



**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. NAME OF APPLICANT	Maks Kutsak OWNER OF RECORD
32 Broadway, Suite 114 ADDRESS	601 Ocean Parkway ADDRESS
New York NY 10004 CITY STATE ZIP	Brooklyn NY 11218 CITY STATE ZIP
212 425 4343 AREA CODE TELEPHONE	n/a LESSEE / CONTRACT VENDEE
212 968 7129 AREA CODE FAX	ADDRESS
eric@ericpalatnikpc.com EMAIL	CITY STATE ZIP

**Section B**

Site  
Data

82 Coleridge Street  
 STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE

between Shore Boulevard and Hampton Avenue  
 DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

8728 BLOCK	58 LOT(S)	Brooklyn BOROUGH	15 COMMUNITY DISTRICT	n/a LANDMARK/HISTORIC DISTRICT
Hon. Chaim M. Deutsch CITY COUNCIL MEMBER	R3-1 ZONING DISTRICT (include special district, if any)	29b 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 FAR, Lot Coverage and Open Space  
 DOB Decision (Objection/ Denial) date: November 13, 2014 Acting on Application No: 320913124

**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). The application seeks to vary the floor area ratio, open space, and lot coverage and requirements of the Zoning Resolution.

**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

Eric Palatnik  
Print Name

Attorney  
Title

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

Dec 14 2014

**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: 82 Coleridge Street  
Brooklyn, NY, 11235  
Block 8728, Lot 58**

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**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 15. It is situated on a 6,000 square foot lot, further identified on the New York City Tax Map as Block 8728, Lot 58. It is located at 82 Coleridge Street, in Brooklyn, between Shore Boulevard and Hampton Avenue. The Premises is improved with an existing residential structure (single family home), which is a two story dwelling home with 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 33'-8" to a complying 15'-0" front yard where the minimum required is 15 feet (§ ZR 23-45).

One side yard will remain a complying 10'-0" where the minimum required is 8'-0" (§ ZR 23-461(a)). The other side yard will decrease from 13'-8" to the minimum required 5'-0" (§ ZR 23-461(a)). The rear yard will remain at a complying 33'-10" (§ ZR 23-47).

## **ERIC PALATNIK**

The total height of the building will increase from 31'-10" to a compliant 35' (ZR § 23-631(b)(1)). The floor area will increase from 1,894 square feet to 5,755 square feet, for a floor area ratio of 0.96 (§ ZR 23-141(b)(1)).

The open space will decrease from 5,025 square feet to 3,781 square feet (§ ZR 23-141(b)). The lot coverage will increase from 16% to 37% (§ ZR 23-141(b)).

### **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 FAR of .99 exceeds the maximum permitted FAR of .5 for R3-1 district; contrary to ZR 23-141.*
- 2. Proposed lot coverage (37%) exceeds the maximum permitted 35%; contrary to ZR 23-141.*
- 3. Proposed open space (3,775 SF) is less than the minimum required 3,900 SF; contrary to ZR 23-141.*

### **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.

**Description of Objections**

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

The proposal will increase the floor area ratio ("FAR") from 0.32 to a non-compliant 0.96. Under Zoning Resolution §23-141(b), the maximum permitted floor area ratio is 0.50.

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 90 properties in the 400 feet surrounding the Premises, 86 are improved upon with one- or two-family homes. Of these, 26 (or approximately 30%) are improved upon with homes exceeding 0.75 FAR. And, 7 of those (or approximately 8%) are improved upon with homes exceeding 1.0 FAR. These include homes ranging in FAR from 0.75-1.69; ranging in floor area from 2,083 square feet-16,914 square feet; and ranging in height from 1 to 3 stories. (Photographs of the identified properties are enclosed in the study.) 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.

## **ERIC PALATNIK**

### **Proposed open space is contrary to ZR 23-141(b).**

The proposal will decrease the open space from 5,025 square feet to a non-compliant 3,781 square feet. Under Zoning Resolution §23-141(b), the minimum required open space is 65%, which calculates here to a required minimum of 3,900 square feet.

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.

Here, the open space is proposed to be only 119 square feet below the minimum square footage required. Said another way, the open space is proposed to be approximately 63% while the minimum required open space is 65%. Accordingly, we respectfully believe that a 2% difference between the proposed and minimum required open space is so minimal that it is incapable of altering the character of the district.

### **Proposed lot coverage is contrary to ZR 23-141(b).**

The proposal will increase the lot coverage from 16% to a non-compliant 37%. Under Zoning Resolution §23-141(b), the maximum permitted lot coverage is 35%.

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.

As proposed, the lot coverage is only 2% above the maximum permitted coverage pursuant to the statute. Accordingly, we respectfully believe that an additional 2% of the zoning lot covered by the building is so minimal that it is incapable of altering the character of the district.

**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; 23-461(a); 23-47). Additionally, the open space and lot coverage are proposed to increase by a minimal 2%. As a result, we respectfully believe the only proposed change that could potentially alter the essential character of the neighborhood is an increase in the floor area ratio. As discussed below however, an increased floor area ratio actually fits well within the neighborhood character.

**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 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 following analysis.)*

Of the 90 properties in the 400 feet surrounding the Premises, 86 are improved upon with one- or two-family homes. Of these, 26 (or approximately 30%) are improved upon with homes exceeding 0.75 FAR. And, 7 of those (or approximately 8%) are improved upon with homes exceeding 1.0 FAR. These include homes ranging in FAR from 0.75–1.69; ranging in floor area from 2,083

## **ERIC PALATNIK**

SF-16,914 SF; and ranging in height from 1 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.

As shown in the attached photographic streetscape, the Premises is sandwiched between two very large homes. To the south (left) is the sprawling home at 90 Coleridge Street (which occupies that street's corner with Hampton Avenue). This house is the area's largest, including 16,619 square feet of floor area. To the north (right) is the massive home at 72 Coleridge Street, which stands at three stories in height and includes 8,096 square feet of floor area. Alongside these two homes, the proposed enlargement is not only incapable of altering the district's character; it is perfectly fitting.

### **Violations**

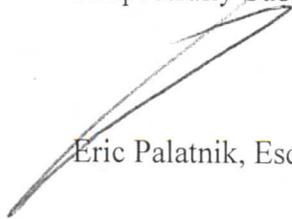
There have never been any DOB or ECB Violations listed for the Premises.

### **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.



**SITE**

**82 Coleridge St**



**View 1**  
**82 Coleridge St.**  
**9-18-14**  
**Block: 8728**  
**Lot: 58**  
**Brooklyn, NY**

NYS RA / PE SEAL AND SIGN

**BSA ZONING ANALYSIS**

REVISED APRIL 2005

BSA CALENDAR NO. \_\_\_\_\_

BLOCK \_\_\_\_\_ LOT 58

SUBJECT SITE ADDRESS

82 Coleridge Street, Brooklyn, NY 11235

APPLICANT \_\_\_\_\_

ZONING DISTRICT R3-1

SPECIAL/HISTORIC DISTRICT None

COMMUNITY BOARD 315

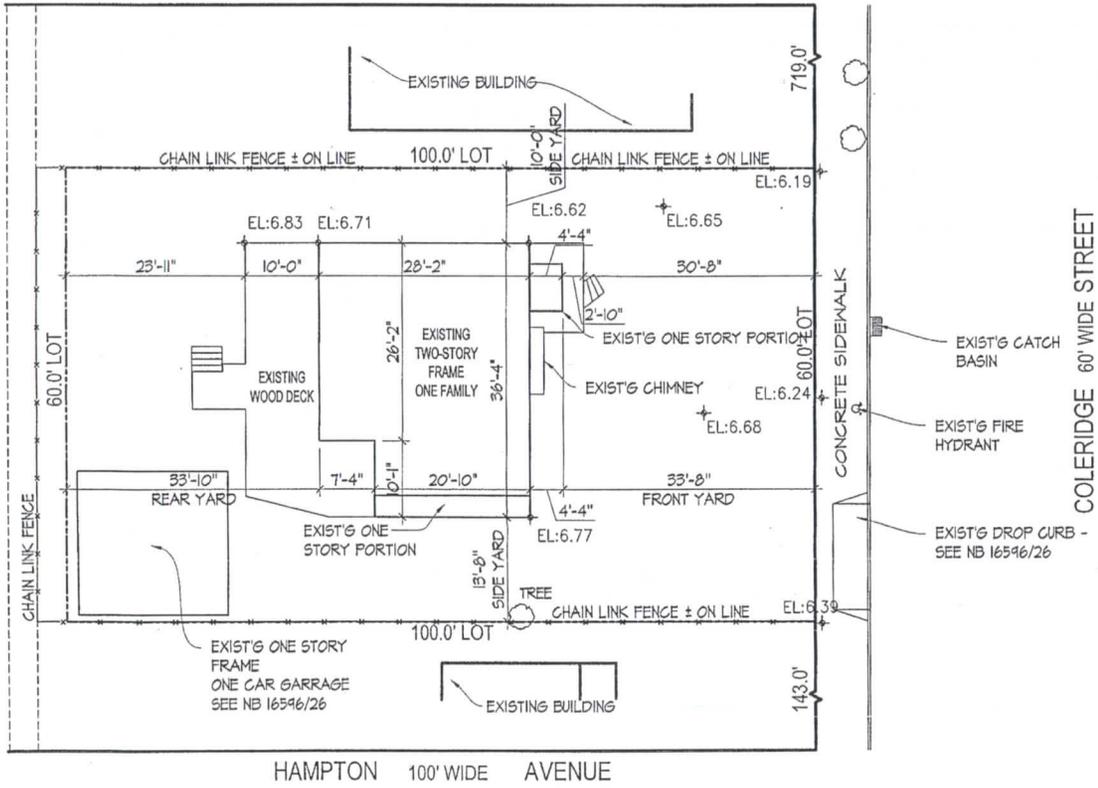


	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL REF. C. of O. or BSA	PRIOR BSA #	PROPOSED	COMPLIANT: "Y" IF NOT: "N" and INDICATE AMT OVER/UNDER
LOT AREA	23-32		3800 sf	N/A		6000 sf	6000 sf Y
LOT WIDTH	23-32		40	N/A		60	60 Y
USE GROUP (S)	22-11	1,2,3,4		N/A		1	1 Y
FA RESIDENTIAL	23-141(b)(1)	3600 sf		N/A		1894 sf	5760 sf N + 2160
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 sf		N/A		1894 sf	5755 sf N + 2155 sf
FAR RESIDENTIAL	23-141(b)(1)	.60		N/A		0.32	0.96 N + 0.36
FAR COMMUNITY FACILITY	N/A	N/A		N/A		N/A	N/A
FAR COMMERCIAL/INDUST.	N/A	N/A		N/A		N/A	N/A
FAR TOTAL	23-141(b)(1)	0.60		N/A		.32	0.96 N + 0.36
OPEN SPACE	23-141(b)		3900 sf	N/A		5025 sf	3781 sf N - 119 sf
OPEN SPACE RATIO	N/A		N/A	N/A		N/A	N/A
LOT COVERAGE (%)	23-141(b)	35		N/A		16	37 N + 2
NO. DWELLING UNITS	22-12(A)(2)	2		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		31'-10"	35' Y
NUMBER OF STORIES				N/A		2	3 Y
FRONT YARD	23-45		15'-0"	N/A		33'-8"	15'-0" Y
SIDE YARD	23-461(a)		8'-0"	N/A		10'-0"	10'-0" Y
SIDE YARD	23-461(a)		5'-0"	N/A		13'-8"	5'-0" Y
REAR YARD	23-47		30'-0"	N/A		33'-10"	33'-10" Y
SETBACK (S)	23-631(b)		N/A	N/A		N/A	N/A Y
SKY EXP. PLANE (SLOPE)	23-631(b)	N/A		N/A		N/A	N/A Y
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
OTHER:							

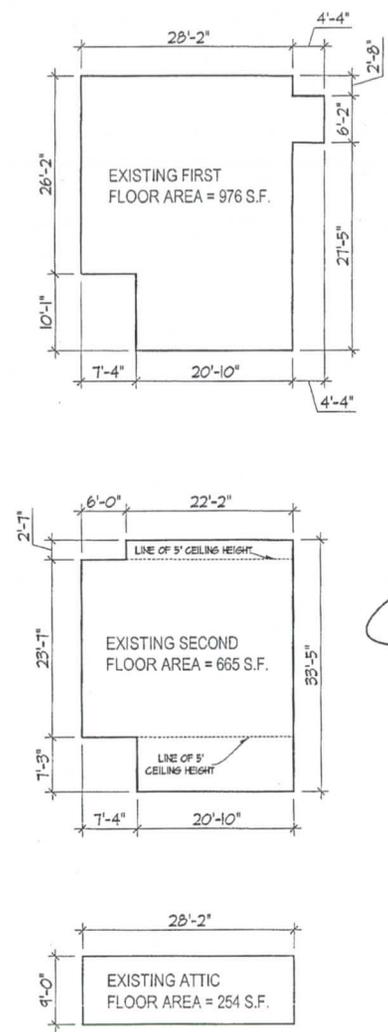
\* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements,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

ZONING DISTRICT: R3-1  
 ZONING MAP: 29b  
 TAX BLOCK: 8728  
 TAX LOT: 58  
 ADDRESS: 82 COLERIDGE STREET  
 BROOKLYN, NY



**SITE PLAN**  
 SCALE 1/8" = 1'-0"



<p><b>MIELE ASSOCIATES, LLP</b>                  ARCHITECTS ENGINEERS PLANNERS</p> <p>MIDDLE VILLAGE, N.Y. 11379                  81-01 FURMANVILLE AVENUE                  WWW.MIELEASSOCIATES.COM                  TEL. 718-894-2222</p> <p>A.T.A.</p>	
	<p>SHEET TITLE  <b>EXISTING SITE PLAN</b></p> <p>PROJECT                  PROPOSED EXTENSION &amp; RENOVATION</p> <p>82 COLERIDGE STREET, 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>DRAWING  <b>AE-101</b></p>	<p>SHEET <b>18</b> OF <b>52</b></p> <p>PROJECT NO: <b>7972</b></p> <p>DRAWN BY: <b>CJ</b></p> <p>CHK'D BY: <b>BAL</b></p>

Final Interior Layout Subject to Approval by D.O.B.

**FLOOR AREA**

NET FIRST FLOOR AREA= 2,067 S.F.  
 NET SECOND FLOOR AREA= 2,205 S.F.  
 NET ATTIC FLOOR AREA= 1,673 S.F.  
 TOTAL FLOOR AREA= 5,945 S.F.

EXISTING FLOOR AREA = 1,895 S.F.

NEW FLOOR AREA = 5,945 - 1,895 =  
 4,050 S.F.

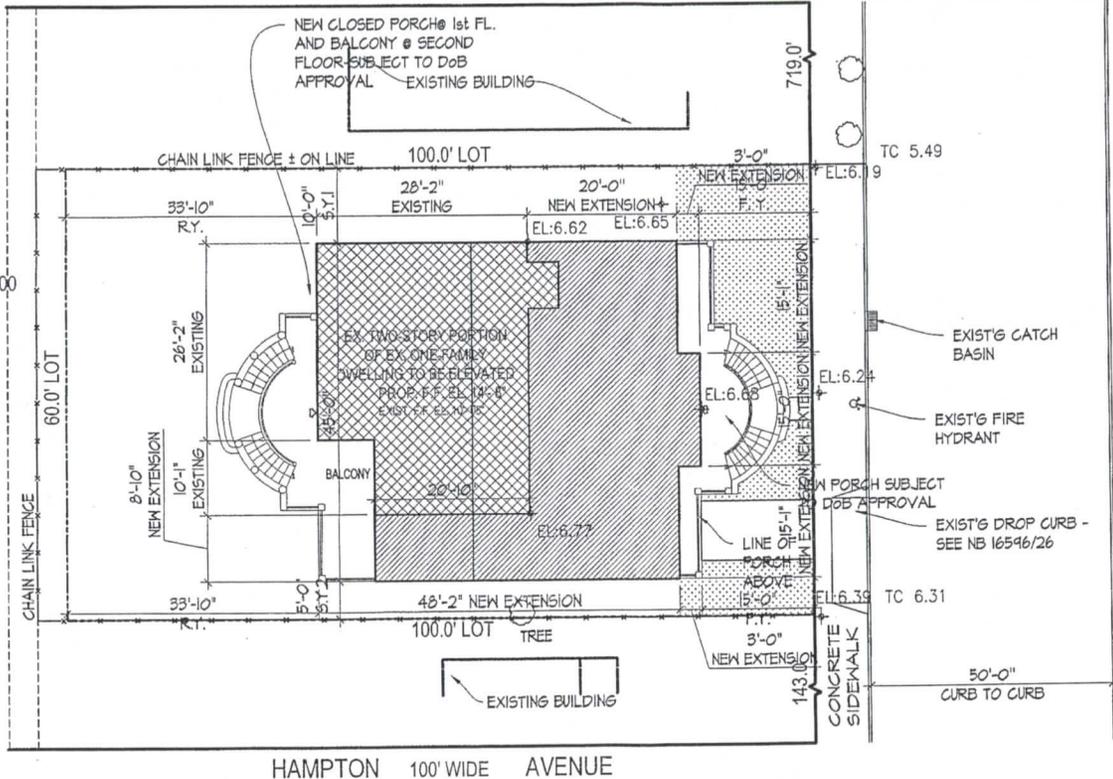
**FLOOR AREA RATIO REGULATIONS:**

F.A.R. = 5,945 / 6,000 = 0.99 > 0.50  
 THEREFORE N.G.

FLOOR AREA ALLOWED = 6,000 x 0.60 = 3,600  
 S.F.

**SITE CHARACTERISTICS:**

ZONING DISTRICT: R3-1  
 ZONING MAP: 29b  
 TAX BLOCK: 8728  
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 BROOKLYN, NY



**LEGEND:**

- DENOTES EXISTING TWO-STORY PORTION TO BE ELEVATED AND PROPOSED THIRD STORY ADDITION
- DENOTES PROPOSED THREE-STORY ENLARGEMENT



THIS SITE IS LOCATED IN ZONE AE (11) AS PER THE MOST RECENT  
 PRELIMINARY FORMS FIRM # 36049703549  
 THE FACE IS ELEV.11 (NAVY 88) PLUS 2' FREEBOARD  
 ALL ELEVATIONS SHOWN

**MIELE ASSOCIATES, LLP**  
 ARCHITECTS ENGINEERS PLANNERS

MIDDLE VILLAGE, N.Y. 11379  
 81-01 FURMANVILLE AVENUE  
 WWW.MIELEASSOCIATES.COM  
 TEL. 718-894-7722

**PROPOSED SITE PLAN**

PROJECT: PROPOSED EXTENSION & RENOVATION

82 COLERIDGE STREET, MANHATTAN BEACH, NY 11235

DRAWING: A-101

SHEET 1 OF 51

PROJECT NO: 7972

DRAWN BY: CJ

CHK'D BY: BAL

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B:\Miele's Projects\8150 Kutsak\BSA Coleridge - 11.25.14.dwg, 12/2/2014 3:40:34 PM, SAVIN 4018d 11x17.pc3



EXIST'G F. FL. PERIMETER WALL AREA = 1,252 S.F.  
 EXIST'G F. FL. PERIMETER WALL AREA TO REMAIN = 654 S.F.  
 EXIST'G F. FL. PERIMETER WALL AREA TO BE REMOVED = 598 S.F.



EXIST'G 2nd FLOOR PERIMETER WALL AREA = 643 S.F.  
 EXIST'G 2nd FLOOR PERIMETER WALL AREA TO REMAIN = 340 S.F.  
 EXIST'G 2nd FLOOR PERIMETER WALL AREA TO BE REMOVED = 303 S.F.



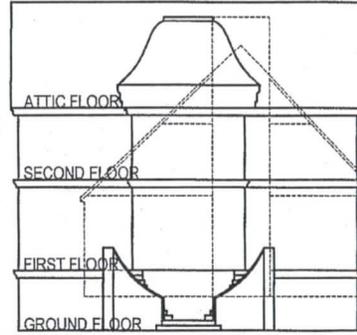
EXIST'G ATTIC PERIMETER WALL AREA = 260 S.F.  
 EXIST'G ATTIC PERIMETER WALL AREA TO REMAIN = 130 S.F.  
 EXIST'G ATTIC PERIMETER WALL AREA TO BE REMOVED = 130 S.F.

**EXIST'G PERIMETER WALL COMPUTATIONS:**

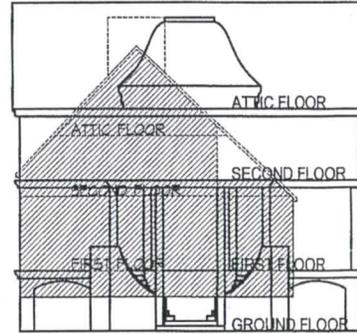
EXISTING TOTAL BUILDING PERIMETER WALL AREA = 2,155 S.F.  
 EXISTING BUILDING PERIMETER WALL TO BE REMOVED = 1,031 S.F.  
 % OF TOTAL PERIMETER WALL TO REMAIN =  $(1,124 \times 100) / 2,155 = 52\%$   
 % OF FLOOR STRUCTURE TO BE REMOVED =  $(1,031 \times 100) / 2,155 = 48\%$

**LEGEND:**

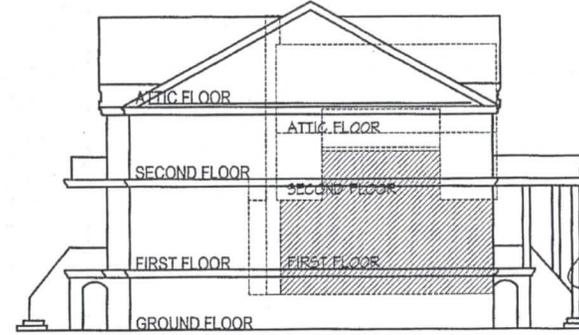
- DENOTES EXISTING CONDITIONS
- DASH LINE DENOTES EXIST'G CONDITIONS TO BE REMOVED
- PROPOSED CONDITIONS
- EXIST'G CONDITIONS
- SHADED AREA DENOTES EXIST'G CONDITIONS TO BE REMAIN



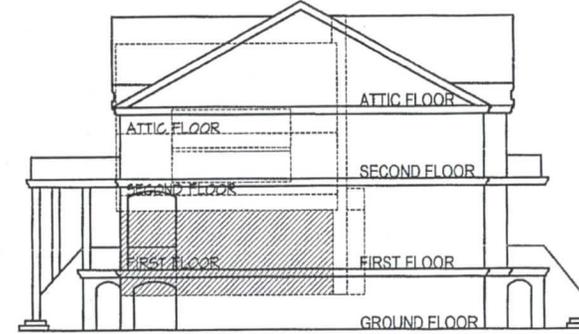
**FRONT ELEVATION**



**REAR ELEVATION**



**NORTH ELEVATION**



**SOUTH ELEVATION**

**SITE CHARACTERISTICS:**

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 TEL. 718-894-2222

A.I.A.

STATE OF NEW YORK  
 JOEL A. MIELE, J.P.E.  
 LICENSE NO. 069492  
 LICENSED PROFESSIONAL ENGINEER

FLOOR AREA DIAGRAM

PROJECT PROPOSED EXTENSION & RENOVATION  
 82 COLERIDGE STREET, MANHATTAN BEACH, NY 11235

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DRAWING **A-102**

SHEET **2** OF **52**

PROJECT NO: **7972**  
 DRAWN BY: **CJ**  
 CHK'D BY: **BAL.**