



**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. <i>NAME OF APPLICANT</i>			Albert Hasson <i>OWNER OF RECORD</i>		
32 Broadway, Suite 114 <i>ADDRESS</i>			920 Shore Boulevard <i>ADDRESS</i>		
New York <i>CITY</i>	NY <i>STATE</i>	10004 <i>ZIP</i>	Brooklyn <i>CITY</i>	NY <i>STATE</i>	11235 <i>ZIP</i>
212 <i>AREA CODE</i>	425-4343 <i>TELEPHONE</i>		<i>LESSEE / CONTRACT VENDEE</i>		
212 <i>AREA CODE</i>	968-7129 <i>FAX</i>		<i>ADDRESS</i>		
Eric@EricPalatnikPC.com <i>EMAIL</i>			<i>CITY STATE ZIP</i>		

**Section B**

Site  
Data

920 Shore Bouelvard 11235  
*STREET ADDRESS (INCLUDE ANY A/K/A)* *ZIP CODE*

Corner formed by south side of Shore Boulevard and west side of Hastings Street  
*DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS*

8746 <i>BLOCK</i>	107 <i>LOT(S)</i>	Brooklyn <i>BOROUGH</i>	15 <i>COMMUNITY DISTRICT</i>	N/A <i>LANDMARK/HISTORIC DISTRICT</i>
Hon. Chaim M. Deutsch <i>CITY COUNCIL MEMBER</i>	R3-1 <i>ZONING DISTRICT</i> <small>(include special district, if any)</small>		29b <i>ZONING MAP NUMBER</i>	

**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: 12/29/2016 Acting on Application No: 321126483

**Section D**

Description

(LEGALIZATION  YES  NO  IN PART)

This is an application for a special permit pursuant to ZR § 73-622 to permit an enlargement of a one family home. The application seeks to waive the floor area, lot coverage and open space requirements of the underlying R3-1 zoning district.

**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  
 Title: Attorney

SWORN TO ME THIS 19 DAY OF Jan. 2016  
 ROBIN BONZALEZ  
 Notary Public, State of New York  
 No. 01GO6097433  
 Qualified in Kings County  
 My Commission Expires 08/18/2019  
 NOTARY PUBLIC

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

BLOCK 8746

LOT 107

SUBJECT SITE ADDRESS

920 SHORE BOULEVARD, BROOKLYN NY 11235

APPLICANT

MR. ERIC PALATNIK

ZONING DISTRICT R3-1

PRIOR BSA # \_\_\_\_\_

COMPLIANT: "Y"

SPECIAL/HISTORIC DISTRICT \_\_\_\_\_

IF NOT: "N" and

COMMUNITY BOARD 315

INDICATE AMT

LOT AREA

* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	OVER/UNDER
23-32		3800 sf		10,510 sf	11,364 sf	Y
23-32		40 ft		100 ft	108 ft	Y
22-00				1	1	Y
23-141(B)	5255 sf			4108 sf	10,281 sf	n 6173 sf
FLOOR AREA TOTAL	5255 sf			4108 sf	10,281 sf	n 6173 sf
FAR RESIDENTIAL	0.5			0.390	0.91	n 0.52
FAR COMMUNITY FACILITY						
FAR COMMERCIAL/INDUST.						
FAR TOTAL	0.5			0.390	0.91	n 0.52
OPEN SPACE	23-141(B)		65%	84.3%	64.1%	n 0.91
OPEN SPACE RATIO						
LOT COVERAGE (%)	23-141(B)	35%		15.7%	35.9%	n 0.91
NO. DWELLING UNITS	23-22	4		1	1	Y
WALL HEIGHT	23-631	21 ft		21 ft	21 ft	Y
TOTAL HEIGHT	23-631	35 ft		29.4 ft	35 ft	Y
NUMBER OF STORIES				2	3	Y
FRONT YARD	23-45(A)		15 ft	21'-10"	16'-2"	Y
SIDE YARD	23-631(A)		5 ft	31 ft	5 ft	Y
SIDE YARD			8 ft	24 ft	8 ft	Y
REAR YARD	23-47		0 ft	0 ft	0 ft	Y
SETBACK (S)						
SKY EXP. PLANE (SLOPE)						
NO. PARKING SPACES	25-22		1	2	2	Y
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, contrast to nearest district where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Ensure that all items noted in the DOB Denial/Objection are included. NOTES:



**ERIC PALATNIK, P.C.**

ATTORNEY AT LAW  
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NEW YORK, NEW YORK 10004

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E-MAIL [ERIC@ERICPALATNIKPC.COM](mailto:ERIC@ERICPALATNIKPC.COM)

January 19, 2016

**REVISED STATEMENT OF FACTS AND FINDINGS**

*Premises: 920 Shore Boulevard  
Block 8746; Lot 107  
Brooklyn, New York*

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**INTRODUCTION AND JURISDICTION**

This is an application for a special permit pursuant to Section 73-622 of the Zoning Resolution of the City of New York, as amended (“ZR”) to permit an enlargement of a one family home. The application seeks to waive the floor area, lot coverage and open space requirements of the underlying R3-1 zoning district.

The Premises is located on Shore Boulevard, between Hastings Street and Girard Street in the borough of Brooklyn. It is further identified on the New York City Tax Map as Block 8746, Lot 107. The lot is 11,364 square feet and has a width of 108 feet. The Premises is in Brooklyn Community Board 15 and is located in an R3-1 zoning district.

The instant application requests to enlarge an existing one family home from 4,108 square feet to 10,281 square feet. As this enlargement is contrary to the Article 2 Chapter 3 residential bulk regulations, a special permit pursuant to ZR § 73-622 is required in order to permit the enlargement.

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 extend or increase the amount or degree

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of an existing non-compliance within designated areas provided that several conditions and findings are satisfied.

Your Board is empowered to grant the instant request as ZR § 73-622 allows your Board to waive the floor area, lot coverage and open space requirements in the underlying district. We submit that the application meets the required findings and respectfully request that the application be granted in all respects.

A threshold determination for the ZR § 73-622 special permit is that the proposal is an enlargement of an existing home. Drawings A-002, A-003, A-004 and A-005 of the Proposed Plans indicate the portions of the walls that will be removed and those that will remain. Additionally, enclosed is a separate plans set entitled "Wall Calculation Drawings" which shows the percentages of the walls that will remain.

As shown on these drawings, the cellar will retain 81.9% of its walls; the first floor will retain 56.6% of its existing walls; and the second floor will retain 54 % its existing walls. As such the proposal is an enlargement of an existing building. The remaining walls will be incorporated into the design of the enlarged building. The exterior walls will be converted into interior partitions. The proposed building was specifically designed in order to comply with the fifty percent wall retention requirement. As a result of this design, some of the closets have a triangular shape, including closet spaces on the first and second floor.

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.

### **EXISTING CONDITIONS AND DOB OBJECTIONS**

The Premises is improved upon with a one family, two story home with an attic and cellar. The building has a floor area of 4,108 square feet and an FAR of 0.39. The building has a lot coverage

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of 15.7%, a 21'10" front yard and side yards of 31 feet and 24 feet (*the building does not have a rear yard as it is located on a corner lot*). The existing first floor has an elevation of 3.10" from grade and the building has a height of 29.4'.

Plans were filed with the Department of Buildings ("DOB") under Job Number: 321126483 in order to permit the enlargements. On December 29, 2015 the following objections were issued:

*"The proposed enlargement of one family dwelling, use group 1, Located within R3-1 zoning district is contrary to the following:*

- *Proposed floor area is contrary to ZR 23-141(b).*
- *Proposed open space and lot coverage is contrary to ZR 23-141(b)."*

### **DESCRIPTION OF OBJECTIONS**

#### **Floor Area Ratio is Contrary to ZR 23-141(b)**

The proposal will increase the floor area ratio from 0.39 to 0.91. This will create a new non-compliance. Under Zoning Resolution §23-141(b), the maximum permitted floor area ratio is 0.50. The existing floor area ratio is 0.39. The proposed is 0.91.

Zoning Resolution §73-622 allows the Board to increase the amount or degree of an existing non-compliance, provided that the enlargement does not alter the existing character of the neighborhood or impair the future use or development of the surrounding area.

#### **Open Space is Contrary to ZR 23-141(b)**

The proposal will create a non-compliance with respect to open space. Under Zoning Resolution §23-141(b), the minimum required open space is 65%. The existing open space is 84.3%. The proposed open space is 64.1%.

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Zoning Resolution §73-622 allows the creation of such non-compliances, provided that the enlargement does not alter the existing character of the neighborhood or impair the future use or development of the surrounding area.

### **Lot Coverage is Contrary to ZR 23-141(b)**

The proposal will create a non-compliance with respect to lot coverage. Under Zoning Resolution §23-141(b), the maximum permitted lot coverage is 35%. The existing lot coverage is 15.7%. The proposed lot coverage is 35.9%.

Zoning Resolution §73-622 allows the creation of such non-compliances, provided that the enlargement does not alter the existing character of the neighborhood or impair the future use or development of the surrounding area.

### **PROPOSED ENLARGEMENT**

The proposed enlargement seeks to enlarge the existing two story and cellar building. The proposed enlargement will have a floor area of 10,281 square feet and an FAR of 0.91. The building will have a lot coverage of 35.9%, a 16'2" front yard; and side yards of 8' and 5'. The existing cellar level will be retained and used for accessory storage. The rest of the cellar will be unexcavated.

In addition to the aspects of the enlargement that triggered the above mentioned DOB objections, the application would also seek to make the following changes that are *compliant* with the underlying regulations:

- To increase the lot area from 10,510 square feet to 11,365 square feet;
- To increase the lot width from 100 feet to 108 feet;
- To increase the total building height from 29.4' (two (2) stories) to 35' (three (3) stories);
- To reduce the south front yard from 21'-10" to 16'-2";

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- To reduce the north side yard from 31'-0" to 5'-0";
- To reduce the east side yard from 24'-0" to 8'-0".

The lowest occupiable first floor will have an elevation of 13' and the building will have a height of 35'. The proposed first floor will be 7 feet above grade. The existing first floor has an elevation of 3'10" from grade. As such, the first floor is being raised 3'2" from grade. The enlarged building will have a first floor area of 4,062 square feet; a second floor of 3,670 square feet; and a third floor of 2,549 square feet.

The Premises is located in an "AE" zone as shown on the enclosed Flood Map. Since it is located in a flood zone, it has to comply with the flood regulations and Appendix G of the Building Code.

The proposal will be compliant with Appendix G of the Building Code. In particular, Appendix G of the Building Code requires that the first occupiable floor of category two buildings (one and two family homes) be elevated by two feet above the Base Flood Elevation in the flood zones. As shown on the attached FIRM map, the building is in a flood zone and the lowest occupiable floor needs to be elevated by two feet above the BFE. As shown on Drawings A007.00 through A012.00 of the proposed plans, the proposal satisfies this requirement as the elevation of the first floor is 13' which is two feet above the BFE of 11'.

Additionally, the cellar is located below the level of the Base Flood Elevation and no portion of the cellar may be used for living purposes. A note on Drawing A-002.00 shows that the proposal will comply with this requirement as the cellar will be for accessory storage with "no living or sleeping accommodations."

### **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).

The proposed 15' front yard is compliant with the minimum required and no variation of the Zoning Resolution is required. The proposed 24' rear yard, although not compliant with the required 30 foot minimum, falls within the 20 foot requirement that your Board is authorized to approve. The proposed two side yards of 8'11" and 5'0" will remain compliant with the required minimum and no variation of the Zoning Resolution is required.

***Proposed Floor Area:***

The proposed floor area ratio of 0.91 (10,281 square feet), will not alter the character of the neighborhood and will not impair the use or development of the area. The neighborhood of Manhattan Beach features an eclectic mix of homes with varied architectural designs and dimensions. The neighborhood has many homes which are comparable in size and design to the proposed enlargement.

As the attached Floor Area Diagram by Urban Cartographics shows, the proposed floor area of 10,281 square feet will not alter the essential character of the neighborhood nor impair the use of adjoining properties. As shown on the Diagram, the building located at 904 Shore Boulevard (Block 8746, Lot 7501) has a floor area of 11,252 square feet. As such, the proposed floor area will not alter the 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

As demonstrated by the enclosed resolutions, the Board has granted Special Permit applications for homes that requested to vary the R3-1 bulk regulations to a greater extent than that would be requested in the application for the above referenced Premises. Accordingly, the neighborhood to the east, west, and south of the Premises would not be negatively affected by the proposed development.

For example, under ***BSA Calendar Number 66-10-BZ*** (1618 Shore Boulevard), the Board granted a Special Permit for a home located approximately six (6) blocks east and 0.4 miles away from the Premises (resolution enclosed). In that case, the Board granted the following:

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- An increase in floor area 1,032 square feet (0.45 FAR) to 2,247 square feet (0.99 FAR);
- An increase in lot coverage of 42 percent (42%);
- No side yard along the western lot line and the maintenance of the existing 2'-11" non-complying side yard along the eastern lot line.

In addition, under *BSA Calendar Number 27-10-BZ*, (117 Norfolk Street), the Board granted a Special Permit for a home located approximately six (6) blocks west and 0.4 miles away from the Premises (resolution enclosed). Similarly, the Board granted the following:

- An increase in floor area from 1,040 square feet (0.42 FAR) to 2,474 square feet (0.99 FAR);
- An increase in lot coverage to 44 percent (44%);
- An existing non-complying side yard with a width of 1'-2" along the western lot line and to increase the width of the existing non-complying side yard along the eastern lot line from 1'-5" to 4'-8".

Lastly, under *BSA Calendar Number 99-07-BZ* (170 Girard Street), the Board granted a Special Permit for a home located approximately two (2) blocks south and .2 miles away from the Premises (resolution enclosed). The Board granted the following:

- An increase in floor area from 4,233 square feet (0.50 FAR) to 7,579.77 square feet (0.92 FAR);
- An increase in lot coverage to 47.69 percent (47.69%);
- A 20'-0" rear yard;

These three (3) cases demonstrate that the Board has granted Special Permit home enlargements for homes within a .4 mile radius in each direction from the Premises. Moreover, in those applications the proposed floor area and lot coverage percentages were greater, and the side yard dimensions were smaller, than those proposed in the instant request. Just as the Board found that those proposed developments would not alter the essential character of the surrounding neighborhood, so too here, we respectfully request that the Board grant the same consideration for the proposed development.

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Granting the requested bulk of 10,281 square feet (FAR of 0.91) will not alter the character of the neighborhood. Although the neighborhood is not predominated by buildings with a floor area as large as that proposed such buildings are not out of the ordinary. As shown on the photo streetscape of the subject block, the block has homes with varied architectural designs and bulk dimensions. Non-conforming FAR's and large homes are common in this neighborhood and granting the instant application will not set a new precedent.

### *Proposed Lot Coverage and Building Width:*

The proposed lot coverage of 35.9% will not alter the essential character of the neighborhood. The proposed lot coverage is 0.9% higher than the maximum permitted lot coverage of 35%.

The proposed building width of 73' will not alter the essential character of the neighborhood. As shown on the Building Width Diagram, the adjoining home at 904 Shore Boulevard (Block 8746, Lot 7501) has a width of 75' which is greater than what is proposed. Additionally, the buildings located at 925 Hampton Avenue (Block 8746, Lots 121) and 905 Hampton Avenue (Block 8746, Lot 122) have widths of 77' and 88' respectively.

As shown on the Photo Streetscape Diagram (included as an attachment), the character of Shore Boulevard and Hastings Street is consistent with the rather eclectic character of the Manhattan Beach neighborhood. Neighborhood homes differ in floor areas and the architectural styles are just as varied. The proposed architectural design will not alter the character of the neighborhood as the character of the subject block is not its uniformity.

### VIOLATIONS

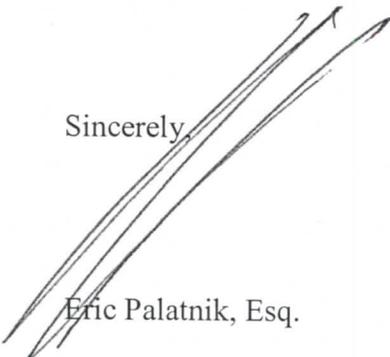
There are no open violations at the Premises.

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CONCLUSION

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.

Sincerely,



Eric Palatnik, Esq.







HASTINGS STREET

50' WIDE (32' +/- WIDE ASPHALT ROADWAY)

LOT 84'-9"

PROPERTY LINE

LOT LINE



SHORE BOULEVARD  
125' WIDE (50' +/- WIDE ASPHALT ROADWAY)

LOT 100'-0"  
PROPERTY LINE

EXISTING DRIVEWAY

EXISTING DETACHED  
1-CAR ACCESSORY  
GARAGE  
(not under this application)

SIDE  
ENTRY

1ST FL.  
ENTRY  
STAIRS

2nd  
STORY  
PORCH

2 STORY BUILDING  
CLASS 4-FRAME  
OLD CODE 1968  
ONE-FAMILY RESIDENCE

ROOF  
TERRACE

ATTIC

2nd  
STORY  
PORCH

SLOPED ROOF

MAIN ENTRANCE

SIDE  
ENTRY

REAR  
ENTRY

125'-5" LOT

PROPERTY LINE

PROPERTY LINE

LOT 107'-11"



CORPORATE  
DESIGN OF AMERICA  
ARCHITECTS  
Robert J. Palermo, AIA  
REGISTERED  
ARCHITECT  
1816 VOORHIES AVE.  
SHEEPSHEAD BAY BROOKLYN,  
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ALBERT HASSON  
920 Shore Boulevard  
Brooklyn, NY

Alteration

DATE: 2015  
DRAWN BY: JOR | VERIFIED BY: RJP  
SCALE: AS NOTED  
PROJECT NO.: 27-2013

SHEET TITLE:  
Existing Plot Plan

SHEET NO.:  
A001.00  
1 of

1 EXISTING PLOT PLAN  
SCALE: 170'-0" = 1'-0"