

194-10-BZ

APPLICANT – Eric Palatnik, P.C., for Revekka Kreposterman, owner.

SUBJECT – Application October 26, 2010 – Special Permit (§73-622) for the enlargement of an existing single family home, contrary to floor area (§23-141). R3-1 zoning district.

PREMISES AFFECTED – 175 Exeter Street, north of Oriental Avenue, Block 8737, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES –

For Applicant: Eric Palatnik.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Brooklyn Borough Commissioner, dated July 11, 2011, acting on Department of Buildings Application No. 320183207, reads:

“Proposed enlargement to existing home is contrary to ZR section 23-141 with respect to floor area and lot coverage and open space and therefore must be referred to the NYC BSA;” and

WHEREAS, this is an application under ZR §§ 73-622 and 73-03, to permit, within an R3-1 zoning district, the proposed enlargement of a single-family home, which does not comply with the zoning requirements for floor area, lot coverage, and open space, contrary to ZR § 23-141; and

WHEREAS, a public hearing was held on this application on June 7, 2011, after due notice by publication in *The City Record*, with continued hearings on July 26, 2011, August 16, 2011 and September 13, 2011, and then to decision on October 18, 2011 and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, Community Board 15, Brooklyn, recommends approval of this application; and

WHEREAS, representatives of the Manhattan Beach Community Group provided written and oral testimony in opposition to this application (hereinafter, the “Opposition”); and

WHEREAS, the subject site is located on the east side of Exeter Street, between Hampton Avenue and Oriental Boulevard, within an R3-1 zoning district; and

WHEREAS, the subject site has a total lot area of 6,000 sq. ft., and is occupied by a single-family home with a floor area of 2,121 sq. ft. (0.35 FAR); and

WHEREAS, the premises is within the boundaries

of a designated area in which the subject special permit is available; and

WHEREAS, the applicant seeks an increase in the floor area from 2,121 sq. ft. (0.35 FAR) to 5,875 sq. ft. (0.98 FAR); the maximum permitted floor area is 3,000 sq. ft. (0.50 FAR); and

WHEREAS, the applicant proposes to provide a lot coverage of 38 percent (35 percent is the maximum permitted); and

WHEREAS, the applicant proposes to provide an open space of 62 percent (65 percent is the minimum required); and

WHEREAS, the Opposition contends that the proposed home is out of context with the surrounding neighborhood because the FAR is excessive; and

WHEREAS, in response, the applicant submitted a survey of homes within a 400-ft. radius of the site, which indicates that there are 14 homes within the surrounding area with an FAR of 0.75 or greater, and six homes within the surrounding area with a floor area greater than 5,000 sq. ft.; and

WHEREAS, the Opposition contends that the methodology of the applicant’s FAR study is flawed because it relies on the Primary Land Use Tax Lot Output (“PLUTO”) for its FAR data, and there are inaccuracies in the PLUTO database; and

WHEREAS, the Board recognizes that the PLUTO data may have errors, however, it finds that the database can still be relied on to provide a general sense of the FARs in the surrounding neighborhood; and

WHEREAS, the Board notes that the PLUTO database is maintained by the Department of City Planning, and is relied upon for various land use studies; and

WHEREAS, the Board further notes that it has granted special permits for at least two homes in the immediate vicinity of the site with FARs greater than the proposed 0.98 FAR; at 135 Exeter Street, where the Board granted an FAR of 1.04 under BSA Cal. No. 174-98-BZ, and at 229 Exeter Street, where the Board granted an FAR of 0.99 under BSA Cal. No. 182-07-BZ; and

WHEREAS, the applicant originally proposed to construct a home with a floor area of 5,969 sq. ft. (0.99 FAR), a perimeter wall height of 21’-0” and a total height of 35’-0”, and subsequently increased the proposed size of the home to 6,046 sq. ft. (1.01 FAR); and

WHEREAS, at the Board’s direction, the applicant submitted revised plans which reduced the size of the home to 5,875 sq. ft. (0.98 FAR), with a perimeter wall height of 20’-4” and a total height of 34’-4”; and

WHEREAS, the Board notes that the proposed home provides complying side yards with widths of 5’-0” and 12’-0”, respectively, a complying front yard with

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a depth of 15'-0", and a complying rear yard with a depth of 31'-0"; and

WHEREAS, the Board further notes that proposed home's non-compliances are limited to FAR, lot coverage and open space; and

WHEREAS, based upon its review of the record, the Board finds that the proposed enlargement will neither alter the essential character of the surrounding neighborhood, nor impair the future use and development of the surrounding area; and

WHEREAS, the Board therefore is not persuaded that there is any basis to deny the subject application, as the required findings have been met; and

WHEREAS, the Board finds that the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the findings required to be made under ZR §§ 73-622 and 73-03.

Therefore it is resolved, that the Board of Standards and Appeals issues a Type II determination under 6 N.Y.C.R.R. Part 617.5 and 617.3 and §§ 5-02(a), 5-02(b)(2) and 6-15 of the Rules of Procedure for City Environmental Quality Review and makes the required findings under ZR § 73-622 and 73-03, to permit, within an R3-1 zoning district, the enlargement of a single-family home, which does not comply with the zoning requirements for floor area, lot coverage, and open space, contrary to ZR § 23-141; *on condition* that all work shall substantially conform to drawings as they apply to the objections above-noted, filed with this application and marked "Received August 9, 2011"- (16) sheets; and *on further condition*:

THAT the following shall be the bulk parameters of the building: a maximum floor area of 5,875 sq. ft. (0.98 FAR); a lot coverage of 38 percent; and an open space of 62 percent, as illustrated on the BSA-approved plans;

THAT DOB shall review and approve compliance with the planting requirements under ZR § 23-451;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objections(s) only; no approval has been given by the Board as to the use and layout of the cellar;

THAT the approved plans shall be considered approved only for the portions related to the specific

relief granted;

THAT substantial construction be completed in accordance with ZR § 73-70; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of the plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, October 18, 2011.

A true copy of resolution adopted by the Board of Standards and Appeals, October 18, 2011.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.