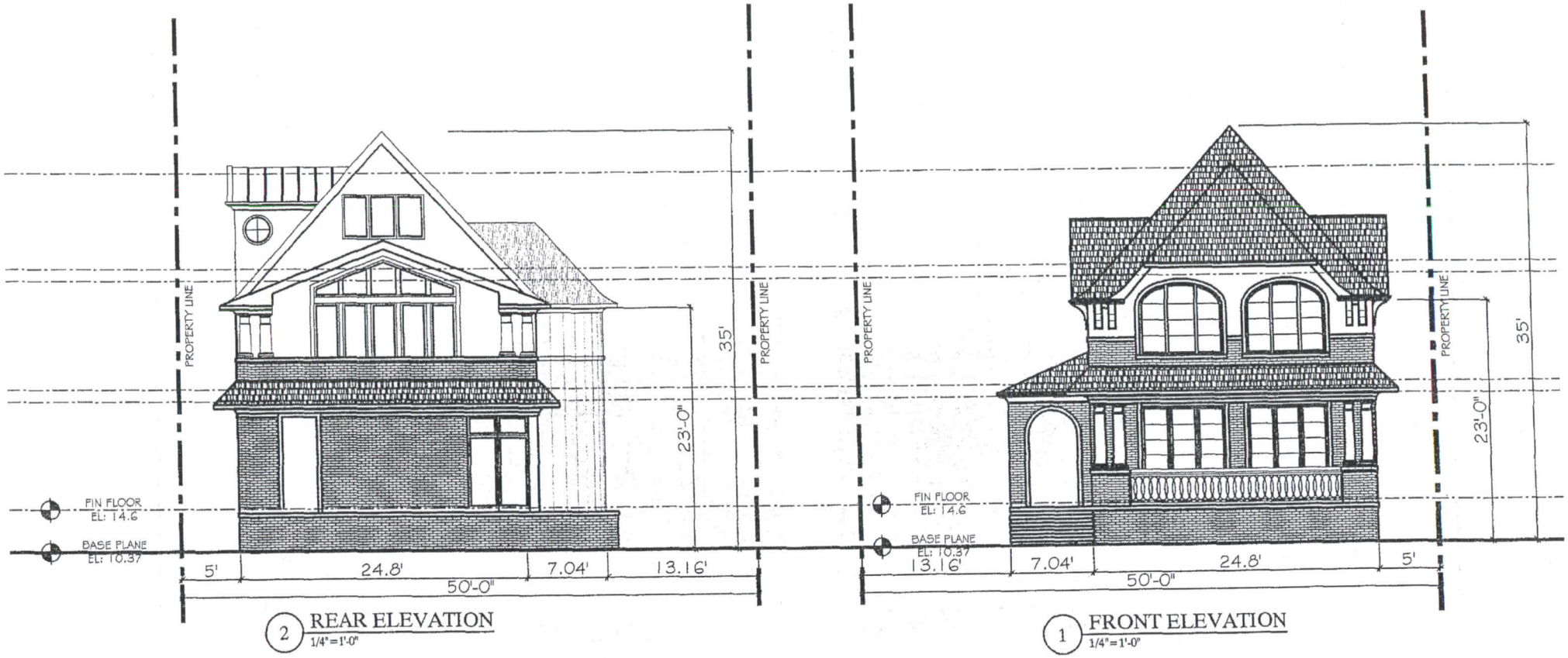
1 PROPOSED SITE PLAN

LEVY RESIDENCE 282 Corbin Place Brooklyn, New York	PROPOSED SITE PLAN SCALE: 3/32"=1'-0" 0 5 10 15 20 25 30	APPLICANT OF RECORD: Hesham Elshamy 2 Fieldview Drive Monroe NJ, 08831 609-647-5954	APPLICANT OF RECORD SEAL: STATE OF NEW YORK HESHAM A. ELSHAMY LICENSED PROFESSIONAL ENGINEER	TITLE: PROPOSED SITE PLAN DATE: 10-5-2014 DRAWN BY: DC SHEET: P1

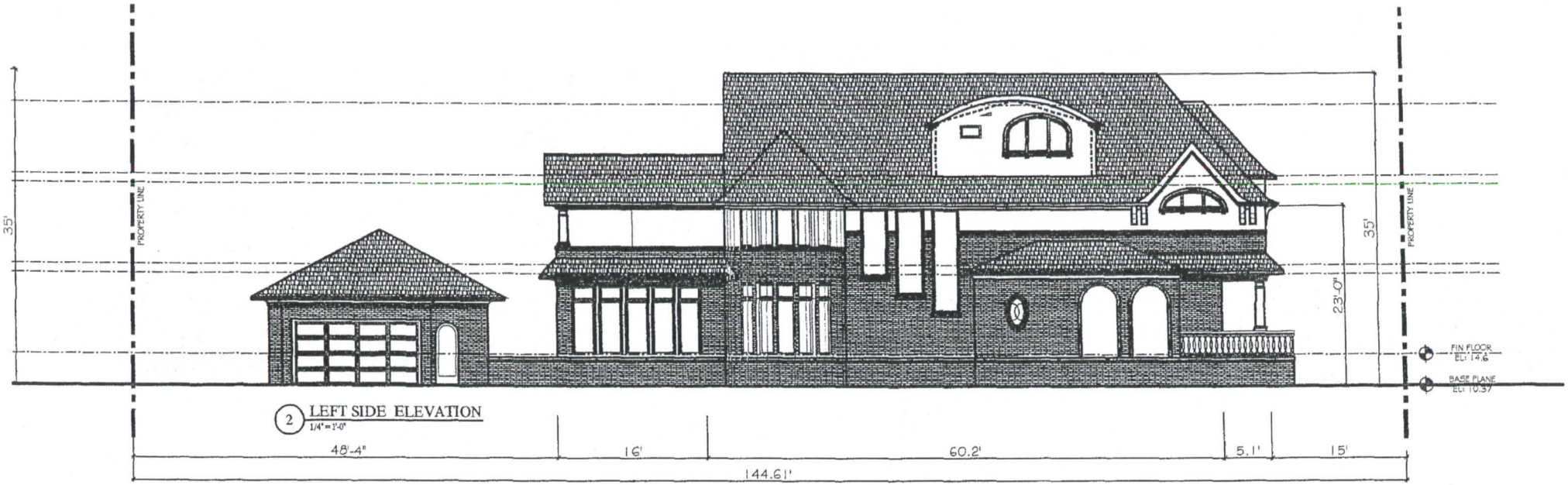


1 PROPOSED CELLAR FLOOR PLAN

LEVY RESIDENCE 282 Corbin Place Brooklyn, New York	PROPOSED CELLAR FLOOR PLAN SCALE: 3/32"=1'-0" 0 5 10 15 20 25 30	APPLICANT OF RECORD: Hesham Elshamy 2 Fieldview Drive Monroe NJ, 08831 609-647-5954	APPLICANT OF RECORD SEAL: STATE OF NEW YORK HESHAM A. ELSHAMY LICENSED PROFESSIONAL ENGINEER	TITLE: PROPOSED CELLAR DATE: 10-5-2014 DRAWN BY: DC SHEET: P 2

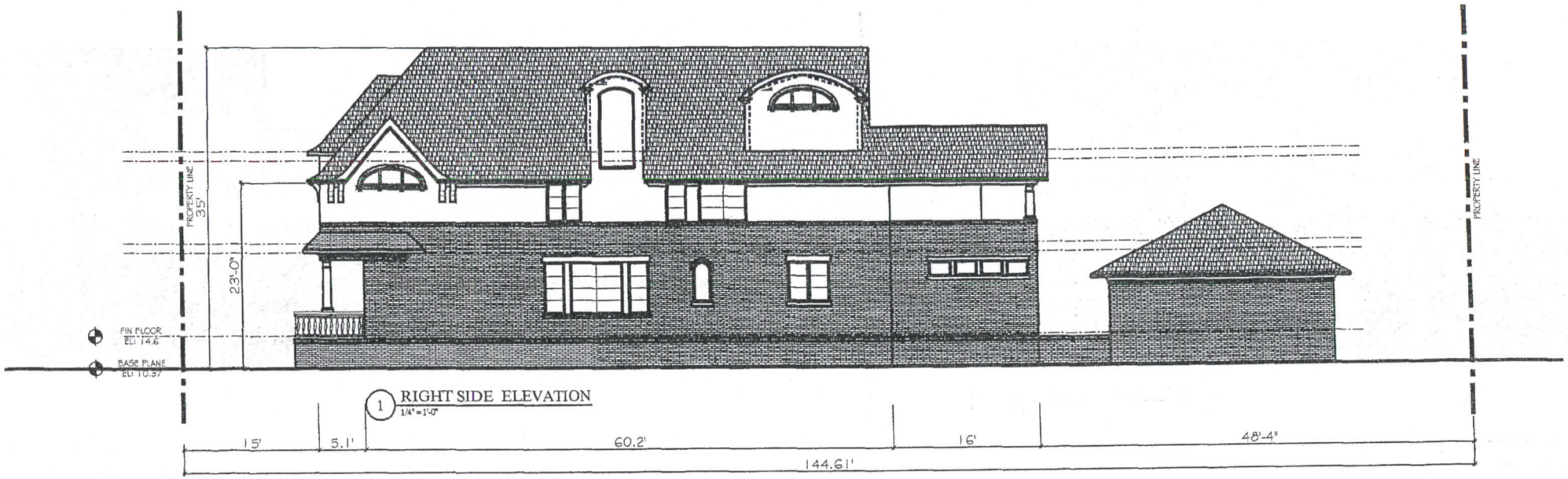


LEVY RESIDENCE 282 Corbin Place Brooklyn, New York	PROPOSED FRONT + REAR ELEVATIONS SCALE: 3/32"=1'-0" 0 5 10 15 20 25 30	APPLICANT OF RECORD: Hesham Elshamy 2 Fieldview Drive Monroe NJ, 08831 609-647-5954	APPLICANT OF RECORD SEAL:	TITLE: PROP. FRONT/REAR DATE: 10-5-2014 DRAWN BY: DC SHEET: P6



2 LEFT SIDE ELEVATION
1/4" = 1'-0"

LEVY RESIDENCE 282 Corbin Place Brooklyn, New York	PROPOSED RIGHT SIDE ELEVATION SCALE: 3/32"=1'-0" 0 5 10 15 20 25 30	APPLICANT OF RECORD: Hesham Elshamy 2 Fieldview Drive Monroe NJ, 08831 609-647-5954	APPLICANT OF RECORD SEAL:	TITLE: PROP. RIGHT SIDE DATE: 10-5-2014 DRAWN BY: DC SHEET: P7



LEVY RESIDENCE 282 Corbin Place Brooklyn, New York	PROPOSEDLEFT SIDE ELEVATION SCALE: 3/32"=1'-0" 0 5 10 15 20 25 30	APPLICANT OF RECORD: Hesham Elshamy 2 Fieldview Drive Monroe NJ, 08831 609-647-5954	APPLICANT OF RECORD SEAL:	TITLE: PROP. LEFT SIDE DATE: 10-5-2014 DRAWN BY: DC SHEET: P8