

THE CITY OF NEW YORK
DEPARTMENT OF BUILDINGS

DEPARTMENTAL MEMORANDUM

DATE: Oct. 3, 1986

TO George E. Berger, P.E., Assistant Commissioner

FROM: Leo Weinberger, Esq., Deputy General Counsel *LW*

SUBJECT Interpretation of Zoning Resolution Section 23-462 (b)

Attached please find the decision by the Brooklyn Supreme Court in the lot line extension dispute at 1538 East 17th Street, Brooklyn.

The attached decision upholds the B.S.A. resolution, a copy of which is also attached, and finds that Zoning Resolution Section 23-462 (b) allows an owner to build either to the lot line or at least eight feet away. This is at variance with the August 6, 1986 Borough Superintendent's meeting report and the November 26, 1975 memorandum by Commissioner Walsh. Therefore, until this Supreme Court decision is overruled, D.O.B. policy should be adjusted accordingly.

LW:ngm
Att.

cc: Charles M. Smith, Jr., Commissioner
✓Cornelius F. Dennis, P.E., Deputy Commissioner
A. Louis Munoz, Esq., General Counsel
Lenore Norman, Director - I.G.R.