



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. 277-15BZ
 CEQR NO. _____

Section A

Applicant/
Owner

Law Office of Jay Goldstein <small>NAME OF APPLICANT</small> 356 Fulton Street, Suite 101 <small>ADDRESS</small> Brooklyn NY 11201 <small>CITY STATE ZIP</small> 646 535-3771 <small>AREA CODE TELEPHONE</small> 646 514-881 <small>AREA CODE TELEPHONE</small> Jay@JayGoldsteinEsq.com <small>EMAIL</small>	Benjamin and Rivka Perl <small>OWNER OF RECORD</small> 2621 Avenue R <small>ADDRESS</small> Brooklyn NY 11229 <small>CITY STATE ZIP</small> <small>LESSEE CONTRACT VENDEE</small> <small>ADDRESS</small> <small>CITY STATE ZIP</small>
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Section B

Site
Data

2621-2623 Avenue R (a/k/a 1788-1798 East 27th Street) 11229
STREET ADDRESS (INCLUDE ANY A/K/A) ZIP CODE
 Northwest corner of Avenue R and East 27th Street
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

6809	47	Brooklyn	15	None
<small>BLOCK</small>	<small>LOT(S)</small>	<small>BOROUGH</small>	<small>COMMUNITY DISTRICT</small>	<small>LANDMARK/HISTORIC DISTRICT</small>
Chaim Deutsch	R3-2	23b		
<small>CITY COUNCIL MEMBER</small>	<small>ZONING DISTRICT</small>	<small>ZONING MAP NUMBER</small>		

(include special district, if any)

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)
 DOB Decision (Objection/ Denial) date: 12/28/15 Acting on Application No: 320909406

Section D

Description

(LEGALIZATION YES NO IN PART)
 This application is filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended, to request a special permit to allow the enlargement of an existing home located in an R2 zoning district in Brooklyn.

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)? <small>PRIOR BSA APPLICATION NO(S): _____</small>	<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.

Yaakov Goldstein SWORN TO ME THIS 30th DAY OF December 2015
Signature of Applicant, Corporate Officer, or Other Authorized Representative

Yaakov Goldstein Attorney Abraham Patel NOTARY PUBLIC

ABRAHAM PATEL SKY
 Notary Public, State of New York
 Qualified in Kings County
 No. 01248146583
 My Commission Expires May 2

BSA CALENDAR NO.

BLOCK 6809

LOT 47

SUBJECT SITE ADDRESS

2621 Avenue R

APPLICANT

LEWIS E. GARFINKEL, RA

ZONING DISTRICT R3-2

PRIOR BSA #

SPECIAL/HISTORIC DISTRICT _____

COMMUNITY BOARD 314

COMPLIANT: "Y"

IF NOT: "N" AND

INDICATE AMT

OVER/UNDER

LOT AREA

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	INDICATE AMT OVER/UNDER
23-32		3,800 SF		3,333 SF*	3,333 SF	N (-467 SF)
23-32		40 FT		33'-4"*	33'-4"	N (-6.67 FT)

LOT WIDTH

USE GROUP (S)

22-10	4			1	1	Y
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FA RESIDENTIAL

23-141(b)	1,667 SF			1,666.57 SF	3,328.42 SF	N (+1,661.42)
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FA COMMUNITY FACILITY

FA COMMERCIAL/INDUST.

FLOOR AREA TOTAL

23-141(b)	1,667 SF			1,666.57 SF	3,328.42 SF	N (+1,661.42)
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FAR RESIDENTIAL

23-141(b)	0.50			0.50	1.00	N (+0.50)
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FAR COMMUNITY FACILITY

FAR COMMERCIAL/INDUST.

FAR TOTAL

23-141(b)	0.50			0.50	1.00	N (+0.50)
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OPEN SPACE

23-141(b)		2,166 SF		2,435.93 SF	2,026.43 SF	N (-139.57 SF)
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OPEN SPACE RATIO

23-141(b)		0.65		0.73	0.61	N (-0.04)
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LOT COVERAGE (%)

23-141(b)	0.35			0.27	0.39	N (-0.04)
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NO. DWELLING UNITS

23-22	4			1	1	Y
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WALL HEIGHT

23-631	21 FT			19'-1"	18'-6"	Y
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TOTAL HEIGHT

23-631	35 FT			24'-9"	35'-0"	Y
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NUMBER OF STORIES

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FRONT YARD

23-45		15 FT		10'-0"*	10'-0"	N
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FRONT YARD

23-45		10 FT		7'-8"*	7'-8"	N
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SIDE YARD

23-461(a)		5 FT		4'-10"*	4'-10"	N
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SIDE YARD

23-461(a)		20 FT		39'-3"	20'-0"	Y
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SETBACK (S)

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SKY EXP. PLANE (SLOPE)

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NO. PARKING SPACES

25-22	3	1		1	1	Y
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LOADING BERTH (S)

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OTHER:

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* 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 bulk and area R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses if not otherwise 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: * existing non-compliance



LAW OFFICE OF JAY GOLDSTEIN, PLLC

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Brooklyn, NY 11201
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Fax: (646) 514-1881
Jay@jaygoldsteinesq.com

December 28, 2015

**Re: 2621 Avenue R
Brooklyn, NY
Block 6809, Lot: 47 (“Premises”)
BSA Cal. No.:**

STATEMENT OF FACTS AND FINDINGS

Introduction

This office represents Benjamin and Rivka Perl (the “Owners”) of the above-referenced Premises. This application is filed pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended (hereinafter “ZR”), to request a special permit to allow the enlargement of a one-family residence located in a Residential (R3-2) zoning district (see Zoning Map annexed hereto). The Premises is located on the northwest corner of Avenue R and East 27th Street and is known as Block 6809, Lot 47 on the New York City tax map (see Tax Map annexed hereto). The site is located within Community District 15 and has a lot area of 3,333 square feet.

Department of Buildings Objection

Plans have been filed with the Department of Buildings in order to permit the desired enlargement of the existing single-family residence. On December 28, 2015, under DOB Application Number 320909406, the following objections were issued for the subject premises (see DOB Objection Sheet annexed hereto):

1. Proposed plans are contrary to ZR 23-141(b) in that the proposed floor area ratio (FAR) exceeds the permitted 50%
2. Proposed plans are contrary to ZR 23-141(b) in that the proposed open space is less than the required 65%
3. Plans are contrary to ZR 23-141(b) in that the proposed lot coverage exceeds the maximum required 35%”

Existing Conditions

Annexed hereto please find Sandborn Maps from 1930, 1950, 1969 and 2007. As can be seen, the Premises has remained in its current condition since before 1961. The Premises is improved upon with an existing two-story single-family home. The cellar level is partially excavated and has an open floor plan. The first floor has an open floor plan with a living room, dining room and kitchen and a small bathroom. The second floor has three bedrooms and a bathroom. The Premises has an existing floor area of 1,666.57 square feet (.5 FAR). Since this is a corner lot, the Premises has two side yards and two front yards. There are no rear yards. There is an existing side yard parallel to East 27th Street of 4'-10" at Avenue R and 5'-2" for the remainder of the home. There is an existing side yard of 39'-3" parallel to Avenue R. The front yard along Avenue R is 10'. The front yard along East 27th Street is 9'-10" for a majority of the front of the home and 7'-8" at the entrance. The existing wall height is 19'-1" and building height of 24'-9". There is also an existing garage located in the northwest corner of the rear yard (see existing condition plans annexed hereto).

Proposed Enlargement

The proposed project seeks to enlarge the exiting cellar. The exterior walls at the front and sides of the existing structure will be maintained. There will be a 3' extension at the front yard along Avenue R that is as-of-right. The existing side yard along East 27th Street will be reduced leaving the required 20' side yard. Finally, an attic level will be included. The new structure will have an open cellar for accessory use. The ground floor will have a living/dining room, kitchen, den and one bathroom. The second floor will have a master suite, three bedrooms, two bathrooms and a laundry closet. The attic level will be open. The proposed home will have the following bulk parameters:

	ZR Requirements	Existing	Proposed	Complaint
Floor Area	1,667 sf	1,666.57 sf	3,328.42 sf	N
Floor Area Ratio	.5	.5	1.00	N
Open Space	65%	73	61%	N

Lot Coverage	35%	27%	39%	N
Front Yard (E 27 th)	10'	9'-10"	9'-10" @ 1 st Fl; 10'-2" @ 2 nd Fl	Y
Front Yard (Ave R)	15'	10' @ 1 st Fl; 18' @ 2 nd Fl	10' @ 1 st Fl; 15' @ 2 nd Fl	Y
Side Yard	5'	5'-2"	5'-2"	Y
Side Yard	20'	39'-3"	20'	Y
Wall Height	21'	19'-1"	18'-6"	Y
Building Height	Sky Plane	24'-9"	35'	Y

Compliance with ZR § 73-03

Pursuant to ZR §73-03, “the Board of Standards and Appeals shall have the power as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permits uses... as specifically provided in this Chapter, provided in each case” it shall find the following:

- (a) **The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

As will be discussed below, the proposed special permit will have no adverse impact on privacy, quiet, light and air in the neighborhood. The proposed enlargement is in keeping with the size of the surrounding homes in the neighborhood. The proposed special permit will allow the family to enlarge their home in a meaningful way.

- (b) **In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from**

the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.

The proposed special permit is for an increase in the floor area, floor area ratio, lot coverage and open space of the existing home. The front and side yards of the proposed structure will be compliant with the district bulk regulations. As such, the proposal will not interfere with any public improvement projects.

- (c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

Not applicable. The Board is not required to determine whether the special permit use is appropriately located in relation to the street system under ZR §73-622.

- (d) For applications relating to Sections 73-243, 73-48 and 73- 49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

Not applicable. The application does not relate to §73-243, §73-48 or §73-49.

- (e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

Not applicable, ZR Section 73-622 does not require or specify a term of years.

- (f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board**

during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.

As this is a new application, this provision does not apply.

- (g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that
- (1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges and universities); and
 - (2) in the case of public utility uses, the Board may waive all such required findings set forth in Sections 73-14 (Public Service Establishments) or 73-16 (Public Transit, Railroad or Electric Utility Substations).

No such enlargement or extension shall create a new noncompliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.

Not applicable, the special permit relates to a bulk modification and does not involve any special permit related to use.

Compliance with ZR § 73-622

Pursuant to Section 73-622 of the ZR, the Board of Standards and Appeals has the authority to permit the enlargement of one and two family residences creating new non-compliances or increasing the degree of any existing non-compliances with the applicable bulk regulations. Specifically, this section allows the Board to permit new or enlarged non-compliances for floor area, floor area ratio, open space and lot coverage. This special permit is only available within designated areas of Brooklyn and provided that several conditions and findings of the said section can be satisfied.

As a threshold matter, the Premises is located within Brooklyn's Community District 15, as such, the site qualifies for the special permit under ZR Section 73-622 (a). Therefore, assuming the applicant can satisfy the remaining findings of ZR Section 73-622, the Board may grant the requested special permit for the Premises.

We submit that the remaining findings are satisfied as set forth below:

- (1) any enlargement within a side yard shall be limited to an enlargement within an existing non-complying side yard and such enlargement shall not result in a decrease in the existing minimum width of open area between the building that is being enlarged and the side lot line;

Not Applicable as the proposed side yards are compliant with the underlying zoning district.

- (2) any enlargement that is located in a rear yard is not located within 20 feet of the rear lot line; and

Not Applicable as the Premises is a corner lot and does not have any rear yards.

- (3) any enlargement resulting in a non-complying perimeter wall height shall only be permitted in R2X, R3, R4, R4A and R4-1 Districts, and only where the enlarged building is adjacent to a single- or two-family detached or semidetached residence with an existing non-complying perimeter wall facing the street. The increased height of the perimeter wall of the enlarged building shall be equal to or less than the height of the adjacent building's noncomplying perimeter wall facing the street, measured at the lowest point before a setback or pitched roof begins. Above such height, the setback regulations of Section 23- 631, paragraph (b), shall continue to apply.

Not Applicable as the proposed perimeter wall height is compliant with the underlying zoning district.

The Board shall find that the enlarged building 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. The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The instant proposal is in keeping with the existing residential homes in the area and will not alter the essential character of the neighborhood, nor impair the future use or development of the surrounding area. The proposed enlargement will have complying front and side yards. The proposed wall and building height are compliant with the district regulations.

The extent of the requested waivers of floor area/FAR, open space and lot coverage are consistent with what has been granted by the Board for other special permit applications in R3-2 zoning district within this Community District. As can be seen from the attached Lot Coverage diagram, within 400' radius, there are 91 lots with lot coverage of 37%-72%. Based on this, it is

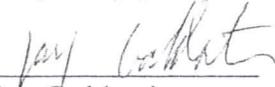
clear that the proposed lot coverage of 39% is well within the character of the neighborhood. Furthermore, as can be seen from the annexed Floor Area Ratio Study, within the surrounding 400' radius, there are 36 other lots with similar FARs ranging from .75 to 1.47. Of those 35 lots, 4 received Board approval for similar floor area/FAR, rear yards and open space (see BSA resolutions annexed hereto).

Given the above, it is clear that the proposed home is in keeping with the neighborhood character and will not impair the future use or development of the surrounding area.

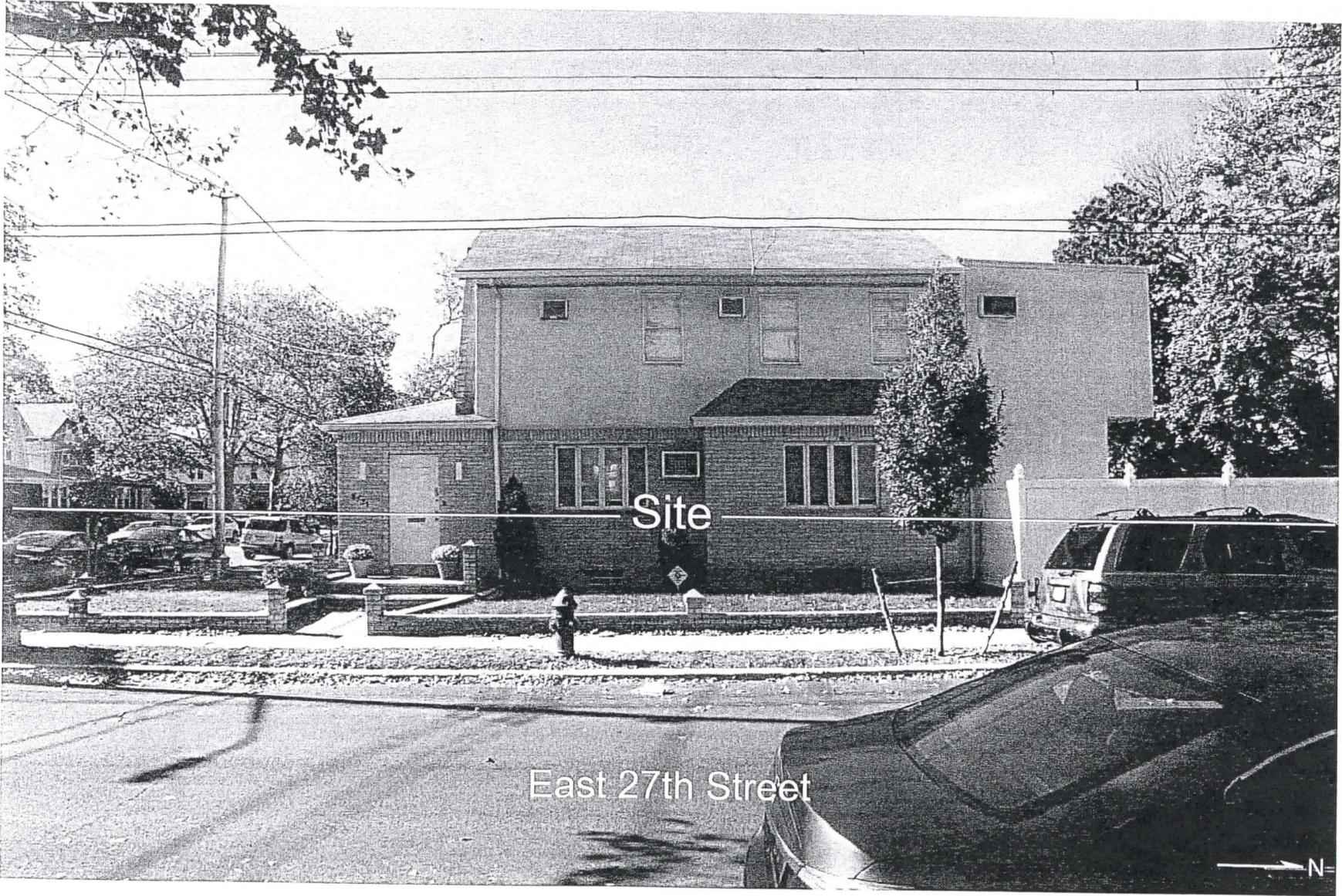
CONCLUSION

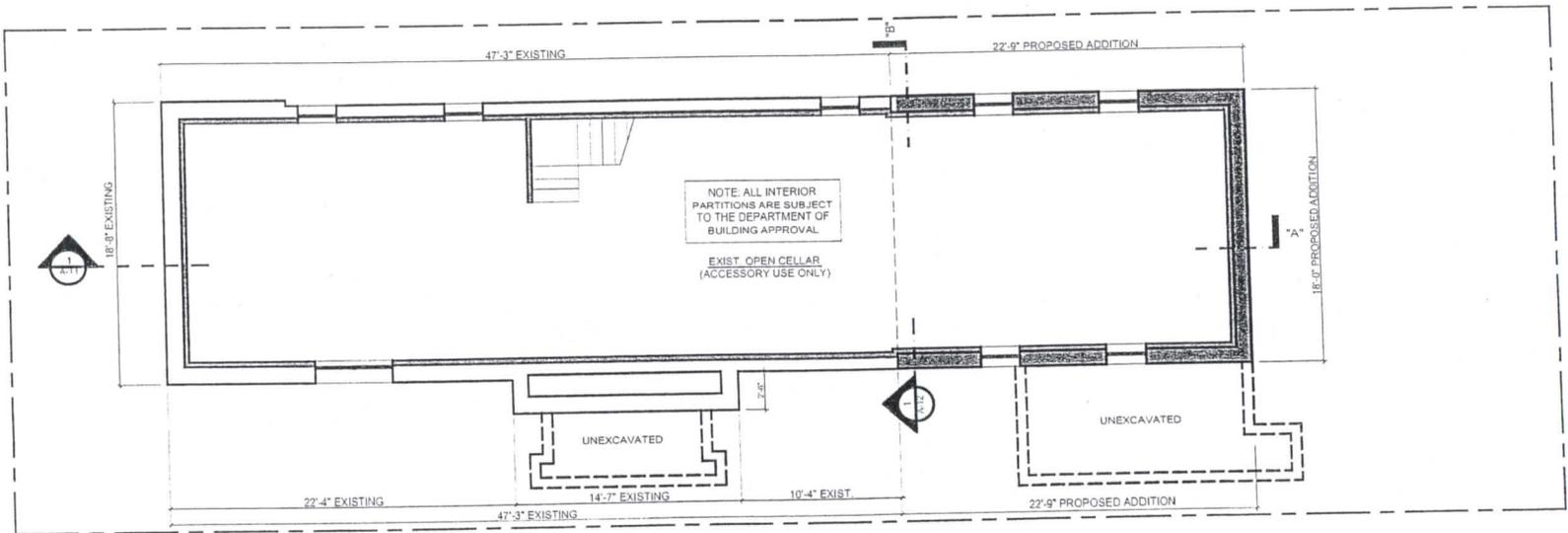
As set forth herein, the proposed enlargement of the existing home at the Premises is located within a designated area and meets the conditions of ZR Section 73-622. The proposed enlargement also conforms to the character of the neighborhood and will not impair the use or development of the area. We are thus confident that the conditions and findings of ZR Section 73-622 have been satisfied in the instant matter. Accordingly, it is respectfully requested that the BSA grant this application.

Very truly yours,


Jay Goldstein





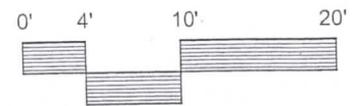


CELLAR PLAN
SCALE: 1/8" = 1'-0"



BSA CALENDAR #

LEGEND	
NEW CONSTRUCTION	
EXIST. CONSTRUCTION	



LEWIS ELIEZER GARFINKEL, R.A.
ARCHITECT

N.Y. REG. NO. 025123 2019 AVENUE J BROOKLYN, NEW YORK 11210
TEL. 7-6-951-6551

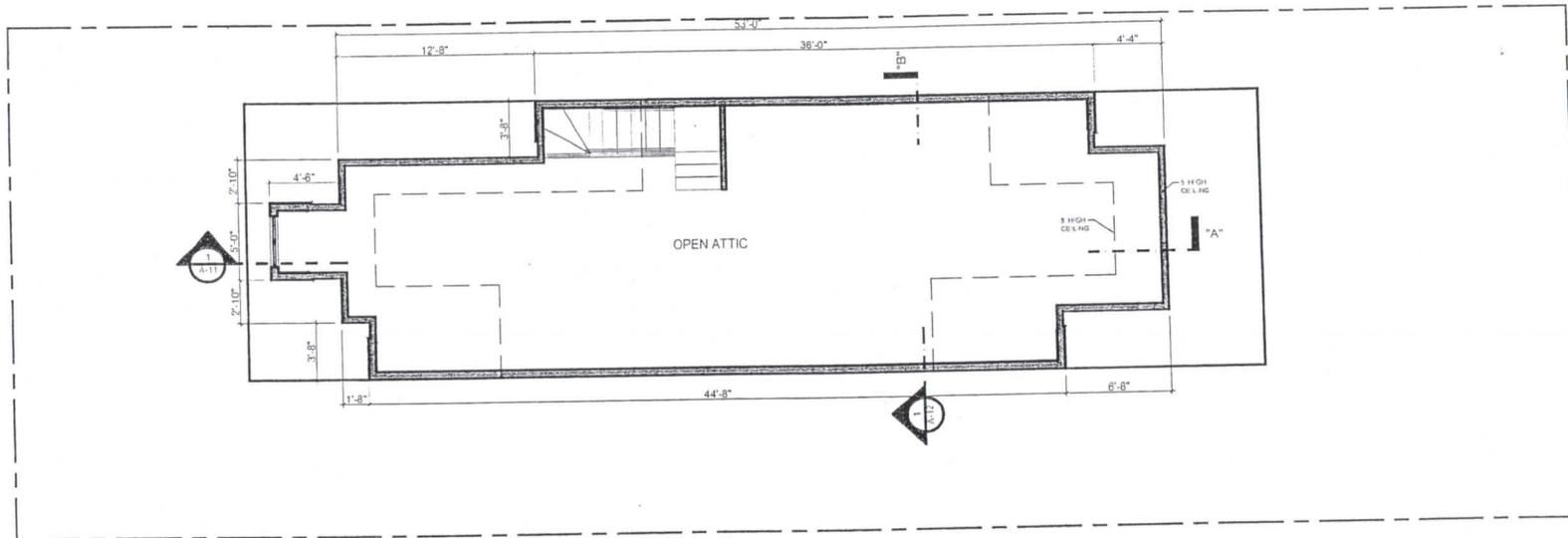
Revisions

PROPOSED ALTERATION

BLOCK: 6809 LOT: 49
2621 AVENUE R
BROOKLYN, N.Y.

CELLAR PLAN

Drawing No.	A-2
Scale	AS NOTED
Date	10/28/15
Drawn	gmp
Job No.	15-051



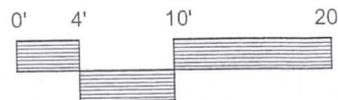
ATTIC PLAN
SCALE: 1/8" = 1'-0"

ALL INTERIOR PARTITIONS
SUBJECT TO DOB APPROVAL AND
SHALL NOT EXCEED 851.86 SF

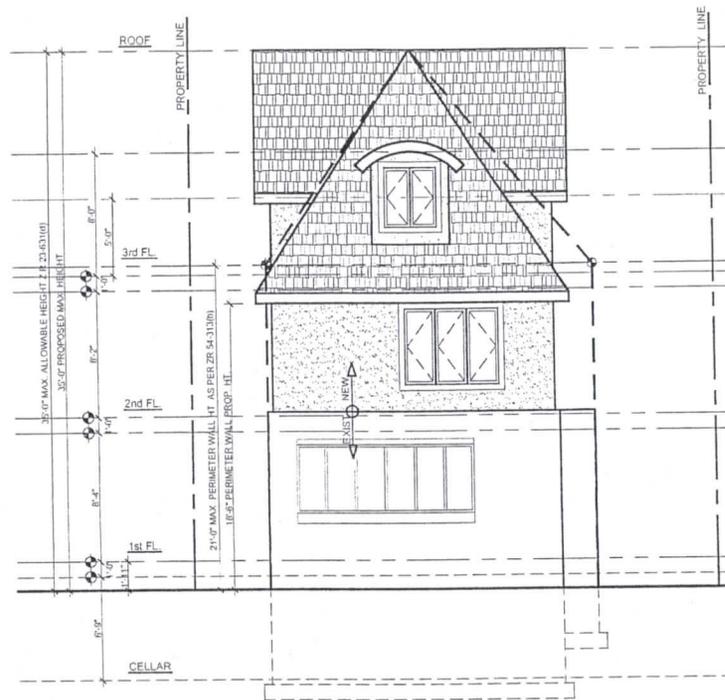


BSA CALENDAR #

LEGEND	
NEW CONSTRUCTION	
EXIST. CONSTRUCTION	



LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT N.Y. REG. NO. 025123 2019 AVENUE J BROOKLYN, NEW YORK 11210 TEL. 718-951-8551	Revisions	PROPOSED ALTERATION BLOCK: 6809 LOT: 49 2621 AVENUE R BROOKLYN, N.Y.	Drawing No. A-5
		ATTIC PLAN	Scale AS NOTED Date 10/25/15 Drawn GMD E.C. No. 15-051

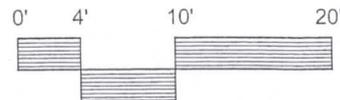


FRONT ELEVATION - AVENUE R

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



BSA CALENDAR #



LEWIS ELIEZER GARFINKEL, R.A. ARCHITECT N.Y. REG NO. 025123 29 th AVENUE J BROOKLYN, NEW YORK 11210 TEL. 7-835-6551	Revisions	PROPOSED ALTERATION	Drawing No. A-8
		BLOCK: 6809 LOT: 49 2621 AVENUE R BROOKLYN, N.Y.	Date: AS NOTED Date: 10/25/15 Drawn: gmc Job No: 15-051
		FRONT ELEVATION	